NOBLESVILLE, INDIANA

CODE OF ORDINANCES

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TITLE XV: LAND USAGE

Chapter

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CHAPTER 150: MASTER PLAN

Section

150.01 Master plan adopted by reference

§ 150.01 MASTER PLAN ADOPTED BY REFERENCE.

The Master plan of the City of Noblesville is adopted by reference as if fully set out herein. Two copies of this code shall be on file in the office of the clerk-treasurer. (Ord. 1028, passed 7-9-74; Am. Ord. 1432, passed 2-22-82; Am. Ord. 41-8-98, passed 9-14-98; Am. Ord. 55-9-98, passed 10-12-98; Am. Ord. 29-07-02, passed 8-13-02; Am. Res. RC-38-03, passed 8-26-03; Am. Ord. 33-6-04, passed 7-13-04; Am. Res. RC-35-05, passed 10-25-05; Am. Res. RC-52-05, passed 12-27-05)

CHAPTER 151: CONSTRUCTION STANDARDS FOR ROAD IMPROVEMENTS

Section

151.01 Purpose and authority

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§ 151.01 PURPOSE AND AUTHORITY.

(A) The purpose of this chapter is to protect, maintain, and enhance the public's health, safety, and general welfare by establishing minimum standards for construction of all required public improvements and procedures to control, review, and approve the construction of these public improvements as well as procedures for the control and maintenance of the city rights-of-way.

(B) The city is responsible for maintaining all streets, roads, and structures accepted within the city's rights-of-way and easements, and it is therefore necessary to set minimum standards for the construction of all improvements for which the city will be responsible in order to avoid assuming unnecessary maintenance costs and inconvenience to the citizens and businesses of the city.

(C) All improvements intended for public use, which are to be constructed in a city right-of-way or easement must conform to the Noblesville Standards and shall conform to or exceed the standards as set forth in this chapter.

(D) The standards set forth in this chapter are intended to be minimum standards. Variances and/or waivers from these standards may be considered by the Board of Public Works and Safety, the Board of Zoning Appeals, and/or the Plan Commission and Council regarding planned developments when deemed appropriate, upon written application to the said above noted city boards, commission and/or Council citing unusual conditions justifying changes based upon sound engineering practices. Proposed variances and/or waivers shall have been reviewed by any applicable agency of jurisdiction and the Technical Advisory Committee, before consideration by the Board of Public Works and Safety, Board of Zoning Appeals, and/or Plan Commission and Council regarding a planned development.

(Ord. 7-3-97, passed 3-24-97; Am. Ord. 24-5-98, passed 6-8-98; Am. Ord. 58-12-01, passes 1-29-02; Am. Ord. 2-1-03, passed 1-14-03; Am. Ord. 15-2-07, passed 2-27-07; Am. Ord. 68-12-07, passed 12-11-07) Penalty, see § 151.99

§ 151.02 RIGHT-OF-WAY WIDTHS.

All streets and roads shall have right-of-way widths equal to or greater than the widths shown in the attached Noblesville Standards. All new roads not specifically identified shall be classified as determined by the City Engineer using the definitions as set forth in the Noblesville Comprehensive Master Plan and Chapter 159 of this code. For a primary arterial, as designated by the Noblesville Thoroughfare Plan, the City Engineer may require additional right-of-way, up to 200 feet in total width.

(Ord. 7-3-97, passed 3-24-97; Am. Ord. 24-5-98, passed 6-8-98; Am. Ord. 58-12-01, passed 1-29-02; Am. Ord. 2-1-03, passed 1-14-03; Am. Ord. 15-2-07, passed 2-27-07; Am. Ord. 68-12-07, passed 12-11-07) Penalty, see § 151.99

§ 151.03 CONSTRUCTION PLANS AND SPECIFICATIONS.

(A) All construction plans and specifications shall be prepared and certified in accordance with Indiana law by a professional engineer or registered land surveyor licensed to practice in the State of Indiana. Change orders shall be initiated by the design professional who certified the plans, and subject to the written approval of the City Engineer or his or her designated representative. All construction plans shall be 24" x 36" with a scale of 1" = 20', 30', 40', or 50'. Cross-sectional profiles may be required upon request by the City Engineer. All plans shall include the Noblesville Standards, as issued by the Department of Engineering.

(B) The cover sheet of the plans shall include a project location map, project name, project owner, all utility contacts, table of contents of plan pages, and summary table of infrastructure being constructed as part of the project. Plan sheets, including profiles and cross-sections, shall show all existing and proposed items of the following in all plan drawings: property/parcel, easements, utilities, contours, structures, regulated drains/waterway, floodway, wetlands, and other improvements. Plan sheets shall show all existing property owners and easements owners. Plans shall show the following for both property owners and easement owners: deeded owner, instrument numbers, dimensions, and bearings. Existing structures and existing structures shall be depicted as black or gray dashed fine line work on plan drawings. Proposed structures and proposed improvements shall be depicted as bold solid black line work on plan drawings. Plan drawings shall show a legend depicting all lines, symbols, and abbreviations used in the drawing.

(Ord. 7-3-97, passed 3-24-97; Am. Ord. 24-5-98, passed 6-8-98; Am. Ord. 58-12-01, passed 1-29-02; Am. Ord. 2-1-03, passed 1-14-03; Am. Ord. 15-2-07, passed 2-27-07; Am. Ord. 68-12-07, passed 12-11-07) Penalty, see § 151.99

§ 151.04 TRAFFIC CONTROL SIGNAGE AND MAINTENANCE OF TRAFFIC.

(A) Traffic control signage for new development shall be in accordance withChapter 159 of this code and the Noblesville Standards, and most recent version of the Indiana Manual of Uniform Traffic Control Devices (MUTCD). Street identification sign and traffic control proposals shall be submitted to the Traffic Committee for their review. The proposal shall identify the location of all traffic control devices and shall require approval by the Common Council, via recommendation from the Traffic Committee. All signage shall be placed within five days of placement of the traversable pavement material, such as binder asphalt or concrete pavement.

(B) Work within the public right-of-way and/or travel way shall have appropriate traffic control and be in accordance with INDOT Work Zone Safety Handbook.

(Ord. 7-3-97, passed 3-24-97; Am. Ord. 24-5-98, passed 6-8-98; Am. Ord. 38-10-99, passed 11-22-99; Am. Ord. 58-12-01, passed 1-29-02; Am. Ord 2-1-03, passed 1-14-03; Am. Ord. 15-2-07, passed 2-27-07; Am. Ord. 68-12-07, passed 12-11-07) Penalty, see § 151.99

§ 151.05 CONSTRUCTION SURETIES.

(A) Construction of all public improvements to be dedicated to the city shall require sureties as set forth inChapter 159 of this code and shall be required to be accepted by the Board of Public Works and Safety. In addition, the construction of sidewalks and private drive approaches shall also require sureties as set forth in Chapter 159 of this code and shall be required to be accepted by the Board of Public Works and Safety. Upon expiration of the posted maintenance sureties, sidewalks shall become the responsibility of the adjoining property owner.

(B) Sureties are required for the following infrastructure items, if being constructed: erosion control, sanitary sewer, storm sewer, curb underdrains, stone base, curbs, binder asphalt, surface asphalt, regulatory signs, NAT Trail, sidewalk, monumentation, street lights, and street trees. "Off-site" infrastructure items shall be itemized separately. A surety may combine items in any combination for any one development section. A single bond covering multiple sections will not be accepted. Other infrastructure items may be required on an as need basis as determined by the City Engineer.

(Ord. 7-3-97, passed 3-24-97; Am. Ord. 24-5-98, passed 6-8-98; Am. Ord. 58-12-01, passed 1-29-01; Am. Ord. 2-1-03, passed 1-14-03; Am. Ord. 15-2-07, passed 2-27-07; Am. Ord. 68-12-07, passed 12-11-07) Penalty, see § 151.99

§ 151.06 CONSTRUCTION OBSERVATIONS FOR DEDICATED PUBLIC IMPROVEMENTS.

(A) Types of inspections/observations. Construction of all public improvements shall be observed by the Department of Engineering. The Department of Engineering shall be notified a minimum of 48 hours prior to the scheduled inspection/observation unless otherwise authorized by the City Engineer or his or her duly authorized representative.

(B) Inspection frequency and reports.

(1) Streets and curbs.

(a) The permittee shall maintain a copy of the approved construction plans on site;

(b) On all sites with dedicated rights-of-way, the permittee shall request the Department of Engineering to inspect work completed at the stages of construction specified below to ensure compliance with the approved construction plans, Chapter 159 of this code and this chapter:

1. During placement of engineered fill, if applicable;
2. During off-site road improvements, accel/decal, passing blisters, widening, overlay;
3. During the lime modification efforts;
4. Upon preparation of the subgrade (following lime modification);
5. Upon the preparation of the subbase;
6. During the placement of the subsurface drains prior to the backfilling;
7. Upon the completion of the curb forms or prior to placement of concrete if using a curb machine;
8. During the construction of the curbs prior to the backfilling;
9. During placement of the street stone prior to the placement of the base or binder course;
10. During the construction of base course, if applicable, (asphalt quantities to be verified by the Department of Engineering);
11. During the construction of the binder course, (asphalt quantities to be verified by the Department of Engineering);
12. During the construction of the surface course, (asphalt quantities to be verified by the Department of Engineering);
13. During placement of pavement markings, signage, street lights, and monumentation;
14. In the event concrete pavement is used, the City Engineer shall establish an inspection scheduled for each phase of a development.

(c) The Department of Engineering shall notify the on-site personnel or the owner/developer when apparent violations are being observed, describing the nature of the violation.

(2) Storm sewers.

(a) The permittee shall maintain a copy of the approved construction plans on site.

(b) The Department of Engineering shall observe placement of the storm sewer system as it is being constructed. All phases of the storm sewer construction shall be inspected. All construction shall comply with the construction plans, Chapter 159 of this code, and the Noblesville Standards.

(c) The Department of Engineering shall notify the on-site personnel or the owner/developer when apparent violations are being observed, describing the nature of the violation.

(3) Sanitary sewers.

(a) The permittee shall maintain a copy of the approved construction plans on site.

(b) The Department of Engineering shall observe placement of the sanitary sewer system as it is being constructed. All phases of the sanitary sewer construction shall be inspected. All construction shall comply with the construction plans, Chapter 159 of this code, and the Noblesville Standards.

(c) The Department of Engineering shall notify the on-site personnel or the owner/developer when apparent violations are being observed, describing the nature of the violation.

(4) Miscellaneous improvements within the right-of-way and/or public easements adjacent to new development.

(a) The permittee shall maintain a copy of the approved construction plans on site and approved permit, if required.

(b) The inspection of all public improvements as required byChapter 159 of this code and not previously covered in this section shall be done so in accordance with all the applicable city requirements as determined by the City Engineer.

(c) The Department of Engineering shall notify the on-site personnel or the owner/developer when apparent violations are being observed, describing the nature of the violation.

(C) Inspection fees.

(1) The inspection fee schedule shall be instituted for the administration and management of the required inspections as set forth in this chapter.

(2) Received funds shall be deposited in the City General Fund.

(D) Construction plan review fee.

(1) Construction plans, reviewed by the Department of Engineering, shall require a fee, as follows:

Number of Sheets	Review Fee
1 to 20	$1,325.00
21 to 40	$1,590.00
41 to 60	$1,855.00
61 to 80	$2,120.00
Each additional 20 sheets	$265.00

$400 of the above stated fee covers the review by MS4 from the Wastewater Utility. Review fee includes initial review and two revisions. An additional charge of $120 per revision will be charged for each revision beyond the second.

(2) Received funds shall be deposited in the City General Fund.

(Ord. 7-3-97, passed 3-24-97; Am. Ord. 24-5-98, passed 6-8-98; Am. Ord. 58-12-01, passed 1-29-02; Am. Ord. 2-1-03, passed 1-14-03; Am. Ord. 15-2-07, passed 2-27-07; Am. Ord. 68-12-07, passed 12-11-07) Penalty, see § 151.99

§ 151.07 ENFORCEMENT.

All enforcement of violations shall conform to Chapter 159 of this code, this chapter, and under the authority of I.C. 36-1-3-6.

(A) Enforcement procedures.

(1) When the Department of Engineering determines that a violation of the approved construction plans has occurred, the inspector shall notify the on-site personnel, the permittee, and/or the owner/developer of the violation.

(2) If the violation persists after the date specified for corrective action in the notice violation, the Department of Engineering shall have the authority to stop work on the site. The Department of Engineering shall determine the extent to which work is stopped, which may include all work on the site except that work necessary to correct the violation.

(3) If reasonable efforts to correct the violation are not undertaken by the permittee, the Department of Engineering shall refer to the violation for legal action.

(4) The Department of Engineering may deny the issuance of any permits to an applicant when it determines that the applicant does not comply with the provisions of a building permit, Improvement Location Permit (ILP), Noblesville Standards, or approved construction plans.

(5) Any step in the enforcement process may be taken at any time, depending upon the severity of the violation.

(6) If a person is working without a permit, the Department of Engineering and/or the Department of Planning and Development shall stop work on the site until such time that all the applicable fees have been rectified and all the violations have been addressed to the satisfaction of the respective city agency. A person working without a permit and/or approved construction drawings shall be subject to fines up to $500 per day, payable to the City General Fund.

(Ord. 7-3-97, passed 3-24-97; Am. Ord. 24-5-98, passed 6-8-98; Am. Ord. 58-12-01, passed 1-29-02; Am. Ord. 2-1-03, passed 1-14-03; Am. Ord. 15-2-07, passed 2-27-07; Am. Ord. 68-12-07, passed 12-11-07) Penalty, see § 151.99

§ 151.99 PENALTY.

(A) Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction is subject to a fine not exceeding $500 per day for each violation with costs imposed in the discretion of the court. Each day upon which the violation occurs constitutes a separate offense.

(B) Any agency whose approval is required under this chapter or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this chapter.

(C) In accordance to any other sanction under this chapter, a person who fails to install or to maintain the approved public improvements in accordance with the approved construction plans and/or the Noblesville Standards shall be liable to the city in a civil action, for damages in an amount equal to double the cost of installing or maintaining the work.

(Ord. 7-3-97, passed 3-24-97; Am. Ord. 24-5-98, passed 6-8-98; Am. Ord. 38-10-99, passed 11-22-99; Am. Ord. 58-12-1, passed 1-29-02; Am. Ord. 2-1-03, passed 1-14-03; Am. Ord. 15-2-07, passed 2-27-07; Am. Ord. 68-12-07, passed 12-11-07)

CHAPTER 152:

ANNEXATION POLICY

Section

152.01 Annexation policy adopted by reference

§ 152.01 ANNEXATION POLICY ADOPTED BY REFERENCE.

The annexation policy for the City of Noblesville is adopted by reference as if fully set out herein. Two copies of this policy shall be on file in the office of the clerk-treasurer.

(Res. RC-47-16, passed 1-10-17)

CHAPTER 153: IMPROVEMENT

LOCATION PERMIT CODE

Section

153.01 Improvement location permit code adopted by reference

§ 153.01 IMPROVEMENT LOCATION PERMIT CODE ADOPTED BY REFERENCE.

The improvement location code of the City of Noblesville is adopted by reference as if fully set out herein. Two copies of this code shall be on file in the office of the clerk-treasurer.

(Ord. 1030, passed 7-9-74)

CHAPTER 154: BUILDING CODE

Section

General Provisions

154.01 Title

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154.04 Adoption of rules by reference
154.05 Use of property within sewer easements

Building Permits

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154.99 Penalty

GENERAL PROVISIONS

§ 154.01 TITLE.

This chapter, and all ordinances supplemental or amendatory hereto, shall be known as the Building Code of the City of Noblesville, Indiana, may be cited as such, and will be referred to herein as this code.

(Ord. 1664, passed 5-4-88)

§ 154.02 PURPOSE.

The purpose of this code is to provide minimum standards for the protection of life, health, environment, public safety, and general welfare, and for the conservation of energy in the design and construction of buildings and structures.

(Ord. 1664, passed 5-4-88)

§ 154.03 SCOPE.

The provisions of this code apply to the construction, alterations, repair, use, occupancy, maintenance, and additions to all buildings and structures, other than industrialized building systems, as defined in IC 22-12-1-14, and mobile structures, as defined in IC 22-12-1-17, which are certified pursuant to IC 22-15-4, in the city.

(Ord. 1664, passed 5-4-88)

§ 154.04 ADOPTION OF RULES BY REFERENCE.

(A) Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

(1) Article 13 - Building Codes:
  (a) Fire and Building Safety Standards
  (b) Indiana Building Code
  (c) Indiana Building Code Standards
  (d) Indiana Handicapped Accessibility Code
(2) Article 14 - One and Two Family Dwelling Codes:
  (a) Council of American Building Officials One and Two Family Dwelling Code
  (b) CABO One and Two Family Dwelling Code; Amendments
  (c) Standard for Permanent Installation of Manufactured Homes
(3) Article 16 - Plumbing Codes:
  (a) Indiana Plumbing Code
(4) Article 17 - Electrical Codes:
  (a) Indiana Electrical Code
  (b) Safety Code for Health Care Facilities
(5) Article 18 - Mechanical Codes:
  (a) Indiana Mechanical Code
(6) Article 19 - Energy Conservation Codes:
  (a) Indiana Energy Conservation Code
  (b) Modifications to the Model Energy Code
(7) Article 20 - Swimming Pool Codes:
  (a) Indiana Swimming Pool Code

(B) Copies of adopted building rules, codes, and standards are on file in the office of Clerk-Treasurer.

(Ord. 1664, passed 5-4-88)

§ 154.05 USE OF PROPERTY WITHIN SEWER EASEMENTS.

(A) This section shall be deemed the city Sewer Easement Ordinance.

(B) This section shall restrict the use of land within any sewer easement dedicated, acquired, or purchased by the city.

(C) Any landowner who owns real estate which is burdened by a sewer easement of the city, his successors and assigns, may use the real estate included within the easement for the following purposes:

(1) Yard, green space;

(2) Any agricultural purposes other than structures;

(3) Parking lots;

(4) One drive way per residence;

(5) Placement of small mini barns, storage sheds, or other portable buildings which can be drug or moved from place to place;

(6) Fences;

(7) Any other use approved by the Noblesville Board of Works and Safety.

(D) Any landowner who owns real estate which is burdened by a sewer easement of the city, his successors and assigns, shall not place any permanent building or structure within any part of a sewer easement.

(E) In the event it becomes necessary for the city to enter a sewer easement to perform maintenance, the city shall be responsible for restoring any improvements constructed or installed within the easement as long as the improvements are permitted under division (C) above.

(F) Any person seeking the approval of any land use within a sewer easement of the city not specifically covered by this section may apply to have such use approved by the Board of Public Works and Safety. The application shall be obtained from the Department of Planning and shall set forth in detail the use proposed by the owner.

(G) The Board of Public Works and Safety shall consider any application filed pursuant to division (F) above within 25 days of filing.

(Ord. 20-5-96, passed 5-13-96)

BUILDING PERMITS

§ 154.15 PERMIT REQUIRED.

A permit shall be obtained before beginning construction, alteration, repair, or demolition of any building or structure, using application forms furnished by the Director, and all fees required by this code shall be paid to the Clerk-Treasurer. Application fees shall be determined in accordance with Ordinances 1513 and 1522, as amended.

(Ord. 1664, passed 5-4-88) Penalty, see 154.99

§ 154.16 APPLICATION FOR PERMITS.

No building permit shall be issued for the foregoing purposes, unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. In addition, a copy of a design release, issued by the State Building Commissioner and the State Fire Marshal pursuant to IC 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such design release.

(Ord. 1664, passed 5-4-88)

§ 154.17 REVIEW OF APPLICATION.

Prior to the issuance of any building permit, the Director of Planning shall:

(A) Review all building permit applications to determine full compliance with the provisions of this code.

(B) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

(C) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair uses construction materials and utility equipment that are resistant to flood damage, and uses construction methods and practices that will minimize flood damage.

(D) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes) is protected against flood damage, is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, flood damage, and uses construction methods and practices that will minimize flood damage.

§ 154.18 COMPLIANCE WITH OTHER ORDINANCES; FEES.

All work done under permit shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fee prescribed in such ordinances.

(Ord. 1664, passed 5-4-88)

§ 154.19 RECORDS TO BE KEPT.

All applications, descriptions, permits, certificates, and other supporting documents pertaining to building permits or certificates of occupancy shall be filed by the Director of Planning and become a permanent record of the city.

(Ord. 1664, passed 5-4-88)

§ 154.20 COMMENCEMENT OF WORK.

The work or use authorized by a building permit shall commence within six months of the date of issuance of such permit. Otherwise, the same shall lapse and become null and void. All work so authorized shall be completed within 24 months from the date of issuance of the permit unless good cause for extending the completion time is shown the Director of Planning. Upon issuance of the certificate of occupancy the applicant shall have or cause to be occupied within 30 days, the structure so certified.

(Ord. 1664, passed 5-4-88)

ADMINISTRATION AND ENFORCEMENT

§ 154.30 ADMINISTRATIVE AUTHORITY.

The Director of Planning for the city is hereby authorized and directed to administer and enforce all of the provisions of this code. Said Director may be aided by his staff of inspectors in this effort. Whenever is this code it is provided that anything must be done to the approval of or subject to the direction of the Director or any other officer of the city, this shall be construed to give such officer only the discretion of determining whether this code has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this code shall be, or power to require conditions not prescribed by ordinances or to enforce this code in an arbitrary or discriminatory manner. Any variance from adopted building rules, as defined in IC 22-13-1-2, is subject to review by the Indiana Fire Prevention and Building Safety Commission, pursuant to IC 22-13-2-7 (b), and said variance is not effective until approved by the Commission.

(Ord. 1664, passed 5-4-88)

§ 154.31 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure erected, altered, or repaired after the adoption of this chapter shall be issued unless such building or structure was erected, altered, or repaired in compliance with the provisions of this chapter. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Director of Planning. Application for certificate of occupancy shall be made and all fees paid, at the time of application for building permit, on forms furnished by the Director. The fee schedule for a certificate of occupancy can be found in Ordinance 1513, as amended.

(Ord. 1664, passed 5-4-88) Penalty, see § 154.99

§ 154.32 INSPECTIONS; ASSISTANCE.

(A) After the issuance of any building permit, the Director of Planning shall make, or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the provisions of this chapter and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in Ordinance 1522, as amended.

(B) The Chief of the Fire Department, or his designated representative, shall assist the Director in the inspection of fire suppression, detection, and alarm systems and shall provide reports of such inspection to the Director.

(Ord. 1664, passed 5-4-88)

§ 154.33 RIGHT OF ENTRY.

Upon presentation of proper credentials, the Director of Planning or his duly authorized representatives may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this code.

(Ord. 1664, passed 5-4-88)

§ 154.34 ACCEPTABLE STANDARDS AND PRACTICES.

All work on the construction, alteration, and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

(Ord. 1664, passed 5-4-88) Penalty, see § 154.99

§ 154.35 STOP WORK ORDER.

Whenever any work is being done contrary to the provisions of this code, the Director of Planning may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Director to proceed with the work.

(Ord. 1664, passed 5-4-88)

§ 154.36 RIGHT OF APPEAL.

All persons shall have the right to appeal the Planning Director's decision first through the Board of Zoning Appeals for the city, and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of IC 22-13-2-7 and IC 4-21.5-3-7.

(Ord. 1664, passed 5-4-88)

§ 154.37 REMEDIES.

The Director of Planning shall in the name of the city bring actions in the circuit or superior courts of the county, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order made by the Director, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this chapter.

(Ord. 1664, passed 5-4-88)

§ 154.98 VIOLATIONS.

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure, other than fences, in the city or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

(Ord. 1664, passed 5-4-88) Penalty, see § 154.99

§ 154.99 PENALTY.

If any person, firm, or corporation shall violate any of the provisions of this chapter, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Director of Planning, or shall fail, neglect or refuse to obey any lawful order given by the Director in connection with the provisions of this chapter for each such violation, failure or refusal, such person, firm, or corporation shall be fined up to and including the maximum penalty prescribed by state statute. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

(Ord. 1664, passed 5-4-88)

CHAPTER 155: THOROUGHFARE PLAN CODE

Section

155.01 Thoroughfare plan code adopted by reference

155.02 Amendments to thoroughfare plan code; comprehensive development plan maps

§ 155.01 THOROUGHFARE PLAN CODE ADOPTED BY REFERENCE.

The thoroughfare plan code of the City of Noblesville is adopted by reference as if fully set out herein. Two copies of this code shall be on file in the office of the clerk-treasurer.

(Ord. 1032, passed 7-9-74; Am. Res. RC-36-05, passed 9-27-05)

§ 155.02 AMENDMENTS TO THOROUGHFARE PLAN CODE; COMPREHENSIVE DEVELOPMENT PLAN MAPS.

Section 65.2, the comprehensive development plan maps of the thoroughfare plan code, shall be amended as follows:

ORD NO.	*DATE*	*STREET*	*DESCRIPTION*
ORD NO.	*DATE*	*STREET*	*DESCRIPTION*
1205	4-24-78	Buttonwood Dr.	Collector street to residential street
1226	6-26-78	Elderberry Rd.	Collector street to residential street
1299	8-27-79	Proposed S.R. 234 and S.R. 238	State highway to collector street
1581	4-30-86	8th St.	Local street to minor collector from Cherry St. to the proposed southern by-pass
1582	4-28-86	Greenfield Pike	Minor to major collector from the proposed southern by-pass to 10th St.
		Stoney Creek Rd.	Major to minor collector between S.R. 37 and its proposed intersection with Greenfield Pike
1583; 1597	4-30-86; 8-26-86	a new major collector	Established from west end of Logan St. bridge to S.R. 38

CHAPTER 156: HOUSE NUMBERING PLAN

Section

156.01 House numbering plan

156.02 Displaying numbers

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156.99 Penalty

§ 156.01 HOUSE NUMBERING PLAN.

Generally, and as nearly so as practicable, buildings shall be numbered in the following uniform manner:

(A) Conner Street shall be the line dividing all streets running north and south.

(B) The numbering of buildings on all streets running north and south shall begin at the intersection of Conner Street with such streets running north and south.

(C) Tenth Street shall be the line dividing all streets running east and west.

(D) The numbering of buildings on all streets running east and west shall begin at the west end of such streets and run in sequence to the east ends thereof.

(E) Buildings on the north side of streets running east and west and buildings on the east side of streets running north and south shall be numbered with even numbers.

(F) Buildings on the south side of streets running east and west and buildings on the west side of streets running north and south shall be numbered with odd numbers.

(G) There shall be one number alloted to each 6 lineal feet, that is, one hundred numbers to each block.

(Ords. 236 and 451)

§ 156.02 DISPLAYING NUMBERS.

The owner of a building shall cause the proper number of such building to be placed and continuously maintained in a conspicuous place on or in front of such building. Penalty, see § 156.99

§ 156.03 REMOVING NUMBERS.

No person shall remove, alter, or deface any house number properly assigned and placed on or near any building. Penalty, see § 156.99

§ 156.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than $10.

CHAPTER 157: FLOOD DAMAGE PROTECTION

Section

157.01 Flood damage protection regulations adopted by reference

§ 157.01 FLOOD DAMAGE PROTECTION REGULATIONS ADOPTED BY REFERENCE.

The flood damage protection regulations of the City of Noblesville are adopted by reference as if fully set out herein. Two copies of these regulations shall be on file in the office of the Clerk-Treasurer.

(Ord. 1389, passed 2-23-81)

CHAPTER 158: HOUSING

AND PROPERTY MAINTENANCE CODE

Section

158.01 Housing and property maintenance code adopted by reference

§ 158.01 HOUSING AND PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.

The housing and property maintenance code by the City of Noblesville is adopted by reference as if fully set out herein. Two copies of this code shall be on file in the office of the Clerk-Treasurer.

(Ord. 1382, passed I-26-81; Am. Ord. 1431, passed 2-8-82; Am. Ord. 15-3-03, passed 3-25-03; Am. Ord. 20-4-03, passed 4-29-03; Am. Ord. 45-11-13, passed 11-26-13; Am. Ord. 46-11-13, passed 11-26-13; Am. Ord. 06-01-14, passed 1-14-14; Am. Ord. 41-09-15, passed 9-15-15; Am. Ord. 42-09-15, passed 9-15-15)

CHAPTER 159: UNIFIED DEVELOPMENT

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Illicit discharge and connection, see §§ 52.01 et seq.

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TITLE, PURPOSE AND EFFECT

§ 159.001 TITLE.

These regulations shall be known and cited as the Unified Development Code of the City of Noblesville, Indiana.

(Ord. 62-12-95, passed 1-22-96)

§ 159.002 AUTHORITY.

These regulations are authorized by I.C. 36-7-4, Public Law 211, Acts of 1980, and all acts amendatory thereto.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 56-11-07, passed 12-11-07)

§ 159.003 POLICIES OF THE CITY.

(A) Components. The Comprehensive Plan of the City of Noblesville, as amended from time to time, establishes the policies for land use which are the underlying policies of this chapter. The Comprehensive Plan is adopted pursuant to state law. It contains officially adopted policy statements as well as maps, including the Land Use Thoroughfare Plan Map. These maps and policies shall be consulted when land use decisions pursuant to this chapter are being made, and used as criteria in making decisions upon land use requests.

(B) Key Policies.

(1) Encourage compact growth.

(2) Protect and preserve flood hazard areas.

(3) Increase the amount of open space for passive recreation and aesthetic use, and use this open space as a distinguishing mark of community character and identity.

(4) Expand business opportunities in Noblesville.

(5) Promote the extension and/or improvement of public rights-of-way as designated by the Thoroughfare Plan element of the Comprehensive Plan.

(6) Allow for a variety of housing types.

(7) Preserve Noblesville's natural features.

(Ord. 62-12-95, passed 1-22-96)

§ 159.004 PURPOSES.

The purpose of this chapter is to regulate the use and development of land within the jurisdiction of the City of Noblesville. It is designed to protect and promote the public health, safety, and general welfare, and more specifically, to:

(A) Guide future growth and development in accordance with the Comprehensive Plan policies stated above.

(B) Secure adequate light, air, convenience of access, and safety from fire, flood, and other dangers.

(C) Lessen or avoid congestion in public ways.

(D) Restrict development in areas prone to flooding.

(E) Protect the historic and architectural heritage of the community.

(F) Restrict the kind and intensity of uses.

(G) Provide for performance standards for the emission of noise, gases, heat, vibration, or particulate matter into the air or ground or across lot lines.

(H) Protect and conserve the value of land, building, and other improvements upon the land, and to minimize the conflicts among the uses of land and building.

(I) Guide public and private policy and action in order to assure adequate and efficient transportation, water, sewerage, schools, parks, drainage, and other public requirements and facilities.

(J) Avoid scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services.

(K) Establish reasonable standards of design and minimum requirements for the creation, installation, and improvement of physical facilities which are, or will be, maintained for the benefit of the general public.

(L) Establish reasonable standards and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land.

(M) Prevent the pollution of air and water; provision of drainage facilities and the safeguarding of the water table; and the encouragement of wise use and management of natural resources in order to preserve the integrity, stability, natural beauty and topography, and the value of land.

(N) Administrate these regulations by defining the powers and duties of administrative bodies and officials; and the manner and form of making, filing, and processing of any application.

(Ord. 62-12-95, passed 1-22-96)

§ 159.005 JURISDICTION OF THE COMMISSION.

The jurisdiction of the Commission is the territory in which the Plan Commission has statutory authority to adopt a Master Plan and to enforce the Building, Zoning and Subdivision Regulations, a part of the Unified Development in the following geographical areas. The city and the unincorporated territory contiguous to the city located in Delaware, Fall Creek, and Noblesville Townships described as follows:

(A) Delaware Township, an area bounded on the west by the railroad tracks, Delaware/Noblesville Township Line on the north, on the east by State Road No. 37, and on the south by the north right-of-way line of East 141st Street;

(B) Fall Creek Township, an area bounded on the north by the Fall Creek/Noblesville Township line, on the east by the Hamilton/Madison County line and on the south by Interstate 69 and East 136th Street between the Hamilton/Madison County line and Marilyn Road, also East 141st Street between Marilyn Road and Howe Road; thence northerly following Howe Road to the southeast corner of a Parcel (Deed #2001-7191); thence westerly on and along the south line to the southwest corner of said parcel; thence northerly on and along the west line of said parcel to a point on the Fall Creek/Noblesville Township line; thence west to intersect with Cumberland Road. As delineated on a map entitled "Town of Fishers, City of Noblesville Joinder Agreement Map" filed with the Recorder of Hamilton County as an exhibit of the Interlocal Agreement of November 23, 2004 between the Common Council and the Town of Fishers Town Council modifying the previous Joinder Agreement between the city and the Townships of Delaware and Fall Creek, passed by the Common Council on September 11, 1973 and filed in the Miscellaneous Records on January 17, 1974 to transfer the planning and zoning jurisdiction in the unincorporated areas of Fall Creek and Delaware Townships excluding areas described above to the Town of Fishers; and

(C) Noblesville Township, all of the land within two miles of the corporate limits of the city as per County Resolution 6-12-95 (8).

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 56-11-07, passed 12-11-07)

DEFINITIONS; WORD USAGE

§ 159.015 WORD USAGE.

(A) For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this subchapter.

(B) Whenever any words and phrases used herein are defined in the State laws regulating the creation and function of various planning agencies, such definition shall apply to such words and phrases used herein, except when the context requires otherwise.

(C) For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:

(1) The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.

(2) The masculine includes the feminine.

(3) The present tense includes the past and future tense; the singular number includes the plural.

(4) The word "shall" is a mandatory requirement; the word "may" is a permissive requirement; and the word "should" is a preferred requirement.

(5) The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied."

(6) The word "lot" includes the words "plot, parcel, and tract."

(D) All other words not defined shall be defined according to any recent edition of Webster's New Collegiate Dictionary (1985 edition or newer).

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 15-3-00, passed 4-10-00)

§ 159.016 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“360° ARCHITECTURE.” Use of same materials, colors, architecture elements around all four sides.

“ABANDONMENT.” The relinquishment of property or a cessation of the use of the property for a continuous period of one year.

“ABUTTING.” Bordering.

“ACCESS CONNECTION.” Any driveway, street, road, turnout or other means of providing for the movement of vehicles to and from a roadway system or between abutting sites. This includes any pedestrian crosswalks not adjacent to an intersection and intersecting with vehicular movements.

“ACCESSIBILITY RAMP.” An inclined plane installed in addition to or instead of stairs to permit wheelchair, walkers, strollers, carts or other wheeled objects to more easily access a building.

“ACCESSORY DWELLING UNIT (ADU).” A secondary suite or living unit within the principal building that may have accommodations for cooking, eating, sanitation, and sleeping.

“ACCESSORY USE.” A secondary use on a property that is incidental and subordinate to a primary use located on the same property, and which does not alter or change the character of the premises.

“ACRE.” A unit of land that measures 43,560 square feet.

“ACTUAL EMISSIONS.” Any emissions which occur over a specified period of time based upon emission monitoring, stack testing, emission factors or other acceptable measurements.

“ADDITION.” An extension or increase in the floor area or height of a building or structure. For the purposes of floodplain regulation, it is a walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

“ADJACENT PROPERTY.” Any property adjacent to or directly diagonal to the subject property. Properties across a public or private right-of-way are also considered adjacent.

“ADMINISTRATOR.” The Director of Department of Planning or his or her designee who administers and enforces the provisions of the Unified Development Ordinance or Building Codes.

“ADULT CABARET.” A building or portion of a building regularly featuring dancing and other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by patrons therein.

“ADULT MEDIA.” Magazines, book, videotapes, movies, slides, CD-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

“ADULT MEDIA SHOP.” An establishment that rents and/or sells media, and that meets any of the following three tests.

(1) Forty percent or more of the gross public floor area is devoted to adult media.

(2) Forty percent or more of the stock-in-trade consists of adult media.

(3) It advertises or holds itself in any forum as “XXX”, “adult”, “sex” or otherwise as a sexually oriented business other than as an adult media store, adult motion picture theater, or adult cabaret.

“ADULT MOTION PICTURE THEATER.” An establishment emphasizing or predominantly showing films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas or by specified sexual activities.

“AGGREGATE SIDE YARD.” The minimum yard area between two principal structures on adjacent lots.

“AGRICULTURE.” The science, art, or practice of cultivating soil, producing crops, and raising livestock.

“AGRICULTURAL PROCESSING, ACCESSORY.” The use of land and buildings for agricultural processing on the same lot with, and of a nature incidental and subordinate to, the principal agricultural use.

“AGRICULTURAL PROCESSING, PRIMARY.” An establishment primarily engaged in performing services on crops, subsequent to their harvest. with the intent of preparing them for market or further processing.

“AGRICULTURAL USES.” The use of land for farming, pasturage, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating, or storing the resulting product provided, that the operation of any such accessory uses shall be secondary to the normal agricultural activities. The term agriculture does not include chemical storage, the sale of resulting products to the general public except from temporary roadside stands, or manufacturing of products associated with agriculture.

“AIR CONTAINMENT.” Any solid, liquid or gaseous matter, or any combination thereof, that may be emitted into the ambient air in any manner which may cause or contribute to air pollution.

“AIR CONTAINMENT EMITTER OR AIR CONTAINMENT SOURCE.” Any vehicle, process facility or other device that emits or is capable of emitting air contaminants, which are privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all type of business, commercial, industrial plants; workshops and stores; heating and power plants and power stations; and buildings and other structures of all types including but not limited to single-family, two-family, and multi-family residences; office buildings; public buildings; commercial uses; industrial uses, all types of vehicles; portable fuel burning equipment; incinerators of all types; refuse dumps and piles, and all stack and other chimney outlets from any of the foregoing.

“AIR POLLUTION.” The presence or threatened discharge from whatever source, of solid, semisolid, liquid or gaseous matter or any combination thereof, in the ambient air in sufficient quantities and of such characteristics and duration which:

(1) injures or threatens to injure human, plant, or animal life;

(2) Damages or threatens to damage property; or

(3) Unreasonably interferes with the comfortable enjoyment of life and property.

"AIRPORT." Any location either on land, water, or structure which is designed or used for the landing and taking-off of aircraft, including all necessary buildings and facilities, if any.

"AIRPORT (PUBLIC USE)." Any area, site or location, either on land, water or upon any building, which specifically adopted and maintained for landing and taking off of aircraft, and utilized or to be utilized in the interest of the public or such purposes. The term does not include private use airport or landing field, or any military airport solely occupied by any federal branch of government using that airport for military purposes.

"ALLEY." A public or private right-of-way intended to provide secondary access to the rear or side of lots or to buildings in urban areas and not intended for the purpose of through vehicular traffic.

"ALTERATION." Any change, addition, or modification in construction, or any change in the structural members of a building, such as load bearing walls, columns, beams, or girders.

"ALTERATION OF A WATERCOURSE." A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in a cross-sectional area of the channel or the channel capacity, or any other modification that may alter, impede, retard, or change the direction of and/or velocity of the flow of water during conditions of the base flood.

"AMEND" or "AMENDMENT." Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district, or any repeal or abolition of any map, part thereof, or addition thereto.

"AMENITY AREA." An outdoor facility that may include a clubhouse that is owned and maintained by the owner's association or property owner(s) for the primary use and benefit of the residents of the residential development. The term may include swimming pools, basketball courts, soccer fields, tennis courts, and indoor recreational facilities.

"AMPHITHEATER." Any land, semi-enclosed structure, or combination thereof, designed for concerts, the enactment of the performing arts or other entertainment of the customer. The uses shall include miniature golf courses, batting cages, and similar uses. See also "SPORTS AND RECREATION PARKS."

"AMUSEMENTS, OUTDOOR." A commercial use of land which is primarily outdoors and which is conducted primarily for the entertainment of the customer. Such uses shall include miniature golf courses, batting cages, and similar uses. See also "SPORTS AND RECREATION PARKS."

"ANNUALS." A plant that dies at the end of a growing season both above and below ground.

"ANTENNA." Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communication service.

"ANTENNA ARRAY OR WIRELESS TELECOMMUNICATIONS ANTENNA ARRAY." One or more rods, panels, discs, or similar devices used for the transmission or receptions of radio frequency signals, which may include omni-directional antennas (whip), direction antennas (panel), and parabolic antennas but excluding any support structure.

"ANTENNA OR SATELLITE DISH." Any device designed to transmit or receive wave signals to or from any source whatsoever.

"APARTMENT HOUSE." A building that includes self-contained housing units used or intended to be used as the residence of three or more families living independently of each other, and typically for lease or rent.

"APPEAL." A request for a review of an interpretation by the Director of Planning and Development of any provision of this chapter.

"APPELLANT." A person filing for an appeal.

"APPLICANT." The owner, owners, or legal representative of land who makes application to the city. Written consent shall be required from the legal owner of the premises.

"APPLICATION." The completed form or forms, together with any other materials, exhibits, and fees as required of an applicant pursuant to this chapter.

"APPLIED TRIM." Supplemental and separate decorative strips applied to the face or sides of a frame.

"AQUATIC BUFFER. Any area in and around a water feature including lakes, ponds, detention and retention areas, legal drains, and rivers that are generally vegetated and separate the water resources from adjacent land providing numerous functions including water quality, fish and wildlife habitats, and wildlife travel corridors.

"ARCHITECTURAL DETAIL." Any project, relief, cornice, column, change of building material, window, or door opening on any building.

"ARCHITECTURAL GUIDELINES." The guidelines established by the Architectural Review Board for reviewing detached single-family, attached single-family, and multi-family structures as a part of the Preliminary Development Plan Process.

"ARCHITECTURAL PLANE." A flat surface extending in height and width. Shape is the primary identifying characteristic of an architectural plane.

"ARCHITECTURAL PLANE (PRIMARY)." Any architectural plane with frontage on a street or roadway or adjacent to a required buffer yard, trail as per the NAT Plan and/or perimeter common area(s). Corner lots and perimeter lots are considered to have multiple primary architectural planes.

"ARCHITECTURAL PLANE (SECONDARY)." Any architectural plane that is not considered a primary architectural plane.

"AREA OF SPECIAL FLOOD HAZARD." The land within a community subject to a 1% or greater chance of being flooded in any given year.

"ART GALLERIES AND MUSEUMS." Public or semipublic uses whose primary use is to enhance the appreciation of its visitors for past and present cultural practices and events, through the use of exhibits, tours, demonstrations, audio-visual technologies, and similar communications media.

"ARTERIAL." See "STREET."

"ARTICULATION." The expression of distinct patterns or rhythms that create visual interest and enhance the building design.

"AS-BUILT CONSTRUCTION PLANS." Drawings made after the completion of improvements which identify how the improvements were constructed on site.

"ASSEMBLY OF FINISHED GOODS." The process of assembling and packaging pre-manufactured items into a single final product.

"ASSISTED LIVING FACILITY." A residential facility where limited health care is provided including assistance with daily activities such as dressing, grooming and bathing, and/or taking medicines are provided for the aged or any other reasonably independent person in need of nursing care. These facilities do not contain equipment for surgical care or treatment of disease or injury and are not primarily designed for patients with mental illness or alcohol or drug addiction. "ASSISTED LIVING FACILITIES" have private rooms that are not shared by non-related persons.

"AUTOMATED TELLER MACHINE (ATM)." An electronically operated device used to conduct financial transactions on site by means of direct computerized access.

"AUTOMOTIVE FUEL STATION." Any land, building, structure, or premises used for the retail sale of motor vehicle fuels, oils or accessories.

"AUTOMOTIVE RENTAL." Any land, building, structure, or premises used for the rental of motor vehicles on a temporary basis, and including any incidental storage thereof.

"AUTOMOTIVE REPAIR/BODY SHOP." Any land, building, structure, or premises used for the general repair of automobiles including but not limited to engine rebuilding or reconditioning of motor vehicles; engine steam cleaning; transmission welding or rebuilding and installation; collision service such as body, frame and fender straightening and repair; and painting of motor vehicle after a collision, fire damage, water damage, or other natural disaster or for the purpose of restoration. "AUTOMOTIVE REPAIR/BODY SHOPS" may also include "AUTOMOTIVE SERVICE", as defined.

"AUTOMOTIVE SALES." Any land, building, structure, or premises used for the sale or lease of new or used motor vehicles. Automotive sales may include automotive repair and automotive service. See also "AUTOMOTIVE REPAIR" and "AUTOMOTIVE SERVICE."

"AUTOMOTIVE SERVICE." Any land, building, structure, or premises used for the routine maintenance of automobiles and limited servicing of automobiles including but not limited to the sale and installation of oil, lubricants, filters, batteries, tires, brakes, belts and other similar activities or for installing or repairing parts and accessories, but not to include "AUTOMOTIVE REPAIR/BODY SHOP" as defined.

"AVERAGE DAILY TRAFFIC (ADT)." The estimated daily average number of vehicular travelers on a street in a 24-hour period.

"BALLAST." A heavy substance placed in such a way as to improve the stability and control of an object.

"BANDING." A continuous series of moldings projecting slightly from the architectural plan.

"BAR," "TAVERN," or "LOUNGE." Premises used primarily for the sale and dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

"BARE-BULB (ILLUMINATION)." See "ILLUMINATION, BARE-BULB."

"BASE FLOOD." The flood having a 1% chance of being equaled or exceeded in any given year. The base flood may also be referred to as the "1% ANNUAL CHANCE FLOOD" or the "100-YEAR FLOOD".

"BASE FLOOD ELEVATION." The water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum or 1988.

"BASE STATION." A station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.

"BASEMENT." That portion of the building that is underground but having at least half its clear height below the average grade of the adjoining ground. See also "CELLAR."

"BASEMENT." (for floodplain management purposes only) That portion of a structure having its floor below ground level on all sides.

"BASEMENT FINISH." Completion or construction of new walls, heating, electrical, and the like, so as to make the below ground area habitable.

"BED AND BREAKFAST ESTABLISHMENT." An owner-occupied dwelling unit providing overnight accommodations and breakfast to the public for compensation for ten or more days in a 12-month period.

"BERM (MOUND)." A man-made landscape feature used for screening in which earth is piled up in irregular, round, oblong shapes. "BERMS" do not have consistent crest elevations but are irregular creating a more natural landscape feature.

"BEST AVAILABLE FLOOD LAYER (BAFL)." Floodplain studies, and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources, that provide base flood elevation information and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.

"BEST MANAGEMENT PRACTICES (BMP)." The utilization of the natural environment, artificial structures, scheduling, and/or prohibition to ensure the long-term operation and maintenance of features that control erosion and/or the discharge of polluting elements.

"BEVERAGE BOTTLING." Art establishment engaged in manufacturing, processing, and bottling or packaging of beverages for wholesaling and distribution.

"BIORETENTION FACILITIES (RAIN GARDENS)." A stormwater management system that uses soil and plants to absorb stormwater runoff and to capture pollutants. These are small landscaped basins intended to provide water quality management by filtering stormwater runoff before release into a storm drain system.

"BIOSWALE." A bioswale is a shallow depression created in the earth to accept and convey stormwater runoff. A bioswale uses natural means, including vegetation and soil, to treat stormwater by filtering out contaminants being conveyed in the water.

"BLOCK." A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

"BMP (BEST MANAGEMENT PRACTICES)." See "BEST MANAGEMENT PRACTICES."

"BOARD." The Noblesville Board of Zoning Appeals.

"BOARD OF WORKS." The Noblesville Board of Public Works and Safety is in charge of approving City contracts and accepting public improvement projects.

"BOARD OF ZONING APPEALS (BZA)." The City of Noblesville's Advisory Board of Zoning Appeals or any division thereof and its designees.

"BOARDING HOUSE." A building, not available to transients, in which only meals and lodging are regularly provided for compensation for at least three but not more than 12 persons.

"BOND." Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Board of Works or County Commissioners. All bonds shall be approved by the Board of Works or County Commissioners whenever a bond is required by these regulations.

"BORROW PIT." An area of land from which earth is removed for use on another site and a permanent or temporary irregular terrain is created.

"BRANCH." An outgrowing shoot, stem or twig that grows from the main stem or trunk.

"BREWPUB." A commercial use which brews ales, beers, meads, and/or similar beverages on site and serves those beverages on site.

"BRICK." A solid or hollow masonry unit of clay mixture with sand, and molded into a rectangular-shape while in a plastic state, then baked in a kiln.

"BUFFER LANDSCAPING." Any trees, shrubs, walls, fences, berms/ mounds, space or related landscaping features required under the UDO for buffering lots, parcels, etc., from adjacent properties or public rights-of-way for the purpose of increasing visual shielding or other aspects of privacy or aesthetics.

"BUFFER YARD (PERIPHERAL)." See "LANDSCAPING BUFFER YARD."

"BUFFERING." Any means of protecting an area of land from the adverse visual and suitable effects of another area, which may include trees, shrubs, walls, fences, berms/mounds, space or related landscaping features required under this chapter for buffering lots, parcels, etc., from adjacent properties or public rights-of-way for the purpose of increasing visual shielding or other aspects of privacy or aesthetics.

"BUILD-TO-LINE." A line appearing on the development plan stated as the setback dimension from the right-of-way which a building facade must be placed.

"BUILDING." Any structure designed, built, and used for the shelter, protection, or enclosure of persons, animals, or property, and which is permanently affixed to the land. A building is also a structure.

"BUILDING AREA." The horizontal square footage, under roof, of a building or structure.

"BUILDING CODE." The Indiana Building Code that establishes and controls the standards for constructing all forms of permanent structures and related matters. Also referred to as the Noblesville Building Code.

"BUILDING, DETACHED." A building that has no structural connection with the primary building or any other building or structure.

"BUILDING ENVELOPE." The setback lines that establishes an area on a lot in which a building and related activities can occur.

"BUILDING FRONTAGE." The length of an outside building wall on a dedicated public or private street.

"BUILDING, HEIGHT OF." See "HEIGHT, BUILDING."

"BUILDING, PRINCIPAL." A building in which is conducted the main or principal use of the lot in which said building is situated.

"BUILDING PERMIT." A permit signed by the Director of Planning and Development stating that a proposed improvement complies with the provisions of this chapter and such other parts of the City Code as may be applicable.

"BUILDING SEPARATION." The least distance between the walls of two structures regardless of whether they are located on the same lot or parcel.

"BUILDING SETBACK LINE (FRONT)." The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line. Said building setback line shall be parallel to a street.

"BUILDING, SINGLE-TENANT." A building in which all space is occupied by one tenant and is not a part of a larger unified development.

"BUSINESS, GENERAL." Commercial uses which generally require locations on or near major arterials and/or their intersections which tend to serve day-to-day needs of the neighborhood and supply the more durable and permanent needs of the whole community.

"BUSINESS, LOCAL." Commercial establishments which cater to and can be located in close proximity to residential districts without creating excessive congestion, noise, or other objectionable influences. Uses in this classification tend to serve the day-to-day needs of the neighborhood.

"BUS." A motor vehicle, other than a commuter van, designed for carrying more than ten persons.

"BUS PASSENGER TERMINAL." Any land, structure, or building which serves as a point of arrival or departure for passengers of commercial busses, including any ticket sales areas, reception areas, bus parking and/or refueling areas, and retail sales accessory thereto. "BUS PASSENGER TERMINALS" shall not include the storage, cleaning, or repair of busses.

"CALIPER." The American Association of Nurserymen Standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground for up to and including four-inch caliper sizes, and 12 inches above the ground for larger trees.

"CAMOUFLAGED." Any telecommunications facility that is designed to blend into the surrounding environment. Examples of "CAMOUFLAGED" facilities may include architecturally screened roof mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, towers made to look like trees and antenna structures designed to resemble light poles or flag poles.

"CAMPGROUND." An area of land on which two or more recreational vehicles, including campers, tents, RV's, or other similar temporary recreational structures, are regularly accommodated with or without charge, including any building, structure, or fixture or equipment that is used or intended to be used in connection with providing such accommodations.

"CANE." A primary stem which starts at a point not higher than 1/4 the height of the plant.

"CANOPY COVER." The percent of a fixed area covered by the crown of an individual plant species or delimited by the vertical projection of its outermost perimeter. Small openings in the crown are included.

"CAPITAL IMPROVEMENTS PROGRAM." A schedule of all proposed public improvement projects in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual municipal operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

"CARE SHARE." The offering of an automobile for rent for a short period of time such as by the hour. Use allows occasional access to an automobile often through an app or online.

"CAR WASH." A building or portion thereof containing facilities for washing one or more automobiles simultaneously, using production line methods such as a chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, equipment, or soap for the complete or partial cleaning of such automobiles, whether by operator or by customer.

"CART CORRAL." A structure within a parking lot that is designed and designated for patrons to deliver shopping carts.

"CEILING." The overhead surface covering a room and the underside of a floor level or a roof.

"CELLAR." A portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

"CELLULAR ON WHEELS (COW)." A mobile cell site that consists of an antenna tower and electric radio transceiver equipment on a truck or trailer to provide expanded cellular network coverage and/or capacity at major special events or disaster areas and designed to be a part of the cellular network.

"CEMETERY." Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

"CERTIFICATE OF COMPLIANCE." A certificate issued by the Director of Planning and Development or his or her designee stating that the plans submitted for an improvement location permit

including grading and pad elevations, sign permits, landscape plans, and miscellaneous permits that comply with the approved plans, provisions of the Unified Development Ordinance, and commitments as required by the Plan Commission, Board of Zoning Appeals, Common Council, Board of Public Works, or the Director of Planning and Development. A Certificate of Compliance is not a substitute for a Certificate of Occupancy for occupying a building/structure.

"CERTIFICATE OF OCCUPANCY." A certificate signed by the Director of Planning and Development stating that the occupancy and use of land or building or structure referred to therein complies with the provisions of this Code.

"CERTIFICATE OF OCCUPANCY (CONDITIONAL)." A certificate with a specific expiration date issued by the Director of Planning and Development or his or her designee, that at the time of issuance, the occupancy and use of the building or structure does not fully comply with the provisions of all applicable codes including but not limited to the Unified Development Ordinance, Building Codes, Electrical Codes, Fire Codes, Mechanical Codes, and all other state and federal codes and ordinances, but may be occupied for the specified period subject to the conditions stipulated on the certificate.

"CERTIFICATE OF OCCUPANCY (TEMPORARY)." A certificate with a specific expiration date issued by the Director of Planning and Development or his or her designee, that at the time of issuance, the occupancy and use of the building or structure does not fully comply with the provisions of all applicable codes including but not limited to the Unified Development Ordinance, Building Codes, Electrical Codes, Fire Codes, Mechanical Codes, and all other state and federal codes and ordinances, but may be occupied for the specified period subject to the conditions stipulated on the certificate.

"CHANGE OF ZONING." See "REZONING."

"CHANGEABLE COPY." Letters, numeral, or other copy that may be manually or mechanically affixed to and/or removed from a sign.CHANGEABLE COPY" is only permitted when incorporated into a permanent sign structure as permitted by this chapter.

"CHANNEL." A natural or artificial water course of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

"CHANNEL LETTERS." Three-dimensional individually cut letters or figures, the depth of which is a minimum of two inches, illuminated or not illuminated, and affixed to a structure. Open-face "CHANNEL LETTERS" are prohibited.

"CHEMICAL PROCESSING." An establishment engaged in producing basic chemicals, or in manufacturing products by predominantly chemical processes.

"CHILD CARE CENTER." A place where at least 17 children receive child care from a provider while unattended by a guardian, for regular compensation and, and for a period of at least four, but no more than 24, consecutive hours in each of ten consecutive days per year, excluding intervening weekends and holidays.

"CHILD CARE HOME." A dwelling unit in which at least six children not including the children for whom the provider is a parent, stepparent, legal guardian, custodian or other relative that receives child care from a provider while unattended by a parent, stepparent, legal guardian or custodian, for regular compensation and for a period of more than four hours and less than 24 hours, consecutive hours in each of ten consecutive days per year, excluding intervening weekends and holidays. Any child who is at least 14 years of age that does not require child care and any child who is at least seven years of age for whom a provider of care in the child care home is a parent, stepparent, legal guardian or custodian does not count toward determining the limit set forth regarding the number of children. The term "CHILD CARE HOME" shall refer to Class I Child Care Homes and Class II Child Care Homes.

"CHILD CARE HOME, CLASS I." A Child Care Home that serves any combination of full-and part-time children, not to exceed 12 children at any one time.

"CHILD CARE HOME, CLASS II." A Child Care Home that serves more than 12 children but not more than any combination of 16 full-time and part-time children at any one time.

"CHURCH." See "PLACE OF WORSHIP."

"CINEMA OR THEATER." Any building designed for the enactment of dramatic performances and/or showing of motion pictures. For the purposes of this chapter, a drive-in theater shall be deemed a separate and distinct use.

"CITY." The city having jurisdiction over the parcel of land under consideration. The City of Noblesville, Indiana.

"CITY ENGINEER." The City Engineer of the City of Noblesville.

"CLADDING." Any material used to cover a building's exterior.

"CLADDING MATERIALS."

(1) Masonry, wood, fiber cement board, stucco, composite lap, and vinyl siding. The use of vinyl siding material on a structure shall be the least percentage of the materials compared to the others listed in this definition.

(2) The use of 0.050-inch gauge vinyl siding may be allowed on single-family detached structures when it is combined with brick and/or stone at the wainscot line, two architectural elements and a decorative entryway with a 12 inch min. door trim. Lap siding shall have a minimum of seven-inch exposed board face.

"CLINIC." See "OFFICE, MEDICAL."

"CLUB OR LODGE, PRIVATE." An association organized and operated on a non-profit basis for persons who are bona fide members paying dues, which association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. This includes fraternities and sororities.

"CLUBHOUSE." A building or portion thereof, accessory to a residential subdivision or multi-family development, and used primarily by the residents and their guests for recreational and entertainment purposes. Such uses shall not include retail or food sales or services except on a temporary and occasional basis.

"CLUSTER BOX UNIT." A freestanding, pedestal-mounted mailbox containing eight, 12, 13 or 16 individually locked mailboxes and parcel compartments.

"COFFEE HOUSE." A restaurant primarily offering coffee, tea, and other beverages that are typically sold at a counter or drive-up window for motor vehicles.

"COLLECTOR." See "STREET."

"COLLEGE OR UNIVERSITY." A public or private institution providing full-time or part-time education beyond the high school level and including any lodging rooms or housing for students or faculty. A business or trade school is not considered a college or university.

"CO-LOCATION." A space on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

"COMMERCIAL MESSAGE." Any image, logo, or words that advertise a business conducted, services rendered, activities conducted, or goods produced and/or sold.

"COMMISSION." The Noblesville City Plan Commission.

"COMMITMENT." A recordable written agreement or covenant concerning the use or development of a parcel of real property which is made in writing by the owner of that parcel that may include a site plan and/or other pertinent drawings that sets forth any binding limitations of use or development for that particular parcel. This may be made either voluntarily or in accordance with an order or request of the Plan Commission.

"COMMON, CREATIVE, AND COLLABORATIVE SPACES." A facility that offers open access to resources that is characterized by a culture of openness and collaboration concerning knowledge-sharing, skills and tools. Shared resources may range from physical resources like office materials, machines and prototyping tools, to more intangible resources such as new knowledge, professional networking, training, or mentorship.

"COMMON SPACES (MULTI-FAMILY)". Areas within multi-family developments that are generally open to all residents and may be open to the public. These spaces generally can include, but not be limited to, lobbies, fitness facilities, leasing offices, laundry, storage, mail/package room, gathering areas, light food prep, pools, and entertainment rooms.

"COMMUNITY." A political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.

"COMMUNITY EVENT." An activity in Noblesville that is open to the general public and sponsored by a public, private not-for-profit, or religious organization that is educational, cultural, or recreational in function. Charitable events sponsored by for-profit organizations are also considered community activities.

"COMMUNITY GATEWAY." A corridor, expressway, or arterial that citizens or visitors of Noblesville travel in high numbers which represents the character of the community. These gateways include the State Road 37 corridor, the 146th Street corridor, the State Road 32 corridor, the State Road 38 corridor, and the Corporate Campus.

"COMMUNITY RATING SYSTEM (CRS)." A program developed by the Federal Insurance Administration to provide incentives for those communities participating in the regular program of the National Flood Insurance Program (NFIP) that have included provisions beyond the minimum floodplain management regulations to develop extra measures providing additional protection(s) from flooding.

"COMPATIBLE." A structure, planned development, and/or use that is capable of existing together in harmony with its surrounding structures, planned developments, and/or uses forming a homogeneous mixture that neither separates from nor alters its surroundings causing attention to be drawn to the proposed structure, planned development, and/or use.

"COMPOSITION." The manner in which parts are combined or related to form a united whole. It includes scale, site relationship, space, volume, texture, proportion, reflection, rhythm, repetition, pattern, ornamentation, mass, form, harmony, depth, color, contrast, and balance.

"COMPREHENSIVE PLAN." A plan adopted by the Plan Commission and Common Council, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. The document shall include:

(1) A statement of objectives for the future development of the jurisdiction.

(2) A statement of policy for the land use development of the jurisdiction.

(3) A statement of policy for the development of public ways, public places, public lands, public structures, and public utilities.

"CONCEPT PLAN." A plan for the development of land brought by the applicant/petitioner to a pre-submittal meeting that shows in general terms the proposed land use, circulation, natural

characteristics and typical development of the area including the affected adjacent properties and traffic.

"CONDITION." A restrictive or modifying factor that is essential to the occurrence of something else.

"CONDITIONAL APPROVAL." Stipulations or provisions attached to an approval issued by any governmental entity that are a prerequisite for a final certificate of occupancy.

"CONDITIONAL LETTER OF MAP REVISION (CLOMR)." A document that illustrates FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevation (BFE), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map but indicates whether the project, if built as proposed, would be recognized by FEMA. Building permits cannot be issued based on a CLOMR because a CLOMR does not change the NFIP map.

"CONDITIONAL USE." A use permitted within a district other than a use permitted "by right", and requiring approval of the Board of Zoning Appeals because of its unusual nature. "CONDITIONAL USES" that may be allowed in each district are listed in the Official Schedule of District Regulations.

"CONDOMINIUM." The individual ownership of a dwelling unit within a multiple family dwelling, together with an interest in the common land and building areas and the underlying land as per I.C. 32-25. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

"CONFINED FEEDING OPERATION." The raising of animals for food, fur or recreation in an area where they are confined, fed and maintained for at least 45 days during any year, and where there is no ground cover or vegetation present over at least half of the confinement area. This shall be any animal feeding operation that houses at least 300 cattle, or 600 swine or sheep, or 30,000 or more fowl.

"CONIFER." Cone-bearing tree.

"CONSERVATION." Protection, improvement, and wise use of natural resources according to principles that will assure utilization of the resource to obtain the highest economic and social benefits.

"CONSTRUCTION PLANS." The maps, drawings, and textual description showing the specific location and design of improvements to be installed or constructed.

"CONTRACTOR'S OFFICES." Any land, building, or structure used as the permanent place of business for a general contractor or tradesman, including the incidental storage of construction equipment and materials and company vehicles.

"CONVALESCENT, NURSING OR REST HOME." An establishment for the care or assisted living of the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury.

"CONVENIENCE STORE." An establishment where food stuffs, patent medicines, periodicals, and other similar items of household convenience are kept for retail sale to the public.

"CONVERSION." A change of a building's use to another use.

"COPY." The wording, logo, shapes, or object content of a sign in either permanent or removable letter media.

"CORE CENTRAL BUSINESS DISTRICT." The area beginning at the intersection of Clinton Street and 10th Street, running thence south along 10th Street to the intersection with Maple Avenue, running thence west along Maple Avenue to a point where Maple Venue would intersect with White River, if Maple Avenue were continued upon its western course; running thence north along the meandering thread of White River to the intersection of a line which would represent the extension of Clinton Street to the west to its intersection with White River; thence east to Clinton Street and along Clinton Street to the point of beginning.

"CORNER BREAK." The position at which two architectural planes meet and form projecting relief creating a third dimension.

"CORNICE." A molded ornamental projection that crowns or finishes the top of the building or wall to which it is affixed.

"COUNCIL." The Common Council of the City of Noblesville.

"COUNTY." Hamilton County, Indiana.

"COVENANT (DEED RESTRICTION)." Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety, and welfare, covenants may be applied by the Plan Commission that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees; however, they are enforceable in civil court by interested or affected parties.

"CRITICAL FACILITY." Any use of land for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, or installations which produce, use, or store hazardous materials or hazardous waste.

"CRITICAL ROOT ZONE." The area of undisturbed natural soil around a tree that must be left undisturbed in order to preserve a sufficient root mass to give the tree a reasonable chance of survival defined by a horizontal circle drawn at grade with the center being the center of the trunk of the tree and a radius equal to the distance from the trunk to the outermost portion of the drip line.

"CROWN." The portion of the tree comprising the branches.

"CROWN FORM (SHAPE)" The configuration crown of a standing tree or shrub - circle, triangle, parabola, rectangle, or horizontal ellipse.

"CROWN WIDTH (DIAMETER)." The span of the crown of a tree or shrub.

"CUL-DE-SAC." See "STREET," "CUL-DE-SAC."

"CULVERT." A drain pipe that channels water under a bridge, street, or driveway.

"CURB." A concrete boundary marking the edge of a street or other paved area and providing for a change in grade between the street surface and the adjacent unpaved portions of the street right-of-way.

"CURB CUT (DRIVEWAY CUT)." A permit issued by the Department of Engineering providing for vehicular ingress/egress between property and the abutting street.

"CURB RADIUS." The curved edge of a street, driveway, or other paved area at an intersection with another street driveway, or other paved area.

"CUT." An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

"CUT AND FILL." The modification of a lot or parcel by excavating in one location and subsequently moving the excavated material to another location on the same site. See also single words "CUT" and "FILL."

"CUT AND FILL." (for flood purposes only) To build up the level of low lying land in the Special Flood Hazard Area (floodplain) using material from within the same watershed floodplain to cause a permanent increase in existing ground elevations. The intent of this method is to provide an area of compensatory storage to offset the impact of the fill area.

"DEAD END." See "STREET, DEAD END."

"DECIBEL." A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels."

"DECIDUOUS." Plants that shed their leaves annually.

"DEDICATION." The setting apart of land or interests in land for use by the public or municipality by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

"DEMOLITION." The act of doing away with a structure by destroying it to the ground.

"DENSITY." A unit of measurement; the number of dwelling units per acre of land.

"DENSITY, GROSS." The number of dwelling units per acre of the total land to be developed, including public rights-of-way.

"DENSITY, NET." The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public rights-of-way, floodplains, wetlands, and other public lands.

"DETENTION AREA." An area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding. This area normally is eventually dry.

"DEVELOPED AREA." Land that has been substantially improved by making it more useful to humans including the erection of buildings or increasing its value by cultivation.

"DEVELOPER." The owner or his or her legal representative of land proposed to be subdivided, or residentially, commercially, or industrially utilized. Consent shall be required from the legal owner of the premises.

"DEVELOPMENT." Any man-made change to improved or unimproved real estate, including, but not limited to: construction, reconstruction, or placement of a structure; an addition to a structure; installation of a manufactured home; installation of a recreational vehicle on a site for more than 180 days; mining; dredging; filling; grading; paving; excavation; drilling operations; construction and/or reconstruction of bridges or culverts; construction of roads; erection of walls and fences; utility installation; construction of flood control structures, including levees, dikes, dams, channel improvements, and the like; storage of materials; construction or reconstruction of boat lifts, docks, piers, and sea walls; or any other activity that might change the direction, height, or velocity of flood or surface waters. This does not include activities, such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, construction of elevated beds, or the construction of permanent structures.

"DEVELOPMENT PLAN." A scale drawing, including a legal or site description, of the real estate involved which shows the location and size of the following, both existing and proposed: all buildings, structures, and yards; topographic map; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets, service facilities; and other improvements such as planting areas.

"DEVELOPMENT PLAN, DETAILED." The construction drawings incorporating all amendments and plans adopted at the Preliminary Development Plan hearing that sets the stage for approval of the Secondary Plat(s) as evidenced in a development plan.

"DEVELOPMENT PLAN, PRELIMINARY." The initial development plans as proposed for a Planned Development following approval by the Plan Commission and adoption by the Common Council of

said drawings and Planned Development (PD) ordinance including any waivers from the underlying zoning district regulations and commitments by the developer for said real property.

"DIRECTOR OF PLANNING AND DEVELOPMENT." The official in charge of the Department of Planning and Development and authorized to administer and enforce the Unified Development Code including his or her designees.

"DISC GOLF COURSE." An area of land laid out with a series of targets in which a player throws discs at a target.

"DISPLAY PUBLICLY." The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that is may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and materials other than adult media are on display to the public.

"DISTRICT (ZONING)." Specific areas within the jurisdiction of the Plan Commission for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, parking, open space and similar bulk standards that are established by this chapter. (See individual zoning districts).

"DNR." The Indiana Department of Natural Resources.

"DOMESTIC PETS." Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

"DORMER PACKAGE." Two or more dormers assembled side-by-side and not separated by some other architectural feature or element.

"DOWNTOWN MIXED-USE RESIDENTIAL." Any single-family, two-family, or multi-family dwelling unit(s) located above a non-residential use in the same building.

"DRAINAGE." The outflow of water or other fluids from a site through natural or artificial means.

"DRAINAGE CONCENTRATION." The diversion of the natural flow of water, directed to a point or an area that creates a greater than natural flow at that point or area.

"DRAINAGE SYSTEM." All facilities, channels and areas which serve to convey, filter, store and/or receive stormwater, either on a temporary or permanent basis.

"DRINKING PLACE." An establishment whose primary use is the sale of beverages such as coffee or juice. A "DRINKING PLACE" shall not include a bar unless the sale of alcoholic beverages is also permitted in the district in which the drinking place is located. See also "BAR, TAVERN, OR COCKTAIL LOUNGE."

"DRIP LINE." The vertical line encompassing the outermost portions of the tree canopy extending to the ground.

"DRIVE-IN" or "DRIVE-UP FACILITY." A small scale establishment developed so that its retail or service character is dependant on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons, while remaining in their motor vehicles, rather than within a building or structure.

"DRIVE-IN THEATER." A cinema which is also a drive-in establishment. See also "CINEMA OR THEATER" and "DRIVE-IN OR DRIVE-THROUGH ESTABLISHMENT."

"DRIVE-THRU SERVICE." An opening or openings in the wall of a building or structure designed and intended to be used to provide for sales and/or service to patrons, who remain in their vehicles, of products that are used or consumed off-site.

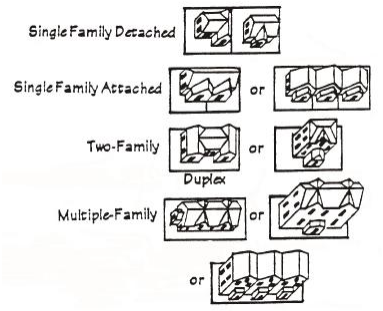
"DRIVEWAY." Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line.

"DRIVEWAY, LEADING EDGE." The edge of the driveway located behind the street right-of-way.

"DRIVING RANGE." A tract of land equipped with distance markers for practicing golf shots.

"DRY CLEANING ESTABLISHMENT WITH ON-SITE PLANT." An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry with an on-site plant and the maintenance or operation of any laundry or dry cleaning equipment on the premises.

"DWELLING." A building or structure or portion thereof used exclusively for residential occupancy, including single-family, two-family, and multi-family; however, excluding hotels, motels, and boarding houses.



"DWELLING, MULTI-FAMILY." A building consisting of three or more dwelling units, including condominiums, with varying arrangements of entrances and party walls.

"DWELLING, SINGLE-FAMILY ATTACHED." A building consisting of two or more dwelling units, each of which occupies a separate platted lot.

"DWELLING, SINGLE-FAMILY DETACHED." A building consisting of a single dwelling unit only, separated from other dwelling units by open space. "SINGLE-FAMILY DWELLINGS" shall include modular homes and may include mobile homes. (See definitions.)

"DWELLING, SINGLE-LEVEL." Any building containing exactly one-story above adjacent grade.

"DWELLING, TWO-FAMILY." A building consisting of two dwelling units which may be attached either side-by-side or one above the other, and each unit having a separate or combined entrance or entrances. Includes condominiums.

"DWELLING UNIT." A room or group or rooms designed and equipped exclusively for use as living quarters for only one family and including provisions for living, sleeping, cooking, and sanitary facilities. The term shall include manufactured and mobile homes but shall not include recreational vehicles.

"EASEMENT." An authorization or grant by a property owner to specific person(s) or to the public to use land for specific purposes.

"DRAINAGE EASEMENTS." These easements are for watercourses, drainage swales, streams, or buried storm water pipes or other structures that traverse the parcel, subdivision, or planned development. These easements shall be exclusive to that use and separate from the dedication of other utility easements.

"PERMANENT UTILITY EASEMENTS." These easements shall be provided where it is necessary to accommodate utilities that serve the parcel, subdivision, or planned development allowing for utility service in and through the parcel, proposed subdivision or planned development.

"TEMPORARY UTILITY EASEMENTS." These easements shall be provided where necessary to accommodate the installation of utilities that serve the parcel, subdivision, or planned development and typically expire after the initial installation of the required utilities.

"EASEMENT, NO ACCESS." A public easement along right-of-way across which the access to the property is not permitted.

"EIFS." External Insulation Finish System.

"ELDERLY HOUSING." Any dwelling units occupied 90% or more by persons 60 years of age or older.

"ELECTRICAL TRANSMISSION TOWER." A structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

"ELEVATION (BUILDING)." A two-dimensional scaled drawing of any side of a building or structure.

"ELEVATION CERTIFICATE." A certified statement that verifies the existing grade, pad, footings and/or structure elevation.

"ELEVATION CERTIFICATE." (for floodplain management purposes) A FEMA form, routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

"EMPLOYEE." The regular working staff, (paid, volunteer or otherwise) at maximum strength and in full-time equivalent numbers necessary to operate, maintain or service any given facility or use under normal levels of service.

"ENCLOSED AREA." An area of a structure surrounded by walls on all sides. Also known as an enclosure.

"ENCLOSURE." See "ENCLOSED AREA".

"ENCLOSURE BELOW THE LOWEST FLOOR." See "LOWEST FLOOR" and "ENCLOSED AREA".

"ENCROACHMENT." The advancement or infringement of uses, fill, excavation, buildings, permanent structures, or development into a sensitive natural environment, such as a floodplain or wetland

areas. Such encroachment may impede or alter the natural systems in place in those areas, including altering the flow capacity of a floodplain. Shall also be defined as any work, equipment, construction material, merchandise, furniture, or other related items that are located in public right-of-way.

"ENTERTAINMENT RELATED FACILITIES AND USES." Any use which is typically or commonly associated with permitted entertainment uses which may include but are not limited to:

(1) Amphitheater facilities. These accessory uses and structures can include but are not limited to stage houses, pavilion seating, lawn seating, sound amplification systems, lighting towers, hospitality rooms, guest rooms and suites, dressing rooms, firework displays.

(2) Concession and merchandise stands. This includes stands for the sale of food, alcohol and beverages; stands for the sale of event related merchandise; stands for the rental of customer convenience items such as lawn chairs or strollers; and other vendor kiosks or stations.

(3) Entrance/ticket facilities. These include entry plazas, bridge and ticket gates, and box office.

(4) Merchandise buildings. These include office, storage, warehouse, and sales administration related to merchandise tracking, preparation and on-site sales.

(5) Plaza areas. These areas include plaza stage, party plaza shelters and VIP club and plaza.

(6) Property management facilities. These include property management/grounds office buildings, maintenance buildings, storage buildings, workshops, and parking operations house.

(7) Restrooms and related accommodations including port-o-lets.

(8) Specialty lights for individual productions, concerts, and shows.

"EPA." The Environmental Protection Agency of the United States.

"EQUIPMENT COMPOUND." The area that:

(1) Surrounds or is near the base of a wireless support structure; and

(2) Encloses wireless facilities.

"EROSION." The removal of surface materials by the action of natural elements.

"ESCROW." The arrangement for the handling of instruments or money not to be delivered until specified conditions are met.

"ESSENTIAL SERVICES." The erection, construction, alteration, or maintenance of gas, electrical, communication facilities, steam, fuel, or water transmission or distribution systems, collection, supply, or disposal systems. Such systems may include: poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

"ESTABLISHMENT." Any business regulated by this chapter.

"EVERGREEN." A plant having green leaves or needles throughout the entire year.

"EXCAVATION." An operation for the movement, placement, or removal of earth, sand, gravel, rock, or any other material in or on the ground by use of tools or mechanized equipment or by discharge of explosives, including auguring, backfilling, boring, digging, ditching, drilling, driving, grading, jacking, plowing in, pulling in, ripping, scraping, trenching, and tunneling.

"EXCLUDED EVENT OR LOCATION." An area, location, or event where the operation of a mobile food vehicle is prohibited as stated in this chapter unless permission is received from the event organizer or Noblesville Park Board.

"EXISTING MANUFACTURED HOME PARK OR SUBDIVISION." A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

"EXISTING STRUCTURE." Does not include a utility pole or an electrical transmission tower.

"EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION." The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads).

"EXPLICIT SEXUAL MATERIAL." Any hard-core material.

"EXPOSITIONS, INDOOR." A public exhibition or show located entirely within an enclosed building which may include conventions, trade shows, auctions, flea markets, swap meets, or other types of exhibition. Expositions are typically a temporary use lasting no more than a weekend, a holiday weekend, or a maximum of one week period time.

"EXPOSITIONS, OUTDOOR." A public exhibition or show not located entirely within an enclosed building which may include conventions, trade shows, or other types of exhibition. Expositions are typically a temporary use lasting no more than a weekend, a holiday weekend, or a maximum of one week period time.

"FACADE." An exterior wall or face of a building.

"PRIMARY FACADE." The front exterior wall or face of a building that contains its main entrance and/or fronts a street.

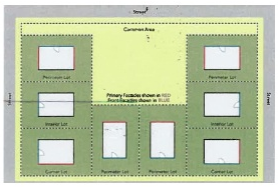
"SECONDARY FACADE." The exterior wall or face of a building that does not contain the its main entrance and/or does not front a street.

"FACADE." An exterior wall or face of a building.

"FRONT FACADE." Any exterior wall of a building containing the primary entrance and that is oriented towards and most parallel to a lot line with frontage on a street for which no buildable lots are located between the lot line and said street.

"PRIMARY FACADE." Any exterior wall of a building that is oriented towards and may be parallel to a lot line with frontage on a street, or fronting a common area, perimeter landscape buffer yard, and/or a Noblesville Alternative Transportation Trail for which no buildable lots are located between the lot line and said street, common area, Noblesville Alternative Transportation Trail, and/or landscape buffer yard.

"SECONDARY FACADE." Any exterior wall that is not considered a "PRIMARY FACADE" or "FRONT FACADE.



"FACADE VARIATION." Shifts in the plane of walls, setbacks, reveals, overhangs, and details in order to create fluctuation in the building's facade.

"FAIR MARKET VALUE." The value of land, structures, or both as determined by one or more professional real estate appraisers under the provisions of this chapter.

"FAIRGROUNDS." The Hamilton County (Indiana) Fairgrounds.

"FALSE-FRONT GABLE." A triangular shape that is created on the slope of the main roof and represents a gable used strictly for decorative purposes.

"FAMILY." An individual or two or more persons related by blood, marriage, guardianship, or legal adoption living together as a single housekeeping unit within a dwelling unit, plus no more than two domestic servants. A "FAMILY" may also consist of not more than three unrelated persons.

"FARM." See "AGRICULTURAL USES."

"FBFM." Flood Boundary and Floodway Map.

"FEMA." Federal Emergency Management Agency.

"FENCE." A freestanding structure, made of metal, masonry, composition, or wood, or any combination thereof, resting on or partially buried in the ground, rising above ground level designed and constructed for enclosure, confinement, protection, or screening.

(1) "DECORATIVE FENCE." An open ornamental (metal) fence which main purpose is to decorate or enhance the appearance of the existing lot and principal structure and is not being used as a visual enclosure or barrier. Columns for this type of fencing may include masonry, stone, wrought iron, brick, or a combination thereof. Fences consisting of chain-link mesh, welded or woven wire, barbed wire, or sheet metal fences, and metal pipe materials are excluded from this definition.

(2) "OPEN FENCE." A fence that is a minimum of 60% transparent as viewed from the outside of the fence. This type offence includes but is not limited to chain-link or vinyl-link without slats, split-rail or post and rail, picket, and wrought-iron.

(3) "SOLID/VISION BLOCK FENCE." A fence that is a minimum of 50% opaque as viewed from the outside of the fence. This type of fence includes but is not limited to wooden or vinyl shadowbox, stockade, concave, dog-ear cut, convex, panel and/or masonry materials such a brick or stone.

"FESTIVALS." A program of cultural performances, exhibitions, or competitions which include fairs, carnivals, haunted houses, as well as other seasonal celebrating activities such as holiday light shows. Festivals may include amusement rides and games. Festivals are typically a temporary use lasting no more than one week at a time or in some instances seasonal festivals may last the duration of the season.

"FILL." Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. Also, the material used to make a fill.

"FILL." (for floodplain management purposes) Any material deposited or placed that has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick, and unconsolidated material such as soil, sand, gravel, and stone.

"FINAL PLAT." See "PLAT, SECONDARY."

"FINANCIAL INSTITUTION." Any business that the primary occupation is concerned with federal or state regulated businesses such as banking, savings and loans, loan companies, and investment companies.

"FINISHED GOODS, ASSEMBLY AND PACKAGING." An establishment engaged in the assembly and/or packaging of finished goods for the purpose of wholesaling or distribution.

"FIRM." Flood Insurance Rate Map.

"FLAG." A rectangular piece of fabric of distinctive design that is or represents an official symbol of a nation, state, municipality, or the legal entity that occupies the property.

"FLEX or FLEXIBLE USES." Spaces designed to easily transition from one use to another with little or no alteration to the physical space.

"FLOOD" or "FLOODING." A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source;

(3) Mudslides (i.e., mudflows), which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

"FLOOD" or "FLOODING." Also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.

"FLOOD, REGULATORY." The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources (IDNR) and the Federal Emergency Management Agency (FEMA). The regulatory flood elevation at any location is as defined in § 159.109 (A)(3). The "REGULATORY FLOOD" is also known by the terms "BASE FLOOD", "1% ANNUAL CHANCE FLOOD", and "100-YEAR FLOOD".

"FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)." An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

"FLOOD FRINGE." Those portions of the floodplain lying outside the floodway.

"FLOOD HAZARD AREA." Any area subject to the 1% annual change flood. See "SPECIAL FLOOD HAZARD AREA".

"FLOOD INSURANCE RATE MAP (FIRM)." An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

"FLOOD INSURANCE STUDY (FIS)." The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

"FLOOD-PRONE AREA." Any land area acknowledged by a community as being susceptible to inundation by water from any source. See "FLOODPLAIN".

"FLOOD PROTECTION GRADE (FPG)." The base flood elevation (BFE) plus two feet at any given location in the SFHA. See "FREEBOARD".

"FLOODPLAIN." The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The "FLOODPLAIN" includes both the floodway and the floodway fringe districts. The "FLOODPLAIN" is shown on the FIRM map(s).

"FLOODPLAIN MANAGEMENT." The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, the natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"FLOODPLAIN MANAGEMENT REGULATIONS." Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power that control development in flood-prone areas. The term describes such state or local regulations, in any combination thereof, that provide standards for flood damage prevention and reduction.

"FLOODPROOFED BUILDING." A building designed to exclude floodwaters from the interior of that building or otherwise preclude the possibility of flood damage. All such floodproofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood, as certified by a registered professional engineer or an architect licensed to practice in the state.

"FLOODPROOFING (DRY)." A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation, with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris-impact forces.

"FLOODPROOFING CERTIFICATE." A form used to certify compliance for non-residential structures as an alternative to elevating structure to or above the flood protection grade.

"FLOODWATERS." The water of any lake, stream, creek, drainage ditch or watercourse that is above its banks and/or outside of the channel and banks of said lake, stream, creek, drainage ditch or watercourse.

"FLOODWAY." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"FLOODWAY FRINGE." Those portions of the Flood Hazard Areas lying outside the floodway as shown on the FIRM map(s).

"FLOOR AREA, GROSS." The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior walls. It includes the total of all space on all floors of a building, except for porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses. The "GROSS FLOOR AREA" is generally applied in residential use.

"FLOOR AREA (FOR THE PURPOSE OF PARKING CALCULATIONS)" The total horizontal areas of the one or several floors of the building or portion thereof devoted to the use, from the exterior face of exterior walls, but excluding any space where the floor to ceiling height is less than six feet.

"FLOOR AREA, NET." The gross floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, display windows, fitting rooms, etc. The "NET FLOOR AREA" is generally applied in non-residential use.

"FLOOR AREA RATIO." The net floor area of the building divided by the area of the lot(s) on which such building is located.

"FLOOR LEVEL." A continuous supporting surface extending horizontally throughout the building.

"FOOD PRODUCTION." An establishment engaged in manufacturing, processing, and/or packaging of food products for wholesaling and distribution.

"FOUNDATION." The supporting member of a wall or structure.

"FOUNDATION, PERMANENT." A structural support system for transporting loads from a structure to the earth at a depth below the frost line without exceeding the safe bearing capacity of the supporting soil.

"FREEBOARD." A factor of safety, usually expressed in feet above the base flood elevation (BFE), which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

"FRINGE (FLOOD FRINGE)." Those portions of the floodplain lying outside the floodway.

"FRONTAGE." Property connected directly with a street or highway. For the purpose of determining frontage, an alley is not considered to be a street or highway.

"FRONT ENTRY." The main entrance to a structure that fronts on or gives direct access to a street or road.

"FUNCTIONALLY DEPENDENT USE." An activity or establishment that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"FUNERAL HOMES." See "MORTUARY OR FUNERAL HOME."

"GALLERY/MUSEUM." A privately-operated facility or area for the acquisition, preservation, study, exhibition or sale of works of artistic, historic or scientific value.

"GARAGE, COMMUNITY." A detached accessory structure, or collection of detached accessory structures, used for the storing or parking of passenger vehicles and/or recreational vehicles and/or boats of the occupants of the premises. Such uses shall be permitted only inside multi-family developments.

"GARAGE DOOR PERCENTAGE (SINGLE-FAMILY DETACHED STRUCTURES IN PD'S ONLY)" The ratio of the area of all garage doors divided by the total area of the facade on which the garage doors are located. In a residential planned development, this calculation would include the roof, windows, and doors on said overall facade.

"GARAGE, PRIVATE." A detached accessory structure, or a portion of the principal building, used for the storing or parking of passenger vehicles and/or recreational vehicles and/or boats of the occupants of the premises.

"GARAGE, PUBLIC OR COMMERCIAL." A principal building or accessory structure other than a private or storage garage, used for the parking or temporary storage of passenger vehicles.

"GARAGE SALE (RUMMAGE SALE, NEIGHBORHOOD, ESTATE AND OTHER SIMILAR ACTIVITIES)" The sale or offering for sale to the general public of personal property on any portion of a lot in any zoning district, either within or outside of a structure on a temporary basis. It includes a single individual, a group of individuals, and/or a sale conducted by a religious, school, or not-for-profit organizations.

"GARAGES, COMMUNITY." Multi-bay structures used for storage or vehicle parking offered for rent within a multi-family development.

"GLASS." A hard, brittle transparent or translucent substance, produced by melting a mixture of silica oxides; while molten it may be blown, drawn, rolled, pressed, or cast into a variety of shapes.

"GLASS BLOCK." Two sheets of plate glass with an air space between them, formed into a sealed modular hollow block.

"GOLF COURSE." An area of land laid out for golf with a series of nine or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. Naturalized areas are acceptable alternatives to resurfaced and well-manicured courses. This definition may include a driving range accessory to the golf course, but a driving range as a primary use shall not constitute a "GOLF COURSE."

"GOVERNMENT OFFICES." An office use owned or operated by a unit of government, except for fire and police stations, post offices, libraries, or other government-owned or operated uses elsewhere specified in the Schedule of Uses. This definition also shall not include offices which are accessory to the primary use of a lot or structure, such as parks or utility plants.

"GOVERNMENT USE." The use of land within the zoning jurisdiction of the City of Noblesville by a political subdivision (as such term is defined in I.C. 36-1-2-13 and including any Board, Commission, Authority, or Committee of any such political subdivision) to advance the governmental ends of said political subdivision.

"GRACE PERIOD." An extension of time granted for correction, termination, or cessation of a violation of this Unified Development Ordinance or related codes.

"GRADE." The level of the ground. Elevation.

"GRADE, AVERAGE." The mean elevation of the land measured at the front setback line between the side lot lines.

"GRADE, FINISHED." The elevation of the finished surface of the ground adjoining the building or structure after final grading and normal settlement.

"GRADING PLAN." A drawing(s) indicating the existing vertical elevation of the ground prior to any excavation, filling, or other construction activity and the resulting vertical elevation of the ground surface after man-made alterations have been completed.

"GRANDFATHER, GRANDFATHERED, GRANDFATHERING." See "NONCONFORMING LOT, USE, STRUCTURE."

"GREEN BELT." A landscaped area required in the MO District which measures 25 feet in depth and the width of the building plus 20 feet in length, and is installed on all sides of the building.

"GREEN SPACE." Areas designated for public gatherings or recreation.

"GROSS LEASABLE AREA." Gross floor area minus elevator shafts and stairways, public restrooms, public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the buildings from the exterior; and permanently designated corridors.

"GROSS PUBLIC FLOOR AREA." The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

"GROUND FLOOR LEVEL." That level of a structure which is not more than three feet above or three below grade as defined in this chapter. It is generally the first floor of living area.

"GROUNDCOVER." A species of low-growing plant used for the purpose of growing over an area of ground.

"GROWTH HABIT." The mode or rate of growth, general shape, mature size, and branching structure of a plant including the changes that take place seasonally during its life cycle.

"GUYED TOWER." A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

"HABITAT PRESERVATION AREA." An area of a site in which the entire natural habitat is unchanged and protected for the preservation of trees, storm water infiltration, and/or wildlife.

"HARD-CORE MATERIAL." Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

"HARDSCAPE." The non-living elements used in landscape such as decorative walls, ledges, fountains, sculptures, stone paths, etc.

"HARDSHIP." The exceptional burden that would result from failure to grant a requested variance. The Board of Zoning Appeals requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended. "HARDSHIP"also does not result from an inability to use a parcel exactly as intended by the property owner as long as there remains a viable use of the property.

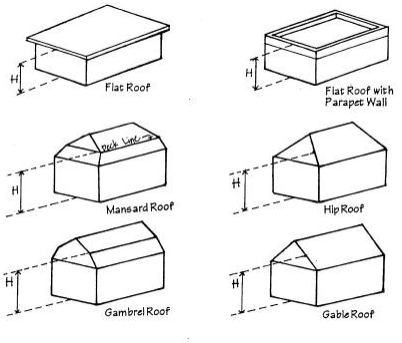
"HEADQUARTERS." A facility that is the center of operations for an organization or company. Also may be called the chief administrative office.

"HEALTH FITNESS FACILITY." A place that provides activity components including strength training, muscular development, and endurance training and nutritional guidance conducted by a personal trainer or as group sessions.

"HEALTH OFFICER." Any Officer of authority within the Hamilton County Health Department and Indiana State Health Department.

"HEDGE." a row or rows of closely planted shrubs, bushes, or combination thereof creating a vegetative barrier.

"HEIGHT, BUILDING." 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. (See also "HEIGHT, STRUCTURE.")



"HEIGHT, SIGN." The vertical distance measured from the highest point of the sign to the finished grade of the ground immediately beneath the sign. For those instances when the sign is constructed on an artificially constructed earthen berm, the "SIGN HEIGHT" shall be measured from the highest point of the sign to the base of the earthen berm.

"HEIGHT, STRUCTURE." The vertical distance measured from the average finished elevation to the highest point of the structure.

"HELIPAD." A location which is occasionally set aside for helicopters to land and take off which is intended to be an accessory use that is temporary in nature.

"HELIPORT." A place for helicopters to land and take off usually constructed of an asphalt or concrete pad that is appropriately marked and lighted.

"HERBACEOUS PLANT." A plant with a non-woody stem, typically the above-ground growth dies back in the winter.

"HIGHEST ADJACENT GRADE." Highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

"HIGHWAY." See "STREET."

"HISTORICAL SIGNIFICANCE." The process used to evaluate what was noteworthy about selected architectural styles and developments in the past that had an impact towards changing the future as well as its relationship to current housing styles and determining final decisions of current architectural styles relevance to the earlier architectural styles.

"HISTORIC STRUCTURE." Any structure that is:

(1) Individually listed on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by:

(a) An approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of Interior in states without approved programs.

"HOME OCCUPATION." A business use conducted completely within a dwelling unit, carried on by any member of the immediate family residing on the premises, clearly incidental and secondary to the use of the dwelling for residential purposes.

"HOMOGENEITY." The uniformity of the overall structure, resulting from the compatibility of components.

"HOSPITAL." An institution licensed by the State Department of Health and providing health services primarily for inpatient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of "HOSPITALS" include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.

"HOTEL." A building in which lodging is offered with or without meals principally to transient guests and that provides a common entrance, lobby, halls, and stairways. See also "MOTEL, BED AND BREAST ESTABLISHMENT, AND BOARDING HOUSE."

"HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS." Analysis performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

"IDNR." The Indiana Department of Natural Resources.

"ILLUMINATION." An artificial light source incorporated internally or externally for the purposes of illuminating the sign.

"ILLUMINATION, BARE-BULB." A light source which consists of light bulbs with a 20 watt maximum wattage for each bulb.

"ILLUMINATION, FLOOD." A light source which shines directly upon the object which it is intended to illuminate.

"ILLUMINATION, HALO-LIT." Individually mounted opaque, internally backlit letters that illuminate the wall or surface to which they are attached.

"ILLUMINATION, INDIRECT." A light source which does not directly shine upon the object which it is illuminating.

"ILLUMINATION, INTERNAL." A light source that is concealed or contained within the object which it is intended to illuminate and becomes visible in darkness through a translucent .

"IMPACT." The effect of one land use upon another as measured by traffic or noise generation; site activity, hours of operation, site lighting, vibration, smoke or odor emissions or similar factors.

"IMPERVIOUS SURFACE." Any surface that does not allow water to be absorbed or percolate into the ground. Such surfaces include areas covered by buildings, porches, patios, swimming pools, tennis courts and also includes surfaces constructed of asphalt, concrete, gravel composite, brick, stone, tile, or any other paving material used for parking, driveways, and walkways.

"IMPROVEMENT." Any alteration to the land or other physical constructions associated with subdivision and building site development.

"IMPROVEMENT LOCATION PERMIT." A permit issued by the Director of Planning and Development permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure as a part of a building permit and/or the alteration of the condition of land, change of use or occupancy, or any change that is subject to the provisions of this chapter not governed by other requirements. A separate improvement location permit shall be issued for grading, earthwork, pad elevations, and similar activities and is required prior to the issuance of a building permit and/or in conjunction with the approval of the Technical Advisory Committee members. A performance bond is required in the amount of 110% of the improvements and/or disturbance of the land including grading, topsoil removal, excavation etc. and shall be posted with the Department of Planning and Development prior to the issuance of an improvement location permit for any land disturbance activities associated with multi-family, commercial, industrial, and/or institutional uses.

"IMPROVEMENT, PUBLIC." Any drainage ditch, roadway, sidewalk, tree, lawn, off-street parking area, main, or other facility for which the local or state government may ultimately assume the responsibility for maintenance and/or operation, or which may affect an improvement for which local or state government responsibility is established. All such improvements shall be properly bonded. See also "INFRASTRUCTURE."

"IMPROVEMENT, SUBSTANTIAL." Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage regardless of the actual repair work performed. The term does not include those improvements of structures to correct existing violations of state or local health, safety, sanitary code requirements or an alteration of a historic structure, provided said alteration shall not preclude the structures continued designation as a historic structure.

"IMPROVEMENT, TEMPORARY." Improvements built and maintained by a subdivider during construction of the subdivision and which may become permanent prior to release of the performance bond.

"IMPROVEMENT LOCATION PERMIT." A certificate issued by the Director of Planning and Development permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within the locality, or cause the same to be done.

"INCREASED COST OF COMPLIANCE (ICC)." The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997 will include ICC coverage.

"INDIVIDUAL LETTERS." May include channel letters/figures, sandblasted letters/figures, wood-carved letters/figures or other types as determined by the Director of Planning and Development or his or her designee.

"INDIVIDUAL SEWAGE DISPOSAL SYSTEM." A septic tank, seepage tile, sewage disposal system, or any other approved sewage treatment device designed for use in a limited area.

"INDOT." The Indiana Department of Transportation.

"INDUSTRIAL, EXTRACTIVE." Any mining, quarrying, excavating, processing, storing, separating, or cleaning, of any mineral natural resource.

"INDUSTRIAL, HEAVY." Manufacturing, processing, assembly, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution.

"INDUSTRIAL, LIGHT." Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

"INFRASTRUCTURE." The fixed public works and facilities necessary in a community, such as sewers, water systems, and streets.

"INNOVATION." A facility that enables problem-solving and provides creative insight that allows things to be looked at from a different perspective. Includes assembly facilities, research and design labs, and technology related production uses.

"INSTITUTIONAL." Public and quasi-public land uses which enhance the community's quality of life, such as schools, churches, libraries, or hospitals, but not including such uses as utility plants or garages.

"INTEGRATED DEVELOPMENT." A development containing three or more stores, service establishments, offices or other permitted uses planned, organized, and managed to function as a unified whole and featuring all or some of the following features in common: (1) driveways, (2) parking, (3) signage plan, (4) landscaping plan, and/or platted as a subdivision that may include outlots for lease or for sale.

"INTERNATIONAL CODE COUNCIL-EVALUATION SERVICE (ICC-ES) REPORT." A document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified and installed.

"INVASIVE PLANT SPECIES." An alien species that is not native to the ecosystem under consideration and whose introduction does or is likely to cause economic or environmental harm or harm to human, animal, or plant health.

"ITEM OF INFORMATION." A word, an initial, a logo, an abbreviation, a number, a symbol, or a geometric shape.

"JUNK YARD/SALVAGE YARD." Any place at which person property is or may be salvaged for reuse, resale, reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted, including but not limited to used or salvaged base metal or metals and their compounds or combinations; used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick, and other similar properties, except animal matter and used motor vehicles or the equipment which is used, owned or possessed for the purpose of wrecking of salvaging parts therefrom.

"JURISDICTION." Jurisdiction of local government means all land within its boundaries and any land outside its boundaries over which it is authorized to exercise powers under state planning legislation.

"KENNEL." Any premises where more than three dogs and/or cats over four months of age are housed, groomed, bred, boarded, trained, and/or sold, except for those which are primarily kept indoors at a single- family residence as domestic pets.

"KENNEL, COMMERCIAL." A place primarily for the keeping of three or more dogs, cats, or other small animals of at least four months of age that are housed, groomed, bred, boarded, trained, and/or sold.

"KENNEL, PRIVATE." A place for keeping three or less dogs, cats, or other small animals for personal use and enjoyment which are primarily kept indoors at a residence as domestic pets and is subordinate to the primary use.

"LABORATORY." A place equipped for experimental study in a science or for testing and analysis, including chemical labs, dental-medical labs, and labs performing mechanical. electrical, physical or environmental tests.

"LAMP." The component of a luminaire that produces the actual light.

"LAND." The earth, water, and air above, below, or on the surface, including any improvements or structures customarily regarded as land.

"LAND USE DESIGNATION." The classification of land according to the general use allowed therein, under which certain regulations are imposed and which appears in one or more locations on the City of Noblesville's Comprehensive Master Plan Land Use Map.

"LAND USE MAP." The official City of Noblesville's map that is a part of the Comprehensive Master Plan which generalizes boundaries of the land use designations.

"LANDSCAPE AREA." Areas on or adjacent to a lot or right-of-way or the perimeter of a development that are identified for application of landscaping regulations. "LANDSCAPE AREAS" include street tree plantings, parking lots including islands and perimeter, foundation planting areas, building base landscaping areas, peripheral buffer yard areas, LID Stormwater BMPs, and retention/detention pond areas.

"LANDSCAPE BUFFER YARD." An area adjacent to the front, side, and rear property lines of a development, measured perpendicularly from and parallel to adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent properties and rights-of-way, or to maintain natural features, or as required by this chapter. Buffers help to maintain existing trees and natural vegetation; to block or reduce noise, glare, or other emissions; and to maintain privacy. "LANDSCAPE BUFFER YARDS" are in addition to and separate from front, side, and rear yard setbacks and are not contained within any lots. This area is common area to be maintained by the property owners, homeowners association, developer(s) and/or another entity approved by the Director of Planning and Development.

"LANDSCAPE ISLAND." A landscape area defined by a curb or edge of pavement and surrounded on all sides by pavement. To function as a LID Stormwater BMP, the landscape island shall be at a lower grade than the surrounding pavement and strategic breaks in the curbing shall allow drainage from pavement to enter into the recessed landscaping area.

"LANDSCAPE MATERIALS." Trees, shrubs, grasses, plants, decorative fences, walls, berms, irrigation systems, flower beds, ground cover, and edging. Xeriscaping landscape materials are encouraged to function as LID Stormwater BMPs. Artificial trees, shrubs, grasses, plants, flowers, ground cover are not considered "LANDSCAPE MATERIAL."

"LANDSCAPE PENINSULA." A landscaped area defined by a curb or edge of pavement and surrounded by paving on three sides. To function as a LID stormwater BMP, the landscape peninsula shall be at a lower grade than the surrounding pavement and strategic breaks in the curbing shall allow drainage from pavement to enter into recessed landscape area.

"LANDSCAPE PLAN." A scaled drawing, prepared by a licensed landscape architect or a landscape contractor, showing all plant materials including locations, sizes, species (botanical and common names) at the time of planting, signed by one of the above including a license number for the landscape architect. The mature tree canopy size shall be included.

"LANDSCAPE, STRUCTURE (HARD SCAPE)." Decorative fences, walls, retaining walls, decorative rocks, pavers, fountains, or like materials.

"LANDSCAPING." The improvements of an area with trees, shrubs, grasses and other vegetation and/or ornamental objects. Landscaping may include flowerbeds, berms, fountains, depressions for LID Stormwater BMPs, and other similar and man-made objects designed and arranged to create an aesthetically pleasing effect.

"LATTICE TOWER." A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

"LAUNDRIES/DRY CLEANERS WITH ON-SITE PLANT." A commercial laundering or dry cleaning establishment that contains the cleaning facilities on-site.

"LETTER OF CREDIT." An irrevocable letter of credit, issued by a bank on behalf of a developer, subdivider, owner, or their designated representative, providing a cash surety to a governmental body, guaranteeing the completion of physical improvements according to the approved plans and specifications, within a prescribed time.

"LETTER OF FINAL DETERMINATION (LFD)." A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

"LETTER OF MAP CHANGE (LOMC)." A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:

(1) CONDITIONAL LETTER OF MAP REVISION (CLOMR). FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway;

(2) "CONDITIONAL LETTER OF MAP REVISION BASED ON FILL (CLOMR-F)." A letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood;

(3) "LETTER OF MAP AMENDMENT (LOMA)." An amendment by letter to the currently effective FEMA map that establishes that a building or land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA;

(4) "LETTER OF MAP AMENDMENT OUT AS SHOWN (LOMA-OAS)." An official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations;

(5) "LETTER OF MAP REVISION (LOMR)." An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations;

(6) "LETTER OF MAP REVISION BASED ON FILL (LOMR-F)." FEMA's modification of the SFHA shown on the FIRM, based on the placement of fill outside the existing regulatory floodway.

"LEVEL OF SERVICE." A qualitative measure describing operational conditions within a traffic stream and the perception thereof by road users. Level of Service standards may be evaluated in terms such as speed and travel, time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety. The highway capacity manual defines six levels of service for each type of facility for which analysis procedures are available. They are given letter designations from 'A' to 'F', with level of service 'A' representing the best operating conditions and level of service 'F' the worst operating conditions, as calculated by a methodology endorsed by the Institute of Transportation Engineers (ITE).

"LIBRARY." A permanent building or portion of a building whose primary use is the temporary loan of books and other reading material to the public. Such uses may also include the loan of audio or video tapes, the use of computer hardware and software, and meeting rooms.

"LIGHT FIXTURE." The assembly that houses a lamp or lamps.

"LIGHT SOURCE." Source from which light emanates either directly from a bulb or indirectly from a reflective enclosure, lens, or diffuser. Light level meters are used to measure such intensities and are calibrated in foot-candles or Lux.

"LINGERIE MODELING STUDIO." An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet either as a temporary or primary use.

"LOADING BERTH." An off-street space for the temporary parking of a commercial vehicle while loading and unloading goods or materials within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscaping areas, office and work areas.

"LOADING SPACE, OFF-STREET." Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

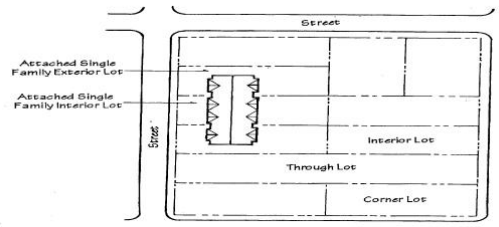
(1) Required off-street loading space is not to be included as off-street parking space in computation of required off- street parking space.

(2) All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

"LOGO." The official emblem or insignia of an organization, corporation, or institution.

"LONG TERM CARE FACILITIES." See "CONVALESCENT, NURSING OR REST HOME."

"LOT." A parcel of land located within a single block and may be either a lot of record or a zoning lot.



"LOT, CORNER." A lot located at the intersection of two or more streets, the interior angle of such intersection not exceeding 135 degrees. A lot abutting a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than 135 degrees in front of the lot.

"LOT, FLAG." Any lot that does not meet the minimum street frontage requirements and that continues the narrow width from the frontage for some distance and becomes wider and takes shape as a rectangle or similar shape of which said lot resembles a hanging flag from a flag pole.

"LOT, INFILL." A lot or parcel bordered on at least two sides by another established development.

"LOT, INTERIOR." A lot with only one frontage on a street.

"LOT PERIMETER." Any lot located adjacent to a common area, perimeter landscaping buffer, and/or a Noblesville Alternative Transportation Trail for which no buildable lots are located between said lot and said street(s).

"LOT, REVERSED FRONTAGE." A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

"LOT, THROUGH." A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

"LOT, ZONING." A single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under a single ownership or control. A zoning lot may not coincide with a lot of record.

"LOT AREA." The area of any lot exclusive of street, highway, alley, road, or other rights-of-way, the area of the horizontal plane of the lot bounded by the vertical plans of the front, side, and rear lot lines. Easements are considered to be part of the lot area.

"LOT COVERAGE." The ratio of the enclosed ground floor area of all buildings on a lot to the total area of the lot.

"LOT COVERAGE, MAXIMUM." The percentage of buildable lot that can be covered with impervious surface including but not limited to principal buildings and accessory structures, parking, driveways, and walkways.

"LOT DEPTH." The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

"LOT FRONTAGE." The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "YARDS" in this section.

"LOT LINE, REAR." The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the lot has two front yards (those fronting on a street) and two side yards.

"LOT LINE ADJUSTMENT." A division made for the purpose of adjusting a boundary line(s), which does not create any additional lot; cause any lot to contain insufficient area, dimensions or building setbacks, or reduce the overall area in a subdivision plat devoted to open space and which is not inconsistent with any restrictions or conditions of approval for the recorded plat, and does not have a common boundary and does not circumvent the subdivision procedures as set forth in this chapter.

"LOT WIDTH." The horizontal distance between the side lot lines, measured at the building setback line.

"LOT LINE, FRONT." On an interior lot, the line separating the lot from the street. On a corner or through lot, the line separating the lot from either street.

"LOT LINE, REAR." The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the side of the house considered to be the front.

"LOT LINE, SIDE." Any lot line other than a front lot line or rear lot line.

"LOT OF RECORD." A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder; or a lot or a parcel described by metes and bounds, legally defined and duly recorded in the office of the County Recorder prior to January, 1974.

"LOW IMPACT DEVELOPMENT (LID)." A land planning and engineering design approach with a goal of replicating the pre-development hydrologic regime of urban and developing watersheds. The primary goal of LID is to mimic a site's predevelopment hydrology by reducing the impervious surface, infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

"LOWEST ADJACENT GRADE." Lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

"LOWEST FLOOR." (for floodplain management purposes) The lowest elevation described among of the following:

(1) The lowest floor of the structure;

(2) The basement floor;

(3) The garage floor, if the garage is connected to the structure;

(4) The first floor of a structure elevated on pilings or pillars;

(5) The floor level of any enclosure, other than the basement, below an elevated structure, where the walls of the enclosure provide any resistance to the flow of floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria:

(a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters;

(b) At least two openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings; and

(c) Such enclosed space shall be usable solely for the parking of vehicles and building access.

(6) The first floor of a building elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.

"LUMEN." A unit used to measure the amount of light emitted by lamps.

"LUMINAIRE." The complete lighting system including the lamp and fixture.

"LUX." Unit of luminance in the International System of Units (SI) equal to one lumen per square meter.

"MACHINERY AND EQUIPMENT REPAIR." An establishment providing repair for heavy machinery or equipment, such as farm or construction equipment.

"MAIN ROOF." The major (predominant) structure forming the upper covering of a building.

"MAJOR CHANGE (as applies to Planned Developments)." An amendment which alters the concept or intent of the Planned Development or changes in the final governing agreements, provisions, waivers, stipulations, conditions, or covenants where such changes conflict with the approved preliminary development plan including: (1) increases in density (residential); (2) a 10% or greater increase in the quantity of approved diverse housing types; (3) modifications to the proportion or allocation of land uses; (4) lessening of aesthetic treatments of structures, buildings, signs, and/or landscaping; (5) modifications in the functional use of open space; (6) modifications to the street system, access to the development, and/or off-street parking areas affecting traffic patterns, alignment, or intensity greater than 10% of the planned development area; (7) modifications to utilities including water, electricity, gas, drainage, and other infrastructure greater than 10% of the planned development area; (8) significant changes to the drainage management systems including but not limited to BMP'S and legal drains; and/or any other modification that is not specifically listed and is determined significant by the Director of Planning and Development.

"MANUFACTURED HOME." A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.), was constructed after January 1, 1981, and exceeds 950 square feet of occupied space. For the purposes of floodplain management, a structure, transportable in one or more sections, built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "MANUFACTURED HOME" does not include a "RECREATIONAL VEHICLE."

"MANUFACTURED HOME PARK OR SUBDIVISION." A parcel or collection of contiguous parcels that have been allocated into sites or lots for installation of manufactured homes. The sites or lots may be offered for rent or sale.

"MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE." Title IV of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et. seq.), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include HUD-approved information supplied by the home manufacturer, and regulations and interpretations of the code by the Indiana Administrative Building Council.

"MANUFACTURING, GENERAL." An establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics. resins, or liquors.

"MANUFACTURING, LIGHT." Clean, low intensity, (non-polluting and no nuisance) manufacturing uses.

"MAP AMENDMENT." (for flood purposes only) Change of the effective NFIP map that results in the exclusion from the Special Flood Hazard Area (SFHA) of an individual structure or a legally described parcel of land that has been inadvertently included in the Special Flood Hazard Area (SFHA) (i.e. no alterations of topography have occurred since the date of the first NFiP map that showed the structure or parcel to be within the Special Flood Hazard Area (SFHA)).

"MARKER (SURVEY)." A stake, pipe, rod, nail or any other object that serves to identify something and that is not intended to be a permanent point for record purposes such as on a lot or within a subdivision.

"MARKET VALUE." The building value, excluding the land, as agreed upon by a willing buyer and seller, as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal, replacement cost depreciated by age of the building (actual cash value), or adjusted assessed values.

"MARINA." Any land, building, structure, or premises used for the launching, docking, and storage of marine craft.

"MARINE CRAFT SALES, REPAIR, AND SERVICE." Any land, building, structure, or premises used for the sale, repair, and/or service of new or used marine craft.

"MASONRY." Brick, stone such as marble, granite, travertine, limestone, concrete block, glass block, tile and other similar materials and/ or a siding made from natural and sustainable raw materials including cement, sand, wood fiber and water.

"MASSAGE STUDIO." Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body, which occurs as a part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in or by any licensed hospital; nor by a licensed physician, surgeon, chiropractor or osteopath; nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath; nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program; nor by any person or entity that operates in compliance with the Noblesville City Code of Ordinances Title XI, Chapter 113.

"MASTER PLAN." See "COMPREHENSIVE PLAN."

"MATERIAL PATTERN." An artistic design resulting from the arrangement of cladding materials including but not limited to horizontal siding, board and batten siding, shake shingles, and/or masonry.

"MATERIAL PERCENTAGE." The ratio of the area of a particular cladding material divided by the sum of all other cladding materials on an architectural plane excluding the roof, windows, and doors.

"MEDIA." Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. "MEDIA" includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-roms, other magnetic media, and undeveloped pictures.

"MEDIA SHOP." A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, "MEDIA SHOP" means a retail outlet offering media for sale or rent, for consumption off the premises if any outlet meeting the definition of adult media shop shall be treated as an adult media outlet. "MEDIA SHOPS" may contain adult media, which constitutes less than 10% of the stock in trade and occupies less than 10% of the floor area.

"MEDICAL OFFICES." See "OFFICE, MEDICAL."

"MEETING OR PARTY HALL." A building, structure, or space designed for public assembly providing an area for open discussion or a particular service and containing at least one room having an area equivalent to 400 square feet.

"METES AND BOUNDS." A description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

"MICROBREWERY." A limited-production facility, typically producing specialty beers and ales and often selling its products only locally or on the premises.

"MIDLAND TRACE." Any property conveyed to the City of Noblesville, by title or easement, for purposes of the establishment of the Midland Trace public recreational trail.

"MINERAL/SAND/GRAVEL EXTRACTION." The excavation of, or mining of, sand, gravel, rock and other earth materials, and/or minerals, and the processing, storage, stockpiling, distribution and sale thereof.

"MINOR CHANGE (as applies to Planned Developments)" An amendment that does not alter the intent, objectives, conditions, stipulations, waivers, or findings of the approved plan and does not significantly differ from the plan/ordinance adopted. Minor amendments may include (1) alteration of plant materials or type; (2) locations and/or specifications of lighting; (3) additions of emergency generators that have limited impact both visually and acoustically to the surrounding properties; (4) addition of electric vehicle charging stations or bike-share facilities; (5) modifications to the appearance of entrance/subdivisions signs; (6) changes to lot arrangement but not lot size; (7) reduction of parking spaces by less than 5% of what is required by the Unified Development Ordinance (UDO) provided it does not increase intensity or fall below the minimum parking requirements of the UDO; (8) minor modifications to drainage management structures; (9) modifications in access to the development site where such change is a reduction in intensity in the traffic patterns of the roadway; (10) addition of or modifications to fencing; and/or (11) modification of trails/sidewalks but not the elimination of such and any modification that is determined by the Director of Planning and Development meeting this definition.

"MITIGATION." Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

"MOBILE FOOD VEHICLE." Any motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed, or stored and used to sell and dispense food to the consumer that holds all requisite health department, business, and resale licensures to sell food and beverages. Mobile units must be mobile at all times during operation.

"MOBILE HOME." Any factory fabricated portable structure, residential or non-residential, designed to be towed or transported on its own chassis for placement on a temporary or permanent foundation, or on its own structure or elements thereof, without the aid of house moving equipment or other specialized but separate supporting apparatus, and which is not a "manufactured home" as defined by this chapter. "MOBILE HOME" shall include double-wide mobile homes of two such units designed to be used in combination at a building site. This definition is not intended to apply to other modular housing or prefabricated housing panels, trusses, or other sub-elements, nor any other dwelling unit which is defined as a "manufactured home" by this chapter.

"MOBILE HOME PARK." A tract of land under single, joint or common ownership designed in such a manner as to provide sites for mobile homes in a residential environment.

"MOBILE HOME SUBDIVISION." A tract of land divided into individual lots for the purpose of setting mobile homes on lots generally owned by the occupant of the mobile home and arranged in such a manner as to provide a residential community environment.

"MOBILE HOME TIE-DOWNS." Sufficient anchorage to resist floatation, collapse or lateral movement of any mobile home. At a minimum, such anchorage shall consist of one over-the-top tie provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations, except mobile homes less than 50 feet long require only one additional tie per side; and two frame ties provided at each corner of the home with five additional ties per side at intermediate points, except mobile homes less than 50 feet long require only four additional ties per side. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds. Any additions to the mobile home shall be similarly anchored.

"MODEL HOME." A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision or development.

"MONOPOLE." A telecommunication tower consisting of a single-pole constructed without guy wires and ground anchors.

"MONUMENT." Any permanent marker either of stone, concrete, galvanized iron pipe, or iron or steel rods, used to identify the boundary lines of any tract, parcel, lot, or street lines.

"MORTUARY OR FUNERAL HOME." An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for funerals. See also "CEMETERY."

"MOTEL." A building in which lodging is offered with or without meals principally to transient guests and that provides each unit with individual entrances from the outdoors. See also "HOTEL," "BED AND BREAKFAST ESTABLISHMENT," and "BOARDING HOUSE."

"MOTOR VEHICLE, COMMERCIAL." Any motor vehicle used or designed for: (a) use in pulling, towing, hauling, transporting or (b) as a temporary or permanent base, platform, or support for equipment, machinery, materials, or other goods (including but not limited to stake body trucks, dump trucks, trucks or trailers having dual rear wheels or more than two axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one axle or having an overall length of more than 12 feet; or (c) passenger vehicles marked by signage, logos or commercial messages. This definition does not apply to motor vehicles which serve as a source of transportation for an individual residing at the premises where the vehicle is stored or parked on a regular basis and is not used in any commercial activity or vehicles and trailers used for the transport of livestock or goods associated with and located upon the premises of a property used for farming or grazing.

"MOUND." See "BERM."

"MURAL, ART." Original works (i) created by an individual or team that are designed with the intent of producing a creative or aesthetic outcome, (ii) are not used for advertising a business, product, service, or commercial activity, and (iii) is painted, drawn, or similarly applied on the exterior of a structure for artistic expression. The only lettered or numeric messaging includes the artist's name and date of installation.

"NATIONAL FLOOD INSURANCE PROGRAM (NFIP)." The federal program that makes flood insurance available to owners of property within participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

"NATIVE PRAIRIE GRASSES." A mixture of perennial grasses that historically populated the prairie ecosystem of the United States that contain no trees. Prairie grasses may vary by region.

"NATURAL AREAS." Any critical area such as a floodplain, wetlands, high tree concentrations, critical habitats that contain rare, threatened, or endangered species, wooded slopes, wooded or partially wooded stream, woodlands, and riparian areas.

"NATURAL CONDITION." The condition that arises from, or is found in nature unmodified by human intervention.

"NATURAL DRAINAGE." Drainage channels, routes, and ways formed over time in the surface topography of the earth prior to any modifications or improvements made by unnatural causes and/or human intervention.

"NATURAL FEATURES." The physical characteristics of a property or area that are not man-made, such as soil types, geology, slopes, vegetation, and drainage patterns.

"NATURAL GRADE." (for floodplain management purposes) The elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard

on a FEMA map is also considered natural grade.

"NAVD." North American Vertical Datum.

"NEIGHBORHOOD." An area with distinctive characteristics that distinguish it from others including economic bases, housing types, schools, development styles or patterns, or boundaries defined by distinct physical barriers such as railroads, arterial streets, rivers or major water bodies and/or similar characteristics and boundaries that include both geographic and social components.

"NEIGHBORHOOD DELIVERY CENTERS (POSTAL KIOSKS)." A freestanding, sheltered or enclosed installation containing a large number of individually locked, wall-mounted mailboxes and compartments.

"NEW CONSTRUCTION." Structures for which the "start of construction" commences on or after the effective date of this chapter. For floodplain management purposes, any structure for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

"NEW MANUFACTURED HOME PARK OR SUBDIVISION." A manufactured home park for which the construction of facilities for servicing the sites on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

"NEWSPAPER AND JOB PRINTING." Art establishment providing printing, blueprinting, photocopying, engraving. binding, or other related services.

"NFIP." National Flood Insurance Program.

"NOBLESVILLE PARKS." All public land owned by the City of Noblesville and under the jurisdiction of the Noblesville Parks Board.

"NOISE SENSITIVE PURPOSE." The use of a building or structure as a residence, school, church, child care facility, medical facility, retirement home, or nursing home.

"NON-BOUNDARY RIVER FLOODWAY." The floodway of any river or stream that is not the part of the Ohio River that forms the boundary between Kentucky and Indiana.

"NON-CONFORMING LOT, USE OR STRUCTURE." Any lot, use, or structure legally existing as of the effective date of this chapter, that is not in compliance with this chapter or any subsequent amendments.

"NON-POINT SOURCE POLLUTION." Pollution affecting a water body from widely spread sources. Such sources range from runoff from agricultural areas draining into a river. "NON-POINT SOURCE POLLUTION" may also include urban runoff, such as contaminated storm water washed off of parking lots, roads and highways, and lawns (often containing fertilizers and pesticides).

"NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD)." Adopted in 1993 and is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

"NOTICE OF PUBLIC HEARING." A legal document announcing the opportunity for the public to present their views to an official representative, board, and/or commission of a public agency concerning an official action pending before the agency.

"NUDE MODEL STUDIO." Any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas for money or any form of consideration and is to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons.

"NURSERY, PLANT MATERIALS, ACCESSORY." Land, buildings, or structures for the use of offering live trees, shrubs, or plants for retail sale on the same lot with, and of a nature customarily incidental and subordinate to the principal use, building, and/or structure.

"NURSERY, PLANT MATERIALS, PRIMARY." Land, buildings, structures, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening and landscaping.

"NURSING HOME." See "CONVALESCENT, NURSING, OR REST HOME."

"OBSTRUCTION." (for floodplain management purposes) Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"OCCUPANCY." The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

"OFFICE." A use that provides professional, administrative, or business related services. This definition also includes welfare and charitable services. Production, distribution, or the retail or wholesale of goods are not included.

"OFFICE, MEDICAL." An establishment for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but which building does not provide board, room or regular hospital care and services. This definition shall include clinics as well as the offices of medical doctors, physicians, dentists, or other health care practitioners.

"OFF-SITE OR OFF-PREMISES (REGARDING SUBDIVISION APPROVAL)." Any premises or structure not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant.

"OFF-SITE OR OFF-PREMISES (REGARDING SIGNS)." Any sign not located on the same lot or parcel as the use it is serving.

"OFF-STREET PARKING AREA." See "PARKING, OFF-STREET."

"ONE AND TWO FAMILY DWELLING CODE, INDIANA." The mandatory statewide building code adopted by the Indiana Administrative Building Council for one and two family residential dwellings.

"ONE PERCENT ANNUAL CHANCE FLOOD." The flood that has a 1% chance of being equaled or exceeded in any given year. See "FLOOD, REGULATORY".

"ON-SITE CONSULTATION." A representative of the Planning Department meeting at a location that is off-site from the Offices of Planning and Development to discuss an item(s) relating tor a permit or planning process as requested by the contractor, owner, and/or developer.

"OPEN SPACE." An area of land not covered by buildings, parking areas/structures, structures for habitation, or accessory uses. "OPEN SPACE" does not include street rights-of-way, platted lots, private yards, patio areas or land scheduled for future development.

(1) "ENVIRONMENTAL OPEN SPACE." An area which contains natural systems (including man-made) that function to preserve the natural integrity of the area including but not limited to woodlands, bio-swales, restored prairies, wetlands, and naturalized detention/ retention ponds.

(2) "RECREATIONAL OPEN SPACE." An area that has been designed and designated for active use including but not limited to trails, nature viewing areas, plazas, ball fields or similar activity fields, accessible bodies of water for active use, and playgrounds.

"OPEN-FACE CHANNEL LETTERS." Three-dimensional individually cut letters or figures, illuminated, having clear plastic faces allowing for raw neon or like materials to be seen and affixed to a structure. This type of channel letter is prohibited.

"ORDINANCE." Any legislative action, however denominated, of a local government which has the force of law, including the amendment or repeal of any ordinance.

"OSHA." The United States Occupational Safety & Health Administration.

"OUTDOOR AMUSEMENTS." See "AMUSEMENTS, OUTDOOR."

"OUTDOOR SALE AND/OR DISPLAY." The placement and availability for purchase of products outside of a building or structure, including but not limited to garden supplies, clothing, toys, play equipment, agricultural products, building materials, landscape materials and bagged salt.

"OUTDOOR STORAGE." The keeping of materials, merchandise, stock, supplies, machines, equipment, or manufacturing materials of any nature that are not kept in a structure, regardless of how long such materials are kept on the premises.

"OVERHANG." The horizontal distance that the roof projects beyond the story immediately below.

"OVERLAY DISTRICT." An area that is superimposed upon another district which supersedes, modifies, or supplements the underlying district regulations.

"OWNER." Any person, firms, association, syndicate, partnership, corporation, or any other legal entity having legal title to or sufficient proprietary interest in the land under these regulations.

"PACKAGE SEWERAGE SYSTEM." A sewerage system including collection and treatment facilities established by the developer to serve a new subdivision or development in an outlying or generally rural area.

"PACKAGING OF FINISHED GOODS." A facility that packages supplies and products that are manufactured off site.

"PARAPET." A low solid protective wall along the edge of a roof or balcony.

"PARK." A non-commercial lot or parcel designed and set aside exclusively for diversion, recreation, or amusement; characterized by large amounts of open space; and which is not operated for a profit. While the majority of park activities take place out of doors, accessory buildings and structures such as swimming pools, tennis courts, picnic shelters, or playground equipment may also be permitted. See also "SPORTS AND RECREATION PARK" and "AMUSEMENT, OUTDOOR."

"PARKING GARAGE." A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles.

"PARKING LOT, PUBLIC." An un-enclosed area for off-street parking which is owned and/or operated by the city, county, or other unit of government; or which is operated for the general public and not for patrons of a particular use.

"PARKING, OFF-STREET." An area appropriate in size to accommodate the required parking for the applicable land use(s), together with driveways and maneuvering room; located totally out of public right-of-way; and set back from such right-of-way as required within this chapter.

"PARKING, REQUIRED." The number of parking spaces required for a particular use or uses as required within this chapter.

"PARKING SPACE." An enclosed or un-enclosed surfaced area permanently reserved for the temporary storage of one passenger motor vehicle and appropriately part of a street or connected with a street or alley by a surfaced driveway affording adequate ingress and egress.

"PARTIAL STREET." See "STREET, PARTIAL."

"PARTICULATE MATTER." Finely divided liquid or solid materials that are discharged and carried along in the air. This shall not include water droplets commonly called steam.

"PARTY WALL." A wall starting from the foundation and extending continuously through all stories to or above the roof which separates one building unit from another and is in joint use by each building unit.

"PATIO." An open landing that adjoins a dwelling, is often paved, and is adapted to outdoor uses.

"PEDIMENT." The triangular piece of roof that extends from the facade of the building and is Used for decorating over a front entry.

"PENAL OR CORRECTIONAL FACILITY." The use of land for the confinement or safe custody of persons as a result of a legal process and may include attendance centers established for persons sentenced to serve periods of community service.

"PERENNIAL." A plant that has a life-cycle lasting more than two years and survives during the winter by an underground root system.

"PERFORMANCE BOND OR SURETY BOND." An amount of money or other negotiable security paid by the subdivider, developer, property owner or his or her surety to the city that guarantees that the individual will perform all actions as required by the city regarding approved plans or in other situations as stated in the Unified Development Ordinance or by the Director of Planning and Development within a specified time; which provides that if the subdivider, developer, property owner or his or her surety defaults and fails to comply with the provisions of his or her approvals, the subdivider, developer, property owner, or his or her surety shall pay damages up to the limit of the bond or the surety will itself complete the requirements of approval.

"PERMANENT FOUNDATION." A structural system for transporting loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

"PERMEABLE PAVERS." Any kind of pavement constructed of material that allows water to penetrate and drain into underlying soils.

"PERMITTED OR LICENSED PREMISES." Any premises that requires and/or permit and that is classified as a sexually oriented business.

"PERMITTED USE." An authorized use within a zoning district.

"PERSONAL CARE SERVICES." Any enterprise conducted for gain which primarily is engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include shoe repair, barber and beauty shops, tailor shops, nail shops, individual person trainer, and similar activities.

"PERSONAL SERVICES." Any enterprise conducted for gain which primarily offers services to the general public as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

"PETITIONER." The property owner or a person legally empowered, in writing by the property owner, to act on the property owner's behalf and who thereby has the property owner's authority to make representations and decisions before the city officials, regarding the use and/or development of the subject real estate.

"PETITIONER'S REPRESENTATIVE." A person legally empowered, in writing by the property owner, to act on the petitioner's behalf and who thereby has the petitioner's authority to make representations and decisions before the city officials, regarding the use and/or development of the subject real estate.

"PETROCHEMICAL FACILITIES." An establishment engaged in the processing of chemicals derived from petroleum or natural gas.

"PHYSICAL MAP REVISION (PMR)." (for floodplain management purposes) An official republication of a community's FEMA map to effect changes to base (1% annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or corrections to base flood elevations or SFHAs.

"PLACES OF PUBLIC ASSEMBLY." Buildings or indoor facilities including, but not necessarily limited to, banquet halls, auditoria, and conference centers, and including any kitchens for the preparation of food to be consumed at the premises.

"PLACES OF WORSHIP." Structures and other indoor or outdoor facilities used for public worship and related educational, cultural, and social activities.

"PLAN COMMISSION (PC)." The Advisory City of Noblesville Plan Commission or any division thereof and its designees.

"PLANNED UNIT DEVELOPMENT (PUD)." A large-scaled unified development consisting of a parcel or parcels of land, controlled by a single owner to be developed as a single entity. The area of land in which a variety of residential, commercial, and/or industrial uses are planned and developed as a whole according to the adopted preliminary development plans and approved detailed plans, with more flexible standards, such as lot sizes, uses and setbacks, than those restrictions that would normally apply to a specific zoning district.

"PLANNING AND DEVELOPMENT, DIRECTOR OF." An official appointed to administer this chapter. Director of Planning and Development for Noblesville.

"PLANNING JURISDICTION." City of Noblesville and the two mile jurisdictional area(s), and any and all townships participating in a Joinder Agreement.

"PLANT MATERIALS." Trees, shrubs, native grasses, ground cover, perennials and the like. Xeriscaping landscape materials are encouraged to function as LID Stormwater BMPs.

"PLANTING SEASON." The spring and fall time periods during which new plant materials that are installed are most likely to survive the planting process. Generally, these periods are from April 15 to June 15 (spring) and October 15 to November 15 (fall). This does not prohibit the installation of plant materials during other times of the year.

"PLASTICS." Any of the various complex organic compounds produced by polymerization.

"PLAT." The drawing, map, or plan of a subdivision or other tract of land or a replat of such including certifications, descriptions, and approvals. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Plan Commission for approval and which, if approved, may be submitted to the County Recorder for filing.

"PLAT, PRIMARY." The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Plan Commission for approval.

"PLAT, SECONDARY." The final and formal presentation of the map, plan, or record of a subdivision and any accompanying material, as described in the regulations of this chapter.

"POINT SOURCE POLLUTION." A single, identifiable, discrete source from which pollution is generated. For example, a smokestack, ditch, pipe, sewer outfall, or an industrial waste pipe.

"PORCH." A structure attached to a building that has a roof and that may or may not have walls.

"PORTABLE STORAGE PODS." A portable streamlined enclosure or detachable container that is delivered on-site for the packing of temporary storage needs and is removed to a secure storage center (indoor warehouse) for storage of the enclosure/container. The actual pods shall remain on-site for a maximum of 30 days per calendar year.

"PORTICO." A major porch usually supported by a pedimented roof and supported by columns.

"POST FIRM CONSTRUCTION." Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

"POTENTIAL EMISSIONS." Any emissions of any one pollutant which would be emitted from a facility, if that facility were operated without the use of pollutant control equipment unless such control equipment (aside from air pollution control equipment) is necessary for the facility to produce its normal product or is integral to the normal operation of the facility. "POTENTIAL EMISSIONS" shall be rated on the maximum rated capacity.

"PRE FIRM CONSTRUCTION." Construction or substantial improvement that started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

"PREFABRICATED BUILDING." A structure that is manufactured and constructed using factory-made components or units that are transported and assembled on-site to form the complete structure.

"PREMISES." One or more lots which are in the same ownership and are contiguous, or separated only by a right-of-way or water body, including all buildings, structures, and improvements.

"PRESCHOOL." See "SCHOOL, PRESCHOOL.".

"PRIMARY LIVE ENTERTAINMENT." On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

"PRINCIPAL USE." The primary use to which the premises are devoted, and the main purpose for which the premises exist.

"PRINCIPALLY ABOVE GROUND." A structure where at least 51% of its actual cash value, less land value, is above ground.

"PRINTING AND PUBLISHING." An establishment that provides printing, publishing, duplicating, or collating services using photocopy, blueprint, off-set printing, or related equipment.

"PRIVATE STREETS." See "STREET, PRIVATE."

"PRIVATE WATER SYSTEM." A water system formed by a developer to serve a new community development in an outlying or generally rural area. It includes water treatment and distribution facilities.

"PROCESS (AIR QUALITY)." Any action, operation or treatment and the equipment used in connection therewith and all methods or forms of manufacturing or processing that emits or is capable of emitting an air contaminant.

"PROCESSING OF RAW GOODS." An establishment engaged in a specific industrial or manufacturing operation, such as the chemical trans-formation of raw goods into new products that may include the blending and combining of gases and liquids.

"PROFESSIONAL OFFICE." The office of a recognized profession maintained for the conduct of that profession. A "PROFESSION" is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field, and any occupation requiring licensing by the State and maintenance of professional standards applicable to that field. "PROFESSIONS" include attorney, architect, engineer, financial planner, realtor, insurance agent, broker and other similar professions.

"PROGRAM OF SIGNS." A plan and narrative that sets forth and describes the signs permitted in a specific development area including sign materials, lighting, sizes, colors, types, and locations.

"PROHIBITED USE." A use indicated as prohibited for a certain district in the Schedule of Uses.

"PROJECT SITE." The area of the entire site for a development that might include smaller, individual platted lots or parcels.

"PROVISIONAL PLAT." See "PLAT, PRIMARY."

"PUBLIC ACCESS AREA." A public place that is generally an outdoor area, whether publicly or privately owned, to which the public have access by right or by invitation, expressed or implied, whether by payment of money or not, but not a place when used exclusively by one or more individuals for a private gathering or other personal purpose. A social space that is open and accessible to people.

"PUBLIC LAW 360, ACTS OF 1971." Enabling legislation requiring the Indiana Administrative Building Council to adopt rules and regulations for the construction, repair, or maintenance of factory-constructed one or two family residential dwellings.

"PUBLIC SERVICE FACILITY." Buildings, power plants, substations, water treatment plants, pumping stations, sewage disposal or pumping plants; lift stations, transmission or distribution systems; collection or disposal systems; and other similar structures used by a public utility or railroad, whether publicly or privately owned, or by a municipal or other governmental agency to furnish electrical, gas, rail transport, transportation, communications, water and sewer services. Such facilities may include the specific facilities listed above as well as poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, hydrants, and similar accessories needed to provide such services for consumption by the general public.

"PUBLIC STREET." See "STREET, PUBLIC."

"PUBLIC USES." Public parks, schools, fire and police stations, libraries, museums, zoological gardens and parks, city and town halls, county courthouses, utility complexes, fairgrounds, and administrative and cultural buildings and structures, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

"PUBLIC UTILITY." Any person, firm, or corporation duly authorized to furnish electricity, gas, steam, telephone, telegraph, water, or sewerage systems to the public under public regulation.

"PUBLIC VIEW." The range of vision from the primary entrance of a building to an adjacent building, roadway, street, common area, pedestrian area, public trail or sidewalk, or public space.

"QUALITY OF LIFE." The degree to which individuals perceive themselves as able to function physically, emotionally and socially. "QUALITY OF LIFE" includes all aspects of community life that have a direct influence on the physical and mental health of its members.

"QUARRIES AND OTHER EXCAVATION ACTIVITIES." A place where rock, ore, stone, sand, and similar materials are excavated for sale or for off-tract use.

"QUARTERS FOR RELATIVES." A second dwelling unit, located within and subordinate to an accessory structure, for use as a complete, independent living facility with provision within said dwelling unit for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling on the lot.

"QUASI-PUBLIC USE." Places of worship, private and parochial schools, colleges, hospitals, cemeteries, and other facilities of an educational, religious, charitable, philanthropic, or no-profit nature. Private airports, clubs and lodges, athletic complexes, nursing homes, clinics, country clubs, homes for elderly and children, and other seemingly public uses which are in private ownership shall be considered quasi-public.

"QUOINS." Units of stone or brick used to accentuate the corners of a building.

"RAIN BARRELS." A container that collects rainwater, managing rooftop runoff.

"RAIN GARDEN." See "BIORETENTION FACILITY."

"RECREATIONAL EQUIPMENT, MAJOR." Equipment which must be hauled on a trailer with two or more wheels or which has two or more wheels attached, or which is self-propelled with wheels, including boats, travel trailers, and recreational vehicles.

"RECREATION, INDOOR." Any indoor athletic activity such as but not limited to indoor swimming pools, track & field events, soccer fields, gymnasiums, or skating rinks (ice or roller). See also "PARK, OUTDOOR AMUSEMENTS, AND SPORTS PARK."

"RECREATIONAL VEHICLE (RV)." A vehicle primarily designed as temporary living quarters for recreation, camping, or travel, either with its own motor power or mounted on or towed by another powered vehicle.

"RECREATIONAL VEHICLE." (for floodplain management purposes) A vehicle that is: (1) built on a single chassis; (2) 400 square feet or less, when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

"RECYCLING CENTER." A facility that accepts source-sorted recyclable materials, processes those materials, and makes the materials available for use in their original form. "RECYCLING CENTERS" are subject to all applicable requirements of the City and State.

"REDEVELOPMENT." Any new construction on a site that has pre- existing uses on it.

"REGISTERED ARCHITECT." An architect properly licensed and registered in the State of Indiana or through reciprocity permitted to practice in the State of Indiana.

"REGISTERED LAND SURVEYOR." A land surveyor properly licensed and registered in the State of Indiana or through reciprocity permitted to practice in the State of Indiana.

"REGISTERED LANDSCAPE ARCHITECT." An architect, specializing in landscaping, properly licensed and registered in the State of Indiana or through reciprocity permitted to practice in the State of Indiana.

"REGISTERED PROFESSIONAL ENGINEER." An engineer properly licensed and registered in the State of Indiana or through reciprocity permitted to practice in the State of Indiana.

"REGULATION." A rule or order issued by a public agency having the force of law.

"REGULATORY FLOOD." See "FLOOD, REGULATORY."

"RELIGIOUS INSTITUTION." Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities. See also "PLACES OF WORSHIP."

"REPETITIVE LOSS." Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

"REPLACEMENT COSTS." The sum of money which would be required to reconstruct a structure identical to the one in question.

"RESEARCH AND DEVELOPMENT." Indoor facilities for scientific research; and the design, development, and testing of electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes pharmaceutical, chemical, medical/dental, electrical, and biotechnology research and development.

"RESIDENCE." A building or structure or portion thereof designed for purposes of housing a family or other single-housekeeping unit. It does not include hotels, motels, or lodging houses.

"RESIDENTIAL AREA." Any portion of the city in which residential uses are permitted or a legal non-conforming residential use is established.

"RESIDENTIAL CARE HOME." A dwelling unit shared by four or more unrelated disabled individuals, exclusive of staff, who require assistance and/or supervision and who reside together in a family-type environment as a single housekeeping unit. A "RESIDENTIAL CARE HOME" shall not include a home for persons currently addicted to alcohol or narcotic drugs or who are criminal offenders serving on work release or probationary programs.

"RESPONSIBLE PARTY." Any person, firm or corporation that uses property in violation of this chapter or knowingly permits another person, firm or corporation to do so.

"RESTAURANT, SIT-DOWN." A business establishment within which the primary use is prepared food offered for sale and consumption within the structure or in a designated and permitted outdoor area. May also include carry-out service. See "DRIVE-IN OR DRIVE-THROUGH ESTABLISHMENT."

"RESTAURANT, CARRY-OUT." A business establishment within which the primary use is prepared food offered for sale in disposable containers and packaged for carry-out. See "DRIVE-IN OR DRIVE-THROUGH ESTABLISHMENT."

"RESUBDIVISION (REPLAT)." A change in a map for an approved or recorded subdivision plat if such change effects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivision.

"RETAIL SALES." A business establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

"RETENTION AREA." An area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding. It is an area that normally contains water at a specific level prior to a storm event.

"RETIREMENT COMMUNITY." An age restricted development that may include detached and attached dwelling units, apartments, and may include assisted living units and a nursing home.

"REVERSE CHANNEL LETTERS (SIGN)." Individually mounted opaque, internally backlit letters which illuminate the wall or surface to which they are attached.

"REZONING." An amendment to a zoning map and/or text of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

"RIDGE." The peak where two opposing roof planes meet.

"RIDGELINE." A line marking or following the ridgetop.

"RIDGETOP." The crest of the ridge.

"RIGHT-OF-WAY." An area of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

"RIGHT-OF-WAY WIDTH." The distance between properties adjacent to the right-of-way as measured at right angles to the centerline of the right-of-way. The minimum right-of-way width will be the sum of the widths of travel lanes, shoulders, median (if applicable), ditches, plus that necessary for fill or cut slopes or for roadside clear zones, whichever is greater. The overall right-of-way width shall be increased to provide additional width for the following: maintenance, utility corridors and future expansion.

"RIPARIAN AREA." Wooded or vegetative areas along creeks, streams, rivers or designated regulated drains. The area on each bank designated as a riparian area shall be no wider than the average width of the creek, stream, or river at normal flow elevation, but be no less than ten feet in width from the top of the banks.

"RIVERINE." Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

"ROAD." See "STREET."

"ROADSIDE CORRIDOR." A linear green space of a minimum width of 30 feet along each side of State Highway 32, and immediately abutting the State Highway 32 right-of-way line, within which alternative transportation trail improvements are installed.

"ROADSIDE STAND." A temporary structure designed or used for the display or sale of agricultural and related products, or novelties and other items of interest, to the motoring public.

"ROOF GRAPHIC." A street graphic which is displayed above the eaves and under the peak.

"ROOF OVERHANG." The horizontal distance, excluding gutters which extends from the face of the wall and projects beyond the side of the building.

"ROOF PITCH." The amount of rise in the roof as compared to the horizontal measurement of the roof. The angle (pitch) of the roof is calculated by the number of inches it rises vertically for every twelve inches it extends horizontally.

"ROOT PROTECTION ZONE." See "CRITICAL ROOT ZONE."

"RUNOFF." The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

"SALVAGE YARD." See definition of "JUNK YARD."

"SAME OWNERSHIP." Ownership by the same person, corporation, firm, entity, partnership, or un-incorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or un- incorporated association.

"SANITARY LANDFILL." A solid waste disposal facility designed to meet the minimum standards of the State of Indiana wherein "solid waste" as defined by state standards is disposed of by utilizing acceptable landfill engineering technology.

"SATELLITE STORE/OFFICE." A small store or office in a different location from a company or government agency's main office to serve an expanding market share or an underserved area.

"SCHOOL, PRESCHOOL." A school for children primarily between the ages of three and five, providing preparation for elementary school.

"SCHOOL, PRIMARY OR SECONDARY." An institution primarily engaged in academic instruction for all or part of grades K through 12, and recognized or approved by the State.

"SCHOOL, TRADE OR BUSINESS." A school with a curriculum which is focused upon certain skills required in business, trades or the arts, including secretarial skills, instrumental music, dancing, barbering, hairdressing or other technical trades which require knowledge of special machinery.

"SCREENING." A structure erected or vegetation planted which eventually is of sufficient height and density for concealing an area from view.

"SEAT." For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

"SECONDARY PLAT." See "PLAT, SECONDARY."

"SEDIMENTATION." The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

"SELF-STORAGE." See "WAREHOUSE, MINI-STORAGE."

"SEPTIC SYSTEM." See "SEWER, ON-SITE."

"SERVICE DELIVERY SPACE." An off-street space provided for motor vehicles that are 25-feet in length or less; that are making deliveries and/or providing a maintenance service. Required service delivery loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street service delivery spaces shall be located outside of any street or alley right-of-way.

"SERVICES." An establishment providing recurrently needed services, as opposed to products, to the general public for personal or household use, including finance, real estate and insurance, barber and beauty shops, personal service, health, and social services.

"SETBACK, REQUIRED." The minimum and/or maximum required distance between a property line and a setback line, as established by this chapter.

"SETBACK LINE." A line established by this chapter, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory structure exempted in §§ 159.120 et seq., may be located above ground, except as may be provided in this chapter. See also "YARD" and "BUILDING SETBACK LINE (FRONT)."

"SEWERS, ON-SITE (PRIVATE)." A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

"SEX SHOP." An establishment offering goods for sale or rent and that meets any of the following tests:

(1) The establishment offers for sale items from any two of the following categories:

(a) Adult media;

(b) Lingerie; or

(c) Leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10% of its stock in trade or occupies more than 10% of its floor area.

(2) More than 5% of its stock in trade consists of sexually oriented toys or novelties.

(3) More than 5% of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

"SEXUALLY ORIENTED BUSINESS." An inclusive term used to describe collectively: adult cabaret; adult motion picture theater; adult media shop, video-viewing booth or arcade; massage studio; and/or sex shop.

"SEXUALLY ORIENTED TOYS OR NOVELTIES." Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

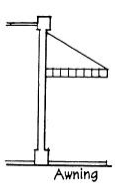
"SHOOTING GALLERY." An indoor range equipped with targets for practice with firearms.

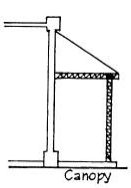
"SHRUB." A woody plant of relatively low height having several stems arising from the base and lacking a single trunk.

"SIDEWALK." That portion of the road right-of-way which is improved for the use of pedestrian traffic.

"SIGN." Any name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building or other outdoor structure or parcel of land, and which directs attention to an object, product, place, activity, business, person, service, or interest.

(1) "AWNING." A roof-like covering of cloth, plastic or other non-structural material that either is permanently extending from a building or can be raised or retracted to a position against a building when not in use.





(2) "BANNER." A sign with a message comprised of a logo, text, coloring, and/or design applied to a lightweight material such as cloth, paper, fabric, or plastics and secured or mounted to allow movement caused by the atmosphere or by artificial means of producing the movement of air. These do not include wing banners, feather banners, flying banners, towers, cylindrical banners, wind-up banners, and tear-drop banners.

(3) "BANNER, FEATHER." A sign with a rigid rib that forms a straight line, curve, or angle at the top on a single or two sides and loose fabric on the other edges. Also known as wing banners, feather flags, flying banners, towers, cylindrical banners, wind-up banners, and tear-drop banners.

(4) "BLADE." A smaller version of a projecting sign oriented to be read from the sidewalk by a pedestrian. These signs shall be located on the ground floor of the building and shall be suspended

from or supported by the building, an awning, canopy, or marquee.

(5) "CABINET/BOX." A sign with text and symbols printed on a single piece of plastic, acrylic, wood, or metal made up of a single face and back or two faces that are mounted in a cabinet or box that houses the lighting sources and equipment.

(6) "CANOPY." A roof like structure extending from a building in order to provide protection from the elements, and which is carried by a frame which is supported by the ground.

(7) "CONSTRUCTION." A sign located on a property or within a development or subdivision that is actively under construction. That includes property with active building permits or improvement location permits.

(8) "DESIGNATION." A type of ground sign that identifies an integrated development and may identify one or more establishments within the development.

(9) "DIRECTIONAL." A sign intending to direct the safe flow of both pedestrian and vehicular traffic and includes "enter," "exit," and "arrow" signs and other similar information.

(10) "DIRECTORY." A sign that provides a listing of uses or tenants within a particular building or complex of buildings, intended to facilitate circulation within the development and provide information to patrons by providing either directions to or locations of tenants.

(11) "ELECTRONIC." A sign capable of displaying words, symbols, figures, or images in a format such as LED (Light Emitting Diode) that can be electronically or mechanically changed by remote or automatic means.

(12) "GATEWAY." A permanent sign indicating entry into a neighborhood or special district located either on private property or within the right-of-way.

(13) "GROUND." A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structure features. If supported by poles, posts, or braces, the maximum clearance between the bottom of the sign and the grade is one foot. The external support structures shall be covered by natural flagstone, brick, rock, stone, and/or river rock with said sign design being of the same architectural style and materials as the main building on the site. Each support covering must be a minimum of 25% of the width of the sign face.

(14) "INCIDENTAL." A permanent sign which has a purpose that is secondary and incidental to the use of the lot on which it is located such as "hours of operation," "loading zone only," "air," and "visitor parking" and other similar messages which carries no commercial message that is legible beyond the lot on which the sign is located.

(15) "LIGHTER-THAN-AIR." A nonporous bag of light material that can be inflated with heated air or gas so as to make it float in the atmosphere and give it shape and is properly anchored to the ground.

(16) "LOT IDENTIFICATION." A sign that includes the lot number, structure address number, and building permit all laminated and established on a two-foot by four-foot post(2), a minimum of five feet to a maximum of six and one-half feet in height above the ground level.

(17) "MENU BOARD." A cabinet sign listing the assortment of food items available and the price of such items offered.

(18) "MODEL HOME/SHOW HOME SIGN." A sign indicating that it is a "MODEL HOME" or "SHOW HOME" and may include the name of thebuilder/developer, telephone number of the builder/developer, hours open, cost, model/style, and other information relating to that particular home and located on the lot of the "model" or "show" home.

(19) "MURAL." A sign painted onto the side of a building, wall, ground, or structure. "MURALS" without a commercial message are not regulated by this chapter.

(20) "NEIGHBORHOOD." A sign identifying a subsection of the overall subdivision or development that is internal to the subdivision/development.

(21) "NON-CONFORMING SIGN." A sign legally existing as of the effective date of this chapter that is not in compliance with this chapter or any subsequent amendments.

(22) "OFF-PREMISE" or "OFF-SITE." A sign directing attention to a business, product, service, entertainment and/or any activity offered, sold or conducted elsewhere than upon the lot where the sign is displayed.

(23) "PARKING LOT IDENTIFICATION." A sign providing information for the convenience of the public to identify the location of a parking space or parking lot that only contains the venue name or symbol and the necessary information to identify the parking lot and row.

(24) "PLACARD." A sign that is attached directly to the face of a residential structure that has been converted into a business in the area shown in Appendix G of the Unified Development Ordinance also known as the Central Core Map.

(25) "POLE." A freestanding street graphic that is permanently supported in a fixed location by a structure of poles, posts, uprights, or braces from the ground and not supported by a building or base structure.

(26) "PORTABLE." Any sign that is not permanently attached to the ground or other permanent structure or a sign designed to be transported including but not limited to signs designed to be transported by wheels; balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles which are parked or positioned for the primary purpose of displaying the sign.

(27) "PROJECTING." Any double-sided sign suspended from or supported by a building, and extending outward perpendicular to the building face upon which it is attached.

(28) "REAL ESTATE AVAILABILITY." A sign displayed on property that is listed for sale, lease, or rent on a centralized listing service, website, newspaper advertisement, or other similar media.

(29) "ROOF." Any sign erected on or above the roof-line of a building.

(30) "SANDBLASTED." A sign created by placing a rubber stencil over letters and images and etching the background with a high-pressure mixture of sand and air on wood or glass materials.

(31) "SANDWICH BOARD." A sign constructed in such a manner as to form an "A" or tent-like shape not permanently attached or secured to the ground or surface upon which it is located specifically for advertising that business.

(32) "SUSPENDED PORCH." A sign that is suspended from a porch or overhang. This type of sign shall be permitted on residential structures that have been converted to a business in the area shown in Appendix G of the Unified Development Ordinance also known as the Central Core Map.

(33) "TEMPORARY."

A sign or advertising display that is to be displayed for a temporary designated period of time. The following signs are included but are not limited to contractor sign, garage sale sign, community garage sale sign, special event sign, real estate availability sign, lighter-than- air display, lot identification sign, model home/show home sign, open house directional sign, sandwich boards, banners, community pride sign, and other signs as determined by the Director of Planning and Development or his or her designee.

(34) "WALL." A sign attached to or affixed directly to the wall of a building or structure, parallel to the plane of the building or structure and extending less than 12 inches from the building or structure.

(35) "WINDOW." A sign painted, etched, or attached either directly onto the inside or outside of a window.

(36) "YARD." A sign mounted on a stake or metal frame that is used for limited time without regard to the message. Examples include but are not limited to campaign, sales, service, business identification and promotions.

"SIGN, COMMERCIAL MESSAGE." Any image, logo, or words that advertise a business conducted, service rendered, activity conducted, or goods produced and/or sold.

"SIGN, DIRECTIONAL." A street sign providing information for the convenience of the public such as the location of exits, entrances, and parking lots. Limited in size to four square feet and no more than four feet from ground to top of sign.

"SIGN, GROUND." A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structure features other than support poles, posts, uprights, or braces with no clearance between the bottom of the sign, the sign face and the ground below, and designed to include a continuous or nearly continuous central base.

"SIGN, HEIGHT OF." The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the street sign.

"SIGN, ILLUMINATED." Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light:

(1) "INDIRECTLY ILLUMINATED." A sign with a light source directed primarily toward said sign and so shielded so that no direct rays from the light source are visible.

(2) "INTERNALLY ILLUMINATED." A sign that has its light source enclosed and viewed through a translucent material.

"SIGN, PORTABLE, HUMAN." Any sign or banner, made of any material, which is carried, held, or displayed by any person or persons.

"SIGN AREA." The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related, and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

"SIGN AREA, GROUND AND PROJECTING SIGN (for calculating area)." The total area of the face which is used to display a street sign, not including its supporting poles or structures. If a sign has two faces that are parallel and supported by the same poles or structures, the area of the sign is one-half the area of the two faces. If a sign has two or more faces that are supported by the same poles or structures but are not parallel, the area of the sign is the largest area of all faces visible at one time.

"SIGN AREA, WALL SIGNS (for calculating area)." The percentage of the signable area of a building or structure which may be used for roof and wall signs.

"SIGN BACKER." A background display that is attached to the building or a part of the sign which is typically a geometric shape and usually of a contrasting color to either the building and/or the sign face.

"SIGNABLE AREA." An area which is free of architectural details on the facade of a building or part of a building in which an activity is located.

"SIGNATURE MONUMENT." An identifying mark, architectural feature, or water feature located at the entrance to a residential development on a roadway identified on the Noblesville Thoroughfare Plan. These include, but are not limited to, a fountain, clock tower, pergola, gazebo, outdoor plaza, ponds, spire, arbor, or waterfalls.

"SITE." A parcel or adjoining parcels under single ownership or single control, considered as a unit for the purpose of development or other use.

"SITE COMPOSITION." The position of a building in reference to the surrounding locality.

"SITE PLAN."

(1) A drawing of the site, drawn accurately to an engineering scale, showing existing and proposed features of the site including but not limited to buildings and other structures both existing and proposed; setbacks from all buildings/structures to the property lines; location and dimensions of all building lines and easements; widths and lengths of all entrances and exits to and from said property (driveways); location of all adjacent and adjoining streets, service facilities, manholes, ponds, drainage swales, grading and all other improvements sufficient for the review as required by the Unified Development Ordinance. The lot number and subdivision and/or legal description, address of site, property owner's name and contact information, and contractor's name and contact information shall be included.

(2) All planned developments and/or ARB subdivisions require the addition of a landscaping plan that is relevant to the site, indicating plants (common and botanical names if possible or an approved list of plants from the developer/owner/builder); tree calipers and minimum height of shrubs and/or grasses at the time of installation; planting bed(s) width and length including materials used in the planting beds and any and all other information as required for sufficient review by the planning/engineer staffs.

"SLOPE." Any ground, sidewalk, or off-street parking area whose surface makes an angle with the plane of the horizon.

"SMALL CELL FACILITY." A wireless service facility that satisfies the following requirements:

(1) Each antenna, including exposed elements, has a volume of three cubic feet or less;

(2) All antennas, including exposed elements, have a total volume of six cubic feet or less; and

(3) The primary equipment enclosure located with the facility has a volume of 17 cubic feet or less.

"SMALL CELL NETWORK." A collection of interrelated small cell facilities designed to deliver wireless service.

"SOIL MAP." A National Cooperative Soil Survey prepared by the USDA Soil Conservation Service in cooperation with Purdue Experiment Station and the Hamilton County Soil and Water Conservation District.

"SOLID WASTE DISPOSAL FACILITY." Any facility involved in the storage or disposal of non-liquid, non-soluble materials, ranging from municipal garbage to industrial wastes, that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.

"SPECIAL CONSIDERATION." A use requiring specific approval by the Plan Commission and Common Council because of its unique or unusual nature accompanied with special conditions.

"SPECIAL EXCEPTION. A use that may be permitted in a district only if it meets special conditions, and upon application is specifically authorized by the Board of Zoning Appeals.

"SPECIAL EVENT." A noteworthy occasion or activity that is not a part of a regular service or occasion that is conducted by a business, religious, civic, educational, community, governmental or similar organizations.

"SPECIAL FLOOD HAZARD AREA (SFHA)." Those lands within the jurisdiction of the city subject to a 1% or greater chance of flooding in any given year. The SFHAs of the city are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps and Flood Insurance Studies as Zone A, AE, or A99. The "SFHA" includes areas that are flood-prone and designated from other federal, state, or local source data, including, but not limited to, best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood-prone soils associated with a watercourse. Also known as "Areas of Special Flood Hazard" and "floodplain".

"SPECIFIED ANATOMICAL AREAS."

(1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"SPECIFIED SEXUAL ACTIVITIES." Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

"SPORTS AND RECREATION PARKS." The use of land for commercial outdoor athletic activities such as but not limited to baseball/softball diamonds, soccer fields, tennis courts, swimming pools, water parks, ice skating rinks, or track and field events. Such uses shall not include shooting ranges.

"SPREAD." A term used to indicate the horizontal width of a shrub or the crown of a tree.

"STADIUM (COLISEUM, ARENA)." A large, usually roofless building with tiers of seats for spectators at public entertainments.

"STAINED GLASS." Glass that is given a desired color while in the molten state or by firing a stain into the surface of the glass after forming. This glass is used as decorative windows set in lead canes.

"START OF CONSTRUCTION." The first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. This term does include substantial improvement, in which the "START OF CONSTRUCTION" would be the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. The "START OF CONSTRUCTION", repair, reconstruction, or improvement must be commenced within 180 days of the permit date.

"STATE." State of Indiana.

"STIPULATION." A condition, requirement, or item specified as a part of an agreement or ordinance.

"STOCKPILE, SOILS PILE, STORAGE PILE (CONSTRUCTION ONLY)." - The accumulation of excavated soil which is a reserve supply to provide proper building/site elevations for construction.

"STOCKPILE (PERMANENT)." Any stockpile remaining after a particular phase of construction has achieved its own dirt balance and is surplus that remains on site for future phases.

"STOCKPILE (TEMPORARY)." Any stockpile associated with the same phase of construction for which a permit has been issued and will be removed at the end of the permitted phase for which it was created.

"STONE PROCESSING ACTIVITIES." An establishment engaged in the processing of stone and its products for the purpose of wholesaling or distribution.

"STORAGE BY THE BIN." A building that contains storage bins that are leased or rented, and are used for storing personal property, household goods, merchandise or commodities. Such bins are transported to and from the warehouse building by the storage company, as requested by the leasee/renter, to another destination for loading, unloading or reloading.

"STORY." The space in a building, above adjacent grade, between two adjacent floor levels or if there is no floor level above it; then the space between a floor level and the ceiling.

"STORY, HALF." The space in a building located above a floor level and under a sloping, gable, hip, and/or gambrel roof containing an area that is less than fifty percent (50%) of the floor area for the story immediately below excluding a basement.

"STREET." A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. The term "STREET" also includes the terms highway, parkway, road, thoroughfare, avenue, boulevard, lane, court, place, and other such terms.

"STREET, ARTERIAL." A system of streets and roads which form an integrated network of continuous routes primarily for through traffic. The "Arterial" system is stratified into "major" and "minor" categories.

"STREET, ARTERIAL, MAJOR." Serves corridor traffic movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel, or connects major population centers in rural areas or serves major centers of activity and highest traffic volume corridors with the longest trip desires in urban areas.

"STREET, ARTERIAL, MINOR." Links other cities, town, and traffic generators, and provides a substantial amount of interstate and inter-county service in rural areas; or interconnects and augments with the principal arterials to provide service to trips of moderate length for intracommunity continuity in urban areas.

"STREET, COLLECTOR." A system of streets and roads which generally serve travel of primarily intra-area and intracounty importance with approximately equal emphasis to traffic circulation and land access service. The "collector" system is generally further stratified into "major" and "minor" categories. The system collects and distributes traffic between an arterial and local systems.

"STREET, CUL-DE-LOOP." A local street that runs into and reconnects with its main axis with the center or island used for parking or open space purposes.

"STREET, CUL-DE-SAC." A short local street having one end open to traffic and being permanently terminated by a vehicle turn-around at the other end.

"STREET, DEAD-END." A local street open at one end only and without a special provision for a vehicle turn-around.

"STREET, FRONTAGE." A local street or road auxiliary and parallel to an arterial for service to abutting property and adjacent areas, and for control of access. Sometimes also called a "marginal access street."

"STREET, HIGHWAY." A term applied to streets and roads that are usually under the jurisdiction of the Indiana Department of Transportation (INDOT).

"STREET, LOCAL." A system of streets and roads, which primarily provides local access service including supplying access to fronting properties and access to higher order street systems.

"STREET, PARTIAL." A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land. Sometimes referred to as a "half- street."

"STREET, PRIVATE." A local street that is not dedicated or accepted for public use or maintenance which provides vehicular and pedestrian access to more than one property, or dwelling unit.

"STREET, PUBLIC." A street owned and maintained by a unit of government within an officially dedicated and accepted right-of-way to provide vehicular and pedestrian access.

"STREET, STUB." A temporary dead-end street intended to be extended at a later date.

"STREET TREES." Trees growing on public rights-of-way except for alleys and for medians contained within subdivisions.

"STRUCTURE." Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground or requires location under the ground. Among

other things, structures include buildings, walls, fences, signs, gas or liquid storage tanks, mobile homes, and accessory structures under 200 square feet that do not require a permanent foundation. A structure is not a building except as further defined by that term.

"STRUCTURE." (for floodplain management purposes) A walled and roofed building, including a gas or liquid storage tank, that is principally above ground. The term includes a manufactured home, as well as a prefabricated building. It also includes recreational vehicles installed on a site for more than 180 consecutive days.

"STRUCTURE, ACCESSORY." A structure that is located on the same parcel of property as the principal building and the use of which is incidental and subordinate to the use of the principal structure. An accessory structure specifically excludes structures used for human habitation. Accessory structures should be designed to have a minimal impact on adjoining properties. Examples of accessory structures include, but are not limited to, detached garages, carports, storage and tool sheds, pole barns, hay sheds, lean-tos, and boathouses.

(1) For the purposes of floodplain regulation, accessory structures shall have the following additional characteristics:

(a) A floor area of 400 square feet or less; and

(b) Are considered walled and roofed when they include at least two outside rigid walls and a fully secured roof.

(2) The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP (National Flood Insurance Program):

(a) Structures in which any portion is used for human habitation, whether as a permanent residence on a parcel or as a temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;

(b) Structures used by the public, such as a place of employment or entertainment; and

(c) Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples include, but are not necessarily limited to, a gazebo, a pavilion, a picnic shelter, or a carport that is open on all sides (roofed but not walled).

"STRUCTURE, ELEVATED." A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts or piers).

"STRUCTURE, HISTORIC." Any structure listed on the National Register of Historic Places, The Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects, or a local designation of a structure, site or object.

"STRUCTURE, SEMI-ENCLOSED." A structure which has either a roof or walls but not both, or which has only partial roof and/or walls, such that the structure is open to the outdoors.

"STRUCTURE, TEMPORARY." Any building or structure which is easily moved, without any foundation or footing, or intended to be used for a limited period of time.

"STUCCO." A mixture of lime or gypsum, Portland cement and water to produce a paste-like material which sets to form a hard surface.

"SUBDIVIDER." An individual, firm, corporation, partnership, association, syndicate, trust, or other legal entity which is engaged in developing or improving a tract of land that complies with the definition of subdivision and executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this chapter.

"SUBDIVISION." Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or the combination of two or more lots into one lot, or interests for the purpose of offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, or other recorded instrument. However, this regulation shall not apply to the following:

(1) An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.

(2) A division of land into two or more tracts consisting of more than five acres each for agricultural or any other uses not involving a new road.

(3) An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.

(4) The unwilling sale of land as a result of legal condemnations as defined and allowed in the Indiana State Law.

(5) Widening of existing streets to conform to the Comprehensive Plan.

(6) The acquisition of street rights-of-way by a public agency in conformance with the Comprehensive Plan.

(7) The exchange of land for the purpose of straightening property boundary lines which does not result in the change of the present land usage.

(8) The division, sale, and recordation of land and structures within condominium developments which comply with the appropriate statutes of the State of Indiana and the Zoning Ordinance of the City of Noblesville Regarding Condominium Development.

"SUBDIVISION, MINOR." Is any land which is proposed to be further divided or the combining of existing lots currently existing in an approved and recorded plat, meeting the following criteria:

(1) Contains a maximum of three lots;

(2) Has all lots fronting an existing street;

(3) Does not involve the construction of a new street, realignment, or the extension of an existing street;

(4) Does not involve the dedication of additional right-of- way;

(5) Does not necessitate the extension of any municipal infrastructure or the creation of any public improvements;

(6) Does not create non-conformity of lot(s) and/or structure(s); and

(7) Does not adversely affect the remainder of the parcel or adjoining properties.

The land shall be subdivided to developable lot(s) as required by the applicable regulations in the Unified Development Ordinance¢h. 159).

"SUBSTANTIAL DAMAGE." Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 40% of the market value of the structure in the Flood Hazard (FH) zoning district and would equal or exceed 50% of the market value of the structure before the damage occurred in all other zoning districts.

"SUBSTANTIAL IMPROVEMENT." Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 40% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of a structures to correct existing violations of state or local health, sanitary, or safety code requirements.

"SUBSTANTIAL MODIFICATION OF A WIRELESS SUPPORT STRUCTURE." The mounting of a wireless facility on a wireless support structure in a manner that:

(1) Increases the height of the wireless support by the greater of:

(a) Ten percent of the original height of the wireless support structure; or

(b) Twenty feet;

(2) Adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of:

(a) Twenty feet; or

(b) The width of the wireless support structure at the location of the appurtenance; or

(3) Increases the square footage of the equipment compound in which the wireless facility is located by more than 2,500 square feet.

This does not include the following:

(1) Increasing the height of a wireless support structure to avoid interfering with an existing antenna;

(2) Increasing the diameter or area of a wireless support structure to:

(a) Shelter an antenna from inclement weather; or

(b) Connect an antenna to the wireless support structure by cable.

"SUBSTANTIALLY SIMILAR." The same or significantly the same as a prior plan or application as determined by the associated land area, the intensity of development proposed, the range of proposed uses, the type, variety, and scale of signage, and other relevant factors.

"SUPPLY YARD." A commercial establishment storing and offering for sale building supplies, steel, coal, heavy equipment, feed and grain, and similar goods.

"SUPPORT STRUCTURE." A free standing structure designed and constructed to support an antenna array that may consist of a monopole, a self supporting lattice tower, a guyed tower, or other similar structure.

"SURETY." An amount of money or other negotiable instrument provided by a developer, subdivider, or owner to the city, which guarantees that the developer, subdivider, owner or their assignees will perform all actions required by the city regarding an approved development plan, site plan, subdivision plat, landscaping plan or other improvements. Surety provides that, if the developer, subdivider, owner or assignee fails to comply with the requirements of the approval, funds will be provided to the city to complete those improvements.

"SURFACE." The outside part or layer of a physical object.

"SURFACE PARKING LOT." A parking facility constructed on prepared grade and without a covering roof or structure.

"SURVEYOR, LAND." Any person who is licensed in the State of Indiana to practice professional land surveying.

"SWALE." A low lying stretch of land which gathers or carries surface water runoff.

"SWIMMING POOL, COMMUNITY." A swimming pool for the benefit of the general public, usually operated with a charge for admission; a principal use.

"SWIMMING POOL, NON-PERMANENT." Any on-ground pool capable of a water depth no greater than 42 inches that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

"SWIMMING POOL, PERMANENT." Any in-ground pool or on-ground pool capable of a water depth of greater than 42 inches and 12 feet in diameter.

"SWIMMING POOL, PRIVATE." A swimming pool used exclusively without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

"TECHNICAL ADVISORY COMMITTEE." A committee established to assist in the evaluation of development applications, and to make advisory recommendations to the applicable reviewing authority. The membership of the Committee shall include, but not be limited to, persons that are engaged in either private or public work with specific knowledge in road design and construction; sewer and water facility design and construction; solid waste; health requirements for water and sewer facilities; recreation and open space; environmental planning criteria related to geology, vegetation, noise, and water systems; and urban design.

"TELECOMMUNICATION TOWER." Any mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other similar structure designed and primarily used to support antenna arrays. (For Mobile Telecommunications Tower, see "CELLULAR ON WHEELS (COW)".)

"TEMPORARY SHELTERS." An establishment providing cover, protection, and/or food to individuals or families on a short-term basis. Such accommodations shall be utilized for no more than three consecutive months per individual or family. This shall include shelters operated by organizations such as the Red Cross and churches to provide housing form families and individuals displaced by a natural or man-made disaster.

"TERRAIN CLASSIFICATION." For purposes of these regulations and to guide the application of geometric design criteria, terrain has been classified as follows:

(1) Level. That condition where street sight distances, as governed by both horizontal and vertical restrictions, are generally long or would be made to be so without construction difficulty or major expense.

(2) Rolling. That condition where the natural slopes consistently rise above and fall below the street grade line and where occasional steep slopes offer some restriction to normal horizontal and vertical street alignment.

(3) Hilly. That condition where longitudinal and transverse changes in the elevation of the ground, with respect to a street, are abrupt and where the roadbed is obtained by fragment benching or side hill excavation.

"TEXT AMENDMENT." A modification that clarifies or preserves the written provisions of an adopted ordinance or creates a new provision. It may correct an error or inconsistency or meet the challenge of changing conditions.

"THEATER." See "CINEMAS AND THEATERS."

"THOROUGHFARE PLAN." The portion of the Comprehensive Plan adopted by the City Plan Commission indicating the general location recommended for arterial, collector and local streets and roads within the appropriate jurisdiction.

"TOPOGRAPHY." The configuration of the earth's surface including the relative relief, elevations, and position of land features.

"TOPSOIL." Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. "TOPSOIL" is usually found in the uppermost soil layer called the "A Horizon."

"TOWING AND RECOVERY YARD." A lot or building used for the storage of damaged, wrecked or impounded motor vehicles for a limited period of time, usually awaiting insurance adjustment, transport to a repair shop, or recovery by the owner operator.

"TOWNHOUSE." One or more single-family dwellings with a minimal front and rear yards and no side yards, arranged side by side, separated by common walls between living areas, each having more than one story.

"TRAFFIC CALMING." Methods of reducing the negative impacts of vehicles on surrounding land uses and other methods of personal transportation through street design that decreases the speed of vehicles and provides increased space and comfort for pedestrians.

"TRAFFIC CONTROL DEVICES." All signs, signals, markings, and devices placed or erected by authority of the Common Council or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

"TRAILER, UTILITY." A road vehicle, usually two-wheeled, towed by a motor vehicle and features an open-top rear cargo area (bed), and used for the transportation of a user's personal property including but not limited to boat, ATV, motorcycle, snowmobiles, other water recreational vehicles or horse trailers, not used in commerce, which has a gross weight equal or less than 3,000 pounds, or a manufacturer's gross vehicle rating (GVWR) of 3,000 pounds. Notwithstanding the above, a "UTILITY TRAILER" includes a trailer or semitrailer designed and used for the transportation of livestock, not in commerce, which does not exceed GVWR of 10,000 pounds or manufacturer's GVWR of 10,000 pounds.

"TRAINING FACILITY." A site used for education and preparation of individuals in a specific field or skill. May include indoor or outdoor spaces that may be manipulated to create different drills or activities for hands-on demonstrations.

"TRASH RECEPTACLE ENCLOSURE." An enclosure for trash containers, recycling containers, garbage containers, building material containers or other large metal containers. Three sides of the enclosure shall be constructed of building materials matching the facade of the on-site principal building with the fourth side being screened by a metal gate or other similar materials. The enclosure shall completely screen the containers from view and measure a minimum of six feet in height or two above the size of the container whichever is greater.

"TRAVEL TRAILER." A vehicle or other portable structure less than 35 feet in length designed to move on the highway, not under its own power, and designed or used as a recreational dwelling.

"TREE." A perennial woody plant with one main trunk and a rather distinct and elevated head, ordinarily growing to definite heights and usually developing branches at some distance from the ground.

"LARGE SHADE." Any tree the height of which is 35 feet or greater at maturity and has a limb spread of 30 feet or more at maturity and has a spreading canopy which screens the sun.

"MEDIAN SHADE." Any tree which has a mature height of 25 to 40 feet and has a spreading canopy which screens the sun.

"ORNAMENTAL." Any tree grown for decorative purposes, typically small with multi-seasonal interest.

"SMALL SHADE." Any tree which has a mature height of less than 25 feet and has a spreading canopy which screens the sun.

"TREES, STREET." See "STREET TREES."

"TRUCK TERMINAL." A building or area in which freight brought by truck is assembled and/or stored for routing in intrastate and interstate shipment by truck or in which semi-trailers, including tractor and/or trailer units, and other trucks are parked or stored. This term includes moving and storage establishments.

"TRUNK." The portion of a stem or stems of a tree before branching occurs.

"TRUSS." An assemblage of members (as beams) forming a rigid framework.

"TRUSS DESIGN DRAWING." The graphic depiction of an individual truss which describes the design and physical characteristics of the truss.

"TURF." Lawn-type grasses that are intended to be manicured and maintained at a maximum height of six inches.

"UNIFIED DEVELOPMENT ORDINANCE." A document comprised of the zoning ordinance and subdivision control ordinance for the city.

"USE." The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

"USE, ACCESSORY." A use subordinate to another use located on the same property which does not change or alter the character of the premises and is clearly and customarily incidental to the primary use.

"USE, LEGAL-NONCONFORMING." Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Unified Development Ordinance or its subsequent amendments that is no longer a permitted use in the zoning district where it is located.

"USE, NONCONFORMING." A use which does not conform to the use regulations of the zoning district in which it is located.

"USE, PERMITTED." Any use by right authorized in a particular zoning district or districts and is subject to the restrictions applicable to that zoning district(s).

"USE, PRIMARY." The main use of land or buildings as distinguished from an accessory use. It may be a permitted use, conditional use, or a special exception.

"USE, TEMPORARY." Short-term or seasonal uses which may be associated with construction projects or which intend to sell or promote specific merchandise or products and shall include, but not be limited to, residential model homes, sales offices operated from a temporary structure, non-commercial batching plants, temporary building or yard for construction materials, parking lot for a special event; bazaars, carnivals and similar temporary uses; outdoor seasonal sales; parking of recreational vehicle exceeds 14 days; garage sales; and any uses deemed appropriate by the Director of Planning and Development and/or the Board of Zoning Appeals.

"UTILITY POLE." A structure that is:

(1) Owned or operated by:

(a) A public utility;

(b) A communications service provider;

(c) A municipality;

(d) An electric membership corporation; or

(e) A rural electric cooperative; and

(2) Designed and used to:

(a) Carry lines, cables, or wires for telephone, cable television, or electricity; or

(b) Provide lighting.

This does not include a wireless support structure or an electrical transmission tower.

"UTILITY, PUBLIC." Any person, firm, or corporation duly authorized to furnish under public regulations to the public electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems.

"VARIANCE." A modification of the strict terms of the relevant regulations of this chapter, where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship, serious practical difficulties. For the purposes of floodplain management, it is the grant of relief from requirements of this chapter consistent with the variance conditions herein.

"VARIANCE, DEVELOPMENT STANDARDS." A specific approval granted by the Board of Zoning Appeals deviating from the development standards (such as height, setbacks, lot area, etc.) that are prescribed within the Unified Development Ordinance.

"VARIANCE, USE." An approval of use granted by the Board of Zoning Appeals permitting a use other than that prescribed in the Unified Development Ordinance.

"VEGETATIVE SCREEN." A visual barrier of vegetation with dense foliage used to block aesthetically intrusive land uses from view.

"VEHICLE LENGTH." For purposes of indicating stacking at drive- thru windows, ATM's, etc., the minimum vehicle length is 25 feet.

"VEHICLE, INOPERATIVE." A vehicle: from which the engine, transmission, or differential has been removed; that is partially dismantled or inoperable; or that is at least three model years old, is mechanically inoperative, does not have current license plates, and is left on private property continuously for more than 20 days.

"VESTED RIGHTS." A right that has become fixed and cannot be revoked by subsequent changes of applicable regulations.

"VETERINARY ANIMAL HOSPITAL." A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured small animals, and those who are in need of medical or surgical attention. Generally, operated by a licensed veterinarian. See also "KENNEL."

"VICINITY MAP." A small inset map located on the plat showing the location of a proposed subdivision or use to nearby developments, landmarks, community facilities, and services within the general area.

"VIDEO-VIEWING BOOTH OR ARCADE BOOTH." Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video or magnetic tape, laser disc, CD-rom, books, magazines, or periodicals) for observation by patrons therein. A "VIDEO-VIEWING BOOTH" shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

"VILLAGE CENTER." A location within the city containing an orderly mix of land uses that meets the daily needs of surrounding area residents. The mix is intended to contain active street shops such as convenience retail, food services, personal business service uses, and public access areas that will accommodate directly the pedestrian linkages to the non-residential facilities. These uses should be arranged in a manner which is focused around a central open space.

"VINYL SIDING." An engineered product manufactured primarily from polyvinyl chloride resin used for decoration and weatherproofing imitating wood clapboard, board and batten and/or shakes and having a minimum vinyl siding thickness grade of 0.050 inch.

"VIOLATION." The erection, alteration, enlargement, maintenance or use of any land, building or structure in violation of this chapter, Building Codes and related codes, weed ordinance or other codes and ordinances of the city applicable to said land, use, building, or structure in the zoning district in which it is located.

"VIOLATION, NOTICE OF." A letter, stop work order, or citation identifying the violation and issued by the Department of Planning and Development.

"VIOLATION, REPEATED." A repeat of the same violation or a similar violation at the same or different location by the same responsible party.

"VISIBLY OBSTRUCTED." The view of an object which is blocked by a building or other manmade structure so as to be incapable of being seen from that line-of-sight.

"VISUAL CORNER CLEARANCE." A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision, including buildings, structures, fences, signs, trees, and shrubs between the heights of two and one-half feet and ten feet above the established street grade. The street grade is measured at the intersection of the centerlines of the intersecting street pavements. The triangular space is determined by a diagonal line connecting two points, measured 15 feet equidistant from the lot corner along each property line at the intersections of two local streets, or one local street and one alley; or 25 feet along each property line at the intersection of a local street and a collector, arterial, expressway or any combinations thereof. For measuring purposes only, an alley shall be determined as per the local street distances. For areas located within the Central Core Map, Appendix G, this particular requirement may be modified and shall be approved by the City Engineer on a case-by-case basis.

"WAINSCOT (BRICK OR STONE)." A constant horizontal brick/stone line around the building, beginning at the first floor window sill down to the foundation and requiring a minimum of 24-inches in height whichever is greater.

"WAIVER." A specific modification or lessening of the regulations of the Unified Development Ordinance granted by the Plan Commission and Common Council for a specific development such as a Planned Development in response to unique site characteristics or development patterns that justify relief from the otherwise applicable regulations or by the Plan Commission for relief from the Subdivision Control standards.

"WALLED AND ROOFED." A building that is affixed to a permanent site and has two or more exterior rigid walls.

"WAREHOUSE, MINI-STORAGE." A building containing small, independent, fully enclosed storage compartments that are leased or rented to persons exclusively for storage of their household goods or personal property.

"WAREHOUSING." A building used for the storage of goods, merchandise and/or commodities that may be for later use or for resale, typically used or leased by importers, exporters, wholesalers, retailers, transport businesses, customs and other similar entities. A "STORAGE-BY-THE-BIN" facility would be considered 'WAREHOUSING." This definition does not include in-house warehousing within the principal building of a non-residential use, which is used by the company or entity occupying the principal building.

"WATER SURFACE ELEVATION." The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) or other datum where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

"WATER TABLE." The upper surface of groundwater, or the level below which the soil is seasonally saturated with water.

"WATERCOURSE." A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. "WATERCOURSE" includes specifically designated areas in which substantial flood damage may occur.

"WATERSHED." The total area above a given point on a watercourse that contributes water to its flow; the entire region drained by a waterway or watercourse that drains into a reservoir, lake, or sea.

"WEEKEND DIRECTIONAL SIGNS." Signs such as, but not limited to, those which advertise real estate open houses, residential development locations, and auctions. These signs typically are placed out on weekends, however, the definition does include this type of sign when placed out any day of the week.

"WHIP ANTENNA." An antenna that transmits signals in 360-degrees. These are typically cylindrical in shape and are less than three inches in diameter and measure up to six feet in length, including mounting. It may be called omni-directional, stick or pipe antennas.

"WHOLESALE TRADE, INDOOR." Establishments or places of business engaged primarily in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Such operations shall be totally enclosed within the principal structure of the property.

"WHOLESALE TRADE, OUTDOOR." Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

"WIDTH, PAVEMENT." The actual measurement of a street surface that includes only the area that is drivable by vehicles, excluding curbs and/or gutter.

"WILDLIFE HABITAT (SIGNIFICANT)." A place or environment where a plant, insect, or animal naturally or normally lives and grows including shelter, food, nesting sites, and protection.

"WINDOW." An opening in the wall of a building for admission of light and/or air that is usually enclosed by casements or sashes containing a transparent material such as glass or other similar transparent materials.

"WINDOW TREATMENT." The application of shutters, masonry, or trim composed of wood, engineered wood, or fiber cement or other composite materials installed around and immediately adjacent to the window frame.

"WIRELESS FACILITY." A set of equipment and network components necessary to provide wireless communications service. This does not include a wireless support structure.

"WIRELESS SUPPORT STRUCTURE." A freestanding structure designed to support wireless facilities. This does not include a utility pole or an

electrical transmission tower.

"WIRELESS TELECOMMUNICATIONS SERVICE FACILITY." An unmanned facility that transmits and/or receives electromagnetic waves, commonly consisting of an antenna array, connection

cables, a support structure or tower to achieve the necessary elevation, and an equipment facility to house accessory equipment which may include cabinets, pedestals, shelters, and similar protective structures. It may include antenna array on buildings or structures of sufficient height.

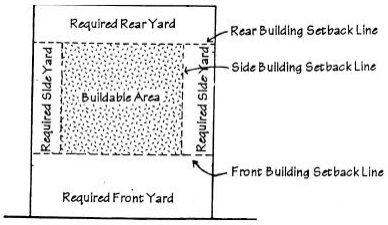
"WOOD PRODUCTS." Uncut trees suitable for construction are converted to lumber or lumber products by sawing, planing, or rotary cutting to produce standardized sizes of rough or dressed lumber.

"WOODLAND." Land covered with a dense growth of trees usually greater in extent than a grove and smaller than a forest.

"WOODY PLANTS." A plant that has a hard stem and has buds that survive above ground in the winter.

"XERISCAPING." An approach to landscaping that minimizes outdoor water use while maintaining soil integrity through the use of native, drought-tolerant plants.

"YARD." An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. See also "SETBACK, REQUIRED."



"YARD, FRONT." A yard across the full width of the lot extending from the front property line to the front setback line. On corner lots and through lots, there shall be two or more front yards as determined by the road frontages.

"YARD, REAR." A yard extending the full width of the lot between the rear setback line and the rear property line.

"YARD, SIDE." A yard between the side setback line and side property line and extending from the front setback line to the rear setback line.

"YARD CARD (SIGN BOARD)." A durable, double-sided, detailed design advertising a community garage sale event. The "CARD/SIGN BOARD" may be constructed of PVC or pressure treated wood with a protective coating or similar materials.

"ZERO LOT LINE." A development approach in which a building is sited on one or more lot lines with no yard. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot.

"ZONE." A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

"ZONE A." Areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

"ZONE AE." Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply.

"ZONE AO." Areas subject to inundation by the 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone. Mandatory flood insurance purchase requirements apply.

"ZONE AH." Areas subject to inundation by the 1% annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

"ZONE AR." Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

"ZONE A99." Areas subject to inundation by the 1% annual chance flood event, but which will ultimately be protected upon completion of an under construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

"ZONE B, C, X." Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. Buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities, but is not required by regulation in these zones.

"ZONING." A police power measure, enacted by the governing body of local governments, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts.

"ZONING DISTRICT(S)." Areas within the city for which uniform zoning regulations governing use, height, area, size, intensity of use of both buildings and land, and open spaces are established by this Unified Development Ordinance.

"ZONING DISTRICT, BASE." In the case of an overlay district, the standard zoning district that the parcel or tract of land is located and the standards of which apply when the overlay district regulations are silent on any given point.

"ZONING MAP." The official City of Noblesville zoning map.

"ZONING VERIFICATION LETTER." A request initiated by an individual or organization to provide information concerning a particular parcel or project. Information requested may include previous or existing zoning and building code violations, building and site plans, adopted ordinances and/or zoning commitments that apply to the project or parcel, zoning restrictions, certificates of occupancy, certificates of compliance, and other similar items. This request does not include those individuals or organizations requesting only written confirmation of the current zoning classification of a particular parcel or project.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 5-2-97, passed 3-10-97; Am. Ord. 67-12-98, passed 1-11-99; Am. Ord. 15-3-00, passed 4-10-00; Am. Ord. 55-11-01, passed 12-11-01; Am. Ord. 5-2-02, passed 3- 12-02; Am. Ord. 04-01-03, passed 2-11-03; Am. Ord. 26-4-03, passed 5-13-03; Am. Ord. 86-11-03, passed 12-9-03; Am. Ord. 33-6-04, passed 7-13-04; Am. Ord. 57-9-04, passed 9-28-04; Am. Ord. 42-5- 05, passed 6-14-05; Am. Ord. 48-6-05, passed 7-12-05; Am. Ord. 76-9-05, passed 10-11-05; Am. Ord. 82-10-05, passed 11-15-05; Am. Ord. 96-11-05, passed 12-13-05; Am. Ord. 89-10-06, passed 11-14- 06; Am. Ord. 95-11-06, passed 12-12-06; Am. Ord. 22-4-07, passed 4-10-07; Am. Ord. 23-4-07, passed 5-15-07; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 13-3-08, passed 4-15-08; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 17-5-09, passed 6-9-09; Am. Ord. 25-7-09, passed 8-11-09; Am. Ord. 41-9-09, passed 10-13-09; Am. Ord. 23-06-10, passed 7-13-10; Am. Ord. 25-7-10, passed 8-24-10; Am. Ord. 31-9-10, passed 9-28-10; Am. Ord. 12-2-11, passed 3-15-11; Am. Ord. 29-9-11, passed 10-11-11; Am. Ord. 32-10-11, passed 11-5-11; Am. Ord. 03-02-12, passed 2-28-12; Am. Ord. 09-03-12, passed 3-27-12; Am. Ord. 121-06-12, passed 7-10-12; Am. Ord. 22-06-13, passed 7-9-13; Am. Ord. 24-07-13, passed 8-13-13; Am. Ord. 13-02-14, passed 3-11-14; Am. Ord. 17-04-14, passed 5-13-14; Am. Ord. 37-08-14, passed 9-9-14; Am. Ord. 48-10-14, passed 11-10-14; Am. Ord. 49-10-14, passed 10-28-14; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 53-10-15, passed 11-10-15; Am. Ord. 61-12-15, passed 1-12-16; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 01-01-17, passed 1-24-17; Am. Ord. 12-04-17, passed 4-25-17; Am. Ord. 25-07-17, passed 8-15-17; Am. Ord. 32-07-19, passed 7-23-19; Am. Ord. 40-10-18, passed 12-16-18; Am. Ord. 41-11-20, passed 11-24-20 ; Am. Ord. 31-05-21, passed 5-25-21; Am. Ord. 68-11-22, passed 11-9-22; Am. Ord. 28-07-24, passed 7-9-24; Am. Ord. 27-07-25, passed 7-29-25)

ADMINISTRATIVE BODIES AND OFFICIALS

§ 159.025 SUMMARY OF AUTHORITY.

The city decision making bodies and officials described in this subchapter, without limitation upon such authority as each may possess by law, each has responsibility for implementing and administering this subchapter in the manner described in this subchapter.

(Ord. 62-12-95, passed 5-1-95)

§ 159.026 COMMON COUNCIL.

The Common Council hereby reserves to itself the following powers and duties in connection with the implementation of this chapter:

(A) To initiate amendments to the text of this chapter and to the Zoning Map pursuant to the procedures and standards for amendments set forth in §59.044; and

(B) To take such other actions not delegated to other bodies which may be desirable and necessary to implement the provisions of this chapter.

(Ord. 62-12-95, passed 5-1-95)

§ 159.027 BOARD OF ZONING APPEALS.

(A) Jurisdiction and Authority. The Board of Zoning Appeals has the following powers and duties in connection with the implementation of this chapter:

(1) To approve, approve with modifications, or deny any application for a variance from the terms of this chapter pursuant to the procedures and standards for variances set forth in §59.043(C) except those variances requested from the subdivision control requirements set forth in §§ 159.060 through 159.087, which is the responsibility of the Plan Commission as set forth in §159.060(E);

(2) To approve, approve with modifications, or deny any application for a use variance pursuant to the procedures and standards for variances set forth in §59.043(C);

(3) To grant, grant with modifications, or deny any application for a conditional use pursuant to the procedures and standards for conditional uses set forth in §59.041(A); and

(4) To hear and decide any appeal from any order of final decision made by the Director of Planning and Development in the administration or enforcement of this chapter pursuant to procedures and standards for appeals of administrative decisions set forth in § 159.043(B).

(B) Conflicts. No members of the Board of Zoning Appeals may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law.

(C) Independent Investigation. No members of the Board of Zoning Appeals may participate in the hearing or disposition of any matter in which that member has conducted an independent investigation into the facts of the matter pending before the Board.

(D) Undue Influence. A person may not communicate with any member of the Board of Zoning Appeals before a hearing with the intent to influence the member's action on a matter pending before the Board.

(Ord. 62-12-95, passed 1-22-96)

§ 159.028 PLAN COMMISSION.

The Plan Commission has the following powers and duties in connection with the implementation of this chapter:

(A) To initiate amendments to the text of this chapter and to the Zoning Map pursuant to the procedures and standards for amendments set forth in §59.044;

(B) To review all proposed amendments to this chapter and make recommendations to the Common Council pursuant to the procedures and standards for amendments set forth in §59.044;

(C) To review all planned developments and make recommendations to the Common Council pursuant to the procedures and standards for amendments set forth in §59.044;

(D) To review, approve, approve with modifications, or deny all subdivision applications pursuant to the procedures and standards for subdivision approval set forth in §§59.060 through 159.087; and

(E) To approve, approve with modifications, or deny all applications for variances from subdivision control pursuant to the procedures and standards for plat approval set forth in §§59.060 through § 159.062; and

(F) To accept and release of performance bonds, letters of credit, certified checks, and maintenance bonds for all non-infrastructure items.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 95-11-06, passed 12-12-06)

§ 159.029 DIRECTOR OF PLANNING AND DEVELOPMENT.

(A) Establishment of Department of Planning and Development and Director of Planning and Development. There is hereby established a Department of Planning and Development in the City of Noblesville, which may consist of the Director of Planning and Development, Building Administrator, Secretary, and assistants. The basic duties and responsibilities of the Director of Planning and Development are set forth in Section 500-501 of this Zoning Code. The Mayor is hereby authorized to employ a Director of Planning and Development and such other employees deemed necessary, subject to the approval of the City Plan Commission. Appointments shall continue during good behavior and service and they shall not be removed from office except for cause after full opportunity has been given them to be heard on specific charges.

(B) Jurisdiction and Authority. The Director of Planning and Development has the following powers and duties in connection with the implementation of this chapter:

(1) To interpret provisions of this chapter pursuant to the procedures and standards for interpretation set forth in §159.043(A);

(2) To ensure compliance with or prevent violation of provisions of this chapter pursuant to the procedures and standards for enforcement set forth in §§59.240 through 159.248 and 159.999;

(3) To inspect buildings, structures, and use of land to determine compliance with this chapter pursuant to the procedures and standards for enforcement set forth in §§59.240 through 159.248 and 159.999;

(4) To issue all necessary permits and certificates and maintain records thereof in the name of the Plan Commission and Board of Zoning Appeals pursuant to the procedures and standards for zoning certificates set forth in § 159.045;

(5) To issue all necessary building permits and maintain records thereof and to inspect buildings and structures to determine compliance with this chapter, pursuant to the procedures and standards for Building Permits set forth in §§ 159.060 through 159.062;

(6) To provide technical and clerical assistance to the Plan Commission and Board of Zoning Appeals;

(7) To provide and maintain a public information service relative to all matters arising out of this chapter;

(8) To maintain permanent and current records relative to the administration of this chapter, including but not limited to, all maps, amendments, Improvement Location Permits, Certificates of Occupancy, Variances, and Conditional Uses, Appeals and disapproved applications, and record of hearings;

(9) To review all development permit applications to determine that the application meets the requirements of this chapter and to determine that all necessary permits have been obtained from federal, state and local government agencies which prior approval is required;

(10) To conduct all research and collect and analyze all data pertaining to the growth and development of the City and its environs, as delegated by the Common Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this chapter;

(11) To coordinate and conduct all development activities and programs for the City and its environs, as delegated by the Common Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this chapter;

(12) To obtain, review and reasonably utilize any base flood elevation data in order to administer this chapter;

(13) To notify all jurisdictions and other bodies relative to the alteration of watercourses;

(14) To make interpretations as to the location of special flood hazards; and

(15) To take such other actions as delegated by the Common Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this chapter.

(C) Delegation of Authority. The jurisdiction and authority of the Director of Planning and Development may be delegated to his or her designee except as prohibited by law.

(Ord. 62-12-95, passed 1-22-96)

§ 159.030 TECHNICAL ADVISORY COMMITTEE.

(A) Establishment and Membership. The Technical Advisory Committee is hereby created and shall consist of the following members as invited by the Director of Planning and Development:

(1) Planning Department representative(s).

(2) The City Engineer or his or her designee.

(3) The City Fire Department Fire Marshall or his or her designee.

(4) The City Urban Forrester or his or her designee from the Street Department.

(5) The City Park Department Director or his or her designee.

(6) The Hamilton County Surveyor's Office representative.

(7) The Hamilton County Highway Department representative.

(8) The Hamilton County Health Department representative.

(9) Indiana American Water.

(10) Citizens Energy.

(11) Duke Energy.

(12) Vectren Energy.

(13) Hamilton Southeastern Utilities.

(14) AT&T.

(15) Comcast.

(16) Panhandle Eastern Pipeline Company.

(17) Representatives from adjacent communities having jurisdiction of public infrastructure within the community.

(B) Jurisdiction and Authority. The Technical Advisory Committee has the following powers and duties in connection with the implementation of this chapter:

(1) To review and evaluate applications for variances and make recommendations to the Board of Zoning Appeals, pursuant to the procedures and standards for variances set forth in § 159.043(C) or to the Plan Commission, pursuant to the procedures and standards for variances set forth in §§ 159.075 through 159.087;

(2) To review and evaluate all site plans, and make recommendations to the Board of Zoning Appeals or Plan Commission as may be appropriate, pursuant to the procedures and standards for site plan review set forth in § 159.041(B); and

(3) To take such other actions as delegated by the Common Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this chapter.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 86-11-03, passed 12-9-03; Am. Ord. 56-11-07, passed 12- 11-07; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 12-04-17, passed 4-25-17)

§ 159.031 ARCHITECTURAL REVIEW BOARD.

(A) Establishment and membership. The Architectural Review Board is hereby created and shall consist of the following members as invited by the Director of Planning and Development:

(1) Council Appointee to Plan Commission.

(2) Plan Commission President.

(3) General Plan Commission Member.

(4) General Council Member.

(5) Director of Planning and Development (or appointee).

(B) (1) The ARB has the powers to evaluate applications for single-family attached, two-family, and multi-family structures and those residential Planned Development's previously adopted prior to October 23, 2018 and make recommendations to the Plan Commission pursuant to the procedures and standards for Planned Development's set forth in § 153.109(D).

(2) The ARB shall review any modifications to house elevations for residential planned developments adopted prior to October 23, 2018 or in the planned development process seeking approval in regards to architectural elevations/treatments for those planned developments which did not include architectural regulations or by interpretation of the Planning Director or his/her designee does not meet the intent of the adopted planned development ordinance including the adopted Architectural Review Board guidelines.

(3) The ARB shall only meet on an as-need basis with said meetings scheduled when there are pending items to review.

(4) The ARB shall conduct the review of any proposed single-family attached, two-family, and/or multi-family house elevations/plans proposed to be a part of a residential planned development after the adoption of the ARB standards as per division (2) and (3) above and prior to the public hearing before the Plan Commission.

(Ord. 68-11-00, passed 12-12-00; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 40-10-18, passed 12- 16-18)

§ 159.032 PRE-CONSTRUCTION COMMITTEE.

(A) Establishment and membership. The Pre-Construction Committee is hereby created and shall consist of the following members:

(1) Planning Department representative(s) (Zoning and Building Divisions).

(2) Engineering Department representative(s).

(3) Fire Marshal or his or her designee.

(4) MS4 representative.

(5) Street Department representative.

(6) County Surveyor representative.

(7) Contractor for the project.

(8) Design Engineer.

(9) Developer/owner.

(B) Jurisdiction and authority. The Pre-Construction Committee is established to coordinate all information regarding construction projects including contractor information, emergency numbers, inspections, discussion of the Noblesville Construction Standards, Engineer's estimates for public infrastructure improvements including any Performance Bonds required, coordination of on-site erosion control inspection(s) and the issuance of an Improvement Location Permit for earth moving activities and installation of infrastructure. The committee reviews all non-residential construction projects, multi- family construction projects, and may include other projects as deemed necessary by the Director of Planning and Development or the City Engineer.

(Ord. 12-2-11, passed 3-15-11)

§ 159.033 COMPENSATION.

(A) Beginning with all meetings after January 1, 2001, all members of the Plan Commission and the Board of Zoning Appeals (hereinafter referred to as “Member”) shall be paid $50 for each regularly scheduled meeting of the Board or Commission which they attend

(B) Any Member who is an employee of the city shall be paid along with their regular payroll amounts

(C) Any non-employee Member shall be paid semi-annually, in July and in January, for the previous six months, upon a claim prepared by the Planning Department.

(Ord. 58-10-00, passed 10-24-00)

ZONING APPLICATIONS AND APPROVALS

§ 159.040 APPLICATIONS AND HEARINGS.

(A) Applications. Applications submitted pursuant to this chapter shall be handled in accordance with the procedures set forth below.

(1) Place of Filing. Applications shall be filed with the Department of Planning and Development.

(2) Form, Number, and Scale. Applications shall be on forms supplied by the Department of Planning and Development, and/or the Department of Engineering and shall be filed in such digitally in a Portable Document Format (PDF), version 7 or later submitted via email, file share site, flash drive or other similar media. All plans filed as part of any application shall be at a scale sufficient to permit a clear and precise understanding of the contents of said plans and of the proposal being made. Corrupted files, images that are unclear, or text that is not legible may be rejected.

(3) Minimum Requirements. Every application submitted pursuant to this chapter shall contain such minimum data and information as listed on the application, in Appendix B following this chapter, or as may be required by the Director of Planning and Development, the City Engineer, or their designees.

(4) Filing Deadlines.

(a) An application requiring a public hearing or meeting will not be scheduled for such hearing or meeting unless filed, in proper form and number and containing all required information, as per the applicable year’s adopted meeting dates and filing deadline schedule which is adopted annually by the body to which the application is made (i.e., Plan Commission and/or Board of Zoning Appeals) and is available at the Planning Department or on the city’s website. All applications shall follow the meetings dates as per the filing deadline date. If for some unforeseen reason, the meeting dates following the filing deadline date cannot be adhered to, those application shall then adhere to the following month's filing deadline and meeting dates schedule.

(b) An application that does not require a public hearing shall be filed, in proper form and number and containing all required information.

(5) Fees. Every application filed pursuant to the provisions of this chapter shall be subject to an application and filing fee as established, from time to time, by the Common Council. The owner of the property subject of the application and, if different, the applicant shall be jointly and severally liable for the payment of the fee. The failure to fully pay any such fee or required deposit when due shall be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or required deposit relates. A current fee schedule may be found in Appendix A of this chapter.

(6) Special Requests. In addition to the minimum data and information required pursuant to division (A)(3) of this section, every applicant shall submit such other and additional data, information, or documentation as the Director of Planning and Development or his or her designee or any board or commission before which its application is pending may deem necessary or appropriate to achieve a full and proper consideration and disposition of the particular application.

(7) Dedication of Right-of-Way. All applications receiving final approval from the Board of Zoning Appeals, Plan Commission, and/or Common Council shall be required to dedicate all right-of-way for any and all streets, adjacent to the property identified in the application, consistent with and depicted on the Noblesville Thoroughfare Plan, as amended or the Hamilton County Thoroughfare Plan, as amended. The dedication may appear on a plat prepared by a licensed land surveyor or by a metes and bounds description and drawing prepared by a licensed engineer/surveyor and shall be recorded within 30 days of the application approval and/or adoption. A recorded copy of said dedication shall be submitted to the Noblesville Planning Department prior to the issuance of any building permit. Failure to dedicate the required right-of-way within the time period shall result in said application being null and void.

(8) Waiver of Application Requirements. Notwithstanding any other provision of this division (A), the Director of Planning and Development shall have the authority to waive any requirement set forth in divisions (A)(1), (A)(2), or (A)(3) of this section when, in his judgment, such waiver is appropriate in light of the nature and extent of the relief being sought or in light of special circumstances

making compliance with those provisions either unnecessary or unduly burdensome; provided, however, that any board or commission before which such application may come shall continue to have the right to request additional information pursuant to division (A)(3) of this section and to delay processing of such application until such information is provided and available in accordance with the deadlines established in division (A)(4) of this section.

(B) Successive Applications.

(1) Second Applications Without New Grounds Barred. Whenever any application filed pursuant to this chapter has been finally denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory shall not be returned to the Board of Zoning Appeals or the Plan Commission before one year has lapsed from the date of denial unless in the opinion of the official, Board of Zoning Appeals, or Plan Commission before which it was brought, there is substantial new evidence available or an error or fact that significantly affected the prior denial is discovered.

(2) New Grounds to Be Stated. Any such second application shall include a detailed statement of the grounds justifying consideration of such application.

(3) Summary Denial With or Without Hearing. Any such second application may be denied by the Director of Planning and Development summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.

(4) Exception. Whether or not new grounds are stated, any such second application filed more than one year after the final denial of a prior application shall be heard by the Board of Zoning Appeals or the Plan Commission. The applicant shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application.

(C) Public Hearings And Meetings.

(1) Setting Hearing or Meeting. When the provisions of this chapter require a public hearing or public meeting in connection with any application filed pursuant to this chapter, the official or body charged with conducting the hearing or meeting shall, upon receipt of a properly completed application, fix a reasonable time and place for such hearing or meeting.

(a) Hearings for All Applications. The exact time for hearings or meetings held before the Board of Zoning Appeals or Plan Commission shall be determined by the official filing deadline timetable adopted yearly. However, no public hearing shall be held within 17 days, not including the day of the meeting, or more than 49 days of receipt by the Board of Zoning Appeals or Plan Commission on any application.

(2) Notice.

(a) Hearings on All Applications.

1. Notice to Parties of Interest. After the application is filed, the applicant shall furnish the Director of Planning and Development, or his or her designee, with a complete list of names and last known addresses of the owners of property adjacent to the subject property, to a depth of two properties or 660 feet, whichever is less, of the subject tract(s) for Board of Zoning Appeals applications, and 660 feet for Plan Commission applications.

The owners and their mailing addresses shall be identified and provided by the Hamilton County Auditor's Office, Division of Transfer Mapping, a list that is from the authentic tax records of this county. The applicant shall give due notice to these owners as identified herein, concerning the place, date, and time for the first public hearing of the petition, utilizing the notification letter prepared by the Department of Planning and Development, mailed as a Certificate of Mailing, and date stamped by post office personnel not less than 17 days nor more than 30 days prior to the public hearing date. The Certificate of Mailing receipts of the notification letters shall be submitted to the Director of Planning and Development, or his or her designee, prior to the public hearing.

2. Notice of Public Hearing in Newspaper. The Department of Planning shall arrange for the publication of a public notice to be placed in a newspaper of general circulation in the Noblesville jurisdictional area. Said notice is prepared by the Department of Planning and Development and shall include the same information as described in the "Notice to Adjoining Property Owners." The newspaper notice shall run at least one time prior to the meeting date of not less than 17 days prior to the meeting. The applicant shall be responsible for the cost of publishing the notice in the newspaper and will be billed according to the policies of the applicable newspaper. The applicant shall file with the Department of Planning and Development a copy of the proof of publication prior to the hearing date.

(b) Content of Notice for Public Hearings and Meetings. Any matter required to be noticed in accordance with the rules of the applicable board, and except as determined by the board, all notices shall include the date, time and place of such hearing or meeting, description of the matter to be heard or considered, and the address or particular location of the subject property.

(c) Referral of Applications. The Director of Planning and Development shall refer every application or petition for which this chapter requires a hearing before the Plan Commission, the Board Zoning of Appeals or the Common Council to all appropriate city commissions and departments. Each commission and department to which an application is referred shall review such application and submit its comments thereon to the Director of Planning and Development or his or her designee for transmittal to the specific body hearing the application. Such comments shall, whenever possible, be submitted at least 14 business days prior to the date set for the hearing and shall be made available to any person on request prior to the hearing.

(d) Conduct of Hearings. All other matters pertaining to the conduct of hearings shall be governed by the provisions of this chapter pertaining to, and the rules promulgated by, the official or body conducting the hearing.

(e) Examination and Copying of Application and Other Documents. At any time following the giving of notice as required in this division (C), and upon reasonable request, any person may examine the application and, subject to the exceptions set forth in the Indiana Freedom of Information Act, all other documents on file pertaining to the application. In addition, any person shall be entitled to copies of such application and documents upon reasonable request and payment of a fee as established from time to time by the Council to cover the cost of such copies.

(3) All applications receiving final approval and/or adoption from the Board of Zoning Appeals, Plan Commission, and/or Council shall be required to dedicate all right-of-way for those streets as depicted on the adopted Thoroughfare Plan, as amended, for the City of Noblesville or Hamilton County by either a metes and bounds description and drawing or a plat, prepared by a licensed engineer or surveyor, no later than 60 days after the final approval or adoption by any or all of the above-mentioned entities to be recorded in the Hamilton County Recorder's Office located in Noblesville, Hamilton County, Indiana. Failure to dedicate the required right-of-way within 60 days of the application approval/adoption shall result in the application approval/adoption being null and void. A recorded copy of the documents shall be submitted to the Department of Planning and Development.

(4) Vested Rights.

(a) If a person files a complete application for a permit with the Noblesville Planning Department as required by the effective ordinances or rules of the city, the granting of the permit, and the granting of any secondary, additional, or related permits or approvals required from the Noblesville Planning Department with respect to the general subject matter of the application for the first permit, are governed for at least three years after the person applies for the permit by the Indiana statutes and the city's ordinances, rules, development standards, and regulations in effect and applicable to the property when the application is filed, even if before the issuance of the permit or while the permit approval process is pending, or before the issuance of any secondary, additional, or related permits or approvals or while the secondary, additional, or related permit or approval process is pending, the Indiana statutes or City of Noblesville ordinances, rules, development standards, or regulations governing the granting of the permit or approval are changed by the Indiana General Assembly, the Noblesville Common Council or the Noblesville Planning Department. However, this subsection does not apply if the development or other activity to which the permit relates is not completed within seven years after the development or activity is commenced.

(b) Subsection (c) below applies if:

1. Either:

A. The Noblesville Planning Department issues to a person a permit or grants a person approval for the construction of a development, a building, or another structure; or

B. A permit or approval is not required from the Noblesville Planning Department for the construction of the development, building, or structure;

2. Before beginning the construction of the development, building, or structure, the person must obtain a permit or approval for the construction of the development, building, or structure from a state governmental agency; and

3. The person has applied for the permit or requested the approval for the construction of the development, building, or structure from the state governmental agency within 90 days of issuance of the permit by the Noblesville Planning Department.

(c) Subject to subsection (d) below, if the conditions of subsection (c) above are satisfied:

1. A permit or approval issued or granted to a person by the Noblesville Planning Department for the construction of the development, building, or structure; or

2. The person's right to construct the development, building, or structure without a permit or approval from the Noblesville Planning Department;

is governed for at least three years after the person applies for the permit by the Indiana statutes and City of Noblesville ordinances, rules, development standards, regulations, and approvals in effect and applicable to the property when the person applies for the permit or requests approval from the state governmental agency for the construction of the development, building, or structure, even if before the commencement of the construction or while the permit application or approval request is pending with the state governmental agency the statutes governing the granting of the permit or approval from the Noblesville Planning Department are changed by the Indiana General Assembly or the ordinances, development standards, or regulations of the Noblesville Planning Department are changed by the Noblesville Common Council or Noblesville Planning Department. However, this subsection does not apply if the development or other activity to which the permit or approval request relates is not completed within seven years after the development or activity is commenced.

(d) Subsection (c) above does not apply to property when it is demonstrated by the Noblesville Planning Department or a state governmental agency that the construction of the development, building, or structure would cause imminent peril to life or property.

(e) This section does not apply to building codes under I.C. 22-13.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 10-3-02, passed 3-26-02; Am. Ord. 36-08-02, passed 9-10- 02; Am. Ord. 04-01-03, passed 2-11-03; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 41-9-09, passed 10-13-09; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 12-04-17, passed 4-25-17; Am. Ord. 44-10-23, passed 11-14-23)

§ 159.041 SITE PLAN REVIEW.

(A) Purpose. The purpose of these regulations is to promote orderly growth and development in the City of Noblesville and to insure that such development is done in a manner harmonious with surrounding properties and consistent with the general public welfare and with the policies in the Comprehensive Plan.

(B) Authority. The Technical Advisory Committee may, in accordance with the procedures and standards set forth in this section and other regulations applicable to the district in which the subject property is located, review and make written recommendation with regard to any application requiring a site plan.

(C) Site Plan Approval Required. Site plan review by the Technical Advisory Committee in accordance with this section shall be required in the following situations:

(1) In connection with any development or redevelopment for which this chapter requires a Conditional Use Permit, Variance, Improvement Location Permit, Subdivision Approval, and any Planned Development Approval.

(2) In connection with any redevelopment or minor modification consisting of 35% of the market value of a premises, except for the initial construction of a single- or two-family detached dwelling unit, or any structure accessory thereto.

(3) In connection with any development, redevelopment or minor modification in an Historic Preservation Overlay District.

(D) Procedure for Review and Recommendation.

(1) Pre-application Conference. Refer to § 159.046, Pre-filing Application Conference.

(2) Technical Advisory Committee Review.

(a) Application. Applications for a site plan review shall be filed in accordance with the requirements of § 159.040.

(b) Action by Department of Planning and Development. Within seven days after receipt by the Department of a properly completed application, the Director of Planning and Development or his or her designee shall forthwith transmit such application to the Technical Advisory Committee for hearing and review.

(c) Public Meeting. The Technical Advisory Committee shall hold a public meeting on the application in accordance with the requirements of § 159.040. The site plan, construction drawings (civil plans) and all other required documentation shall be reviewed for conformity with this chapter and all other applicable regulations.

(d) Action by Technical Advisory Committee. Each member of the Technical Advisory Committee shall provide a written report and recommendation either (i) endorsing the site plan as submitted; or (ii) endorsing it subject to specific modifications; or (iii) not endorsing the site plan. The endorsement of the Technical Advisory Committee shall then be forwarded to the appropriate administrative body for final determination.

(e) A pre-construction meeting shall be held within six months from the date of the Technical Advisory Committee meeting. Within 60 days of the pre-construction meeting, erosion control installation, earthmoving, and installation of infrastructure shall begin. Should the issuance of the ILP and construction activity not begin within the above noted timeframes, the TAC approvals shall lapse and become null and void thus requiring the re-submittal of said plans including new filing fees, project plans, and application(s) and other supplemental documents as required.

(E) Standards for Site Plan Review. The goals and objectives of the Comprehensive Plan or other applicable Noblesville planning documents shall be utilized in the review of site plan applications. In addition, the Technical Advisory Committee shall only recommend approval of the site plan submitted pursuant to this division (E) on the basis of specific written findings directed to one or more of the following standards:

(1) The arrangement of the structures on the site allow for the effective use of the proposed development. Furthermore, such arrangement is compatible with development on adjacent property and shall minimize potential impact on the provision of municipal services and utilities.

(2) The arrangement of open space and landscape improvements on the site create a desirable and functional environment for patrons, pedestrians, and occupants. The arrangement preserves unique natural resources where possible and respects desirable natural resources on adjacent sites.

(3) All circulation systems provide adequate and safe access to the site and are compatible with public circulation systems minimizing potentially dangerous traffic movements. Pedestrian and auto circulation are separated insofar as practical. Site curb cuts have been minimized.

(4) Proposed parking areas or lots are designed, located and screened to minimize adverse visual impacts on adjacent properties. Parking lot drainage does not adversely affect neighboring properties. Perimeter parking lot screening and internal landscaped islands have been utilized where feasible.

(5) Landscaping design shall create a logical transition to adjoining lots and developments, screen incompatible uses, and minimize the visual impact of parking lots on adjacent sites and roadways. Plant materials selected can withstand the microclimate of the city.

(6) Site illumination has been designed, located and installed so as to minimize adverse impacts to adjacent properties.

(7) Reasonable drainage or erosion solutions have been created which properly integrates the site fully and satisfactorily into the overall existing and planned drainage system serving the city.

(F) Additional Standards for Non-Residential Uses, Except in I-2 and I-3. The city requires design review of all non-residential building construction including new structures, additions to, alterations of, or modifications of any existing structure or building, which is located within a non-residential zoning district. The purpose of these design principles is to outline for the benefit of applicant the expectations of the city regarding design and style of development in all non-residential districts. These principles are intended to provide a general understanding of the criteria applied to the design review process. Each structure is considered unique and will be judged on the following design principles.

(1) Purpose.

(a) The architecture shall be of high quality, enduring, and promoting a sense of character for the building street wall.

Building walls shall reflect high-quality architecture and complement the surrounding development(s). Building walls shall not be too simple or too ornate and shall:

1. Provide those qualities in the environment which bring value to the city;
2. Foster an attractiveness and functional utility of the city as a place to live and work;
3. Preserve the character and quality of our heritage by maintaining the integrity of those areas which have a discernible character;
4. Protect certain public investments in the local area;
5. Encourage a mix of uses and design;
6. Promote pedestrian accessibility and safety; and
7. Minimize visual clutter and blight.

(b) All new structures shall relate to the community's history, culture, and/or geography. Time, place, and culture, work to create endless variations on the themes of the city. Shape and form of a structure is accomplished through architectural design. The following massing requirements shall be incorporated in any proposed structure:

1. Building silhouette. Shall have similar pitch and scale to the roofline of adjacent structures.
2. Spacing between the buildings. Shall include setbacks or notches between the primary facades that frame the structure.
3. Setback from property line. Shall include setback area of adjacent structures.
4. Proportion of windows and bays, doorways. Shall include vertical and horizontal elements tied together in bands across the facade.
5. Proportion of facade. Shall be similar in area and height to width ratios.
6. Location and treatment of entryway. Shall create a visual commonality between structures.
7. Exterior materials. Shall include similar materials and treatment of adjacent structures
8. Building scale. Shall include height and configuration compatible with adjacent structures.
9. Landscaping. Shall tie the structure to the site and define spaces.
10. Shadow patterns that form decorative features. Shall include the light and dark surfaces from materials used and the projections from windows, bays, etc., and recesses, and setbacks that create visual breaks.
11. 360° architecture (refer to definition, §159.016).

(2) Design principles. The design of the building should be kept simple and materials and details should be consistent. Avoid a gaudy design.

(a) Avoid long, straight building shapes that are uninviting and do not contribute positively to the streetscape.

(b) Detail shall be an integral part of the building design and use consistently throughout.

(c) The exterior building design shall be coordinated on all elevations with regard to color, materials, architectural form, and detailing to achieve design harmony and continuity.

(d) Shadow patterns created by architectural elements such as overhangs, projections, reveals, and awnings are strongly encouraged.

(e) Buildings shall be broken into a series of volumes that lessen the volume and mass of the building by stepping back upper levels or integrating projections and recesses into the design

(f) Structures located toward the front of the property serve to visually narrow wide streets. Unifying the area with site amenities can lessen the impact of the automobile and encourage pedestrian use.

(g) Protection of adjacent neighborhoods, in particular the location of parking, driveways, outdoor lighting, trash bins, landscaping, signage, development bulk standards, fencing, and the general character of the surrounding development shall be considered when incorporating the architectural design and materials.

(3) Relationships (architectural).

(a) New buildings shall respond to the existing streetscape. The relative proportion of the building to its neighboring existing buildings and pedestrians shall be maintained or enhanced when new buildings are built or existing buildings are remodeled or altered.

(b) Buildings shall be designed to create interesting outdoor spatial relationships.

(c) Production design common to restaurants, hotels/motels, convenience markets, banks, etc. are strongly discouraged.

(d) The standard national franchise design is unacceptable and shall be retrofitted to compliment the local character and surrounding community. Architectural transplants from other communities are neither appropriate nor desirable.

(e) Building heights, configurations, color, texture, and materials shall be consistent among all buildings in a specific development and/or area.

(f) Building entries shall be accentuated with strong definition.

(g) Upgraded rear and side elevations, those exposed to public view, shall have a level of quality and detail consistent with the front elevation of the building.

(h) An identical design of at least one publicly exposed elevation of the building cannot be repeated within a series of three buildings on either side of the street. An identical building is one that an ordinary observer would find the differences between the two elevations to be imperceptible when viewing the elevations as a whole or unless instructed to detect the differences, an ordinary observer would conclude that the two elevations are the same.

(i) Building facades that are blank or windowless shall be prohibited.

(j) Rooflines of existing structures or adjacent properties shall be considered in the design to avoid clashes of materials and styles. The visual continuity of roofs and their contributing elements such as parapet walls, coping, cornices, etc., shall be maintained in the building development or redevelopment.

(k) The roofline shall be designed in conjunction with the mass and facade so that the building and its roof form a consistent composition.

(l) Roof penetrations shall be minimized by grouping plumbing vents and ducts together.

(m) Sloped roof shall be a minimum of 6/12 pitch.

(4) Relationships (site).

(a) Building design shall be fitted to the natural contours of the site. Natural features of the site, such as natural drainage ways, wooded or forested areas, rock formations, etc. shall be preserved.

(b) On wooded sites, buildings shall be carefully situated to take advantage of the shade and energy conservation provided by the trees.

(c) The impression of the buildings tucked into, rather than superimposed on, the natural landscape shall be created.

(d) The view of the building from the street and surrounding areas shall be as important as the view available to the building occupants.

(e) Buildings shall be located according to the natural characteristics of the site to avoid destroying sensitive natural areas.

(f) Buildings shall be designed to harmonize with the existing topography, thereby minimizing land disruption.

(g) Grading shall be held to a minimum and should complement natural landforms.

(5) Materials and colors.

(a) Building colors should be compatible with the adjacent buildings and neighborhood and shall reinforce the visual character of the area. The color scheme shall be coordinated with the neighboring buildings and the city as a whole. The intent is to unify the look of the buildings and/or area without resorting to a "rubber stamp" type of approach.

(b) The color of the building shall not be such that the building is competing for attention. Building colors shall be subdued and not "garish" and shall not in any way become a "signing" of the building or site

(c) Integral coloring of the building materials is encouraged. Differentiation of the color shall relate to the materials and/or the plane.

(d) The number of materials on the exterior building shall be limited to prevent visual overload.

(e) Use of warm, muted, earth-tones shall be used on the body of the building. More intense hues may be used as accent colors and for the highlighting of architectural elements.

(f) Relate the paint colors to the natural material, colors found on the building, such as brick, terra cotta, stone, tile, wood, or cast iron. Brick and stone shall be left natural in all zoning districts except those buildings located in the DT Downtown Zoning District that can be painted with approval from the Director of Planning or his or her designee.

(g) Colors for building walls and storefronts shall be compatible for the shops that occupy a multiple-storefront building. The use of different colors to identify individual shops within a single structure is prohibited, as it is visually disruptive and obscures the overall composition of the facade.

(h) Material samples and color samples for the buildings shall be required to be submitted with the building permit application.

(i) Maximum number of colors on a single building is three.

(j) No blank walls are permitted for all building elevations. All building elevations not facing a public right-of-way shall have a minimum of 20% of the walls having glazed areas or a glazed appearance.

(k) Storefronts shall consist of a maximum of 75% of the primary facade.

BUILDING MATERIALS	
Permitted	Prohibited
Hand-laid clay brick	Concrete
Tile or masonry	Faux wood grain, vinyl and aluminum siding
Native stone	
Integral color CMU - 50% maximum	
Gypsum reinforced fiber concrete, PERMITTED for trim elements only	
Wood-lap siding (horizontal configuration) smooth or rough-sawn finish (maximum 30%)	
Stucco/EIFS (maximum 50%)	
Split-faced block (maximum 20%) Decorative split-faced block (maximum 40%)	
Metal for beams, lintels, trim elements and ornamentation only	

(6) Exterior walls (architecture).

(a) Exterior walls greater than 40 feet in length shall break any flat, monolithic facade with discernible architectural elements such as recessed windows and entrances, projections, arcades, balconies, cornices, bases, pilasters, columns or other architectural details or articulation combined with changes in materials to provide visual interest and pedestrian scale. Building designs, roof lines, or facade treatments that are monotonous shall be prohibited.

(b) Exterior wall materials shall be consistent horizontally.

(c) Exterior wall materials/architectural changes shall be provided with constructional logic.

(d) Brick or stone shall specify the pattern, color, type, and finish number of brick or stone to be used.

(e) All materials shall specify the pattern, color, type, and finish of materials to be used.

(f) The ratio between the width of the street corridor or internal drives, as measured between the opposing building facades, and the height of the walls of that corridor, measured as the foundation to eaves dimension, plays in important role in the human scale in the streetscape. The ratio shall generally be a width that is two to three times the height of the defining walls or edges.

(g) Building sites shall accommodate pedestrians and shall be centered on pedestrian traffic as opposed to vehicular traffic.

(h) Pedestrian walkways at intersections shall be clearly defined with contrasting surfaces.

(i) Major commercial developments shall include a system for internal pedestrian movement as well as being linked to city-wide systems.

(j) If concrete is used for the pedestrian areas, it shall be textured or patterned.

(k) For major developments, the building materials including color of the initial building shall continue the theme among the other buildings. Colors may change in hue only.

(7) Roofs.

(a) Roofs shall be compatible with the building's architecture including roof shape, color, and texture.

(b) Gable or hip roofs.

(c) Any pitched roof shall be a minimum of 6/12 to 12/12 slope.

1. Large overhangs shall be a minimum of 12 inches.

2. Large roof areas shall have more than one plane.

3. Roof pitches for overall porches shall be in keeping with the principal building having a minimum slope of 3/12.

4. Wood shakes, slate, concrete tiles, fiberglass shingles, asphalt composition shingles (artificial shingles).

5. Earth toned colors, dark hues (browns, blacks and maybe reds or grays).

(d) Parapet roofs shall be permitted only to conceal roof top mechanical equipment and shall be extended a minimum of one foot beyond the height of the rooftop mechanical equipment. All roof top mechanical equipment is to be hidden from public view.

(e) Gutters and downspouts should be internal. However, if exposed shall be painted to match the adjacent wall or roof materials.

(f) Roof-top screens used for hiding roof-top mechanical equipment or other accessory objects shall match the roof and/or shingle color on the building.

(8) Windows (all).

(a) Windows shall not span vertically more than one story and shall not span across building structural elements such as walls and mechanical spaces between the floors.

(b) Windows shall be separated by mullions, columns, piers or wall sections that are a minimum of seven inches wide.

(c) Windows shall not be closer than three feet to a building corner.

(9) Doors (all).

(a) Primary entrances shall be delineated having major architectural features so that they are clearly identified as entry points, fronting the primary access street, and are pedestrian accessible. A portico, arcade, awning, projection, recess, or similar architectural features shall be provided to shelter the primary entrance.

(b) Primary building entrances shall connect to a sidewalk with a pedestrian walkway.

(c) Doors shall not be recessed more than three feet behind the shop front windows and shall have a clear view and path to a 45° angle past the perpendicular from each side of the door.

(d) Roll-down security gates, door, and windows shall be prohibited within view of the public.

WINDOWS AND DOORS
Permitted Materials (entrances)
Anodized aluminum, wood, clad wood, vinyl, or steel
Glass at the ground story shall be clear or lightly tinted with at least 90% light transmission. Specialty windows may utilize stained, opalescent, or glass block (maximum one per facade)
Screen frames shall match window frames
Doors shall be steel, wood, or wood clad
Translucent glass - 30% maximum

(10) Lighting.

(a) Design and intensity of lighting shall be architecturally integrated with the building style, material, and color.

(b) All parking lot and internal street lighting shall provide shield covers to direct the light in a downward manner.

(c) See §§ 159.140 through 159.148 and §§ 159.200 through 159.208 for additional requirements.

(11) Fencing.

(a) Fencing shall consist of wrought iron or brick or stone and be complemented with appropriate landscaping to break up the length and solidity of the fencing. This does not include fencing of outdoor storage areas in an I-1 zoning district as regulated by §§ 159.105 through 159.109.

(b) The maximum height of fencing shall be as provided in this chapter for said district in which the fence is constructed.

(G) Effect of Positive Recommendation.

(1) The recommendation of approval, or approval with modification of a site plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the ordinances of the City of Noblesville.

(2) A copy of every approved site plan shall be filed with the Department of Planning and Development and the development of the site shall be in substantial conformity with such approved and filed plan.

(H) Limitations on Site Plan Approval. Subject to an extension of time granted by the Director of Planning and Development, no recommendation of approval, or approval with modification of a site plan shall be valid for a period longer than one year unless a Building Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

(I) Adjustments to Site Plan During Development.

(1) Minimum Necessary Adjustment. Any adjustment approved pursuant to division (B) of this section shall be consistent with the intent and purpose of this chapter and the site plan as approved, shall be the minimum necessary to overcome the particular difficulty and shall not be approved if they would result in a violation of any standard or requirement of this chapter.

(2) Minor Adjustments. During the development of the site, the Director of Planning and Development, with the aid of the Technical Advisory Committee, may authorize adjustments to a site plan when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:

(a) Altering the location of any one structure or group of structures by not more than ten feet or one-fourth of the distance shown on the approved site plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the site plan, whichever is less.

(b) Altering the location of any circulation element by not more than ten feet or one-fourth of the distance shown on the approved site plan between such circulation element and any structure, whichever is less.

(c) Altering the location of any open space by not more than 20 feet.

(d) Altering any final grade by not more than 20% of the originally planned grade.

(e) Altering the location, by not more than 20 feet, or type, without reduction of total number, of landscaping elements.

(3) Major Adjustments. Any adjustment to a site plan not authorized by division (I)(2) of this section shall be considered to be a major adjustment and shall be granted only upon formal application for site plan review.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 36-08-02, passed 9-10-02; Am. Ord. 89-10-06, passed 11- 14-06; Am. Ord. 23-4-07, passed 5-15-07; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 17-5-09, passed 6-9-09; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 12-04-17, passed 4-25-17; Am. Ord. 32-07-19, passed 7-23-19; Am. Ord. 44-10-23, passed 11-14-23)

§ 159.042 CONDITIONAL USE PERMITS.

(A) Purpose. Conditional uses are those uses that, because of their potential adverse impact upon the immediate neighborhood and the City, as a whole, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. As such, the determination of conditional uses as appropriate shall be contingent upon their meeting a set of specific standards and the weighing, in each case, of the public need and benefit against the local impact, giving effect to the proposals of the applicant for ameliorating adverse impacts through special site planning and development techniques and contributions to the provisions of public improvements, sites, right-of-way and services.

(B) Authority. The Board of Zoning Appeals may, in accordance with the procedures and standards set forth in this section and other regulations applicable to the district in which the subject property is located, approve by ordinance, uses listed as conditional uses within each zoning district.

(C) Parties Entitled to Seek Conditional Use. An application for a Conditional Use Permit may be filed with the Director of Planning and Development or his or her designee by the owner or lessee of the subject property or other person having a legal or equitable interest in the subject property.

(D) Procedure for Review and Decision.

(1) Application. Applications for a Conditional Use Permit shall be filed in accordance with the requirements of § 159.040.

(2) Action by Director of Planning and Development or his or her designee.

(a) Upon receipt of a properly completed application for a Conditional Use Permit, the Director of Planning and Development or his or her designee shall forthwith transmit to the Technical Advisory Committee for its review subject to § 159.041.

(b) The report and recommendations of the Technical Advisory Committee shall be submitted in writing from the Director to the Board of Zoning Appeals for its review.

(3) Public Hearing and Notice. The Board of Zoning Appeals shall hold a public hearing on the application in accordance with the requirements of § 159.041. Notice for the public hearing shall be performed in the manner prescribed by § 159.041.

(4) Action by Board of Zoning Appeals. The Board of Zoning Appeals shall take action in accordance with IC 36-7-4 et seq., with particular attention to the 900 series of said statute as the same may be amended.

(5) Judicial Review. Final decisions of the Board of Zoning Appeals are subject to judicial review as provided by applicable law. (See, e.g., IC 36-7-4-1600 et seq.).

(E) Standards for Conditional Uses. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

(1) Is in fact a conditional use established within the specific zoning district involved;

(2) Will be harmonious with and in accordance with the general objectives or with any specific objective of the City's Comprehensive Plan and this chapter;

(3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area;

(4) Will not be hazardous or disturbing to existing neighboring uses;

(5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

(6) Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community;

(7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

(8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and

(9) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(F) Supplementary Conditions And Safeguards. In granting any Conditional Use Permit, the Board of Zoning Appeals may prescribe conditions and limitations concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this chapter upon the premises benefited by a conditional use as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. However, such conditions shall not be used as a device to authorize as a conditional use that which is intended to be temporary in nature. Such conditions shall be expressly set forth in the ordinance granting the Conditional Use Permit. Any conditions prescribed by the Board of Zoning Appeals must be recorded by the applicant as a supplement to the deed for the property, in the Hamilton County Recorder's office. Violation of any such condition or limitation shall be a violation of this chapter and shall constitute grounds for revocation of the conditional use permit pursuant to §§ 159.240 through 159.248 and 159.999

(G) No Presumption of Approval. The listing of a conditional use within each zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in § 159.041, and with the standards for the district in which it is located, in order to determine whether approval of the conditional use is appropriate at the particular location and in the particular manner proposed.

(H) Limitations on Conditional Uses.

(1) Subject to an extension of time granted by the Director of Planning and Development, no Conditional Use Permit shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period or unless a longer time is requested and granted by the Common Council.

(2) The approval of a proposed Conditional Use Permit by the Board of Zoning Appeals shall be deemed to authorize only that particular use at that particular location for which the conditional use was issued.

(3) Except when otherwise provided in the ordinance for approving a conditional use, a conditional use shall be deemed to relate to, and be for the benefit of the use and lot in question, rather than the owner or operator of such use or lot.

(I) Effect of Approval. The approval of a proposed Conditional Use Permit by the Board of Zoning Appeals shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulations of the City, including but not limited to a building permit and a certificate of occupancy.

(J) Amendment to Approved Conditional Use Development Plans. The holder of an Improvement Location Permit for a conditional use may apply to the Board of Zoning Appeals at any time for an alteration, change, amendment, or extension of the Conditional Use of Development Plan upon which such permit was based.

(1) Upon receipt of such application, the Board of Zoning Appeals shall proceed as in the case of original applications for an Improvement Location Permit for a conditional use.

(2) In the event the Board of Zoning Appeals shall approve and order such applications or Development Plan changed, altered, amended, or extended, it shall notify the Director of Planning and Development who shall issue an amended Improvement Location Permit accordingly.

(3) Any alteration, change or amendment to a site plan (previously approved by the Board of Zoning Appeals through the conditional use process) and involving a new structure, combination of structures, or addition to an existing structure, may be approved by the Director of Planning and Development, who may issue an Improvement Location Permit without the requirement of a public hearing or Board of Zoning Appeals approval provided that:

(a) The net increase in floor area is less than 10,000 square feet but not to exceed 50% of the gross floor area of structures on the parcel;

(b) That the plans for the proposed use be submitted to and reviewed by the Technical Advisory Committee according to the schedule of filing deadlines established by the Director of Planning and Development;

(c) That the plans be revised to incorporate any recommendations of the Technical Advisory Committee that the Director of Planning and Development deems appropriate; and

(d) That the property of the proposed use does not fall within 100 feet of the property line of an existing residential land use or platted residential subdivision.

(K) Temporary Zoning Certificates for Staged Development. Whenever a Conditional Use Permit has been approved and is of such a nature that the applicant desires to complete the structures and improvements shown in the Conditional Use Development Plan by stages, the applicant may make application for a Temporary Certificate of Occupancy for any portion of the Plan that has been completed.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 32-07-19, passed 7-23-19; Am. Ord. 44-10-23, passed 11-14-23)

§ 159.043 INTERPRETATIONS, APPEALS, AND VARIANCES.

(A) Interpretations.

(1) Purpose. The interpretation authority established by division (A)(4) of this section is intended to recognize that the provisions of this chapter, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. Many such situations can be readily addressed by an interpretation of the specific provisions of this chapter in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this chapter but is intended only to allow authoritative application of that content to specific cases.

(2) Authority. The Director of Planning and Development, subject to the procedures, standards, and limitations of division (A)(4) of this section may, by written order, render interpretations of the provisions of this chapter and of any rule or regulation issued pursuant to it.

(3) Parties Entitled to Seek Interpretations. Applications for interpretations may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.

(4) Procedure for Review and Decision.

(a) Application. Applications for interpretations of this chapter shall be filed in accordance with the requirements of § 159.040.

(b) Action on Application. Within ten working days following the receipt of a properly completed application for interpretation, the Director of Planning and Development shall inform the applicant in writing of his interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Director of Planning and Development to act within ten working days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the day following such ten day period.

(c) Records. A record of all applications for interpretations shall be kept on file in the office of the Director of Planning and Development. At least once a year, the Director of Planning and Development shall make public a listing of his decisions, by address, regarding the applications for interpretation.

(d) Appeal. Appeals from interpretations rendered by the Director of Planning and Development may be taken to the Board of Zoning Appeals pursuant to division (B)(4) of this section.

(5) Standards for Interpretations. The following standards shall govern the Director of Planning and Development, and the Board of Zoning Appeals on appeals from the Director of Planning and Development, in issuing interpretations.

(a) Any use defined in §159.016 shall be interpreted as therein defined;

(b) No interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with the general district regulations established for that particular

district;

(c) No interpretation shall permit any use in a district unless such use is similar to other uses permitted in the district and is more similar to those uses than to uses permitted in a more restrictive district;

(d) If the proposed use is most similar to a use permitted only as a conditional use in the district in which it is proposed to be located, then any interpretation permitting such use shall be conditioned on the issuance of a conditional use permit for such use pursuant to division (A)(2) of this section; and

(e) No interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

(6) Effect of Favorable Interpretations. No interpretation finding a particular use to be permitted or permitted as a conditional use in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the ordinances and ordinances of the City including, but not limited to, a building permit, a certificate of occupancy, subdivision approval, and site plan approval.

(7) Limitations on Interpretations.

(a) Subject to an extension of time granted by the Director of Planning and Development, no interpretation shall be valid for a period longer than 12 months from the date of issue.

(b) An interpretation finding a use to be permitted, or permitted as a conditional use in a particular district, shall be deemed to authorize only the particular use for which it was issued, and such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued.

(B) Appeals.

(1) Purpose.

(a) The appeal procedure is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions. It is intended to avoid the need for legal action by establishing local procedures to review and correct administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings, or intent of this chapter or the rightful authority of the Director of Planning and Development to enforce the requirements of this chapter. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this chapter and to the reasonable interpretations of that language by those charged with the administration of this chapter.

(b) The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Director of Planning and Development certifies to the Board of Zoning Appeals, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause, in his opinion, imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board of Zoning Appeals or by a court of record, on application, of notice to the Director of Planning and Development and on due cause shown.

(c) The Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order or final decision as in its opinion ought to be made in the premises, and to that end has all the powers of the officer from whom the appeal is taken.

(2) Authority. The Board of Zoning Appeals shall hear and decide appeals from, and review orders, decisions, determinations, or the failure to act, of the Director of Planning and Development acting pursuant to his or her authority and duties under this chapter and to that end the Board of Zoning Appeals shall have the same powers and be subject to the same standards and limitations as the Director of Planning and Development with respect to any order, decision, or determination being appealed.

(3) Parties Entitled to Appeal. Appeals to the Board of Zoning Appeals concerning the interpretation or administration of this chapter may be taken by any persons aggrieved or by any officer or bureau of the legislative authority of the city affected by any decision of the Director of Planning and Development.

(4) Procedure.

(a) Application. An application for appeal to the Board of Zoning Appeals shall be filed not later than 45 days after the action being appealed and shall be in accordance with the requirements of § 159.040.

(b) Action by Director of Planning and Development. Upon receipt of a properly completed application for an appeal, the Director of Planning and Development shall forthwith transmit to the Board of Zoning Appeals the application together with all the papers constituting the record upon which the action appealed from was taken.

(c) Public Hearing and Notice. The Board of Zoning Appeals shall hold a public hearing on the application in accordance with the requirements of § 159.040. Notice for the public hearing shall be provided in the manner prescribed by § 159.040.

(d) Action by Board of Zoning Appeals. Within 30 days after the close of the public meeting, the Board of Zoning Appeals shall render a written decision on the appeal. Such decision may reverse, affirm, or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the Board of Zoning Appeals, is proper to be made in the premises. The failure of the Board of Zoning Appeals to act within such 30 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the appeal.

(e) Review by Certiorari. Every decision by the Board of Zoning Appeals shall be subject to review by certiorari. Any person aggrieved by a decision of the Board of Zoning Appeals may present to the Circuit Court of Hamilton County a petition duly verified setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the entry of the decision or order of the Board of Zoning Appeals.

(5) Right to Grant Variance in Deciding Appeals. In any case where the application for appeal is accompanied by an application for a variance in accordance with § 159.043(C)(4), the Board of Zoning Appeals shall notice, hear, decide to grant or deny, such variance in compliance with the provisions of § 159.043(C)(4).

(6) Conditions and Limitations on Rights Granted by Appeal. In any case where this chapter imposes conditions and limitations upon any right, any such right granted by the Board of Zoning Appeals on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

(C) Variances.

(1) Purpose. The variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this chapter that create unnecessary hardships. When such hardships may be more appropriately remedied, if at all, pursuant to other provisions of this chapter, the variance procedure is inappropriate.

(2) Authority.

(a) The Board of Zoning Appeals may authorize upon application in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in serious practical difficulty. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted solely on the grounds of convenience or profit; however, where strict application of the provisions of this chapter would result in serious practical difficulty, convenience or profit may be considered as a relevant factor in the Board decision.

(b) The Board of Zoning Appeals may consider issuing a variance from the terms and provisions of the Flood Hazard (FH) District provided the structure for which a variance is requested existed at the time of the effective date of this chapter, and provided the applicant offers that the grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances.

(c) In addition, the Board of Zoning Appeals may consider land use variances in cases in which a proposed use for a property does not fall within the list of permitted or conditional uses for the zone district in which it is located.

(3) Parties Entitled to Seek Variance. An application for a variance may be filed with the Director of Planning and Development by the owner or lessee of the subject property or other person having a legal or equitable interest in the subject property.

(4) Procedure for Review and Decision.

(a) Application. Applications for a variance shall be filed in accordance with the requirements of § 159.040.

(b) Action by Director of Planning and Development.

1. Upon receipt of a properly completed application for a Conditional Use Permit Variance, the Director of Planning and Development shall forthwith transmit it to the Technical Advisory Committee for its review subject to § 159.041 if construction drawings of sufficient detail are provided.

2. The report and recommendations of the Technical Advisory Committee shall be submitted in writing from the Director to the Board of Zoning Appeals for its review if Technical Advisory Committee review is completed on a pending application.

(c) Public Hearing and Notice. The Board of Zoning Appeals shall hold a public hearing on the application in accordance with the requirements of § 159.040. Notice for the public hearing shall be provided in the manner prescribed by § 159.040.

(d) Action by Board of Zoning Appeals. The Board of Appeals shall take action in accordance with IC 36-7-4 et seq., with particular attention to the 900 series of said statute as the same may be amended.

(e) Review by Certiorari. Every decision by the Board of Zoning Appeals shall be subject to review by certiorari. Any person aggrieved by a decision of the Board of Zoning Appeals may present to the Circuit Court of Hamilton County a petition duly verified setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the entry of the decision or order of the Board of Zoning Appeals.

(5) Findings of Fact for Variances.

(a) Findings of Fact.

1. Every application for a variance shall be subject to the findings of fact as set out in I.C. 36-7-4-918.5 et seq. A variance from the terms of this chapter shall not be granted unless the Board of Zoning Appeals makes specific written findings of fact based directly on the particular evidence presented in the application materials and at the hearing which support conclusions that all of the standards and conditions imposed by recommendation of the Director of Planning and Development and the Technical Advisory Committee have been met. A Development Standards Variance may be approved only upon a determination in writing that:

A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

B. The use arid value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

C. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

2. In addition to the findings of fact, the Board should consider the following factors when deliberating over a variance request:

A. Hardship. No variance shall be granted pursuant to this unless the applicant shall establish that carrying out the strict letter of the provision's of this chapter would create a particular hardship or practical difficulty. The hardship in the FH zoning district must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or disagreement with the neighbors also does not qualify as an exceptional hardship as they can be resolved through other means without granting a variance, even if the alternative is more expensive. The need for a property owner to build elsewhere or put the property to a different use than originally intended does not constitute a hardship.

B. Unique physical condition. The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or non-conforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

C. Not self-created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this chapter.

D. Denied substantial rights. The carrying out of the strict letter of the provision from which variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

E. Not merely special privilege. The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.

F. Ordinance and plan purposes. The variance would not result in a use or development of the subject lot that would not be in harmony with the general and specific purposes for which this chapter and the provision from which a variance is sought were enacted or the general purpose and intent of the Comprehensive Plan.

G. No other remedy. There is no means other than the requested variance by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.

H. Minimum required. The requested variance is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of the ordinance.

(b) Additional Considerations for Flood Hazard Areas. The Board of Zoning Appeals shall, in weighing the appropriateness of a variance for Flood Hazard areas, consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, as well as the following:

1. The danger to life and property due to flooding or erosion damage.
2. The danger that materials may be swept onto other lands to the injury of others.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location, where applicable.
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
7. The compatibility of the proposed use with existing and anticipated development.
8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
9. The expected height, velocity, duration, rate of rise, and sediment of transport of floodwaters at the site.
10. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

(c) Every application for a land use variance shall be subject to the findings of fact as set out in I.C. 36-7-4-918.4 et seq. A variance from the land use of this chapter shall not be granted unless the Board of Zoning Appeals makes specific written findings of fact based directly on the particular evidence presented in the application materials and at the hearing which support conclusions that all of the standards and conditions imposed by recommendation of the Director of Planning and Development and the Technical Advisory Committee have been met. A land use variance may be approved only upon a determination in writing that:

1. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. the need for the variances arises from some condition peculiar to the property involved;
4. the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
5. the approval does not interfere substantially with the comprehensive plan.

(F) Supplemental Requirements for Variances in Flood Hazard Areas.

(1) Variances from the provisions of the Flood Hazard zoning district shall only be granted when the Board can make positive findings of fact based on evidence submitted at the hearing for the following:

(a) A showing of good and sufficient cause.

(b) A determination of failure to grant the variance would result in exceptional hardship as defined in § 159.016.

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(2) No variance for a residential use within a floodway may be granted.

(3) Any variance for non-residential uses granted in a floodway will require prior approval of a permit from the Indiana Department of Natural Resources. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances to the standards regulating building protection standards may be granted only when a new structure or substantial improvement is to be located on a lot of one half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures. Such repair, rehabilitation, or restoration may be issued only upon a determination that the proposed construction will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum necessary to preserve the historic character and design of the structure.

(7) Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.

(8) Any applicant that is granted a variance shall be given written notice, which will then be recorded against the deed to the property in the office of the County Recorder, specifying the following:

(a) The difference between the flood protection grade and the elevation to which the lowest floor is to be built.

(b) Stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(9) The Floodplain Administrator shall maintain records of appeal actions and report any variance to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 23-06-10, passed 7-13-10; Am. Ord. 49-10-14, passed 10-28-14; Am. Ord. 32-07-19, passed 7-23-19; Am. Ord. 68-11-22, passed 11-9-22; Am. Ord. 44-10-23, passed 11-14-23)

§ 159.044 AMENDMENTS.

(A) Purpose. The purpose of this section is to provide standards and procedures for making amendments to the text of this chapter and the Zoning Map that are of general significance or application. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

(B) Authority. The text of this chapter and the Zoning Map may be amended from time to time by the passage of an ordinance duly adopted by the Common Council in accordance with the procedures set forth in this section.

(C) Parties Entitled to Initiate Amendments.

(1) Amendment to Text. Amendments to this chapter may be initiated by adoption of a motion of the Plan Commission or by adoption of a resolution by Common Council.

(2) Amendment to Zoning Map. Amendments to this chapter may be initiated by adoption of a motion of the Plan Commission; by adoption of a resolution by Common Council; or by the filing of a petition by at least 50% of the owners of property within the area proposed to be changed or affected by said amendment.

(D) Standards for Amendments. The wisdom of amending the text of this chapter or the Zoning Map is a matter committed to the sound legislative discretion of the Common Council and is not controlled by any one standard. In making their determination, however, the Common Council should, in determining whether to adopt or deny, or to adopt some modification of the Plan Commission's recommendation, consider, among other factors, the following:

(1) Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time by the Common Council;

(2) Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property;

(3) Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted;

(4) Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and

(5) Whether the proposed amendment reflects responsible standards for development and growth.

(E) Procedure for Review and Decision. A petition to amend the text of this chapter or the Zoning Map shall be processed in accordance with the procedures set forth below:

(1) Petitions. Petitions for amendment to this chapter shall be filed in accordance with the requirements of § 159.040.

(2) Public Hearing and Notice. After receipt of a properly completed petition for an amendment, the Director of Planning and Development shall fix a date for a public hearing in accordance with the requirements of § 159.040. Notice of the public hearing shall be provided as prescribed in § 159.040.

(3) Plan Commission Action. Amendments shall be handled in accordance with applicable law. (See, e.g., the 600 series of IC 36-7-4 as the same may be amended.)

(4) Common Council Action. The Common Council shall either adopt or reject the recommendation of the Plan Commission or adopt some modification of the recommendation of the Plan Commission. Failure of the legislative body to pass the proposed amendment within 90 days after its rejection by the Plan Commission constitutes rejection of the proposed amendment; and the proposed amendment may not be reconsidered by the Plan Commission or legislative body until the expiration of one year after the date of its original rejection by the Plan Commission.

(5) Effective Date. Such amendment adopted by Common Council shall become effective immediately upon adoption and approval by the Plan Commission.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 44-10-23, passed 11-14-23)

§ 159.045 PERMITS AND CERTIFICATES OF APPROVAL.

(A) Improvement Location Permits.

(1) Scope. No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use without an improvement location permit issued by the Director of Planning and Development. A permit shall be issued by the Director of Planning and Development upon finding that the proposed use complies with the requirements of this chapter or upon written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance; or from the Common Council approving a Planned Unit Development, as provided by this chapter. Such permit shall be posted on or near the structure during the entire duration of construction and shall be the original card issued by the Director of Planning and Development.

(2) Application for Improvement Location Permit. Applications for Improvement Location Permits (ILP) shall be filed in accordance with the requirements of §159.040. An ILP for the installation of infrastructure and/or grading, erosion, or other similar land activities shall be required to obtain approvals from the various Technical Advisory Committee members prior to a request for a Pre-Construction meeting. The information required for a Pre-Construction meeting includes but is not limited to performance bond submittals, certified grading plans, construction plans, and other documentation as may be necessary for the release of the ILP.

(a) For all non-residential construction projects, multi-family construction projects, and those projects as deemed necessary by the Director of Planning Development or the Engineering Department, a Pre-Construction Committee meeting is required.

(b) Contact the Engineering Department for scheduling of a pre-construction meeting. At a minimum, seven business days prior to the scheduled meeting, the following information shall be submitted as per the Pre-Construction Meeting Protocol Sheet. The following items are required to be submitted and/or approved prior to the actual Pre- Construction meeting:

1. A PDF copy of all civil drawings approved by the Technical Advisory Committee.
2. A copy of the Technical Advisory Committee approval letter(s).
3. A copy of the Geographic Information System (GIS) approval letter.
4. A copy of the MS4 approval letter.
5. A copy of the Indiana Department of Environmental Management (IDEM) approval letter for sanitary sewers.
6. A copy of the County Surveyor's "indirect" or "direct" outlet permit, regarding any County Legal Drains.
7. A copy of all conveyance documents for off-site easements and/or public right-of-way.
8. A check payable to the City of Noblesville for pre-paid engineering inspection fees.
9. A certified construction cost estimate prepared by a professional engineer or land surveyor detailing each individual infrastructure item to be bonded and its associated costs (e.g. surface, binder, stone, sub-base).
10. Original performance bond(s) in the amount of 110% of the construction cost estimates for all public infrastructure improvements. This includes but is not limited to sidewalk/trails, driveway approaches, and/or entrance/deceleration lane improvements.
11. A. Residential development.
    i. Three sets of full-sized scaled drawings as per the approvals above.
    ii. Two sets of 11 x 17-inch scaled drawings.
    iii. One PDF of the approved scaled drawings submitted on a disk or other acceptable media.

B. Non-residential development.
    i. Three sets of full-sized scaled drawings as per the approvals above.
    ii. Two sets of 11 x 17-inch scaled drawings.
    iii. One PDF of the approved scaled drawings submitted on a disk or other acceptable media.

(3) Permits for Industrial Uses. An application for an Improvement Location Permit for an enclosed industrial use or an open industrial use shall be accompanied by a "Certificate of Compliance" subscribed by a registered professional engineer or architect, certifying that the use intended will satisfy the standards of the enclosed industrial use or the open industrial use, as the case may be, and in the District in which it is to be located. The Director of Planning and Development or his or her designee may take ten working days in which to study the application, during which time he may consult with appropriate technical consultants. If after the ten working days period the Director has not required any additional information or stated any objections in writing, the Director of Planning and Development or his or her designee shall issue the Improvement Location Permit.

(4) Submission to State or Local Highway Department. Before any improvement location permit is issued which affects any land within 300 feet of the centerline of a proposed highway or a highway for which changes or improvements are proposed, or within 500 feet of the intersection of the aforementioned highway and any other public road or street, the Indiana Department of Transportation (INDOT) and/or any local or county highway departments must be notified by the applicant and comments or suggestions received back from same. Such permit shall be posted on or near the structure during the entire duration of construction and shall be the original card issued by the Director of Planning and Development.

(5) Action by Department of Planning and Development.

(a) Upon receipt of a properly completed application for a Improvement Location Permit, the Director of Planning and Development shall forthwith transmit such application to the Technical Advisory Committee for its review subject to § 159.041.

(b) Within five working days after the receipt of the report and recommendations of the Technical Advisory Committee, the Director of Planning and Development shall either approve or disapprove the application. One set of the plans shall be returned to applicant by the Director of Planning and Development and be marked either "approved" or "disapproved", and the Director of Planning and Development's signature on the copy should attest. One set of the plans, similarly marked, shall be retained by the Director of Planning and Development. If the application is approved, the Director of Planning and Development shall issue a placard to the applicant. It is to be posted in a conspicuous place on the property in question and will attest to the fact that the plans for construction or alteration are in compliance with the provisions of the state building rules and regulations. If disapproved, the Director of Planning and Development shall notify the applicant indicating the reasons in writing within ten days.

(6) Expiration of the Improvement Location Permit. The work or use authorized by any Improvement Location Permit must be commenced within six months of the date of issuance of such permit, otherwise the same shall lapse and be and become null and void. All work so authorized shall be completed within 24 months from the issuance of the permit, and provided that for good cause shown the Director of Planning and Development may extend the work completion time.

(7) Failure to Obtain an Improvement Location Permit. Failure to obtain an Improvement Location Permit shall be a violation of this chapter and be punishable under the provisions of §§ 159.240 through 159.248 and 159.999.

(8) Limitation on Improvement Location Permits. Improvement location permits issued on the basis of plans and applications approved by the Director authorize only the use or arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangements, or construction. Any use, arrangement, or construction contrary to that authorized shall be deemed a violation of this chapter and be punishable under the provisions of §§ 159.240 through 159.248 and 159.999.

(9) Records of Improvement Location Permits. Every Improvement Location Permit issued pursuant to division (A)(3) of this section shall be kept on file in the Office of the Director of Planning and

Development and shall be a public record.

(B) Building Code and Building Permits.

(1) Purpose. The City Building Code is intended to regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, maintenance, electricity, plumbing, heating, ventilation and air conditioning of all public and private buildings or structures within the corporate limits of the City of Noblesville, Indiana, and within the area which is within the jurisdiction of the Noblesville City Plan Commission. The creation of the Office of Building Commissioner provides for the issuance of building permits, the collection of fees therefor, and a penalty for the violation thereof.

(2) Title. This section shall be known and may be cited as the "Building Code of Noblesville, Indiana."

(3) Content of Building Code. Certain documents, copies of which are on file in the Office of the Department of Planning and Development, and the Office of the Clerk of the City of Noblesville, Indiana, the Indiana Department of Homeland Security, Fire and Building Safety Division, Indianapolis, Indiana being marked and designated as General Administrative Rules 675 IAC 12, Indiana Building Code 13, Indiana Residential Code 14, Indiana Industrialized Building Systems 15, Indiana Plumbing Code 16, Indiana Electrical Code 17, Indiana Mechanical Code 18, Indiana Energy Conservation Code 19, Indiana Swimming Pool Code 20, Safety Code for Elevators, Escalators, Man Lifts and Hoists Code 21, Indiana Fire Code 22, Indiana Amusement Device (Recreational Facilities) Code 23, Indiana Supplementary Fire Safety Rules Code 24, and Indiana Fuel Gas Code 25, and Indiana Visibility Rule 27 be and the same are hereby adopted as the Building Code for regulation, the erection, construction, enlargement, alteration, repair, moving, removal, maintenance, fire prevention and safety, electricity, plumbing, heating, ventilation and air conditioning of all public and private buildings and structures within the Jurisdiction of the Noblesville Plan Commission as set forth herein; and all rules and regulations as provided by the Fire Safety Division of the Indiana Homeland Security as above referenced to, as now on file in the Offices referred to and are hereby adopted including all amendments by the Fire and Building Safety Commission and made a part hereof as if fully set out in this Code.

(4) Building Permit Required. No persons, firms, or corporations shall erect, construct, enlarge, alter, move, remove, improve, convert, or demolish any building or structure within the Jurisdiction of the Noblesville City Plan Commission, or cause the same to be done, until first having obtained a separate building permit for each such building or structure from the Director of Planning and Development, who may require plans thereof, together with a statement of materials to be used.

(5) Application for Permit.

(a) To obtain a permit, applicant must first file an application therefor, on forms to be furnished by the Director of Planning and Development, and every applicant shall complete all information requested on said form.

(b) Each application for a permit shall be accompanied by the following:

1. Residential Projects.

a. Construction (civil) plans;

b. Three development plans and legal description;

c. 2012 Energy Code Compliance;

d. For projects within the city limits, a copy of the approved sewer/driveway permit or

e. A copy of the approved septic permit and a copy of the approved driveway permit;

f. For projects within the territorial jurisdiction of Noblesville, a copy of the approved septic permit and a copy of the approved driveway permit from Hamilton County;

g. One complete Portable Document Format (PDF), Version 7 or later, of all required documents and paperwork provided through a file hosting system such as Drop Box, or on a CD, DVD, or other similar media that is filed at the time the application is submitted to the Planning Department. Review by Planning and Engineering Staffs of the submitted documentation shall not begin until the digital formatted items are received by the Planning Department.

2. Commercial Projects.

a. Digital PDF's only unless otherwise noted below;

b. Two copies of the development (site) plan including the legal description;

c. Two copies of the landscaping plan including both botanical and generic names of plants, heights, calipers, and gallon sizes of plants at the time of planting. Include the location of both underground and above ground utilities. For above ground utility lines, indicate the type of line i.e. transmission or distribution.

d. One full set of color elevations of the building exterior (front, both sides, and rear) including the labeling of building materials, colors, and height.

e. Roof Truss Certification for One and Two Family Structures shall be as per local ordinance as required by State of Indiana, Section R802.10.1 and shall include the following:

1. Truss design drawings must have lot number and subdivision stated on packet

2. Truss design drawings shall be dated within the code-cycle that is in effect and be clear and readable.

3. Truss design must comply with ANSI/TPI 1-2002

4. Trusses shall be designed in accordance with accepted engineered practices.

5. Truss design drawings shall be certified by a registered architect under I.C. 25-4 or a professional engineer registered under I.C. 25-31.

6. Wind uplift rating must be on truss specifications.

7. Locations noted on truss design drawings where permanent member bracing is required by the manufacturer or design professional.

f. For single-family and two-family dwellings, the site plan shall include the standard information as defined in the Unified Development Ordinance and the following additional information. The drawing shall be titled "Site Plan and Pre- Construction Elevation Certificate. Information required on the updated submitted site plan includes both "existing" and "proposed" grades for the structure, lot, and drainage swales, adjacent pond 100-year flood elevations; finished floor elevations of the proposed structure; all window wells and/or ingress/egress areas from the basement area including elevations; the finish floor elevations for structures on adjacent lots or the proposed pad elevations for those adjacent lots without structures; and spot grade elevations for those adjacent structures. A "typical driveway construction profile" as per the Noblesville Construction Standards and drive slope calculations are required on the submittal including the profile of the grade on the driveway elevation. Any and all Flood Hazard Statements, base flood profiles, floodway/floodway fringe/flood hazard area lines, etc. Include the subdivision restrictions for all yard setbacks and/or aggregate side yards, finished floor elevation including pad grade, garage finished floor elevation, basement finished floor elevation, residential finish first floor elevation and any notes pertaining to the garage finish floor elevation and its height above the curb at the drive, and all ground cover calculations including drive, public walks, private walk, sod, and hydro seeding. Additional information may be required from either the Planning Department or Engineering Department under certain circumstances. The following certification statement:

“I certify that the elevations shown as "existing" grades were existing on (insert date), prior to the construction of the house and lot improvements and prepared for the benefit of the parties indicated hereon and for the purpose of obtaining approval for the "Building Permit." It is my opinion that if the proposed finish grades are constructed as shown, the surface drainage on the subject lot will be satisfactory for residential construction. This plan was compiled based on documents prepared by others and the (insert your company's name) assumes no liability for the accuracy, completeness, or acceptance of those documents. This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a surveyor location report."

Include "Notes: The drawing is based on (fill in the blank with one or all including but not limited to construction plans, record drawings, type of survey). Your company's name detailing any warranties to the accuracy or sufficiency of the construction plans or record drawings and any discrepancies.

Upon completion of the improvements and prior to the issuance of a temporary and/or final Certificate of Occupancy, a "Post Construction Elevation Certificate" shall be submitted to the Planning Department to verify all information submitted on the "Site Plan and Pre-Construction Elevation Certificate".

As per the submitted 'Site Plan and Pre-Construction Elevation Certificate', the finished floor elevation of the proposed structure shall not be greater than three feet (+/-) above the required height of the finished floor elevation (15-inches) as measured from the lowest point of the top of the back of curb as per the 'Grading and Building Pad Elevation - Section 105.02' of the City of Noblesville Stormwater Technical Standards Manual as adopted and amended unless otherwise approved by the City of Noblesville's Engineer for warranted circumstances particular to said structure/parcel.

g. One copy of the State Release Letter.

h. One completed Road Impact Fee Calculation Request.

i. One complete Portable Document Format (PDF), Version 7 or later, of all required documents and paperwork provided through a file hosting system such as Drop Box, or on a CD, DVD, or other similar media that is filed at the time the application is submitted to the Planning Department. Review by Planning and Engineering Staffs of the submitted documentation shall not begin until the digital formatted items are received by the Planning Department.

(c) Building Construction Plans including structural, architectural, mechanical, plumbing, and electrical shall be submitted with application. Fire sprinkler systems and fire alarms systems may be submitted after the issuance of the building permit and should include a digital copy of the plans to the Building Commissioner and the Fire Marshal.

(d) No building permit shall be issued until such time notification has been received from the Water Utility for the project stating the water lines have been accepted and are in service, the fire hydrants have been accepted by the Fire Marshal, and streets, curbs, gutters, sanitary sewers storm sewers and like infrastructure have been constructed to the Noblesville standards and accepted/approved by the City Engineering Department or other governing utility. This applies to each section of a subdivision or approved development plan in which structures are being constructed.

(e) For all Class 1 (Commercial) and Class 2 (Single- family and Two-Family) structures should “advanced structural components” be used as per Senate Enrolled Act No. 393, additional information is required to be submitted as a part of the building application per I.C. 22-11-21.

(f) Pre-con meeting correspondence.

(g) Detached single-family, attached single-family, and two-family structures.

1. Vinyl siding shall be premium grade vinyl siding and shall have a minimum thickness of 0.050 inches and shall comply with the American Society for Testing and Materials (ASTM) Standard Specification for rigid poly-siding (ASTM D3679). All siding shall be Class 1 as listed in this standard. The minimum length of uncut siding pieces shall be twelve (12) feet. The installer shall make every

effort to minimize the number of joints and to keep the length of installed siding pieces to twelve (12) feet. Additionally, the selected vinyl materials shall not be a smooth finish in both siding and trim.

2. On “gable end trusses” that are constructed out of two by four-inch (2” by 4”) dimensional lumber installed vertically at sixteen-inch (16”) on center or greater spacing and where the vertical two by fours (2 by 4’s) are ten feet (10’) or greater in length, the builder shall install a “strongback” and/or T-brace on the attic side of the truss, approximately at mid-span of these vertical two by fours (2 x 4's) to serve as an added support mechanism to stop bowing of the vertical two by fours (2 by 4’s) and the vinyl siding attached to it. Roof Truss Certifications shall include the additional bracing as noted in this division.

(6) Procedure.

(a) Application. Applications for a Building Permit shall be filed in accordance with the requirements of § 159.040.

(b) Fees.

1. No permit shall be granted by the Director of Planning and Development, until all applicable fees pertaining to that permit have been paid in full.

2. No permit shall be granted by the Department of Planning and Development until all fees owned by the applicant to the City of Noblesville have been paid in full. This requirement shall apply not only to fees specified in § 159.045(B)(1) above, but shall also include all fees owed on any permit previously issued to the applicant. A schedule of payment of all owed fees provided by the applicant to the satisfaction of the Director of Planning and Development shall satisfy the requirement of this section in lieu of payment in full.

3. No part of any filing fee paid pursuant to this subchapter shall be returnable to the applicant.

4. The Building Permit fees include the Improvement Location Permit fee for those applications listed in §159.045(A).

(c) No permit shall be issued until parcel identification is posted on the site. This identification shall be clearly visible from the road on which the property achieves access and must include street address and/or lot number.

(d) Lot identification number, structure address number, and building permit shall be established on a two inch by four inch post, a minimum of five feet to a maximum of 6½ feet in height above the ground level, with the following 8½ inch by 11 inch laminated permit/identification items. Top posting is building permit, next is the lot number, and third is the address numbers. These laminated permit/identification items will be given to the individual who obtains the building permit and must be posted between ten to 15 feet behind the street pavement or curb line and must be posted by the time of the first inspection. Once the home is weather-tight (felt paper on roof), then the building permit/identification cards shall be moved to the inside of the house and placed in a window facing the street. The identification/permit must be clearly visible from the road and must remain posted until such time the house number is permanently attached to the structure or mailbox adjacent to the road and final inspection is approved.

(7) Penalties.

(a) If construction has commenced prior to obtaining permit or payment of fees, penalties may be assessed pursuant to §159.999.

(b) Also, any person who shall initiate construction prior to obtaining a Building Permit (or a Certificate of Occupancy) or any other permit required, shall pay twice the amount of the filing fee set forth herein.

(c) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, realtor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(8) Deadline for obtaining permit once filed. Any permit shall be considered null and void unless all applicable fees have been paid in full within 90 days from the date a permit is approved by the Department of Planning and Development.

(9) Fees for renewing permits. In the event that a building permit is commenced but not completed in the time frame established by this chapter, it will be necessary for the applicant to renew the permit at the end of the prescribed time frame. The fee that shall be collected for this renewal shall be equal to 50% of the building fee originally paid for the permit. This fee must be paid prior to the issuance of the renewed permit.

(10) Appeals. Any person may appeal any decision of the Director of Planning and Development or anyone acting under his or her supervision in the enforcement of this chapter to the City Board of Zoning Appeals.

(C) Certificate of occupancy.

(1) Scope. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Director of Planning and Development. The certificate of occupancy shall state that the proposed use of the building and/or land conforms to the requirements of this chapter and that the Director or his representative has inspected the property and attested to that fact.

(2) Application for certificate of occupancy. Applications for certificates of occupancy shall be filed in accordance with the requirements of §159.040.

(3) Change in use. No change shall be made in the use of land, except as provided in this chapter or the use of any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a certificate of occupancy having been issued by the Director of Planning and Development; and no such certificate shall be issued to make such change unless it is in conformity with the provisions of this chapter.

(4) Change of occupancy. No persons, firms, or corporations shall move into or occupy any nonresidential structure or land, new or existing, without first obtaining a certificate of occupancy from the Department of Planning and Development.

(5) Completion time. The work or use authorized by any improvement location permit, conditional use permit, variance permit, building permit, or other permit must be commenced within six months of the date of issuance of such permit(s), otherwise the same shall lapse and be and become null and void. All work so authorized shall be completed within 24 months from the issuance of the permit therefor, and if for good cause shown the Director of Planning and Development may extend the work completion time as per § 159.041(H).

(6) Issuance of certificate of occupancy. Certificates of occupancy may be issued by the Director of Planning and Development within ten days after notification by the applicant that the lawful erection, reconstruction, or structural alteration of such building or other improvement of the land shall have been completed and the finding of the Director that such erection, reconstruction, or structural alteration is complete and all required inspections were approved including those required by the Building, Planning, Engineering, MS4 Division, GIS, and other departments as may be required.

(7) Enforcement. In case any building, structure, or property is, or is intended to be erected constructed, reconstructed, altered or converted, or any building, structure, or property is, or is intended to be used in violation of, or contrary to the provisions of this chapter, the Director of Planning and Development is hereby authorized, in addition to other remedies set forth in the Statutes of the State of Indiana and in this chapter, to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, alteration, conversion, or use.

(8) Sewage disposal. An application for an improvement location permit for any use shall not be approved until it has been ascertained by the Director of Planning and Development or his or her designee that the proposed use and minimum lot size and width meet the minimum standards for a sewage disposal system as required by the Hamilton County Health Department, the Noblesville Board of Public Works and Safety, other licensed centralized waste collection entities of appropriate jurisdiction, and as otherwise required by this chapter.

(9) Temporary certificate of occupancy. When the improvement covered by the issued permit has been completed in substantial conformity with the architectural plan, site plan and/or development plan submitted with the application, a temporary certificate of occupancy may then be issued. For non-residential structures, the temporary certificate of occupancy shall permit the stocking, shelving, furniture installation and similar activities but not the utilization of the building for general public use or the term "Open for Business." For residential structures, a temporary certificate of occupancy does permit the occupying of the structure in most instances. All temporary certificates of occupancy are valid for a period not exceeding 30 days except as otherwise noted in this chapter. At the end of the 30 days, all unfinished items shall be completed and re-inspected for total compliance with the issued permit and submitted plans. The Director of Planning and Development may grant a one-time extension not exceeding 30 days for unusual or unique circumstances.

(10) Final certificate of occupancy. For commercial projects, no FINAL certificate of occupancy will be issued to occupy the structure until such time the GIS submittal (as-built infrastructure), per the Noblesville GIS requirements, has been submitted and approved and all building and site conditions have been inspected and approved as per the issued permit. The above applies to the overall residential subdivision and/or planned development and not individual lots. In addition, for commercial projects, the Fire Department GIS submittal of “as-built building plans” per the specifications shall be submitted and accepted.

(11) Records of certificate of occupancy. Every certificate of occupancy issued pursuant to division (C) of this section shall be kept on file in the Office of the Director of Planning and Development and shall be a public record.

(D) Demolition permits.

(1) Scope. A demolition permit shall be obtained prior to a structure being removed and/or destroyed to the ground.

(2) Application for a demolition permit. An application for a demolition permit shall include:

(a) A completed application for a building permit signed by all owners of the property;

(b) A single copy of a sketch plan drawing (informal) or aerial photographs, including the general locations of all existing structures on the real estate, highlighting or identifying the structure(s) to be removed;

(c) A written statement as to the removal of the demolished materials and the intended use of the area [the place where the demolished materials are being located (hauled)];

(d) A signed copy of the "Demolition Permit Requirements Application" concerning the existing well, septic systems, sanitary sewer, and/or fuel tanks.

(e) Written proof of disconnection from utilities such as gas, water, and/or electric.

(f) If a structure is to be rebuilt in its place, a sketch plan drawing of the new structure.

(3) Application for demolition within the Downtown Protection Boundary. In addition to the information required in division (D)(2) above, all structures larger than 400 square feet to be demolished within the demolition area defined as the “Downtown Protection Area”, which is generally depicted in Appendix I of this chapter, shall be presented to the Plan Commission for a certificate of authorization, and to the Common Council for approval of the certificate of authorization. The Downtown Protection Area is more particularly defined as the area within the following boundaries: beginning at the intersection of the north-south alley between 11th and 10th Streets and Harrison Street, continuing in a westerly direction to White River, thence south to Maple Avenue, thence east to 6th Street, continuing south along 6th Street to Cherry Street, thence westerly to 6th Street, continuing south along 6th Street to Hannibal Street, thence easterly to 7th Street, thence south to Division

Street, thence continuing easterly along Division Street to 11th Street, thence north to the east-west alley between Conner Street and Maple Avenue, thence continuing in an easterly direction to 17th Street, thence continuing in a northerly direction to the east-west alley between Logan and Conner Streets, thence continuing in a westerly direction to the north-south alley between 10th and 11th Streets, thence continuing in a northerly direction along the north-south alley between 10th and 11th Streets to the place of beginning. For any demolition of a structure larger than 400 square feet within the Downtown Protection Area, the following process shall apply:

(a) The presentation to the Plan Commission of the request for demolition of a structure more than 400 square feet in size within the above-described boundary shall be scheduled upon the submission of a complete application. The application will be considered at the next meeting of the Plan Commission, upon which the applicant may comply with the applicable notice requirements.

(b) Within the described Downtown Protection Boundary, there is an area where preservation of the existing facades that contribute to the historic character of our community is of utmost importance, shown in Exhibit (D)(3)(b) below. Demolition of a structure within the area highlighted in Exhibit (D)(3)(b) shall only occur if all of the following apply:

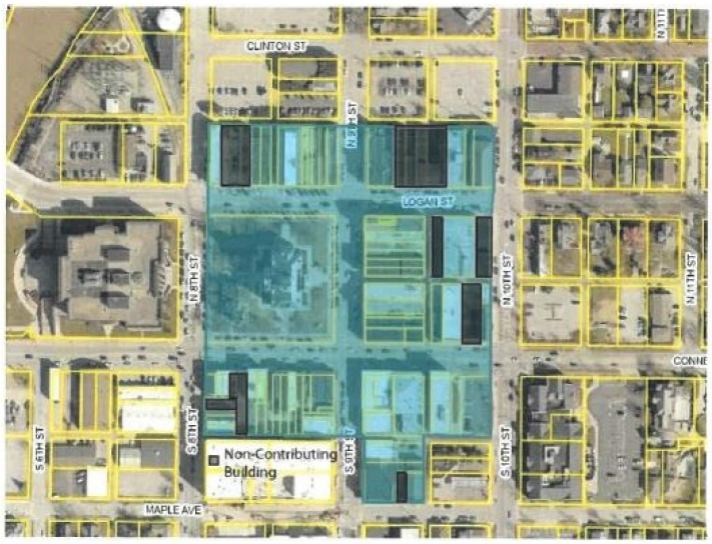
1. No means of construction exists that allows the facades of the existing structures to remain through integration into new construction;

2. Irreparable damage has occurred to the facade to an extent that cannot be fixed in a fiscally reasonable manner; and

3. The proposed new structure incorporates architectural styles and elements identified in the original application for inclusion on the National Register of Historic Places that may be found in the National Archives Catalogue. The architectural styles and elements must be listed in these documents as contributing to the overall character of the district, and shall be used in structures surrounding the proposed new construction.

The above-referenced criteria in division (D)(3)(b)1. and 2. above shall not be applicable to any structure that is highlighted within Exhibit (D)(3)(b) as a non-contributing structure. However, any new structure shall be subject to division (D)(3)(b)3. above. Non-contributing-structure information was taken from the original application for listing on the National Register of Historic Places.

Exhibit (D)(3)(b)



(c) The Plan Commission shall hold a public hearing and determine whether a certificate of authorization shall be issued. The Plan Commission shall consider the following factors:

1. Is the existing structure an imminent threat to public health and safety?

2. Does the proposed demolition serve a greater public purpose?

3. Is the structure proposed for demolition a historic landmark or a building within a historic district that contributes to the district character?

4. Does the proposed new construction on the site of the demolition fit the established or intended character of the area?

(d) When the applicant or property owner cannot establish the need for demolition under the findings above, the Plan Commission may, when requested by the property owner, consider evidence of the economic impact on the owner of the denial of the certificate. A certificate may not be denied if it is established that the denial will deprive the owner of any reasonable economic use of the structure, and there is no viable or reasonable alternative that would have less impact on the features of significance.

To prove the existence of a condition of unreasonable economic return, the applicant must establish, and the Plan Commission must find in the affirmative one of the following conditions:

1. No economically viable use of the property exists;

2. The cost to repair the structure exceeds the fair market value of the property;

3. The property is not marketable or able to be sold when listed for sale or lease.

(e) If rehabilitation or restoration are feasible and the structure is not an imminent threat to the public health or safety, a citizen or community organization may request the Plan Commission place a 90-day hold on the forwarding of a recommendation on a certificate of authorization to provide the person or the group with an opportunity to identify and evaluate alternatives to demolition. If at the end of the 90-day hold no alternatives to demolition have been established, the Plan Commission shall issue a certificate of authorization to the applicant.

(f) Once the certificate of authorization is issued, the matter shall be heard by the Common Council for approval at its next regular meeting. In its approval or denial of the certification of authorization, the Common Council may consider only the application, the Planning Department staff report, and the information before the Plan Commission at the public hearing. The Common Council's approval shall serve as affirmation of the finding of the Plan Commission. The Planning Department may issue a demolition permit only upon receipt of the certification of authorization and Common Council approval.

(4) Exemptions. This chapter does not apply to a demolition associated with a project that has an executed resolution for an economic development agreement. However, the factors listed in this chapter will be considered in relation to those projects.

(5) Appeals. Denial of a permit under this division is considered a final decision and may be appealed pursuant to state law.

(E) Sexually Oriented Business Uses.

(1) No sexually oriented business as regulated by § 159.130 shall be permitted to operate without obtaining a sexually oriented improvement location permit. This permit shall be required separately from other permits as required by the city.

(2) Applications for Improvement Location Permits shall be filed in accordance with the requirements of §§159.040 - 159.045. Sexually Oriented Improvement Location Permit Applications must include the following:

(a) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. The sketch must also address the specific requirements of the business for which the permit application is for, as outlined by the Classification Specific Design Requirements.

(b) A current certificate and straight-line drawing prepared within 30 days prior to application prepared by a State of Indiana registered land surveyor depicting the property lines and the structures containing any established existing uses regulated by this chapter within 1,000 feet of the property to be certified; the property lines of any established protected use within 1,000 feet of the property to be certified; and the property lines of any residentially zoned area or residential property within 1,000 feet of the property to be certified, if not apparent. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

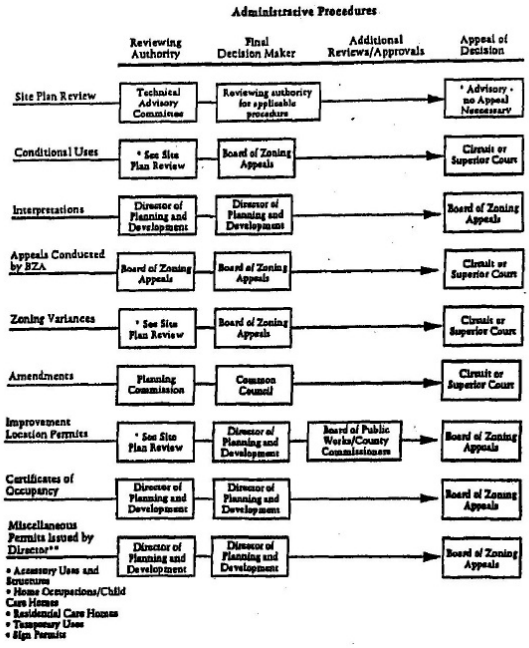
(F) Other permits issued by Department of Planning and Development. Permits or registrations shall be required for the following uses pursuant to the procedures and standards in §§ 159.120 through 159.129;

(1) Accessory Uses and Structures.

(2) Home Occupations.

(3) Residential Care Homes.

(4) Temporary Uses.



(Ord. 62-12-95, passed 1-22-96; Am. Ord. 12-4-97, passed 5-12-97; Am. Ord. 21-6-97, passed 7-28-97; Am. Ord. 57-9-98, passed 9-28-98; Am. Ord. 25-5-01, passed 6- 12-01; Am. Ord. 55-11- 01, passed 12-11-01; Am. Ord. 55-12-02, passed 1- 14-03; Am. Ord. 57-9- 04, passed 9-28-04; Am. Ord. 42-5-05, passed 6- 14-05; Am. Ord. 76-9- 05, passed 10-11-05; Am. Ord. 89-10-06, passed 11-14-06; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 23-06-10, passed 7-13-10; Am. Ord. 12-2-11, passed 3-15-11; Am. Ord. 29-9-11, passed 10-11-11; Am. Ord. 03-02-12, passed 2-28-12; Am. Ord. 09-03-12, passed 3-27-12; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 31-09-13, passed 9-24-13; Am. Ord. 12-04-17, passed 4-25-17; Am. Ord. 32-07-19, passed 7-23-19; Am. Ord. 40-10-18, passed 12-16-18; Am. Ord. 26-05-22, passed 5-24-22) Penalty, see § 159.999

§ 159.046 PRE-FILING APPLICATION CONFERENCE.

Scope and Purpose.

(A) A pre-filing meeting with Planning Department staff is required prior to the applicant/developer/owner filing an application(s) for a public hearing before the Plan Commission or for site plan review by the Technical Advisory Committee with said conference being completed at a minimum of ten business days prior to the filing of said application(s). These applications are subject to the filing dates contained on the adopted schedule of meeting dates and filing deadlines adopted by the Plan Commission annually.

(B) At the pre-filing conference, the following items shall be available for discussion purposes:

(1) Property information.

(a) Aerial photograph of the property and general area.

(b) Property owner information.

(c) Status of property control.

(d) Acreage of property.

(e) Legal description of property.

(2) Preliminary site plan, including delineation of floodplains and wetlands.

(a) Layout of proposed development elements.

(b) Statement of proposed uses.

(c) Statement of consistency with Comprehensive Master Plan.

(3) Preliminary utility plan.

(4) Preliminary building elevations, including materials.

(5) Preliminary landscaping plan.

(6) Due diligence analysis.

(a) ALTA/Title survey.

(b) Wetland delineation.

(c) Phase I ESA.

(d) Drainage basins (on-site and offsite).

(e) Geotechnical analysis.

(f) Offsite easement identification.

(C) During the conference, staff will provide input and suggestions on the preliminary plans based on adopted ordinance standards. Filing procedures, including applications, fees, meeting dates and plan submittals, shall be discussed.

(Ord. 46-07-16, passed 8-9-16; Am. Ord. 32-07-19, passed 7-23-19; Am. Ord. 44-10-23, passed 11-14-23)

§ 159.047 PLANNED DEVELOPMENTS.

(A) Applicability. This chapter is applicable to all new planned developments and amendments to existing planned developments that are either amend the chapter text or any adopted exhibits.

(B) Purpose. A district that employs written text, a plan or other drawing, or any combination of those items used in specifying the permitted uses and development requirements for the planned development district.

(C) Parties entitled to seek planned development approval. An application for a planned development may be filed with the Director of Planning and Development or his or her designee by the owner or lessee of the subject property or other person having the written consent of the owner of the subject property. Applications shall be signed by the property owner or a consent form signed by the property owner and notarized stating that the property owner is aware of the specific action being requested in the application.

(D) Procedure for Review and Decision.

(1) Applications for a planned development shall be filed in accordance with the requirements of §159.040.

(2) All applications for a planned development shall include the information required in Appendix B. Applications, Section 9. Planned Developments.

(3) Docketing of Applications. Each filed application shall be reviewed for completeness. Any application which is determined to be in proper form as per the guidelines established by the Planning Department shall be docketed by the Department. Those applications not adhering to the guidelines shall be held in abeyance until all missing documentation is submitted and once docketed shall follow the meeting schedule adopted.

(4) Neighborhood Meetings. The applicants shall host a “neighborhood meeting” prior to the public hearing at the Plan Commission meeting. Those to be notified include at a minimum the property

owners identified from the list obtained through the Transfer and Mapping Division of the Hamilton County Auditor's Office. Notification shall be emailed to the Planning Department staff involved with said application. The notification to the "interested parties" shall not be included with the public notice provided by the Planning Department.

(5) After docketing, the Director of Planning and Development or his or her designee shall coordinate a review of the Preliminary Development Plan materials to include review of by all relevant departments, Technical Advisory Committee, and the Architectural Review Board (ARB). The Technical Advisory Committee shall provide general comments regarding the preliminary development plan. Text amendments, unless it affects the design of the overall planned development shall not be reviewed by the Technical Advisory Committee but reviewed by the Planning staff and other that may be deemed necessary. Written findings and recommendations will be submitted to the Plan Commission.

(6) Prior to the public hearing, the Preliminary Development Plan shall be introduced at a Council meeting as per the adopted planned development and change of zoning meeting dates and filing deadlines schedule. Written suggestions or recommendations as per the City Council shall be provided to the applicant by staff within five days after said "introduction meeting."

(7) Planned development consideration shall be handled in accordance with applicable law (see, e.g., the 1500 series of IC 36-7-4 as the same may be amended).

(8) Effect of Preliminary Development Plan Approval. Approval of the Preliminary Development Plan for a planned development shall not constitute approval of the Planned Development Detailed Plan. Rather, it shall be deemed an expression of approval of the concepts and details of the Preliminary Development Plan of the planned development and the proposed map amendment, which are set forth in the application for approval of the planned development. It shall also be deemed as a specific guide to the preparation of final documents which are required as part of the application for approval of the Detailed Development Plan. Further, it indicates approval of the details set forth in the application, and a commitment by the applicant to such

details.

(9) A Planned Development (PD) ordinance shall become effective after its approval and its recording in the Hamilton County Recorder's Office. The official zoning map shall be amended once a recorded copy of the PD ordinance is submitted to the Planning Department. The use and development of the real estate shall thereafter be governed by the PD ordinance and exhibits subject to the review and approval of subsequent permits and approvals as required by this chapter and any regulatory processes which may be required prior to the issuance of any improvement location permit, building permit or other permits.

(10) Following Common Council approval of the Preliminary Development Plan, an application for Detailed Development Plan may be submitted. This application and supporting documentation shall be reviewed by the Director of Planning and Development or his or her designee for compliance with the approved Preliminary Development Plan and if it is in substantial compliance with the adopted Preliminary Development Plan and subject to the submission of the application requirements located in Appendix B. Applications, Section 9. Planned Developments.

(a) Approval of a Detailed Development Plan, or first phase Detailed Development Plan shall be filed for review within six months after adoption of the Preliminary Development Plan by the Common Council. However, the Common Council may grant an extension of time for such period as it deems in the public interest.

(b) In the event that a Detailed Development Plan is not filed for review within the six month period or an approved extension of time, the action of the Common Council, adopting the relevant Preliminary Development Plan as a particular class of Planned District shall be declared null and void, and the land shall revert to the category or categories it held before being zoned as a "PD" District subject to the submission of approved Detailed Development Plan.

(11) The Director of Planning and Development shall coordinate a review of the Detailed Development Plan to include review by relevant city departments and Technical Advisory Committee. If the Director of Planning and Development, upon review finds major changes on the Detailed Development Plans, he or she shall forward the plans to the Plan Commission.

(12) A Detailed Development Plan shall be approved by all agencies and departments provided said detailed plan meets the requirements and intent of the adopted PD ordinance. All development plans shall conform to the adopted PD ordinance and exhibits.

(13) Appeal Procedure. The Plan Commission may, upon the applicant's request, hear an appeal of the decision of the Director of Planning and Development, in regard to the Detailed Development Plan review action. This appeal procedure is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions. An application for appeal to the Plan Commission must be filed (if at all) no later than 30 days after the action being appealed. The Plan Commission shall hold a public hearing on the application in accordance with § 159.040, Applications and Hearings. The Plan Commission may reverse, affirm, wholly or partially modify the decision of the Director of Planning and Development.

(14) No permit of any kind shall be issued for any purpose within the PD District except in accordance with the approved Detailed Development Plan and subject to all processes being completed pursuant to this chapter. The owner and/or developer shall also guarantee the completion of all required improvements and facilities, as set forth in applicable city regulations, except where varied by application of these procedures, whether said improvement or facilities shall become public or remain private, by either completing the improvements in advance of approval of the Detailed Site Plan or submitting irrevocable letters of credit in a form and from a financial institution acceptable to the city's legal department (or an escrow department) in an amount equal to at least 110% of the construction cost estimate approved at the time said improvements and facilities are scheduled to be installed.

(Ord. 44-10-23, passed 11-14-23)

SUBDIVISION PROCEDURE

§ 159.060 GENERAL PROVISIONS.

(A) Applicability. The subdivision procedure described in this subchapter shall be required for the subdivision or resubdivision of any tract of land and/or the dedication of right-of-way within the planning jurisdiction of the city.

(B) General Procedure. Before any land is subdivided the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following three-step procedure:

(1) A Minor Subdivision Plat shall be submitted to and reviewed by the Director of Planning and Development or his or her designee, reviewed and approved by the Technical Advisory Committee (TAC), prepared on Mylar and signed by the President and Secretary of the Plan Commission, and submitted to the Board of Public Works or the Hamilton County Commissioner's for acceptance, depending on jurisdiction, and recorded in the Hamilton County Recorder's Office.

(2) A primary plat shall be submitted to and reviewed by the Director of Planning and Development or his or her designee, reviewed by the Technical Advisory Committee, and reviewed and approved by the Plan Commission in a public hearing.

(3) A secondary subdivision plat or a replat of a subdivision shall be submitted to and approved by the Director of Planning and Development or his or her designee, reviewed and approved by the Technical Advisory Committee, signed by the President and Secretary of the Plan Commission, signed by either the Board of Public Works or the County Commissioners depending on jurisdiction and filed with the Hamilton County Recorder.

(C) General Restrictions.

(1) The following actions may occur once the secondary plat has been signed, regardless of whether the plat has been recorded:

(a) The granting of an Improvement Location Permit, or the construction of any public improvements authorized thereby provided appropriate performance bonds have been posted and all required pre-construction meeting(s) have been held with the public works agency of jurisdiction;

(b) Contracts made for the sale of any part of the subdivision;

(c) Improvements or building on any individual lot.

(2) No building permit shall be issued until the plat has been recorded.

(3) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this subchapter.

(D) Resubdivisions (replats).

(1) For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivision, such change shall be approved by the Plan Commission by the same procedure, rules, and regulations as for a subdivision.

(2) Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided, the Plan Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. As a requirement of the plat, dedications of rights-of-way shall be provided for the future opening and extension of the streets.

(E) Waivers to Subdivision Standards.

(1) Waivers to subdivision standards found in this chapter shall not be granted by the Board of Zoning Appeals, but may be granted by the Plan Commission subject to the applicable requirements herein. It is not within the jurisdiction of the Board of Zoning Appeals to grant waivers to subdivision regulations.

(2) It is the intention of this chapter that all newly created lots conform to the provisions of this chapter for lot area and width. Variances to these or other zoning standards may be granted subject to the provisions of § 159.043(C) - Variances or may be obtained through flexible zoning districts such as the Zero Lot Line (ZLL) or Planned Development (PD) Overlay Districts. It is not within the jurisdiction of the Plan Commission to grant variances to zoning regulations.

(3) Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with the subdivision regulations of §§ 159.060 through 159.087, or if the purposes of these regulations may be better served by an alternative proposal, it may approve waivers to said regulations so that substantial justice may be done and the public interest secured, provided that such waivers shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Plan Commission shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

(a) The granting of the waiver will not be detrimental to the public safety, health, or welfare, or injurious to other property.

(b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other properties.

(c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out. Financial hardship does not constitute grounds for a waiver.

(d) The waiver will not in any manner vary the provisions of the Comprehensive Master Plan or this Unified Development Ordinance.

(e) Where the waiver impacts on the design and construction of public facilities; all appropriate public agencies will be given ample time to comment in writing to the Commission.

(4) In approving waivers, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

(5) A petition for any such waiver shall be submitted in writing by the subdivider at the time when the sketch plat is filed for the consideration of the Director of Planning and Development. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(F) Homeowners' Associations. Wherever a subdivision includes common areas, such as but not limited to detention ponds, open space, private streets and private parks; provisions shall be made in covenants accompanying the subdivision to create a Homeowners' Association to maintain such common areas in a neat and safe condition. This shall also apply to condominium developments.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 12-02-03, passed 3-11-03; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 29-9-11, passed 10-11-11; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.061 SUBDIVISION APPLICATION AND APPROVAL PROCESS.

(A) Minor Subdivision. The purpose of the minor subdivision plat is to allow the creation of a maximum of three lots without being subject to the entire procedural provisions of the primary and secondary plat regulations of this title. Prior to the submission of the application and fees, the subdivider shall discuss with the Director of Planning and Development and/or his or her designee, the proposed changes to the existing subdivision plat regarding the proposed minor subdivision plat. Any setback legally established and currently considered lawfully non-conforming setback(s) shall remain as lawfully non-conforming setbacks provided it is not altered by the creation of the minor subdivision plat. The submission of the 'minor subdivision plat' application and the filing fee(s) are required as per the adopted Schedule of Meeting Dates and Filing Deadlines and the Schedule of Fees, Charges and Expenses and shall meet the conditions as set forth by the definition of 'minor subdivision' and the Unified Development Ordinance. The minor subdivision plat shall require review by the Technical Advisory Committee and after approval of the Technical Advisory Committee, the Planning Staff shall complete the process administratively including the acceptance of the minor subdivision plat by the Board of Public Works or County Commission based on jurisdiction. This process may be used one time per lot adjustment(s). Any additional adjustments shall require the entire procedural provisions of the primary and secondary plats.

(B) Primary Plat.

(1) Primary Plat Application. Applications for primary plat approval shall be processed in accordance with the procedures set forth below:

(a) Action by the Department of Planning and Development.

1. Transmit Primary Plat Application to Technical Advisory Committee for Site Plan Review. The Director of Planning and Development or his or her designee shall transmit the application to the Technical Advisory Committee for hearing and review. The Technical Advisory Committee hearing and review shall be conducted pursuant to § 159.041(C). The report and recommendations of the Committee shall be submitted in writing from the Director of Planning and Development to the Plan Commission for its review.

2. Action by Plan Commission; Public Hearing. Upon receipt of the Primary Plat application, the report of the Technical Advisory Committee, and the report of the Director of Planning and Development, the Plan Commission shall hold a public hearing scheduled pursuant to § 159.041(C) above. The Plan Commission shall approve, approve with conditions, or deny the Primary Plat.

(b) Action by Subdivider. At the time of the public hearing, the subdivider shall submit an affidavit, stating that he has notified by Certificate of Mailing each property owner to a depth of 660 feet, at least 17 days prior to the public hearing. The subdivider shall bear the cost of the public notice. If the subdivider does not notify the property owners as described above, the subdivider shall notify the Director of Planning and Development, at least seven days before the scheduled public hearing, so that the hearing date may be rescheduled.

(c) Action by Plan Commission; Public Hearing. Upon receipt of the primary plat application, the report of the Technical Advisory Committee, and the report of the Director of Planning and Development, the Plan Commission shall hold a public hearing scheduled pursuant to this section. Within 45 days after the public hearing, the Plan Commission shall approve, approve with conditions, or deny the primary plat.

(d) Department of Planning and Development to Notify Subdivider. The Department of Planning and Development shall return one copy of the primary plat application to the subdivider with the date of approval, conditional approval, or disapproval and the reasons therefore, in writing, accompanying the application. The Department shall maintain one file copy of the primary plat application.

(3) Standards for Review. In reviewing applications for primary plat approval, the Plan Commission shall consider the following criteria:

(a) The degree to which the application meets the criteria for site plan review found in this chapter, as determined by the reports of the Technical Advisory Committee and Director of Planning and Development;

(b) Consistency with the goals and objectives of the Comprehensive Plan;

(c) Consistency with the purposes of the zoning district in which it is located;

(d) The presence or absence of any exceptions to the development standards for the zoning district in which it is located, any general development standards, or the Site Design and Improvement Standards; as evidenced by the listing of any exceptions in the primary plat application;

(e) The presence or absence of any protective covenants for the subdivision which would alter its impact from what would typically be permitted in the zoning district in which it is located; as evidenced by the inclusion of any covenants in the primary plat application.

(4) Effective Period of Primary Plat Approval. An approved primary plat application shall be effective for a period of one year, at the end of which time a secondary plat of the proposed subdivision must have been approved and signed by the President and Secretary of the Commission. The following words must be included on the primary plat: "After having given public notice of time, place, and nature of the hearing and publication in the newspaper of local jurisdiction on a Primary Plat under the authority provided by State Statutes and all acts supplemental and amendatory thereof and upon finding that this proposed primary plat for a subdivision is in conformance with the subdivision regulations of the Unified Development Ordinance of the City of Noblesville and its jurisdictional limits. The Plan Commission approved the primary plat at its meeting held on the __ day of ____, 200__." A signature block for the President and the Secretary. Any primary plats not receiving secondary plat approval and signature within one year shall be null and void, and the subdivider shall be required to submit a new primary plat application for approval subject to any new zoning and subdivision regulations. Upon request of the subdivider, the Commission may extend the approval of a primary plat in increments of one year beyond the expiration date, without further notice and public hearing.

(5) Primary Plats Exempt from Subsequent Ordinance Amendments. Approved primary plats shall be exempt from any subsequent amendments to this chapter which would otherwise render the plat non-conforming as to size, shape, or use.

(6) Grading of Site Permitted Prior to Secondary Plat Approval.

(a) Prior to the recording of the secondary plat, the subdivider may apply for an earthwork (topsoil and excavation) permit from the Department of Planning and Development upon approval of a primary plat. The subdivider shall also provide a performance bond or other surety before grading.

(b) Upon receipt of an earthwork permit and acceptance of a performance bond, the subdivider may commence construction in accordance with the grades and elevations stated in the approved primary plat application.

(7) Model Homes Permitted Prior to Secondary Plat Approval.

(a) For the purpose of allowing the early construction of model homes in a subdivision, the Commission may permit a portion of a subdivision involving one or more lots to be sectionalized from the primary plat pursuant to this section, provided that said portion derives access from an existing public street, that the lots are clustered together near the entrance of the subdivision, and that no future road or other improvement are anticipated where said lots are proposed.

(b) A secondary plat for the model home lots shall be submitted to the Commission simultaneously with the primary plat for the subdivision. Subsequent to the approval of both of said plats, and the recording of the model home secondary plat, the model home(s) may be constructed subject to the additional requirements that the Commission may require.

(c) Model homes shall also require a Temporary Use Permit subject to this chapter.

(8) Sectionalizing of Plats.

(a) The Plan Commission may permit any primary subdivision plat to be divided into two or more sections for the purpose of secondary plat approval. No plats may be sectionalized having less than ten lots, unless the total number of lots in the subdivision is less than ten lots, or the lots are located on a cul-de-sac, or except for model homes in accordance with division (7) above.

(b) In the case of sectionalized plats, each section shall be considered a separate secondary plat with respect to the following:

1. The Commission may require the completion of improvements located only in the section(s) of plat for which a secondary plat application has been submitted, and allow the subdivider to defer completing improvements in the remaining sections of the plat until a secondary plat application has been submitted for those sections.

2. The Commission may require the performance bond or other security be in an amount commensurate with the section(s) of the plat for which a secondary plat application has been submitted, and the subdivider may defer posting a performance bond or other surety for the remaining sections of the plat until a secondary plat application has been submitted for those sections.

3. The subdivider may file irrevocable offers to dedicate streets and public improvements in the section(s) of the plat for which a secondary plat application has been submitted, and defer filing offers of dedications for the remaining sections of the plat until a secondary plat application has been submitted for those sections.

4. Only sections for which the secondary plat applications have been approved, subject to this section, shall be filed with the Hamilton County Recorder.

(c) The Commission may also impose any conditions upon the filing of secondary plat applications for said sections to assure the orderly development of the subdivision. This may including requiring the completion of improvement necessary to the overall subdivision but not located within the current section of secondary plat, or the posting of a bond or other security in lieu thereof, and the required dedication of such improvements.

(d) The approval of all sections of a sectionalized primary plat not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Commission, all fees paid, all instruments and offers of dedication submitted, and performance bonds approved and actually filed with the County Recorder within five years of the date of primary approval of the subdivision plat unless extended by the Commission.

(C) Secondary Plat.

(1) Secondary Plat Application Procedure. Applications for secondary plat approval shall be filed with the Department of Planning and Development, on a form provided by the Director and shall

contain at least the information listed in Section 3 of Part H of Appendix B of this chapter, “Secondary Plats”.

(2) Secondary Plat Review Procedure. An application for secondary plat approval shall be processed in accordance with the procedures set forth below:

(a) Action by the Department of Planning and Development. Upon receipt of a completed Secondary Plat application and all information required by Section 3 of Part H of Appendix B, the Director of Planning and Development or his or her designee shall:

1. Review for Consistency with Primary Plat. The Director of Planning and Development or his or her designee shall review the secondary plat application and determine that it meets all the requirements of this chapter and of the Commission’s primary plat approval. The lack of information under any item specified herein, or improper information supplied by the subdivider, shall be cause for disapproval of a secondary plat.

2. Transmit Secondary Plat Application to Technical Advisory Committee for Review. After receipt by the Department of Planning and Development of a completed secondary plat application, the Director or his or her designee shall transmit the application to the Technical Advisory Committee for hearing and review. The Technical Advisory Committee hearing and review shall be conducted pursuant to§ 159.041, Site Plan Review.

3. Notify Subdivider. The report and recommendations of the Committee shall be submitted in writing from the Director of Planning and Development or his or her designee to the subdivider. The Director shall maintain one file copy of the secondary plat application.

(b) Action by the Subdivider.

1. Conditionally Approved and Disapproved Secondary Plats. If the secondary plat has been conditionally approved or disapproved by the Department of Planning and Development, the subdivider shall make the changes necessary to earn approval of the secondary plat and shall resubmit the secondary plat to the Department of Planning and Development in accordance with this section. Secondary plats not approved and signed within one year of the primary plat approval shall expire subject to this section.

2. Approved Plats. If the secondary plat has been approved by the Director of Planning and Development, the subdivider shall complete all public improvements in the subdivision or submit a performance bond or other security in lieu thereof, in accordance with this section. The subdivider shall then resubmit the secondary plat and related materials for signature by the Secretary and Chair of the Plan Commission, in accordance with this section.

(3) Completion of Public Improvements; Performance Bond.

(a) General Requirement for Completion of Improvements. Following secondary plat approval by the Director of Planning and Development, but before the secondary plat is signed by the President and Secretary of the Commission, the subdivider shall complete all public improvements in the subdivision as they are required by this chapter, specified in the secondary plat approval, and approved by the Director of Planning.

(b) Performance Bond or Other Securities in Lieu of Completion of Improvements. The Commission may waive the requirement that the subdivider complete all public improvements prior to the signing of the secondary plat provided that the subdivider shall post a bond securable by the City of Noblesville or Hamilton County, as applicable, and hereinafter referred to as performance bond. The performance bond shall be sufficient to secure to the city or county the satisfactory completion of any uncompleted portion of required public improvements, and the amount of the bond shall be equivalent to 110% of the estimated cost of completion of the required public improvements or in accordance with fee schedules adopted, from time to time, by the Common Council. The current fee schedule is found in Appendix A of this chapter. In lieu of a performance bond, the subdivider may submit one of the following forms of assurance:

1. A certified check made payable to the City of Noblesville or Hamilton County, as applicable, in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements or in accordance with fee schedules adopted, from time to time, by the Common Council. The check shall be held by the City Clerk or County Auditor, as applicable.

2. A certificate of deposit made out to the City of Noblesville or Hamilton County, as applicable, and to the subdivider, in an amount equivalent to 110% of the cost of completion of the uncompleted portion of required public improvements or in accordance with fee schedules adopted, from time to time, by the Common Council. The certificate shall be held by the City Clerk or County Auditor, as applicable.

3. Irrevocable letters of credit on behalf of the subdivider and securable by the city or county, as applicable, in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements or in accordance with fee schedules adopted, from time to time, by the Common Council.

(c) Conditions of Performance Bond or Other Securities.

1. The performance bond or other security shall comply with all statutory requirements and shall be satisfactory to the City or County Attorney as to form, sufficiency, and manner of execution.

2. The period within which required public improvements must be completed shall be specified by the Commission in the resolution approving the secondary plat, shall be incorporated into the bond or other security, and shall not in any event exceed one year from date of secondary plat approval.

3. The bond shall be approved by the city or county as to amount.

(d) Time Extensions and Expiration. The Commission may, upon proof of difficulty, grant an extension of the completion date set forth in the resolution and bond or other security for a maximum period of one additional year, provided that a bond or security be submitted for this extension period which meets all other requirements herein. The Commission may at anytime during the period of the bond accept a substitution of principal or sureties on the bond as described in this subchapter.

(4) Signing of Plat.

(a) Subsequent to the completion of division (B) and (C) of this section, final copies of the subdivision plat and related construction plans shall be submitted to the Director of Planning as follows:

1. One copy on reproducible mylar; and

2. One digital copy as per the Noblesville Digital As-Built Submittal Requirements.

(b) When installation of improvements is required, the President and the Secretary of the Commission shall sign the plat only after any conditions on the approved secondary plat have been satisfied and all improvements satisfactorily completed. There shall be written evidence as to the following:

1. That the required improvements have been installed in a manner satisfactory to the local government shall be shown by a certificate signed by the City or County Engineer; and

2. That the necessary dedication of public lands and improvements has been accomplished shall be shown by a certificate signed by the City or County Attorney.

(c) When a bond is required, the President and the Secretary shall sign the plat and construction plans only after any conditions on the approved secondary plat have been satisfied and after the bond or other security has been submitted and accepted.

(d) Upon satisfaction of divisions (C)(2) or (3) above, as applicable, the President and Secretary shall sign the reproducible mylar copy(s) of the subdivision plat.

(5) Recording of Plat.

(a) It shall be the responsibility of the subdivider to file the signed plat with the Hamilton County Recorder within 30 days of the date of signatures. Simultaneously with the filing of the plat, the subdivider shall record any agreements of dedication together with any other legal documents as shall be required to be recorded.

(b) Within ten days after the plat has been filed with the Hamilton County Recorder, the subdivider shall provide a PDF to the Planning Department, stamped with the Recorder's seal and plat cabinet and page numbers.

(D) Construction Plans. Construction plans shall be required for subdivisions, planned developments, and other applications as required by the Technical Advisory Committee.

(1) General Requirements.

(a) Construction plans shall be prepared and submitted for all required improvements to be installed by the subdivider. They shall include profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities.

(b) Provisional construction plans shall be submitted with the primary plat application, and secondary construction plans shall be submitted with the secondary plat application.

(c) Construction plans shall be prepared in accordance with this chapter and the Noblesville Standards, except that those improvements under jurisdiction of the county shall be prepared in accordance with County standards and specifications.

(d) Plat approval may be withheld if a subdivision is not in general conformity with the requirements herein.

(2) Contents of Construction Plans. Construction plans shall be prepared by an engineer at a scale no smaller than one inch to 40 feet. They shall be prepared and the sheets shall be numbered in sequence if more than one sheet is used. The following shall be shown:

(a) Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within 100 feet of the intersection shall be shown, plus approximate radii of all curves, lengths of tangents, and central angles on all streets.

(b) The Commission may require, where steep slopes exist, that cross-sections of all proposed streets at 100 foot stations shall be shown at five points as follows: on line at right angles to the center line of the street; each property line; and points 25 feet inside each property line.

(c) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, setback easements, rights-of-way, manholes, and catch basins; the location of street signs; the location size, and invert elevations of existing proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water or other underground utilities or structures.

(d) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features within the proposed subdivision.

(e) Topography at the same scale as the primary plat with a contour interval of two feet, referred to sea level datum All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.

(f) All specifications and references required by the local government's construction standards and specifications, including a site-grading plan for the entire subdivision.

(g) Title, name, address, and signature of Registered Engineer and Land Surveyor, and date.

(h) Attachment of the current adopted City of Noblesville Standards as referenced per this chapter.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 10-3-02, passed 3-26-02; Am. Ord. 12-02-03, passed 3-11- 03; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 29-9-11, passed 10-11-11; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 12-04-17, passed 4-25-17; Am. Ord. 44-10-23, passed 11-14-23)

§ 159.062 PROVISIONS FOR SATISFACTORY COMPLETION AND MAINTENANCE OF IMPROVEMENTS.

(A) Assurance for Completion.

(1) Applicability. As provided in § 159.061(C)(4), the subdivider has the option of either installing all required public improvements prior to the signing of the secondary plat, or, in lieu of installation, posting a bond or other security in an amount sufficient to assure completion of the improvements. The following regulations are to assure the satisfactory completion of all improvements, whether installed before or after the secondary play has been signed and recorded.

(2) Temporary Improvements. The Plan Commission may require that temporary facilities be constructed until the time as permanent public improvements can be completed. In such case, the subdivider shall build and pay all costs for temporary improvements and shall maintain them until completion of permanent improvement or for the period specified by the Commission. Prior to construction of any temporary facility or improvement, the subdivider shall file with the city or county, as applicable, a separate bond, suitable to the City or County Attorney, which shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

(3) Failure to Complete Improvements. In those cases where a performance bond has been posted but the required improvements have not been installed within the terms of the performance bond, the city or county may declare the subdivider to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the subdivider is declared to be in default.

(4) Inspection of Completed Improvements.

(a) The Plan Commission shall provide for periodic inspection of required improvements by the City Engineer or County Engineer, as applicable, during construction to ensure their satisfactory completion.

(b) If the City Engineer or County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications required by §§ 159.075 through 159.087, the Noblesville Standards, the approved secondary plat, or the approved construction plans, the subdivider shall correct any errors immediately upon notification. Where the completion of improvements is covered by a performance bond, the subdivider and the bonding company shall be separately and jointly liable for completing the improvement according to specifications.

(5) Acceptance of Dedication Offers.

(a) General Requirements.

1. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by official action of the Board of Public Works for parcels within the City of Noblesville or the County Commissioners when outside the city limits.

2. The approval by the Plan Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the city/county of any street, easement, or other public areas shown on the plat.

(b) Release or Reduction of Performance Bond or Other Security. The Board of Public Works or County Commissioners, as applicable, shall not accept dedication of required improvements, nor release nor reduce a performance bond or other security, except in accordance with the following:

1. The Engineer of the applicable jurisdiction shall submit a certificate stating that all required improvements have been satisfactorily completed;

2. The subdivider's engineer shall submit a certificate to the City or County Engineer stating that the layout of all public improvements are in accordance with construction plans for the subdivision, and that the improvements have been completed, are ready for dedication to the city/county, and are free and clear of any and all liens and encumbrances.

3. The subdivider shall submit as-built construction plans to the department of Planning and Development as follows:

a. One copy on paper; and

b. One digital copy as per the Noblesville Digital As-Built Submittal Requirements.

4. The subdivider shall file a maintenance bond and/or agreement with the Board of Public Works or County Commissioners in an amount considered adequate by the Engineer of the appropriate jurisdiction, in order to assure the satisfactory condition of the required improvements. The maintenance bond shall be submitted in accordance with this section.

5. A performance bond or other security may be reduced only upon actual dedication and of public improvements by the Board of Public Works or County Commissioners, and then only to the ratio that the dedicated public improvements bear to the total public improvements for the plat.

(B) Assurance for Maintenance.

(1) General Requirement. The subdivider shall be required to maintain all improvements on the subdivided areas, including all lot improvements on the individual subdivided lots, for a period of three years after the date of their acceptance and dedication by the Board of Works or County Commissioners. Improvements covered by the maintenance bond shall include but not limited to: streets to minimum specifications of the applicable jurisdiction at the end of such period; sanitary sewers, storm sewers, and water lines, including lift stations, pumps, motors, connections and main lines installed in the subdivision; sidewalks, shoulders, side slopes, ditches, street signs, street lights and fire hydrants.

(2) Temporary Maintenance. The Plan Commission may require the subdivider to provide for traffic control on streets and remove snow from streets and sidewalks until acceptance and dedication of said improvements by the Board of Public Works or County Commissioners.

(3) Posting of Maintenance Bond and/or Agreement. The subdivider shall be required to file a maintenance bond and/or agreement with the Board of Public Works or County Commissioners, as applicable, and prior to dedication in order to assure the satisfactory condition of the required improvements. Maintenance bonds shall:

(a) Run to and be in favor of the city if the subdivision is within the city, or shall be in favor of and run to the Board of County Commissioners of Hamilton County if the subdivision is outside of the city limits;

(b) Be in a penal sum established in the fee schedule, to assure and guarantee the maintenance of all improvements and installations during such three year period. The Noblesville Board of Works and Safety may reduce the penal sum set forth herein for good cause if the intent of the maintenance bond provision is preserved.

(c) Include an amount for maintenance, other than for streets set forth above, which shall be set by the Commission, but in no event shall be less than 15% of the total cost of all of the improvements and installations in the subdivision proposed for secondary plat approval or in accordance with fee schedules adopted, from time to time, by the Common Council. The current fee schedule is found in Appendix A of this chapter.

(d) Maintenance bonds shall commence upon acceptance of improvements by the Board of Works or County Commissioners, as applicable.

(C) Deferral or Waiver of Improvements.

(1) General Conditions. The Plan Commission may defer or waive at the time of secondary approval, subject to appropriate conditions, the provisions of any or all the improvements as, in its judgment, are not requisite in the interest of public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

(2) Assurance for Future Completion. Whenever it is deemed necessary by the Plan Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the subdivider shall pay his share of the costs of the future improvements to the city/county prior to signing of the secondary subdivision plat, or the subdivider may post a bond ensuring completion of the improvements upon demand of the city/county.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 12-02-03, passed 3-11-03; Am. Ord. 56-11-07, passed 12-11-07) Penalty, see § 159.999

SITE DESIGN AND IMPROVEMENT STANDARDS

§ 159.075 GENERAL REQUIREMENTS.

(A) Applicability. Except as otherwise provided below, the site design and improvement standards in this subchapter are required for all subdivisions, planned developments, and any other new development or redevelopment of a site upon which such improvements do not currently exist. Exemptions from these requirements may be granted by variance or, in the case of the subdivision standards from this chapter, by a variance of the Plan Commission subject to this section. Existing improvements that do not meet the standards of this subchapter shall be subject to §§ 159.220 through 159.248 and § 159.999.

(B) Conformity with Other Regulations.

(1) In addition to the requirements established in these regulations, the improvement of land shall comply with the following:

(a) Applicable statutory provisions;

(b) Applicable provisions of this Unified Development Code and all other laws of the applicable jurisdictions;

(c) The official Comprehensive Master Plan and Capital Improvements Program of the applicable jurisdictions, including all streets, trails, and parks shown on any official map;

(d) The rules and regulations of the State Board of Health, the Department of Natural Resources, and other appropriate state agencies;

(e) Applicable planning and regulatory guidelines, including access control or driveway manuals, parking and traffic control ordinances, and other applicable guides published by the state or local governmental units;

(f) The current edition of the "Indiana Manual on Uniform Traffic Control Devices" for installation of traffic control devices; and

(g) The rules of the Indiana Department of Transportation (INDOT) if the development or any lot contained therein abuts a state highway.

(h) The Hamilton County Thoroughfare Plan, as amended; and

(i) Pathway Standards and Design Guidelines as adopted and amended by the Hamilton County Alternative Transportation Task Force and the Hamilton County Plan Commission.

(j) The Noblesville Public Improvement Standards.

(2) To assure, through careful site evaluation and design the creation of new parcels that are compatible with existing neighborhoods, the natural environment, health and safety of the community's residents; the developer, contractor, and/or engineer for the project shall comply with the policies of the Comprehensive Master Plan, Unified Development Ordinance, the Noblesville Standards, and the latest issue of the "Indiana Department of Transportation Standard Specifications" for material and construction control, except when different specifications are: (1) explicitly described in these regulations, or (2) adopted by the Engineer of appropriate jurisdiction and approved by all appropriate boards, commission, agencies, and offices of the city or county.

(3) Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies, the regulations of this subchapter, or the purposes of these regulations as established in this chapter.

(C) Political and Jurisdictional Boundaries. To eliminate potential jurisdictional disputes and to facilitate effective coordination and control of development, the Plan Commission shall be guided by the following policy:

(1) Whenever access to the development is required across land in another local government, the Commission shall request assurance from that local governmental attorney that access is legally established, and from the local governmental engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road.

(2) Lot lines shall be laid out so as not to cross boundary lines between adjacent units of local government which has separate governing bodies for the purpose of regulation and control of land use and development, as well as for tax purposes.

(D) Conditions of Development.

(1) Character of Land Suitable for Development. Land that the Plan Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the development and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of the Technical Advisory Committee, to solve the problems created by the unsuitable land conditions. The land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare.

(2) Adequate Public Facilities. No primary plat shall be approved unless the Planning Commission determines that public facilities will be adequate to support and service the area of the proposed development. The applicant shall, at the request of the Planning Commission, submit sufficient information and data on the proposed development to demonstrate the expected impact on and use of public facilities by possible uses of said development. Public facilities and services to be examined for adequacy will include roads, sewerage, schools, and public safety agencies.

(3) Reservation of Land for Public Use.

(a) Where a proposed park or other public use is shown on an Official Plan of the city, and said public use is located in whole or in part within a proposed development, sufficient area for the public use shall be dedicated to the public or reserved and offered for public purchase. If within five years of plat recording the purchase is not agree on, the reservation shall be terminated. Space for public uses which is improved per public standards may count towards applicable impact fee requirements.

(b) Where it is deemed essential by the Plan Commission, upon consideration of the particular type of development proposed in the development, the needs for public services that the development will generate, and the policies of the Comprehensive Master Plan, the Commission may recommend and the Common Council may require the reservation of land for public use. Land required for dedication shall be of a location, size, and character consistent with the needs created by the development. Land for public uses which is improved per public standards may count towards applicable impact fee requirements.

(4) Extension Policies. All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The city may require the applicant of a development to extend off-site improvements to reach the development or oversize required public facilities to serve anticipated future development as a condition of plat approval. The cost of such extensions or oversizing shall be borne by the developer unless other provision has been made to cover the cost via impact fee ordinances.

(E) Required Improvements. The following public and other improvements shall generally be provided in new developments and, when provided, shall be designed and installed in accordance with the conditions and specifications in this subchapter.

(1) Monuments. The applicant shall place permanent reference monuments in the development in accordance with Sheet #8 of the Noblesville Standards - Monumentation Guidelines.

(2) Blocks and Lots. All blocks and lots shall be designed in accordance with this subchapter.

(3) Streets and Alleys. Streets and alleys within the jurisdiction of the city shall be designed and constructed in accordance with the standards and specifications of Noblesville Standards. Streets within the jurisdiction of Hamilton County shall be designed and constructed in accordance with the standards and specifications of the Hamilton County Code.

(4) Street Name Signs. Street name signs shall be installed in one corner of each street intersection and in accordance with Sheet 9 of the Noblesville Standards - Typical Street Sign Requirements.

(5) Street Lights. Street lights may be required for safety purposes, and such installations shall conform to: the requirements of the City Council/County Commissioners, the public utility providing such lighting, and the Noblesville Standards Sheet 10 - Street Lighting.

(6) Sidewalks. Sidewalks shall generally be required on both sides of all streets and shall be designed and constructed in accordance with the Noblesville Standards Sheet 2 - Right of Way and Easement Guidelines, Sheet 3 - Pavement, Curb and Sidewalk Detail and Sheet 10 - Sidewalk Detail.

(7) Bicycle Pathways. Bicycle pathways shall be provided within all developments if such facilities have been specified in an overall bicycle plan as adopted by the City Council/County Commissioners. The facilities shall be installed as part of the public right-of-way or separate easement, as recommended by the bicycle plan.

(8) Pedestrian Walkways. Pedestrian walkways may be required within long blocks, and if required shall be designed and installed in accordance with the Noblesville Standards Sheet 2 - Right of Way and Easement Guidelines, Sheet 3 - Pavement, Curb and Sidewalk Detail and Sheet 10 - Sidewalk Detail.

(9) Bridges and Culverts. Bridges and culverts, if necessary, shall be constructed in accordance with engineering standards approved by the Engineer of the applicable jurisdiction.

(10) Median Openings, Auxiliary Lanes, and Curb Cuts. Median openings, auxiliary lanes, and curbs, when approved or required, shall be designed and constructed as specified by the reviewing authority and in accordance with the Noblesville Standards Sheet 9 - Miscellaneous Details and Notes and Sheet 11 Street Cut Details.

(11) Drainage Facilities. Storm sewers, detention ponds, and other drainage facilities shall be designed and constructed in accordance with Part E, "Drainage Facilities" and the Noblesville Standards Sheet 4 - Storm Sewer Bedding Details and Notes and Sheet 5 Storm Sewer Details and Notes.

(12) Sanitary Sewers and Septic Systems. Public sanitary sewers and septic systems shall be constructed in accordance with Part F, "Sewerage Facilities," Sewer Use; the Ten State Standards and the Noblesville Standards Sheet 8 - Sanitary Sewer Bedding Details and Notes and Sheet 7 - Sanitary Sewer Details and Notes.

(13) Water Facilities and Fire Hydrants. The placement of fire hydrants and water mains for adequate fire protection shall be in accordance with the appropriate fire district standards and this subchapter.

(14) Utilities. Energy and communication utilities shall be installed underground and subject to this subchapter.

(15) Preservation of Existing Natural Features. Existing natural features which add value to development and enhance the attractiveness of the community should be preserved in all site plans in accordance with this subchapter.

(16) Erosion Control Plan. All development which requires an Improvement Location Permit shall conform to the regulations concerning types of soils involved and the conditions which are requisite to assure proper execution of erosion and sediment control and proper drainage, in accordance with this subchapter.

(17) Soil Preservation, Grading, and Seeding. In lieu of the Erosion Control Plan described above, the construction of individual single and two-family homes shall conform to the regulations of this subchapter.

(18) The developer/owner is responsible for the costs associated with all infrastructure and improvements unless modified by an agreement between the city and the developer/owner of a specific project.

(F) Development Names. The proposed name of the development shall not duplicate, or too closely approximate phonetically, the name of another development in the planning jurisdiction. The reviewing authority shall have final authority to designate the name of the development, which shall be determined at the time of Improvement Location Permit.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 55-12-02, passed 1-14-03; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 29-9-11, passed 10-11-11; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.076 MONUMENTS.

(A) General Requirements.

(1) Monuments shall be placed for the purpose of delineating each individual lot boundaries, the external boundaries of a subdivision plat and the centerline of roadways.

(2) Monuments shall be installed after final grading is completed. Each property corner and internal angle point shall be monumented by the installation of a two foot by six inch long iron rod, capped flush at final grade with a durable plastic cover.

(3) A land surveyor, registered in the State of Indiana, shall attest to the accuracy of the installed individual lot monuments. Certified Statements of Attestment shall be submitted to the Noblesville Department of Engineering after the Plan Commission has approved the plat but prior to the issuance of any building permits.

(4) Monuments which are damaged or altered shall be reset by party responsible for damage/alteration. If a responsible party cannot be readily determined, the developer shall bear the costs of having the monument(s) reset.

(5) All monuments including external boundaries, water bodies, and individual lots shall be installed and inspected/accepted by the city. Monumentation for individual lots is required as a part of the final certificate of occupancy approval.

(B) External Boundaries.

(1) Type of Monument. The external boundaries of a development shall be monumented in the field by monuments of concrete, not less than 30 inches in length, not less than four inches square and marked on top with a cross, brass plug, or iron rod.

(2) Location of Monument. These monuments shall be placed not more than 1,320 feet apart in any straight line and at points of tangency, points of curvature, and intersection of another roadway and those points to be not less than 20 feet back from the bank of any water body, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.

(3) Guarantee of Accuracy. A land surveyor, registered in the State of Indiana, shall attest to the accuracy of the installed monuments. Certified statements of attestment shall be submitted to the Department of Engineering for consideration and acceptance of the roadway by the Noblesville Board of Public Works and Safety.

(4) Damaged Monuments. Monuments which are damaged or altered shall be reset by party responsible for damage/alteration. If a responsible party cannot be readily determined, the developer shall bear the costs of having the monument(s) reset.

(C) Internal Boundaries. All internal boundaries and those corners and points not covered by the preceding division shall be monumented in the field on iron rods one-half inch in diameter and 30 inches long. These monuments shall be placed at all block and lot corners and at all internal angle points as required by the City Engineer.

(D) Monuments Marking Water Bodies. The lines of lots that extend to bodies of water shall be monumented in the field by iron pipes at least 30 inches long and seven-eighths inch in diameter or by round or square iron bars at least 30 inches long. These monuments shall be placed at the point of intersection of the water line, with a meander line established not less than 20 feet back from the bank of the water body.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 55-12-02, passed 1-14-03; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.077 DEVELOPMENT BLOCK AND LOT LAYOUT.

(A) Blocks.

(1) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth pursuant to Table 8.B. Summary of Residential Bulk Requirements (see Table 5, §59.106), Table 8.C. Summary of Commercial Bulk Requirements (see Table 6, § 159.107), Table 8.D. Summary of Industrial Bulk Standards (see Table 7, §159.108), Table 8.E.4. Bulk Requirement for Corporate Campus Non-Residential Subdistricts (see § 159.107) and Table 8.F.4. Bulk Requirements for Federal Hill Subdistricts (see §159.109). Exceptions to this prescribed block width may be permitted in blocks adjacent to major transportation facilities, water courses, and industrial and commercial areas.

(2) The length, width, and shape of blocks shall be appropriate for the location and the type of development contemplated, but shall follow the restrictions and guidelines below:

(a) Blocks, on local streets, in residential areas shall not be more than 1,000 feet nor less than 400 feet in length.

(b) Wherever practical, blocks along major arterials and collector streets should be a minimum of 1,000 feet in length.

(c) Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for the prospective use.

(3) In long blocks, the Plan Commission may require an easement through the block to accommodate utilities, drainage facilities or pedestrian walkways where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

(4) Where blocks are developed along arterial streets and/or highways that shall contain alleys, those alleys shall run parallel to said arterial and not perpendicular or radial to it so as to create an intersection between the arterial and alley.

(B) Lots.

(1) Lot Arrangement. The lot arrangements shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and other regulations, in providing safe driveway access to buildings on such lots from an approved street, or in providing service to public sanitary sewer or approved sanitary disposal facilities.

(2) Lot Dimensions.

(a) The areas of all lots shall not be less than the standards for the zoning district in which they are located.

(b) Corner lots shall be a minimum of 50% larger than the minimum lot area indicated for the zoning district in which it is located.

(c) Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

(d) Adequate depth shall be allotted to new blocks and lots to accommodate landscape buffers, where required.

(e) Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system.

(3) Lot Lines.

(a) The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

(b) In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.

(c) Building setback lines shall be established on all lots, and the minimum building set back line shall be appropriate for the location of the development and for type of development and use contemplated, provided, however, that they shall not be less than the standards established by the zoning ordinance of the City of Noblesville.

(4) Lot Shape. Double frontage and reversed frontage lots shall be discouraged except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation. Flag lots shall be prohibited.

(5) Access to Lots. Single- and two-family lots shall not derive access from an arterial or major collector. Multi-family and Nonresidential lots should not generally derive access exclusively from an arterial or major collector street. Where driveway access from an arterial or major collector street may be necessary for several adjoining lots, the Plan Commission may require that such lots be served by a common and combined driveway in order to limit possible traffic hazards on such street. Driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials and major collectors.

(6) Waterbodies and Watercourses. If a tract being subdivided contains a private water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No more than 25% of the minimum area of a lot required under this chapter may be satisfied by land that is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the City or County Engineer, as applicable.

(7) Utility Easements. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 15 feet wide. Easements for streetlights shall be located as approved by the Board of Public Works and Safety.

(8) Drainage. Lots shall be laid out to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 55-12-02, passed 1-14-03; Am. Ord. 29-9-11, passed 10-11-11; Am. Ord. 10-03-13, passed 4-9-13)

§ 159.078 TRANSPORTATION SYSTEM.

(A) Streets and Roads.

(1) Purpose. In order to provide for streets of suitable location, width, and improvement to accommodate expected traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road maintenance equipment, and to coordinate street development so as to compose a convenient system, avoid undue hardships to adjoining properties and assure compatibility with long range comprehensive plans, all streets shall be designed according to the standards set forth in these regulations. In designing and approving subdivision streets, the following factors shall receive consideration:

(a) Safety for all vehicular and pedestrian traffic;

(b) Efficient ability of the roadway and related facilities to accommodate the modes of transportation it is anticipated to serve including, but not limited to, pedestrians, passenger cars, buses, emergency services and freight;

(c) Livability or amenities as affected by traffic elements in the circulation system;

(d) Economy of both construction and use of land.

(2) Applicability. Design of major collector and arterial streets shall require special design and approval by the City Engineer. The following design guidelines are specifically intended for streets within the subdivision, for example, minor collectors and locals. Standards for each classification are found in the Noblesville Standards.

(3) General Provisions.

(a) Conformance with thoroughfare plan, existing development, and natural features.

1. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way, as established in the Comprehensive Master Plan.

2. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

3. Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(b) Public Streets Required. All arterial and collector streets, as shown on the Official Noblesville Thoroughfare Plan Map, a part of the Comprehensive Master Plan shall be dedicated to the public. Local streets may be private streets and shall meet the current adopted Noblesville Standards for local streets including right-of-way width, pavement width, pavement construction, etc., and additional requirements of the Unified Development Ordinance. All private streets shall be inspected by the Engineering Department for compliance with the Unified Development Ordinance and Noblesville Standards.

(c) Frontage on Improved Roads Required. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street or a street shown upon a plat approved by the Planning Commission and recorded in the County Recorder of Deeds' office. The street or highway must be suitably improved as required by this Division, or be secured by a performance bond required under the regulations of this chapter.

(d) Improvement of Noblesville Thoroughfares. Wherever the area to be subdivided is to utilize existing road frontage, the road shall be suitably improved as required by the City Engineer and approved by the Plan Commission. Whenever a proposed subdivision borders an existing roadway, which is depicted on the adopted Noblesville Thoroughfare Plan, the developer shall be required to improve said roadway(s) in accordance with the Noblesville Standards Sheet 2 - Right of Way. The reconstruction or widening of such street as a condition of plat approval and additional dedication of right-of-way may also be required. Acceleration/deceleration lanes and passing blisters shall be constructed for all new developments directly adjacent to a primary arterial, secondary arterial, major collector, commercial collector or INDOT right-of-way.

(e) Subdivisions Abutting Arterials, Expressways, and Collectors. Applicants may install a significant landscape and mounding treatment in order to visually screen the backyards and the first floor elevation of the exterior of homes on lots which abut such thoroughfares. Applicants shall provide elevation drawings of the typical section of the proposed mounding and landscaping treatment along with the common and scientific names and plant sizes at the time of planting and maturity of the plant species to be provided as a part of the subdivision application. The mound shall be a minimum height at the peak of four feet and shall be planted as per the requirements of §§ 159.180 through 159.190. An opaque fence or wall may be used in combination with the landscaping and mounding subject to the approval of the Plan Commission.

(f) Half Streets. Half streets shall be prohibited except where unusual circumstances make such a facility necessary to the reasonable development of a tract in conformance with these regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract.

(g) Continuation of Streets and Dead End-Streets.

1. Continuation of Streets (Stub Streets). Streets in new subdivisions should extend to the boundary line of the parcel to provide for the future extension of said streets into adjacent areas when the continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where the continuation is in accordance with the Thoroughfare Plan. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

2. Permanent Dead-End Streets (Cul-De-Sacs).

a. Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall be in a cul-de-sac turnaround. Permanent dead-end streets (cul-de-sacs) shall not be longer than 600 feet. The minimum radii for cul-de-sacs shall be as follows:

Use Type	***Right-of-Way (ft.)***	***Center of Cul-de-Sac to Back of Curb (ft.)***
Residential	54	40
Commercial	54	50
Industrial	54	50

b. Wherever a minor collector street serves exclusively an industrial or commercial area, a cul-de-sac may be allowed and the length may be increased to 1,000 feet. This special provision shall be allowed only in areas which have a difficult access or are otherwise unsuitable for normal subdividing. However, a 48-foot pavement width shall be required in all cases under this special provision.

c. All streets to be terminated on a temporary basis shall be constructed with a turnaround. The turnaround shall be constructed beyond all lots intended for development. In a development which is not phased, the turnaround shall be developed in a way that will not preclude the future extension of the road.

(h) Guidelines for Street Location and Arrangement in Commercial/Industrial Areas.

1. Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off-street loading and unloading. Dead-end alleys shall be prohibited.

2. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(i) Maintenance of State Road 37 Right-of-Way. For all new development abutting the right-of-way of SR37, the developer shall request that the Indiana Department of Transportation (INDOT) remove any existing fence in said right-of-way. Thereafter, said right-of-way shall be maintained in good condition, along with other exterior spaces on the premises, by the abutting property owner.

(j) Right-of-way pavement widths refer to Noblesville Standards - Sheet 2 Right of Way.

(4) Street Design Standards and Guidelines.

(a) Design Traffic Volumes. The design hourly volume (DHV) or average daily traffic (ADT) is the accepted basis for design. In rural areas, the Engineer of appropriate jurisdiction may amend the design standards as determined by traffic demand analysis. However, the traffic volume does not always determine the type of curves to be used in designing low volume residential local and minor collector streets. Traffic volumes are a major factor to be considered for streets serving commercial and industrial areas, and the Engineer of appropriate jurisdiction is required to give special attention to these areas.

(b) Design Speed. Design speeds are a factor for urban residential local and minor collector design. In general, the same rule can be applied to rural low volume roads in subdivision design. The sight distances and curve radii are to be commensurate with average acceptable design speeds as indicated by the Indiana Design Manual.

(c) Vertical Grades. Drainage design may become critical where grades exceed 4%. For this reason, grades lower than the suggested tabular values are encouraged. Commercial and industrial streets shall be held to a maximum grade of 4%. Residential streets shall in no case exceed the tabular values. In order to provide for proper drainage, the minimum grade should be held to 0.5%. The maximum grade on the approach leg of any intersection shall not exceed 5% in hilly terrain and 2% in level terrain.

(d) Super Elevation.

1. It should be considered in commercial and industrial areas and for collector streets where operating speeds may exceed 30 to 35 miles per hour. Where super elevation is used, street curves should be design for a maximum elevation rate of:

A. Urban: 0.04 to 0.06 foot per foot.

B. Rural: 0.08 to 0.12 foot per foot.

2. Super elevation shall only be used when the designer has demonstrated that the property horizontal curvature for the appropriate design speed and the regulatory speed limit cannot be attained. Where super elevation is not provided within residential areas, the proper signage shall be provided with the appropriate advisory speed supplemental plaque.

(e) Horizontal Alignment. Minimum centerline radii for horizontal curves shall be 225 feet. The minimum tangent distance between reverse curves shall be:

1. Minimum centerline radii for horizontal curves shall be:

A. Arterial/major collector: Per Indiana Design Manual;

B. Commercial/industrial collector/ residential minor collector: 225 feet;

C. Residential local (serves less than 50 residences): 150 feet.

2. The minimum tangent distance between reverse curves shall be:

A. Arterial/major collector: Per Indiana Design Manual;

B. Commercial/industrial collector: 200 feet;

C. Residential minor collector: 150 feet;

D. Residential local (serves less than 50 residences): zero feet.

E. Special design exceptions for these requirements may be granted for roundabout design. Minimum design speeds and regulatory speed limits for the applicable roadway section shall

apply. The use of spiral and compound curves is prohibited.

(f) Intersections.

1. Intersections, including median openings, should be designed with adequate intersection sight distance. The recommended minimum intersection sight distance shall be determined from the Indiana Design Manual related to intersection sight distance based on the roadway design speed or posted speed limit. In order to maintain these distances, the engineer of appropriate jurisdiction or the Technical Advisory Committee may recommend regulations to restrict the height of embankment, location of buildings and screening fences and landscaping, and other provisions necessary for intersection sight control.

2. The minimum intersection angle shall be 75 degrees.

3. Closely spaced offset intersections are undesirable. The minimum intersection centerline offset (jog) for the following intersections shall be:

A. Residential - local/commercial/industrial collectors with residential – local/commercial/industrial collectors: 150 feet;

B. Arterial/major collector with any drive, public or private: Intersection sight distance (ISD) shall be determined using the design speed for the affected roadways. Intersection sight distance shall be analyzed and meet the requirements for Intersection Sight Distance in Chapter 46, Intersections at Grade of the Indiana Design Manual for all driveways and intersections. Vision corner clearance for all intersections and drives shall also meet the requirements of § 159.120(H). The location for all sight distance evaluations shall be from the estimated location of the driver while the design vehicle is stopped at the required yield point. If the location has no defined yield point, the established yield point for the vehicle shall be the right-of-way line. Driveways, entrances, or streets not meeting this section shall have movements restricted or the entrance relocated.

4. To accommodate transitional tapers, turning lanes, and other potential roadway design requirements where needed, the engineer of appropriate jurisdiction may recommend longer offsets.

5. Throating or center median curb may be required for all drives, public or private, which connect to a major collector or arterial to prevent queuing within the right-of-way. If the distance from the edge of traveled way to the nearest edge of drive is equal to or less than the values below, the entry drive of street shall be throated or provided with center curb.

A. Arterials: 100 feet;

B. Major collectors: 75 feet; and

C. Minor collector, commercial/industrial, local: zero feet.

6. The minimum curb return radius at local streets shall be 15 feet and at residential collector streets 20 feet. The desirable radius is 25 to 30 feet, respectively. On commercial and industrial streets, the radius shall be 30 feet, except where traffic conditions may warrant a smaller radius.

7. No intersection shall be constructed with more than four approach legs, and the development of three legged "T" intersections is encouraged due to the increased safety of such intersections.

(g) Auxiliary Lanes. Refer to the Noblesville Standards - Sheet 2 Right of Way.

(a) General Requirement. Streets shall be completed to grades shown on plans, profiles, and cross-sections approved by the City Board of Public Works. Minimum cross section standards and Geometric Design Standards are found in the Noblesville Standards - APPENDIX F.

(b) Classification of Streets; Right-of-Way and Pavement Widths. Minimum street right-of-way widths and pavement widths shall be as illustrated in the Noblesville Standards Sheet 2 - Right of Way.

(c) Pavement Surfacing. The street surface shall be of Portland cement concrete or a flexible pavement and shall be constructed in accordance with design characteristics at least equal to those in the Noblesville Standards Sheet 3 - Pavement, Curbs, Sidewalk Details and Notes.

(6) County Streets and Roads. For streets and roads in subdivisions under the jurisdiction of Hamilton County, design and improvement standards shall be as provided in the Hamilton County Standards for Construction of Road Improvements.

(7) Curb and Gutter. Curb and gutter shall be placed according to grades shown on plans, profiles, and crosssections as shown in the Noblesville Standards - Sheet 3 Pavement, Curb and Sidewalk Details and Notes. They shall be constructed with plain Portland cement concrete and in the manner shown for the integral or combined curbs, except in the case of arterial streets where the separate curb may be required. Roll curbs may be used in residential streets when the distance between the back of the curb and the nearest edge of a sidewalk is four feet or more.

(B) Alleys.

(1) The minimum right of way of an alley, if provided, shall be 16 feet.

(2) Alleys shall be paved full width to minimum local road standards.

(3) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

(4) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the end, as determined by the Planning Director.

(C) Sidewalks and Pedestrian Access.

(1) Sidewalks and Trails Required. Sidewalks shall be provided by the developer on both sides of all streets, except that in the SR District, when such requirement may be waived by the Plan Commission.

(2) Location. Where provided, sidewalks shall be included within the dedicated non-pavement right-of-way, and shall be placed according to the grades shown on plans, profiles, and cross-sections as illustrated in the Noblesville Standards.

(3) Dimensions; Improvement Standards.

(a) All proposed sidewalks shall be constructed of width and thickness as illustrated in the Noblesville Standards or as required by the Noblesville Alternative Transportation Plan.

(b) All proposed sidewalks shall be a minimum of five feet in width or as per the Americans with Disabilities Act (ADA).

(c) The maximum Design Cross Slope shall not exceed 1.5% as per the INDOT Design Standards.

(4) Responsibility. The applicant is responsible for the installation of the initial sidewalks or trails including replacement or necessary repairs, if there is an existing sidewalk or trail.

(5) Pedestrian Walkways. Pedestrian walkways may be required through the center of blocks more than 800 feet long where deemed essential by the Plan Commission to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Pedestrian walkways, where required, shall have easements at least ten feet in width which shall be indicated on the plat. Pedestrian walkways shall otherwise be constructed in accordance with the regulations for sidewalks, above.

(D) Street Names and Numbers, Street Signs, and Traffic Control Devices.

(1) Street Names and Numbers.

(a) Street names shall not duplicate any existing name within the area covered by these regulations except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same as existing streets shall not be used. The Plan Commission shall have secondary authority to name all streets in the case of conflict upon recommendation of the Technical Advisory Committee at the time of primary plat approval.

(b) The street numbering system for any property shall be subject to the approval of the Director of Planning and Development.

(2) Street Signs. The applicant shall fund the installation of street name signs in accordance with Noblesville Standards and the Manual on Uniform Traffic Control Devices of Indiana. One sign shall be installed at each intersection indicating the name of each street thereat. Regulatory signs shall also be the responsibility of the applicant. Street name signs shall be lighted or reflectorized.

(3) Warning Signs and Other Devices. The city or county shall be responsible for the installation of all warning signs and other traffic control devices, in accordance with the Noblesville Standards except for those which may be warranted in industrial and commercial areas. In such cases, the developer whose project has increased traffic to the degree that a signal may be warranted may be required to pay the cost of traffic signal installation and interconnection.

(4) Street Lights.

(a) General Guidelines. Street lighting shall be designed so as to provide an appropriate degree of illumination for various activities based on their location along arterial, collector, or local streets and the intensity of the surrounding land uses. This lighting shall be funded by the developer. Illumination guidelines shall be as follows:

Illumination Guidelines			
Area to be Illuminated	***Commercial***[1] ***(footcandles)***	***Intermediate***[2] ***(footcandles)***	***Residential***[3] ***(footcandles)***
Illumination Guidelines			
Area to be Illuminated	***Commercial***[1] ***(footcandles)***	***Intermediate***[2] ***(footcandles)***	***Residential***[3] ***(footcandles)***
Streets			
Arterials	1.2	0.9	0.6

Collectors	0.8	0.6	0.4
Locals	0.6	0.5	0.3
Parking Lots	In accordance with §§ 159.140 - 159.148		
Other Areas	As recommended by the Planning Director		

[1] Commercial — Business districts with heavy pedestrian traffic at night.

[2] Intermediate — Moderately heavy pedestrian traffic at night for community recreation centers, libraries, neighborhood stores, and the like.

[3] Residential — Predominately residential areas with light pedestrian traffic at night.

(b) Minimum Requirements. At a minimum the applicant shall provide lighting in accordance with the Noblesville Standards Sheet 10 - Street Lighting Guidelines.

(c) Dusk-to-Dawn Lights. If the covenants of the subdivision provide for the installation and maintenance of a free-standing dusk-to-dawn light on each lot. The light standards shall be installed within 25 feet of the edge of the street, shall be uniform in design, and shall be maintained with a bulb of at least 75 watts.

(E) Plans Approved for Acceptance and Dedications.

(1) Change of Plans. Any change in plans of a street from the original plans approved by the Department of Planning and Development and the Department of Engineering, as applicable, must be submitted to the Board of Works & Safety or the Commissioners by the contractor or developer for approval before being constructed.

(2) Acceptance. All work must be acceptable to and meet all of the requirements of the city or county pertaining to maintenance bond. Upon the completion of all improvements and installations as required by this chapter, the developer shall furnish the Board of Public Works or County Commissioners with an engineer's certification that said improvements and installations have been constructed, installed, and completed in compliance with the requirements of this chapter.

(3) Samples. The contractor to furnish samples of concrete for testing as required. All concrete specimens shall be made in accordance with AASHO designation T-23, Cylindrical specimen T-22, Beam specimen T-97. The city or county reserves the right to core the slab before accepting. The contractor shall furnish all labor and equipment costs to make all tests.

(4) Specifications. All work and materials to meet the specification requirements of the Noblesville Standards and the Standard Specifications of the Indiana Department of Transportation or other applicable ordinance(s).

(5) Bonds.

(a) City Jurisdiction.

1. Prior to the approval of a proposed plat for subdividing land under the jurisdiction of the city, the person or firm or corporation requesting the approval of said plat shall furnish a performance bond, a certified check, certificate of deposit or irrevocable letter of credit guaranteeing the completion of required infrastructure improvements in the proposed development as set out in the plat tendered for approval. The bond to be in the amount of 110% of the estimated cost of completion of the required public infrastructure improvements and which bond shall guarantee that the infrastructure improvements. (Minimum amount - $1,000)

2. Prior to acceptance of construction and release of the performance surety, the person, firm, or corporation requesting the development shall file a maintenance bond or other accepted surety in the amount equal to 15% of the total construction costs of the required public improvements and which surety shall provide for a period of three years following the release of the performance surety.

(b) County Jurisdiction.

1. Prior to the approval of a proposed plat for subdividing land under the jurisdiction of Hamilton County for residential or business use, the person or firm or corporation requesting the approval of the plat shall furnish a performance bond or approved letter of credit guaranteeing the completion of infrastructure improvements in the proposed development as set out in the plat tendered for approval, the bond to be in the amount as required in the Hamilton County Standards for Construction of Road Improvements and which bond shall guarantee that said infrastructure improvements will be completed not later than two years from the acceptance of the surety.

2. Prior to acceptance of construction and release of the performance surety, the person, firm, or corporation requesting the development shall file a maintenance bond or approved letter of credit in the amount equal to 20% of the construction costs as estimated by the County Engineer and shall provide for a period of three years following the release of the performance surety. The proposed development plat shall set out the specifications for the construction of the road or street. Prior to approval of the plat, the road/street specification shall be approved by the County Highway Engineer.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 37-8-00, passed 9-11-00; Am. Ord. 25-06-02, passed 7-9-02; Am. Ord. 55-12-02, passed 1-14-03; Am. Ord. 76-9-05, passed 10-11-05; Am. Ord. 89-10-06, passed 11-14-06; Am. Ord. 95-11-06, passed 12-12-06; Am. Ord. 56-11-07, passed 12-11- 07; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.079 DRAINAGE FACILITIES.

(A) Purpose. These stormwater drainage regulations are intended to minimize off site water run-off, increase on-site infiltration, encourage natural filtration functions, stimulate natural drainage systems, and minimize off site discharge of pollutants. Stormwater shall be managed by the best and most appropriate technology and environmentally-sound site planning and engineering techniques, which may include combined retention facilities, porous paving and piping, and swales; as well as traditional storm sewers and retention basins.

(B) General Requirements. All new development shall make adequate provision for storm or flood water runoff in accordance with the Noblesville Stormwater Technical Standards or the requirements of the jurisdictional agency. The applicant may also be required by the Plan Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the development. The drainage system shall be separate and independent of any sanitary sewerage system. Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than 400 feet in any gutter. Surface water drainage patterns shall be shown for each lot and block on the development plat or plan.

(C) Public Storm Sewers.

(1) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities. If the Commission determines that a connection to a public storm sewer will eventually be provided as shown in existing local plans and programs, the developer shall make arrangements for future storm water disposal in the development by a public sewerage system at the time the plat or plan receives secondary approval. Provision for such connection shall be incorporated by inclusion in the Performance Bond required for the development.

(2) Drainage facilities shall be located in the road right-of-way where feasible or in perpetual unobstructed easements of appropriate width. Drain facilities shall be provided under driveways so that the flow of water in ditches is not impeded.

(3) Storm sewers, where required, shall be designed according to the Noblesville Stormwater Technical Standards or other methods required by the engineer of appropriate jurisdiction, endorsed by the Technical Advisory Committee, and approved by the Plan Commission, and a copy of the design computations shall be completed in accordance with the Noblesville Stormwater Technical Standards and be submitted along with plans and specifications.

(4) All storm sewers shall be self-cleaning systems without manhole drops.

(5) All below-ground drainage systems, except for underground retention facilities or pipes less then 12 inches in diameter shall be maintained by the city.

(6) All storm sewer facilities shall be provided to comply with the Noblesville Standards and the Noblesville Stormwater Technical Standards.

(7) Ordinance No. 23-4-05 "City of Noblesville Illicit Discharge and Connection Stormwater Ordinance" and all amendments thereto. (See §§ 52.01 et seq.).

(D) Detention/Retention Ponds. If no public storm sewer outlets are available within a reasonable distance, the disposal of storm waters shall be accomplished through a detention pond.

(1) General Requirement.

(a) Where detention/retention facilities or "ponds" are used for stormwater management, they shall accommodate site runoff generated from two-year, ten-year, and 100-year storms considered individually in accordance with the Noblesville Stormwater Technical Standards, unless the detention/retention basin is classified as a dam, in which case it must also meet any applicable dam safety standards.

(b) Runoff greater than that occurring from a 100 year, 24-hour storm shall be passed over an emergency spillway.

(c) Detention/retention shall be provided to limit stormwater discharge to the rates required by the Noblesville Stormwater Technical Standards or the requirements of the jurisdictional agency.

(d) Detention facilities shall be located as far horizontally from surface water and as far vertically from groundwater as is practicable. Detention facilities shall not interrupt the post-development groundwater table, where practicable.

(e) Detention/retention ponds, where required, shall be designed according to the methods recommended by the Noblesville Standards, Noblesville Stormwater Technical Standards, and the engineer of appropriate jurisdiction, endorsed by the Technical Advisory Committee, and approved by the reviewing authority, and a copy of the design computations shall be submitted along with plans and specifications.

(f) All above-ground drainage systems and below-ground stormwater detention systems shall be maintained by the owner(s) of real estate or the neighborhood association or similar group affiliated with the real estate within the development and/or subdivision.

(g) The setback from the right-of-way at the Top of Bank shall be a minimum of 50 feet. (Refer to the Noblesville Standards.)

(h) The setback from a property line not adjacent to a right-of-way at the Top of Bank shall be a minimum of 15 feet. (Refer to the Noblesville Standards.) This setback shall be referred to as an easement for maintenance purposes and so indicated on the construction plans, recorded plats or other recorded documents.

(2) Combined Facilities. Where possible, a detention pond may be created so as to serve several adjacent parcels concurrently, subject to the following criteria:

(a) The pond shall be designed with appropriate capacity to serve all applicable sites, as determined by the Engineer of the applicable jurisdiction.

(b) Provisions for completion of improvements and maintenance, or any applicable bonds in lieu thereof, shall be coordinated between all applicable sites, in a manner acceptable to the attorney of the applicable jurisdiction.

(c) Shared detention ponds should be designed and landscaped as a site amenity to the extent practicable.

(d) The subdivision of lots abutting the combined detention pond shall be subject to §159.077(B)(5).

(E) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The design engineer shall determine the necessary size of the facility, based on the provisions of the construction standards, Noblesville Stormwater Technical Standards, and specifications assuming conditions of maximum potential watershed development permitted by this chapter.

(F) Effect on Downstream Drainage Areas. The design engineer of the site shall determine if the immediate downstream receiving pipe/culvert, system, or waterways is sufficient to handle the stormwater runoff and note that in the drainage calculations. The engineer of the applicable jurisdiction shall also study the effect of each development on existing farther downstream drainage facilities outside the area of the development. Local government drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the development until provision has been made for the expansion of the existing downstream drainage facility. No development shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

(G) Poor Drainage Areas. Whenever a plat is submitted for an area, or is just upstream of an area, which is subject to ponding or flooding, the Plan Commission may approve such application provided that the applicant's design engineer designs a stormwater system to eliminate the ponding or flooding of the site or the immediate downstream area and that it is acceptable by the engineer of appropriate jurisdiction. The plan or system shall be constructed and accepted by the engineer of jurisdiction prior to the approval of said plat.

(H) Floodplain Access.

(1) The Plan Commission shall, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the development of any portion of the property which lies within the flood plain. Any approvals within the floodplain shall, at a minimum, meet the requirements of the Indiana Department of Natural Resources.

(2) Development plans, primary plats, secondary plats, preliminary development plans and detailed development plans shall delineate the 100-year floodplain and base flood elevations on said plans as referenced on the most current adopted flood insurance rate maps for Hamilton County, Indiana, a part of the National Flood Insurance Program as provided by the Federal Emergency Management Agency.

(I) Drainage Easements. Where a development is traversed by a watercourse, drainage way, channel, or stream, the developer shall provide a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be acceptable to the Engineer of appropriate jurisdiction. The easement shall be adequately monumented; and, whenever possible, it is desirable that the drainage be maintained by open channel with landscaped banks.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 55-12-02, passed 1-14-03; Am. Ord. 82-10-05, passed 11-15-05; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.080 SEWERAGE FACILITIES.

(A) General Requirements.

(1) Mandatory Connection to Public Sewer System.

(a) For newly platted developments with access to the public sewer system, stub-up sewer lines shall be located at each lot and shall be extended as illustrated in the Noblesville Standards.

(b) If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner of the property shall be required to connect to the sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

(2) Individual Disposal Systems. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of this chapter. Percolation tests and test holes shall be made as directed by the Planning Director and the results submitted to the Health Department. There shall be at least one percolation test for every three lots, and the test holes shall be distributed throughout the development and not concentrated in any one location. Distribution should be approved by the County Health Officer. Should the test indicate poor percolation in the development, percolation tests may be required on each lot by the Commission. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the Hamilton County Board of Health.

(3) Special Conditions. The Plan Commission shall have the right and discretion to require better or more stringent methods of sewage disposal when it determines that site conditions, such as poor soils, poor drainage, or otherwise, will not adequately or safely handle sewage disposal methods otherwise allowed by this chapter.

(B) Requirements for Public Sewer Systems.

(1) General. The applicant shall install sanitary sewer facilities in a manner prescribed in the Noblesville Standards. All plans shall be designed and sewer facilities (including laterals in the right-of-way) installed, subject to the specifications, rules, regulations and guidelines of the Engineer of appropriate jurisdiction and appropriate Health and other officials. Sanitary sewers shall be located within the right-of-way or within a 15 foot easement in the front yard. The center of manhole covers shall be no more than 12 feet from the back of curb.

(2) SR District. In the SR District, individual disposal systems are encouraged, but public sewers may be permitted subject to the requirement for the SR District found in this chapter.

(3) Low and Medium Density Residential Districts (except for SR). Sanitary sewer systems shall be constructed as follows:

(a) Where a public sanitary sewer system is within 1,000 feet of the proposed project, as determined by the Plan Commission, the applicant shall connect with it and provide sewers to each lot in the development.

(b) Where a public sanitary sewer system is not within 1,000 feet, as determined by the Plan Commission, but will become available within a reasonable time, not to exceed 15 years, the applicant may choose to: install individual sewage disposal systems, including conventional septic systems and other types developed through new technology as approved by the Indiana State Board of Health and Hamilton County Health Department provided that sufficient area is available on the lot for two drain fields in the event that the first field would fail.

(c) Where sanitary sewer systems are not reasonably accessible and will not become available within an estimated 15 year period, the applicant may install sewerage systems as follows:

1. Medium Density Residential Districts shall have a central sewerage system. Individual disposal systems will be permitted, including conventional septic systems and other types developed through new technology as approved by the Indiana State Board of Health and the Hamilton County Health Department provided that sufficient area is available on the lot for two drain fields in the event that the first field would fail.

2. Low Density Residential Districts may have individual disposal systems including conventional septic systems and other types developed through new technology as approved by the Indiana State Board of Health and Hamilton County Health Department, or a central sewerage system can be used subject to the ISBH approval.

(4) High Density Residential District. Sanitary sewer facilities shall connect with public sanitary sewer systems. Sewers shall be installed to serve each lot and to grades and sizes required by appropriate local officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 55-12-02, passed 1-14-03)

§ 159.081 WATER FACILITIES.

(A) General Requirements. Necessary action shall be taken by the applicant for any subdivision plat or development plan to provide water for domestic use and fire protection.

(B) Public Water Utilities.

(1) Where a public water main is accessible, the developer shall install adequate water lines and other facilities, including fire hydrants, subject to the specifications of state and local authorities. Upon completion of the installation of the water lines, they shall be purged as witnessed by the representative of the city to assure proper installation.

(2) The location of fire hydrants and all water supply improvements shall be confirmed with the appropriate fire and/or engineering departments and shall be shown on the primary plat or development plan.

(3) All water mains shall be at least six inches in diameter.

(C) Individual Wells and Central Water Systems.

(1) In low density zoning districts and in outlying or rural areas where a public water system is not available, the Plan Commission may approve individual wells or a central water system provided that an adequate supply of potable water will be available to every lot in the development, as determined by the Engineer of the applicable jurisdiction.

(2) Water samples shall be submitted to the Health Department for its approval, and individual wells and central water systems shall be approved by the appropriate health authorities. Approvals shall be submitted to the Planning Commission prior to final development plat approval.

(3) All rates for individual wells and central water systems shall be established by the Public Water Commission.

(4) The Planning Commission requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make rrangements prior to receiving final plat approval for future water service. Performance or cash bonds may be required to ensure compliance.

(D) Fire Hydrants and Fire Department Connections (FDC). Fire hydrants shall be required for all developments served by a public water utility or where public water utilities are reasonably accessible as determined by the engineer or Fire Marshall of the appropriate jurisdiction. Fire hydrant and fire department connection (FDC) placement shall comply with the Noblesville Standards and shall be approved by the local fire protection unit. Adequate water supply as determined by the City Engineer or Fire Marshal shall be provided to all fire hydrants or fire department connections (FDC). (See APPENDIX F-1 Fire Department Access and Water Supply and Fire Hydrant Specifications and the Noblesville Standards.)

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 55-12-02, passed 1-14-03; Am. Ord. 56-11-07, passed 12-11-07)

§ 159.082 OTHER UTILITIES.

(A) Location. All newly installed utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground wherever possible. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. Underground service connections to the street property line of each platted lot shall be installed at the developer's expense. At the discretion of the Planning Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

(B) Easements.

(1) Except for sanitary sewer utilities, easements provided for utilities (private and municipal) shall be negotiated and accepted by those utilities. Easements shall be indicated on the plat or development plan. Proper coordination shall be established between the developer and the applicable utility companies for the establishment of utility easements on adjoining properties.

(2) When topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, easements at least ten feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat or development plan.

(3) Easements for sanitary sewer utilities shall be as provided for in §159.080(B)(1).

(C) Placement of any new utility pole(s) or any new wireless structure(s) prohibited.

(1) The city hereby prohibits the placement of any new utility pole(s) or any new wireless structure(s) within an existing or future public right-of-way or utility easement, if the right-of-way or easement only permits underground or buried utilities.

(2) Notwithstanding any other ordinance, policy, rule, or prohibition of the city, the Common Council expressly prohibits the issuance of an improvement permit for any future development within the city, unless all utilities serving the development are underground or buried within right-of-way or utility easements that are solely for underground or buried utilities. This provision shall not apply if the site of the development is currently served by above-ground utilities.

(3) From and after October 10, 2017, the effective date of Ord. 13-04-17A, no person, corporation or utility shall erect or construct, within the city's right-of-way or a utility easement, any new pole, overhead line or associated overhead structure used or useful in supplying electric, communication or similar associated services, and the part of the rights-of-way used for location of utilities shall be designated strictly for underground or buried utilities.

(4) All overhead poles, wires, and/or utility transmission lines, existing on October 10, 2017, the date of Ord. 13-04-17A, may remain within the city's right-of-way, but may not be replaced or relocated without prior written authorization of the Board of Public Works and Safety (“the Board”). However, this provision shall not require approval of the repair or replacement of any utility facilities that are necessary to provide service to existing customers of the utility, and the location of the replacement facilities is substantially similar to the previous facilities.

(5) Any requests to install new utility pole(s) or new wireless structure(s) prohibited by this division may be presented as an appeal to the Board. The Board may, after hearing, approve the application upon a showing that:

(a) There is no other reasonable location for the construction of the new utility pole(s) or the new wireless structure(s) that will provide cell service to designated citizens of the city; and

(b) The authorization for the construction is in the best interest of the health, safety and welfare of the citizens of the city.

(6) Notwithstanding the restriction above, this division permits the collocation of small cell facilities on existing:

(a) Utility poles; and

(b) Wireless support structures;

within the rights-of-way or utility easements.

(7) This division permits the replacement of existing:

(a) Utility poles; and

(b) Wireless support structures;

within the rights-of-way or utility easements.

(8) Upon receipt of an application for the construction, placement or use of a small cell facility on one or more new utility pole(s) or one or more new wireless support structure(s) in an area designated strictly for underground or buried utilities, the city shall post notice of the application on the city's website.

(9) The prohibition or other restrictions with respect to the placement of new utility pole(s) or new wireless support structure(s) within the rights-of-way or easements shall be applied in a nondiscriminatory manner.

(10) The city shall allow a homeowners’ association to register with the city to receive notice by United States mail of any application filed with the city for the construction, placement or use of a small cell facility on one or more new utility poles or one or more new wireless support structures in the area within the jurisdiction of the or homeowners’ association. The city shall post on the city's website instructions for a homeowners’ association to register to receive notice under this division.

(11) An applicant for the placement of a small cell facility and an associated supporting structure shall comply with applicable:

(a) Federal Communications Commission requirements; and

(b) Industry standards;

for identifying the owner's name and contact information.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 55-12-02, passed 1-14-03; Am. Ord. 33-6-04, passed 7-13- 04; Am. Ord. 13-04-17, passed 4-25-17; Am. Ord. 13-04-17A, passed 10-10-17)

§ 159.083 PRESERVATION OF EXISTING NATURAL FEATURES AND AMENITIES.

Existing features that would add value to residential development or to the community as a whole, such as trees (as herein defined) watercourses and water bodies, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the development. No trees shall be removed from any development nor any change of grade of the land affected until approval of the primary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees as required by these regulations and shall further indicate all those marked for retention and the location of all proposed shade trees required along the street side of each lot as required by § 159.084.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 55-12-02, passed 1-14-03)

§ 159.084 EROSION CONTROL PLAN.

All proposed development that requires an Improvement Location Permit shall meet the applicable criteria set forth herein concerning types of soils involved and the conditions which are requisite to assure proper execution of erosion and sediment control and proper drainage.

(A) General Requirements.

(1) No changes shall be made in the contour of the land; nor shall grading, excavating, removal, or destruction of the topsoil, trees, or other vegetative cover of the land be commenced, until an Erosion Control Plan has been reviewed by the Technical Advisory Committee or there has been a determination by the Technical Advisory Committee that such plans are not necessary.

(2) Erosion Control Plans shall be reviewed concurrently with the development plan and become a part thereof, except that an Erosion Control Plan may be filed and reviewed prior to the rest of the development plan for the purpose of obtaining a Preliminary Grading Permit.

(3) The Erosion Control Plan shall provide all information, reports or plans necessary for the application, including pre- and post-elevations and any additional expense necessary to ensure adequate information, report or plan shall be met by the applicant.

(4) No improvement location permit shall be issued for grading, excavating, removal or destruction of topsoil, trees, or other vegetative cover of land until approval has been received from the Technical Advisory Committee.

(5) No building permit shall be issued until the Planning Department has received and reviewed a certified elevation certificate regarding the parcels of land for which an improvement location permit was issued and a building permit is sought.

(B) Review of Erosion Control Plans.

(1) The following measures are effective in minimizing erosion and sedimentation and shall be included, where applicable, in the control planIn reviewing these measures, the Technical Advisory Committee shall be guided by the information set forth in the findings in the National Cooperative Soil Survey prepared by the USDA Soil Conservation Service in cooperation with the Purdue Experiment Station and the Hamilton County Soil & Water Conservation District, and the specifications set forth in both the Indiana Heartland Urban Development Planning Guide and division (B)(2) herein and in accordance with Chapter 600 of The City of Noblesville Stormwater Technical Standards Manual. The Director of Planning and Development shall also be guided by advice from the USDA Soil Conservation Service, Hamilton County Soil & Water District, Hamilton County Drainage Board, Indiana Department of Natural Resources - Division of Water, and other agencies or officials offering technical assistance on the subjects of soils, drainage, erosion, and sediment control.

(a) Stripping of vegetation, re-grading, or other development shall be done in such a way that will minimize erosion.

(b) Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

(c) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

(d) The disturbed area and the duration of exposure shall be kept to a practical minimum.

(e) Disturbed soils shall be stabilized as quickly as practical.

(f) Temporary vegetation and mulching shall be used to protect exposed critical areas during development.

(g) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

(h) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.

(i) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

(j) Development plan design shall strive for cut and fill site balancing with a minimum volume of residual dirt stockpiled.

(k) Ordinance No. 24-4-05 “An Ordinance Regulating Storm Water Run Off Associated with Construction and Post Construction Activities in the City of Noblesville” and all amendments thereto. (See §§ 52.30 et seq.).

(2) Design Standards.

(a) Measures used to control erosion and reduce sedimentation and to provide drainage shall, as a minimum, meet the standards and specifications of the Hamilton County Soil & Water Conservation District. The Technical Advisory Committee shall ensure compliance with the appropriate specifications, copies of which are available from the Hamilton County Soil & Water Conservation District or the Department of Planning and Development. The applicable guides are: "URBAN DEVELOPMENT PLANNING GUIDE", and "URBAN SOIL AND WATER CONSERVATION GUIDELINES, SPECIFICATION NO. I".

(b) In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

1. The location, grading, and placement of sub grade (base) material of all driveway and parking areas shall be accomplished as the first work done in a development plan.

2. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding; and all land within a development shall be graded to drain and dispose of surface water without ponding.

3. All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded or planted as required and shall be of such slope, shape, and size as to conform with the requirements of the City of Noblesville or Hamilton County, as the case may be.

4. Concentration of surface water runoff shall be permitted only in swales or watercourses.

5. Excavation and fills:

a. Temporary dirt stockpiles shall be maintained with a slope no greater than 3:1 and a height of no greater than 20 feet above grade of the adjacent roadway.

b. Permanent dirt stockpiles shall be maintained with a slope of no greater than 4:1 and a height of no greater than 15 feet above the grade of the adjacent roadway.

c. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills by installation of temporary or permanent drainage across or above these areas.

d. Cuts and fills shall not endanger adjoining property.

e. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

f. Fills shall not encroach on natural watercourses or constructed channels.

g. Fills placed adjacent to natural watercourses of constructed channels shall have suitable protection against erosion during periods of flooding.

h. Grading will not be done in such a way so as to divert water onto the property of another land owner.

i. During grading operations, necessary measures for dust control will be exercised.

j. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of temporary or permanent culverts or bridges.

k. Cut and fill operations in the floodplain; refer to Article 8 - Zoning Districts, Part G. Flood Hazard District (herein §159.109(A)).

(C) Installation, Responsibility, and Maintenance.

(1) Whenever sedimentation is caused by stripping vegetation, re-grading, or other development, it shall be the responsibility of the applicant, person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses and to repair any damage at his expense as quickly as possible.

(2) Maintenance of all driveways, parking areas, drainage facilities, and watercourses within any development plan area is the responsibility of the applicant, or owner developer.

(3) It is the responsibility of the applicant and any person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale or upon the flood plain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain, or right-of-way during the duration of the activity and to return it to its original or equal condition after such activity is completed.

(4) No applicant and person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal of flood flow in any communal street.

(5) Where a Development Plan Area is traversed by a watercourse, the total development of the watercourse shall be considered. There shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage.

(6) Each applicant, person, corporation, or other entity which makes any surface changes shall be required to:

(a) Collect on-site surface runoff and dispose of it to the point of discharge into an adequate outlet approved by the City Engineer.

(b) Handle existing and potential off-site runoff through his development by designing to adequately handle storm runoff from a fully developed drainage area.

(c) Pay his proportionate share of the total cost of off site improvements to the common natural watercourse, based on a fully developed drainage area.

(d) Provide and install at his expense, all drainage and erosion control improvements (temporary and permanent) as required by the Erosion and Sediment Control Plan.

(7) It is the responsibility of the applicant or owner to keep all major streams, not under the jurisdiction of another official agency, open and free flowing.

(8) The applicant or owner will assume the responsibility for maintaining an open and free flowing condition in all minor streams, watercourses, and drainage systems, constructed or improved in accordance with city and county design criteria on his property, which are necessary for proper drainage in the discretion of the Director of Planning and Development if adequate right-of-way exists or can be acquired.

(D) Enforcement. In the event the applicant or developer proceeds to clear and grade prior to the approval of the Development Plan, the Board of Zoning Appeals may revoke the approval of all plans.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 55-12-02, passed 1-14-03; Am. Ord. 76-9-05, passed 10-11-05; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 32-07-19, passed 7-23-19) Penalty, see § 159.999

§ 159.085 SOIL PRESERVATION, GRADING, AND SEEDING.

The following regulations shall apply to the construction of single and two-family homes. They are intended to decrease the possibility of erosion, sedimentation, and water pollution in the absence of an Erosion Control Plan which would be required of larger development or construction projects.

(A) Soil Preservation and Final Grading. No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final development plat and the lot recovered with soil with an average depth of at least six inches which shall contain no particles more than two inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six inches of cover on the lots and at least four inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.

(B) Lawn-Grass Seed and Sod. All lots shall be established with sod from the roadside edge of the unpaved right-of-way and including the front yard established by the front building setback line the full width including the established principal building located on said parcel/lot. The remaining side yards and rear yards may be established with sod or seed. No final certificate of occupancy shall be issued until re-spreading of soil and seeding of lawn has been completed. A temporary certificate of occupancy issued between April 1 and October 31 (six-months period) requires the installation of the sod and seed shall be completed a maximum of 30 days after issuance of the temporary certificate of occupancy. A temporary certificate of occupancy issued between November 1 and March 31 (four-months period) requires the installation of the sod and seed by the first business day in June following the date of issuance of said temporary certificate.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 55-12-02, passed 1-14-03; Am. Ord. 32-07-19, passed 7-23-19) Penalty, see § 159.999

§ 159.086 NONRESIDENTIAL SUBDIVISIONS AND DEVELOPMENTS.

(A) General Requirement. If a proposed development includes land that is zoned for non-residential purposes, the Plan Commission may require any reasonable provision on the layout of the development that would help to further the purposes of this ordinance or the comprehensive plan. A nonresidential development shall also be subject to all the requirements of site plan approval set forth in this chapter. A nonresidential development shall also be subject to all the requirements of these regulations, as well as such additional standards required by the Commission, and shall conform to the proposed land use and standards established in the Comprehensive Plan and other plans of the city/county.

(B) Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all developments, the applicant shall demonstrate to the satisfaction of the Commission that the block, lot, and transportation network pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

(1) Each non-residential area or parcel shall be shown and marked on the plat as to its intended use.

(2) Proposed non-residential parcels shall be suitable in area and dimensions to the types of development anticipated.

(3) The engineer of appropriate jurisdiction shall approve in writing prior to secondary plat approval a provision that the proposed non-residential development will not conflict with traffic circulation patterns, and the requirements for driveway location and design can reasonably be implemented at no cost to the city/county.

(4) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed nonresidential development, including the provision of extra depth in parcels backing upon an existing or potential residential development, and provisions for a permanently landscaped buffer strip when necessary.

(5) Truck routes shall be established so as to prevent industrial traffic from encroaching into adjacent residential areas.

(6) To the greatest degree possible, nonresidential developments shall be located on arterials or major collectors.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 55-12-02, passed 1-14-03; Am. Ord. 86-11-03, passed 12-9-03) Penalty, see § 159.999

§ 159.087 STREET TREES.

(A) City Streets. Trees shall be planted as a public improvement along any new subdivision street. The cost of street trees and installation shall be born by the developer. The developer shall follow the standards set forth in the Street Tree Ordinance No. 08-03-09, the Approved Street Tree Species List, and the Arboricultural Specifications Manual of September 2014, or as they are amended.

(B) County Streets. Trees shall be planted as a yard tree along any new subdivision street. The cost of these trees and installation shall be born by the developer. The spacing of the trees shall be every 40 to 60 feet. The trees shall be installed between the right-of-way and 15 feet outside of the right-of-way.

(Ord. 12-4-97, passed 5-12-97; Am. Ord. 14-4-99, passed 5-10-99; Am. Ord. 55-12-02, passed 1-14-03; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 46-07-16, passed 8-9-16) Penalty, see § 159.999

PLANS, MAPS, AND ZONING DISTRICTS

§ 159.095 OFFICIAL PLAN AND MAPS

(A) Official Comprehensive Plan. The Comprehensive Plan of the City of Noblesville, as amended, establishes the policies for land use which underlie this chapter. The Comprehensive Plan is an ordinance of the City, adopted pursuant to State Law.

(B) Official Land Use and Thoroughfare Plan Map. The Comprehensive Plan contains the official Land Use and Thoroughfare maps of the City. These maps shall be consulted when land use decisions are made pursuant to this chapter. The maps of the Comprehensive Plan shall be used as criteria in making decisions upon land use requests.

(Ord. 62-12-95, passed 1-22-96)

§ 159.096 ZONING DISTRICTS.

(A) Official Zoning Map. The Planning Jurisdiction is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby declared to be a part of this chapter.

(1) Identification Of Official Zoning Map. The Official Zoning Map shall be identified by certification and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 7 of Ordinance Number 62-12-95 of the City of Noblesville, State of Indiana," together with the date of adoption of this chapter. Certification should be by the signature of the Mayor and attested by the City Clerk-Treasurer. The title "Official Zoning Map" in large letters may be placed in an appropriate open space around the map or in the title block.

(2) Maintenance Of Official Zoning Map. If in accordance with the provisions of this chapter changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Common Council with an entry on the Official Zoning Map as follows: On (date) by official action of the Common Council, the following changes were made on the Official Zoning Map: _____, which entry shall be initialed by the Director or Chairman of the Plan Commission and attested by the City Clerk Treasurer. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of any kind by a person or persons shall be considered a violation of this chapter and punishable as provided under § 159.999.

(3) Location Of Official Zoning Map. Regardless of the existence of purported copies of the Official Zoning Map which from time to time may be published, the Official Zoning Map shall be located in the office of the Clerk-Treasurer of the City of Noblesville. It shall be the final authority as to the current zoning status of land and water areas in the City, and its administrative jurisdictional area.

(4) Replacement Of Official Zoning Map. Refer to I.C. 36-7-4-608.

(B) Establishment of Zoning Districts. The zones or districts established in the Noblesville Planning Jurisdiction are as follows:

(1) Residential Districts.

Low Density Single-Family Suburban Residential (SR)

Low Density Single-Family Residential (R-1)

Low to Moderate Density Single-Family Residential District (R-2)

Moderate to High Density Single-Family Residential District (R-3)

Moderate to High Density One and Two-Family Residential District (R-4)

Moderate to High Density Multi-Family Residential District (R-5)

Residential Mobile Home Park (RMH)

Residential Planned Development (R/PD)

(2) Commercial Districts.

Local Business (LB)

General Business (GB)

Downtown (DT)

Planned Business (PB)

Business Planned Development (P/PD)

(3) Industrial Districts.

Light Industrial (1-1)

Heavy Industrial (1-2)

Extractive Industrial (1-3)

(4) Special Districts.

Zero Lot Line (ZLL) Overlay

Historic Preservation (HP) Overlay

Planned Development (PD)

Village Center Planned Development

(5) Miscellaneous Districts.

Corporate Campus Planned Development (CCPD)

Flood Hazard (FH) District

Federal Hill Planned Development (FeHiPD) District

(C) Interpretation of District Sequence

(1) General Rule. This chapter rejects as outdated and inappropriate the concept of hierarchical and cumulative zoning districts and, except as noted below, is based on the concept that each district should be designed to accomplish a specific purpose, to encourage a particular type of development, and to protect that development from being encroached upon by incompatible types of development.

(2) Special Rule. Within the foregoing philosophy, however, it is recognized that, when different districts are juxtaposed, their differing characters may require special treatment to ameliorate incompatibilities that might otherwise result. For this limited purpose, this chapter recognized the concept of "more restrictive" and "less restrictive" districts, and the districts established by this chapter shall be considered "more restrictive" or "less restrictive" in accordance with the following rules.

(a) The residential districts shall be deemed more restrictive than any nonresidential district.

(b) The SR District shall be deemed to be the most restrictive residential district and the R-5 District shall be deemed to be the least restrictive residential district, and the residential districts shall be deemed to become less restrictive as the district number increases.

(c) The commercial, industrial and special districts shall be deemed to be equally restrictive.

(D) Rules For Interpretation Of District Boundaries. Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of thoroughfares or highways, street lines or highway right-of-way lines, or alleys shall be construed to follow such center lines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following city limits shall be construed as following such city limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(5) Boundaries indicated as following shore lines shall be construed to follow such shore lines; and in the event of change in the shoreline, shall be construed as moving with the actual shoreline.

(6) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines, provided, however, when streams meander from the stream bed as it existed on the effective date of this chapter, the boundaries shall be construed as following the original stream bed, except for floodplain boundaries which are somewhat dependent on streams for their definition.

(7) Boundaries indicated as approximately following flood plain lines shall be construed to follow such contour lines. In addition to the boundaries shown on the zone maps, the flood plain boundaries of minor ditches and streams may be designated as being 100 feet either side of the edge of the water at mean elevation, or the outer edges of a horizontal plane established at an elevation of five feet above the mean water level, whichever is the greater distance. In this case, the stream, or ditch, shall be designated as one which flows at least 180 days of the year.

(8) Boundaries indicated as parallel to or extensions of features indicated in divisions (D)(1) thorugh (7) of this section shall be so controlled. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(9) Where physical or cultural features existing on the ground are at variance with those shown as the Official Zoning Map, or in other circumstances not covered by divisions (D)(1) through (6) of this section, the Board of Zoning Appeals shall interpret the boundaries.

(10) Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the Board of Zoning Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

(E) Annexed Land. All territory which may hereafter be annexed to the City of Noblesville shall be zoned consistent with the land use policy of the comprehensive plan and with the zoning district most similar to the zoning which was applicable prior to annexation, as long as that zoning is consistent with the comprehensive plan land use policy map.

(F) Zoning District Equivalency Table. Zoning districts existing prior to the effective date of this chapter, but which are no longer a district described by this chapter, shall require a map amendment to an equivalent and appropriate district which is described in this chapter. Additionally, districts newly created by this chapter, but which do not currently exist on the zoning map, may later be a part of the Zoning map subsequent to a map amendment. Prior to the amendment of the zoning map for such purposes, the following Table 4 shall be used to establish the relationship between existing and new districts:

Table 4 ***Zoning District Equivalency Table***	
Previously Existing Zoning District	***Equivalent Zoning District***

Table 4 ***Zoning District Equivalency Table***	
Previously Existing Zoning District	***Equivalent Zoning District***

FW, FP, FF	FH
PRO	None existing on map.
AB	None existing on map.
AD	None existing on map.
R-6	None existing on map.
OS	Uses previously allowed in the OS District may now be allowed in districts as listed in Appendix C, Schedule of District Uses. The OS Districts existing on the City of Noblesville Zoning map as of May 1, 1996 shall be considered R-1 Districts until such time as the zoning map is amended.
MO	None existing on map.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 25-7-10, passed 8-24-10; Am. Ord. 18-5-11, passed 6-14-11; Am. Ord. 20-7-11, passed 8-9-11; Am. Ord. 48-10-14, passed 11-10-14; Am. Ord. 20-03-15, passed 4-14-15)

ZONING DISTRICTS

§ 159.105 GENERAL REQUIREMENTS.

(A) Schedule of Uses.

(1) Permitted Uses, as listed in Appendix C, Use Matrix, shall be permitted in the districts listed, subject to any special restrictions specified. No land or building shall be devoted to any use other than those listed as Permitted Uses in the zoning district in the district in which the land or building is located, except for:

(a) Uses lawfully established prior to the effective date of this chapter, or

(b) Conditional uses as provided below.

(2) Conditional Uses, as listed in Appendix C, Use Matrix, may be allowed in the zoning districts indicated, subject to the issuance of a conditional use permit in accordance with §59.042, and any special restrictions listed in the district in which it is located.

(3) The interpretation of proposed uses shall be determined by the Director of Planning and Development. When determining the zoning regulations for real estate abutting property for which the land use does not match the zoning district, the zoning district regulations shall apply.

(B) Uses Generally Permitted.

(1) Accessory Uses and Structures. Accessory Uses and Structures shall be a permitted use in all zoning districts except as otherwise restricted in this chapter. Where permitted, accessory uses and structures shall be regulated by § 159.121.

(2) Home Occupations. Home occupations shall be a permitted accessory use in all residential dwelling units, except as otherwise restricted in this chapter. Where permitted, home occupations shall be regulated by § 159.122.

(3) Residential Care Homes. Residential Care Homes shall be a permitted use in all residential districts and shall be regulated by § 159.124.

(4) Manufactured Housing. Manufactured Homes shall be a permitted use in all residential districts and shall be regulated by § 159.124. However, developments of more than one manufactured home shall also be regulated by § 159.106(G).

(5) Bed and Breakfast Establishments. Bed and Breakfast Establishments shall be a conditional use in all residential districts, the Downtown (D) District, and the General Business (GB) District. Where permitted, bed and breakfast establishments shall be regulated by § 159.125.

(6) Agriculture. Agriculture shall be a permitted use in all districts pursuant to § 159.120(F).

(7) Temporary Uses. Temporary uses shall be a permitted use in all zoning districts except as otherwise restricted in this chapter. Where permitted, temporary uses shall be regulated by § 159.127.

(C) Parking and Loading. Parking shall be a permitted accessory use in all districts. Loading shall be a permitted accessory use in all non-residential districts. Parking as a primary use shall be a conditional use in all districts. Where permitted, parking and loading shall be regulated by §§ 159.140 through 159.148.

(D) Signs. Signs may be a permitted accessory use in several different situations, such as but not limited to:

(1) Identification for non-residential uses;

(2) Identification for residential subdivisions and apartment complexes;

(3) Temporary advertising;

(4) Directional or informational signage.

The permitted location of various signs, as well as other sign requirements, shall be regulated by §§159.160 through 159.166.

(E) Landscaping and Screening. Landscaping and/or screening may be required in the following situations:

(1) Interior parking lot islands;

(2) Perimeter parking lot buffering;

(3) Buffering for non-residential uses abutting residential uses;

(4) Surrounding outdoor storage and waste disposal areas;

(5) Other situations as required in this chapter or as determined by the Director of Planning and Development, Technical Advisory Committee, Plan Commission, or Board of Zoning Appeals, as applicable.

Where required, landscaping and screening shall be regulated by §§159.180 thorugh 159.188.

(F) Environmental Performance Standards. No use in any district shall be permitted which does not meet the minimum performance standards in §§ 159.200 through 159.208.

(G) Application of Overlay Districts. Some lots and parcels may be affected by both a base district and one or more overlay districts. Overlay Districts include:

(1) Zero Lot Line (ZLL) Overlay District.

(2) Historic Preservation Overlay (HPO) District.

(3) Planned Development (PD) Overlay District.

(4) Village Center Overlay (VCO) District. Affected lots and parcels shall be so indicated on the Zoning Map, and shall be subject to the regulations of both the overlay district and the underlying base district.

(5) Downtown Mixed Use Overlay District (DMU).

(H) Site Plan Review. Site Plan Review shall be required of all non-residential developments, all residential subdivisions and Planned Developments (PDs), and all uses located in an Historic Preservation (HP) Overlay District. Site plan review shall be conducted as described in § 159.041(C). Where Site Plan Review is required, the evaluation of site plans shall consider: 1) all restrictions applicable to the zoning district(s) in which the use is located, 2) all applicable standards for parking, signs, landscaping, and other general development standards, and 3) the criteria for Site Plan Review in that section.

(I) Commercial Vehicle Storage. The storage or parking of commercial vehicles in residential zoning districts including Planned Development Districts are subject to the following requirements:

(1) The parking of a commercial vehicle shall be limited to one standard size vehicle or not to exceed 3/4 ton vehicle including cars, SUV's, step-up vans, work vans, and pickup trucks. The parking of trailers shall be prohibited. The exception being that any commercial vehicle may be stored within an enclosed structure.

(2) This regulation shall not be interpreted to apply to commercial vehicles used for conveying the necessary tools and materials to premises where labor using such tools and materials is to be performed during the time of parking such vehicles, or to commercial vehicles in the process of temporarily loading or unloading deliverable goods.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 23-4-07, passed 5-15-07; Am. Ord. 64-11-08, passed 12-9- 08; Am. Ord. 12-2-11, passed 3-15-11; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 25-07-17, passed 8-15-17) Penalty, see § 159.999

§ 159.106 RESIDENTIAL DISTRICTS.

Table 8.B.

Summary of Residential Bulk Requirements

Requirements	***Single-Family***	***Two-Family***	***Multi-Family***

Table 8.B.

Summary of Residential Bulk Requirements

Requirements	***Single-Family***	***Two-Family***	***Multi-Family***
District in Which Use is Permitted	SR, R1, R2, R3, R4, R5***, LB, DT, GB[2]	R4, LB, DT	R5, DT
Minimum Lot Area per Dwelling Unit in Districts Indicated (* indicates the standard for lots served by sanitary sewers) For Cluster Development in the SR District, refer to specific section	SR 10 acres (*5 acres) R1** 3 acres (*30,000 sq. ft.) R2 1 acre (*15,000 sq. ft.) R3 8,000 sq. ft. R4 6,000 sq. ft. R5 6,000 sq. ft. LB 6,000 sq. ft. DT 8,000 sq. ft. GB[2] 3,000 sq. ft.	4,000 sq. ft./unit	3,000 sq. ft./unit
Minimum Lot Width in the Districts indicated, measured at the front building setback line (Lots located on a cul- de-sac/cul-de-loop shall maintain a minimum street frontage of 45 feet)	SR 300 ft. (*200 ft.) R1 200 ft. R2 110 ft. R3 70 ft. R4 60 ft. R5 50 ft. LB 50 ft.	R4 60 ft. LB 50 ft.	R5 150 ft.
Maximum Building Height	35 ft. for all zoning districts	R4 35 ft. LB 35 ft.	R5 45 ft. DT 50 ft.
Minimum Front Yard Setback (Developed Area) (Refer to Central Core Map, Appendix G)	The average of the front setbacks of the nearest existing principal building on either side of the proposed building.		
Minimum Front Yard Setback (New Developing Areas)	Local and collector streets 30 ft. Arterial streets 40 ft.		45 ft.
Minimum Side Yard Setback	Minimum of 20% of lot width in total side yards, and a minimum setback on either side of the structure as follows: SR...10 ft.; R1...10 ft.; R2....8 ft.; R3....6 ft.; R4....5 ft.; R5....5 ft.; LB....5 ft.; GB....3 ft.		
Minimum Rear Yard Setback	Primary Structure...20 ft. Accessory Structure...5 ft.		

Floor Area Ratio shall not exceed:	SR 20% R1 30% R2 35% R3 35% R4 40% R5 45% LB 45% GB 60%	R4 50% LB 50%	R5 60%
Minimum Floor Area (per dwelling unit)	SR...2,500 sq. ft.; R1...2,400 sq. ft.; R2...1,800 sq. ft.; R3...1,000 sq. ft.; R4...800 sq. ft.; R5...600 sq. ft.; LB...600 sq. ft.; DT**** GB...600 sq. ft.		
Maximum Lot Coverage (Excludes Central Core Map Area - Appendix G)	SR, R1, R2, R3 45% R4, R5, LB 45%	R4, LB..55%	R5 65%

* Served by sanitary sewer

** See §§ 159.220 et seq., Nonconforming Uses and Structures, for pre-dated (07-01-2011) R1 and R1/PD subdivisions.

*** Permitted in areas zoned R5 as per Appendix G (Central Core Map).

[1] Individual manufactured homes located on scattered sites shall adhere to the bulk requirements for the zoning district in which located and § 159.124.

[2] Single-family dwelling permitted in areas zoned "GB" as per Appendix G (Central Core Map).

NOTE: Residential uses and buildings abutting a private street shall be subject to the bulk requirements as per Table 8.B.

(A) Low Density Single Family Suburban Residential (SR).

(1) Purpose. The purpose of the SR District is to permit limited development in rural areas in order to satisfy individual housing preferences. This district is consistent with the Countryside District of the Comprehensive Plan. The rural character of the district may be maintained through several different density options, as described in § 159.106(E).

(2) Permitted Uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in § 159.106(A)(3).

(3) Uses Permitted with Restrictions. The following uses are permitted in this district provided that they meet the restrictions below.

(a) Parks.

1. Landscape Buffers: Landscape buffers shall be provided pursuant to §159.184.

2. Parking: No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

3. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§159.200 through 159.208.

4. Noise: Noise not shall not infringe upon other properties, pursuant to §§159.200 through 159.208. The Board may require additional buffers to prevent noise pollution.

(b) Cemeteries. Landscape buffers shall be provided pursuant to § 159.185.

(4) Conditional Uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042. The conditional uses that may be approved are listed in Appendix C, Use Matrix. Certain conditional uses have special restrictions which are listed below.

(a) Fire and Police Stations, Schools, Churches, Clubhouses.

1. Setbacks: No structure shall be located within 100 feet of any structure on another lot.

2. Landscape Buffers: Landscape buffers shall be provided pursuant to §§159.184.

3. Parking: No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

4. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§159.200 through 159.208.

5. Noise: Noise not shall not infringe upon other properties, pursuant to §§159.200 through 159.208. The Board may require additional buffers to prevent noise pollution.

(b) Golf Courses.

1. Setbacks: No structure shall be located within 100 feet of any structure on another lot.

2. Parking: No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

3. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§159.200 through 159.208.

(c) Campgrounds.

1. Approval must be obtained from the Indiana State Board of Health.

2. The size, procedure, design, installation, and maintenance of campgrounds shall be as provided for in §159.106(B).

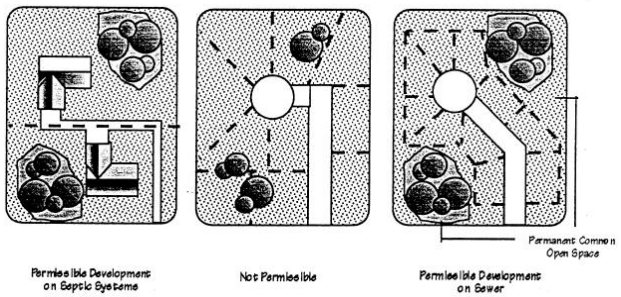
(5) Bulk Requirements. The bulk requirements which apply to all residential districts are listed within Table 5.

(6) Special Requirements.

(a) Developments which are served by individual septic systems shall have a minimum lot size of ten acres and a minimum lot width of 300 feet.

(b) Developments served by sanitary sewers shall have a minimum tract size of five acres. Such developments shall have a base density established by a two-acre lot. Such lots may be clustered within the development to a minimum lot size of 25,000 square feet and a minimum lot width of 200 feet. The clustering of such lots shall provide for a minimum of 25% open space in the development which is maintained in a natural state. A portion of this open space shall be maintained along the development's street frontage to a minimum depth of 50 feet to maintain a rural atmosphere throughout the SR District. The remainder may be distributed throughout the development. The arrangement of housing clusters and open space shall be approved through site plan review.

FIGURE 1: DISTRICT DENSITY OPTIONS



(B) Low Density Single Family Residential (R-1).

(1) Purpose. The purpose of the R-1 District is to permit the establishment of moderate low density single family residential areas. The R-1 District shall have a minimum lot size as per Table 5 Summary of Residential Bulk Requirements on central water and sewer facilities. It shall not exceed one dwelling unit per acre or have a minimum lot size less than two acres on individual sanitary sewer systems where centralized systems are not available.

(2) Permitted Uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in division (B)(3) of this section.

(3) Uses Permitted with Restrictions. The following uses are permitted in this district provided that they meet the restrictions below.

(a) Parks.

1. Landscape Buffers: Landscape buffers shall be provided pursuant to §159.185.

2. Parking: No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

3. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§159.200 through 159.208.

4. Noise: Noise shall not infringe upon other properties, pursuant to §§159.200 through 159.208. The Board may require additional buffers to prevent noise pollution.

(b) Cemeteries. Landscape buffers shall be provided pursuant to § 159.185.

(4) Conditional Uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042. The conditional uses that may be approved are listed in Appendix C, Use Matrix. Certain conditional uses have special restrictions which are listed below.

(a) Fire and Police Stations, Schools, Churches, Clubhouses.

1. Setbacks: No structure shall be located within 100 feet of any structure on another lot.

2. Landscape Buffers: Landscape buffers shall be provided pursuant to §159.185.

3. Parking: No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

4. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§159.200 through 159.208.

5. Noise: Noise not shall not infringe upon other properties, pursuant to §§159.200 through 159.208. The Board may require additional buffers to prevent noise pollution.

(b) Golf Courses.

1. Setbacks: No structure shall be located within 100 feet of any structure on another lot.

2. Parking: No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

3. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§159.200 through 159.208.

(5) Bulk Requirements. The bulk requirements which apply to all residential districts are listed within Table 5.

(C) Low to Moderate Density Single Family Residential District (R-2).

(1) Purpose. The purpose of the R-2 District is to permit the establishment of moderate density single-family residential areas. The R-2 District shall not have a minimum size less than as per Table 5 Summary of Residential Bulk Requirements on central water and sanitary sewer facilities. It shall not exceed two dwelling units per acre or have a minimum lot size less than one acre on individual sanitary sewer systems where centralized systems are not available.

(2) Permitted uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in (C)(3) of this section.

(3) Uses permitted with restrictions. The following uses are permitted in this district provided that they meet the restrictions below.

(a) Dwellings over one story in height. For all side yards of dwellings over one story in height, there shall be an additional side yard setback, of eight feet for each story over the first story.

(b) Parks.

1. Landscape buffers. Landscape buffers shall be provided pursuant to § 159.185.

2. Parking. No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to § 159.185, Landscaping and Screening.

3. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards.

4. Noise. Noise shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards. The Board may require additional buffers to prevent noise pollution.

(c) Cemeteries. Landscape buffers shall be provided pursuant to § 159.185.

(4) Conditional uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042. The conditional uses that may be approved are listed in Appendix C, Use Matrix. Certain conditional uses have special restrictions which are listed below.

(a) Fire and police stations, schools, churches, clubhouses.

1. Setbacks. No structure shall be located within 100 feet of any structure on another lot.

2. Landscape buffers. Landscape buffers shall be provided pursuant to § 159.185.

3. Parking: No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§159.180 through 159.188.

4. Lighting. Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards.

5. Noise. Noise not shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards. The Board may require additional buffers to prevent noise pollution.

(b) Golf courses.

1. Setbacks. No structure shall be located within 100 feet of any structure on another lot.

2. Parking. No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

3. Lighting. Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards.

(5) Bulk requirements. The bulk requirements which apply to all residential districts are listed within Table 5, Residential Bulk Requirements.

(D) Moderate to High Density Single-Family Residential District (R-3).

(1) Purpose. The purpose of the R-3 District it to permit the establishment of moderate to high density single-family residential areas comprised of dwellings on central water and sewer facilities. The R-3 District shall have a minimum lot size as per Table 5 Summary of Residential Bulk Requirements.

(2) Permitted uses. A complete listing of uses permitted within the R-3 district are listed in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in division (D)(3).

(3) Uses permitted with restrictions. The following uses are permitted in this district, provided that they meet the conditions below and plans for their development and use are approved by the Board of Zoning Appeals.

(a) Dwellings over one story in height. For all side yards of dwellings over one story in height, there shall be an additional side yard setback, of eight feet for each story over the first story.

(b) Parks.

1. Landscape buffers. Landscape buffers shall be provided pursuant to § 159.185.

2. Parking. No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188, Landscaping and Screening.

3. Lighting. Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards.

4. Noise. Noise shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards. The Board may require additional buffers to prevent noise pollution.

(c) Cemeteries. Landscape buffers shall be provided pursuant to § 159.185.

(4) Conditional uses. The following uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.041(A). The conditional uses that may be approved are listed in Appendix C, Use Matrix. Certain conditional uses have specific restrictions which are listed below.

(a) Fire and police stations, schools, churches, clubhouses.

1. Setbacks. No structure shall be located within 100 feet of any structure on another lot.

2. Landscape buffers. Landscape buffers shall be provided pursuant to § 159.185.

3. Parking. No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through

159.188.

4. Lighting. Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards.

5. Noise. Noise shall not infringe upon other properties, pursuant to §§ 159.180 through 159.188, Environmental Performance Standards. The Board may require additional buffers to prevent noise pollution.

(b) Golf courses.

1. Setbacks. No structure shall be located within 100 feet of any structure on another lot.

2. Parking. No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188, Landscaping and Screening.

3. Lighting. Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards.

(5) Bulk requirements. The bulk requirements which apply to all residential districts are listed within Table 5, Residential Bulk Requirements.

(E) Moderate to High Density One and Two-Family Residential District (R-4).

(1) Purpose. The purpose of the R-4 District is to permit moderate to high density one- and two-family residential dwellings on central sewer and water facilities. The R-4 District shall have a minimum lot sizes as per Table 5 Summary of Residential Bulk Requirements for single family dwellings and for two-family dwellings.

(2) Permitted uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in (E)(3).

(3) Uses permitted with restrictions. The following uses are permitted in this district provided that they meet the restrictions below.

(a) Dwellings over one story in height. For all side yards of dwellings over one story in height, there shall be an additional side yard setback of five feet for each story over the first story.

(b) Parks.

1. Landscape buffers. Landscape buffers shall be provided pursuant to §§ 159.185.

2. Parking. No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188, Landscaping and Screening.

3. Lighting. Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards.

4. Noise. Noise shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards. The Board may require additional buffers to prevent noise pollution.

(c) Cemeteries. Landscape buffers shall be provided pursuant to § 159.185.

(4) Conditional uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042. The conditional uses that may be approved are listed in Appendix C, Use Matrix. Certain conditional uses have special restrictions which are listed below.

(a) Fire and police stations, schools, churches, clubhouses.

1. Setbacks. No structure shall be located within 100 feet of any structure on another lot.

2. Landscape buffers. Landscape buffers shall be provided pursuant to § 159.185.

3. Parking. No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188, Landscaping and Screening.

4. Lighting. Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards.

5. Noise. Noise shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards. The Board may require additional buffers to prevent noise pollution.

(b) Golf courses.

1. Setbacks. No structure shall be located within 100 feet of any structure on another lot.

2. Parking. No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188, Landscaping and Screening.

3. Lighting. Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§ 159.200 through 159.208, Environmental Performance Standards.

(5) Bulk requirements. The bulk requirements which apply to all Residential Districts are listed within Table 5, Residential Bulk Requirements.

(F) Multi-Family Residential District (R-5).

(1) Purpose. The purpose of the R-5 District is to encourage the establishment of multi-family dwellings of high density. The predominant housing type would be townhouses and garden apartments. All such districts should abut major collector or arterial streets as specified by the local agency responsible for transportation or the Indiana Department of Transportation (INDOT). The district must be served with central water and sanitary sewer facilities of sufficient capacity.

(2) Permitted Uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix. Single-family dwellings are permitted in this district, provided it is located within the area designated on the “Central Core Map”, Appendix G.

(3) Uses Permitted with Restrictions. The following uses are permitted in this district provided that they meet the restrictions below.

(a) Multiple Family Dwellings; Convalescent, Nursing, or Rest Homes.

1. Landscape Buffers: Landscape buffers shall be provided pursuant to §159.185.

2. Setbacks: For all side yards of multiple family dwellings or convalescent/nursing/rest homes over one story in height, there shall be an additional side yard setback, of five feet for each story over the first story.

3. Parking: Off-street parking areas shall be located behind or beside the principal building(s), and shall not be closer than 15 feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

4. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§159.200 through 159.208.

(b) Parks.

1. Landscape Buffers: Landscape buffers shall be provided pursuant to §§159.180 through 159.188.

2. Parking: No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

3. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§159.200 through 159.208.

4. Noise: Noise not shall not infringe upon other properties, pursuant to §§159.200 through 159.208. The Board may require additional buffers to prevent noise pollution.

(c) Cemeteries. Landscape buffers shall be provided pursuant to § 159.185.

(4) Conditional Uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.142. The conditional uses that may be approved are listed in Appendix C, Use Matrix. Certain conditional uses have special restrictions which are listed below.

(a) Fire and Police Stations, Schools, Churches, Clubhouses.

1. Setbacks: No structure shall be located within 100 feet of any structure on another lot.

2. Landscape Buffers: Landscape buffers shall be provided pursuant to §159.185.

3. Parking: No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

4. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§159.200 through 159.208.

5. Noise: Noise not shall not infringe upon other properties, pursuant to §§159.200 through 159.208. The Board may require additional buffers to prevent noise pollution.

(b) Golf Courses.

1. Setbacks: No structure shall be located within 100 feet of any structure on another lot.

2. Parking: No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

3. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§159.200 through 159.208..

(5) Bulk Requirements. The bulk requirements which apply to all residential districts are listed within Table 5.

(G) Residential Mobile Home Park (RMH).

(1) Purpose. The purpose of the RMH District is to encourage the development of well planned mobile home parks, mobile home subdivisions, and related uses. Such districts should abut a major arterial or collector street as identified by the Thoroughfare Plan element of the Comprehensive Plan. Mobile home parks and subdivisions shall comply with all state regulations, as well as those specified in this ordinance. Private water systems are highly discouraged, and package sewer and septic facilities are not permitted. Notwithstanding any other provision or restriction provided in this chapter, the following procedures, standards, and restrictions shall apply to all mobile home developments and no variance shall be permitted therefrom.

(2) Procedure.

(a) Mobile Home Park.

1. Application. Applications for a Mobile Home Park shall be filed with the Director of Planning and Development, on a form provided by the Director and shall contain at least the information listed in § 1(F) of Appendix B of this chapter, “Mobile Home Parks”.

2. Public Hearing. The Plan Commission shall hold a public hearing prior to granting approval of any mobile home park. The applicant shall give notice prior to the hearing, giving notice thereof in such form as may, from time to time, be prescribed by the Director. The notice shall include, but not be limited to, mailing the notice to adjoining property owners,as per the adopted Plan Commission rules of procedure, by a Certificate of Mailing at least 17 days prior to the meeting. The notice shall be given in a newspaper of general circulation in the county, and proof of its publication shall be filed prior to the hearing, and shall be a condition precedent to the right of the Commission to conduct the hearing. At the hearing, the Commission may approve, deny or modify the plans presented by the applicant. If it denies or modifies the plans for a mobile home park, the Commission shall promptly notify the applicant of that action, together with the reasons for the modification or denial.

3. Improvement Location Permit. Following approval of a mobile home park by the Plan Commission, the Director, upon application, including a letter of approval from the State Board of Health and payment of fees, shall issue to the applicant an improvement location permit.

(b) Mobile Home Subdivision. The procedure and design of a mobile home subdivision shall be the same as those provided for in Article 5, Subdivision Procedures and Article 6, Site Design and Improvement Standards (see §§ 159.060 through 159.062 and §§ 159.075 through 159.087).

(3) Permitted Uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in division (D)(4) of this section.

(4) Uses Permitted with Restrictions. The following uses are permitted in this district provided that they meet the restrictions below.

(a) Parks.

1. Landscape Buffers: Landscape buffers shall be provided pursuant to §159.185.

2. Parking: No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

3. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§159.200 through 159.208..

4. Noise: Noise not shall not infringe upon other properties, pursuant to §§159.200 through 159.208.. The Board may require additional buffers to prevent noise pollution.

(5) Conditional Uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042. The conditional uses that may be approved are listed in Appendix C, Official Schedule of Uses Matrix.

(a) Fire and Police Stations, Schools, Churches, Clubhouses.

1. Setbacks: No structure shall be located within 100 feet of any structure on another lot.

2. Landscape Buffers: Landscape buffers shall be provided pursuant to §159.185.

3. Parking: No off-street parking area shall be closer than ten feet to any lot line. Off-street parking areas shall include both perimeter and interior landscaping subject to §§ 159.180 through 159.188.

4. Lighting: Lighted areas shall be approved prior to development and shall not infringe upon other properties, pursuant to §§159.200 through 159.208..

5. Noise: Noise not shall not infringe upon other properties, pursuant to §§159.200 through 159.208. The Board may require additional buffers to prevent noise pollution.

(b) Campgrounds.

1. Approval must be obtained from the Indiana State Board of Health.

2. The size, procedure, design, installation, and maintenance of campgrounds shall be as provided for in §159.106(C).

(6) Bulk Requirements. The following requirements apply to mobile home parks and subdivisions:

(a) Minimum Tract Size. Each mobile home park shall contain a minimum of five acres.

(b) Maximum Density. A maximum of seven mobile homes per acre may be permitted if serviced by central sanitary sewers as approved by the State Board of Health. This maximum shall be determined from the gross acreage of the mobile home park. The Hamilton County Soils Conservation Officer and the County Health Officer shall review the adequacy of the soils and may require a lesser density for just cause.

(c) Setbacks.

1. Mobile home stands must be so located that when occupied by a mobile home the clear distance between a mobile home and any adjacent mobile home will be not less than 20 feet.

2. No mobile home shall be located closer than 20 feet to any building within the mobile home park.

3. The minimum depth of a front yard of a mobile home park where such part abuts a major arterial street is 60 feet from the right of way line. The minimum depth of the front yard of a mobile home park where such park abuts a collector street is 40 feet. The minimum depth of front yard of a mobile home park where such park abuts a local street is 25 feet.

4. The minimum depth of side and rear yards of a mobile home park shall be 25 feet. Adequate screen planting shall be provided at the determination of the Commission, where deemed necessary for compatibility with adjoining properties.

5. The clear distance between any mobile home and the centerline of the abutting mobile home park street shall be a minimum of 45 feet.

6. Maximum lot coverage - 65%.

(d) Minimum Ground Floor Area. In approved mobile home parks, there shall be no minimum ground floor area requirements for mobile homes located therein except as provided elsewhere in this chapter. Any and all manufactured homes constructed on individual lots, outside of the "Residential Mobile Home" (RMH) zoning district shall comply with the bulk standards of that district and Article 9 - General Regulations, Part F. Manufactured Homes, Individual (see § 159.124).

(7) Additional Requirements.

(a) Each mobile home, mobile home stand or mobile home space shall be provided with two parking spaces adjacent thereto, which parking spaces shall have unobstructed access to a mobile home park street. No on-street parking shall be permitted in a mobile home park.

(b) There shall be a minimum of two entrances to a mobile home park, unless a different number is approved by the Plan Commission.

(c) Outdoor storage is prohibited. Applicant shall provide minimum storage space and requirements for storage buildings in covenants.

(d) Mobile home park streets shall be paved either with Portland cement concrete or bituminous concrete. Such streets shall be a minimum of 24 feet in width and shall be built in conformance with the current street construction standards of the governmental unit in which such mobile home park is located.

(e) A paved sidewalk shall be installed on at least one side of each mobile home park street. The minimum width of such sidewalks shall be four feet.

(f) The Plan Commission may, as part of its approval, require curbs and/or gutters in mobile home parks where, in the opinion of the said Commission, drainage of surface water as provided by the applicant in its development plans is insufficient to properly carry such surface water.

(g) Surface drainage as approved by the Plan Commission shall be installed and maintained by the applicant or his successor in title.

(h) Prior to the issuance of an improvement location permit, an applicant must file with the Director a letter from the Indiana State Board of Health evidencing approval by such board and compliance with the requirements of such board.

(H) Residential Planned Development (R/PD). The purpose of the R/PD District is to permit the development of single-family residential as per the Hamilton County Zoning Ordinance and adopted Planned Development Application and Supplemental Documentation for those particular parcels of property as evidence by the Maps in Appendix J. The permitted uses and the bulk requirements shall be established as per the adopted Hamilton County Zoning Ordinance and the Adopted Planned Development Application(s) and Supplemental Documentation enacted at the time and are in effect until such time the property is rezoned to a city zoning district. The property is located along the north side of East 146th Street and is known as the "Kingsley Subdivision." Hamilton County zoned the property R3P "Residential Medium-High Density Village/Urban." This is a planned development and shall be required to follow those standards as set forth in the Adopted Planned Development Application and Supplemental Documentation and the Hamilton County Zoning Ordinance. Any requirements that cannot be met shall require a public hearing before the Plan Commission and Common Council. (Refer to Appendix J)

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 12-4-97, passed 5-12-97; Am. Ord. 16-3-00, passed 4-10-00; Am. Ord. 69-11-00, passed 12-12-00; Am. Ord. 48-6-05, passed 7-12-05; Am. Ord. 76-9-05, passed 10-11-05; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 23-06-10, passed 7-13-10; Am. Ord. 24-7-10, passed 8-10-10; Am. Ord. 12-2-11, passed 3-15-

11; Am. Ord. 18-5-11, passed 6-14-11; Am. Ord. 29-9-11, passed 10-11-11; Am. Ord. 31-09-13, passed 9-24-13; Am. Ord. 53-10-15, passed 11-10-15 ; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 25-07-17, passed 8-15-17 ; Am. Ord. 32-07-19, passed 7-23-19) Penalty, see § 159.999

§ 159.107 COMMERCIAL DISTRICTS.

Table 6

Summary of Commercial Bulk Requirements

ZONING DISTRICTS	LB[1]	***GB***	***DT***	***PB***
Minimum Lot Size	10,000 sq. ft.	No restriction	No restriction	20,000 sq. ft.
Minimum Lot Width	100 ft.	No restriction	No restriction	1:2, width to depth ratio
Maximum Floor Area Ratio	1	4	4	60%
Maximum Impervious Surface Coverage	50%	60%	N/A	N/A
Maximum Building Size	10,000 sq. ft. maximum	N/A	N/A	N/A
Minimum Front Yard:				
Abutting Residential Uses or Districts	25 ft.	25 ft.	25 ft.	60 ft.
Abutting Other Uses or Districts	25 ft.	0 ft.	0 ft.	60 ft.
Minimum Side Yard:				
Abutting Residential Uses or Districts	25 ft.	10 ft.	0 ft.	15 ft.
Abutting Other Uses or Districts	20 ft.	0 ft.	0 ft.	10 ft.
Minimum Rear Yard:				
Abutting Residential Uses or Districts	20 ft.	20 ft.	20 ft.	20 ft.
Abutting Other Uses or Districts	15 ft.	10 ft.	10 ft.	10 ft.
Maximum Building Height	2 stories or 30 ft.	4 stories or 50 ft.	4 stories or 50 ft.	3 stories or 35 ft.
Minimum District Size	NA	NA	NA	NA
Maximum District Size	NA	NA	NA	NA

NOTES: The above requirements do not preclude the establishment of more stringent restrictions for conditional uses or individual permitted uses where conditions may warrant.

No structures are permitted within a utility, drainage and/or landscaping easement.

[1] No new LB districts shall be established after the effective date of Ordinance No. 48-10-14, passed 11-10-14.

(A) Local Business (LB).

(1) Purpose. The purpose of this district is to accommodate convenience business uses which tend to meet the daily requirements of the residents of an immediate neighborhood. No new LB District shall be established after the effective date of this chapter.

(2) Permitted Uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in division (A)(3) of this section.

(3) Uses Permitted with Restrictions. The following uses are permitted in this district provided that they meet the restrictions below. Dwelling Units Above the First Story Dwelling units located above the first floor of a non-residential use shall have a separate primary entrance to the street and not through the first floor principal use. Fire escapes, back stairways, and the like shall not serve as primary access.

(4) Conditional Uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042(C). The conditional uses that may be approved are listed in Appendix C, Use Matrix. Certain conditional uses have special restrictions which are listed below.

(a) Automotive Fuel Stations

1. Minimum Lot Size. Automotive Fuel Stations shall be restricted to small dealerships not to exceed one acre in lot size.

2. Maximum Building Size and Lot Coverage. The maximum building size and the maximum lot coverage shall be determined when approved by the Board based on: (1) the scale and character of adjacent uses; and (2) the impact on the function of the adjacent street.

(5) Bulk Requirements. The bulk requirements that apply to all Commercial Districts are listed within Table 8.C. Commercial Bulk Requirements (herein Table 6, § 159.107). Refer to Table 8.B. Residential Bulk Requirements (herein Table 5, § 159.106) for residential single-family and two-family dwellings.

(6) Additional Requirements. The following requirements shall apply to all uses in the LB District:

(a) The conduct of permitted uses herein shall be within completely enclosed buildings, except for accessory off-street parking and loading facilities.

(b) Drive-in or drive-through type businesses are not permitted.

(c) All goods produced on the premises as incidental or essential to the principal use shall be sold at retail on the premises where produced.

(d) Outside storage, vending machines and outside display of merchandise prohibited.

(e) Where an "LB" district adjoins a residential district or use, landscape buffers shall be provided pursuant to §159.185.

(B) General Business (GB).

(1) Purpose. The purpose of the GB District is to encourage the establishment of areas for general business uses to meet the needs of a community-wide market area. Activities would include uses of moderate size such as grocery stores, restaurants, service stations, specialty stores, and the like, and single-family residential located within the Central Core Map per Appendix G of this chapter. Because of their scale, it is necessary that the GB Districts be located on a major collector or minor arterial as specified by the Thoroughfare Plan element of the Comprehensive Plan. All GB Districts established after the effective date of this chapter shall be contiguous to existing GB Districts.

(2) Permitted Uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix.

(3) Uses Permitted with Restrictions. There are currently no permitted uses in the GB district that are subject to special restrictions.

(4) Conditional Uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042. The conditional uses that may be approved are listed in Appendix C, Use Matrix.

(5) Bulk Requirements. The bulk requirements which apply to all Commercial Districts are listed within Table 6.

(6) Outside storage, vending machines and outside display of merchandise prohibited.

(C) Downtown (DT).

(1) Purpose. The Downtown District is established to encourage those uses in the town core which will serve to stimulate and enhance its unique character as a county seat and historic asset. The

district is further intended to modify certain general development standards that are inappropriate in the Downtown.

(2) Permitted Uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in division (C)(3) of this section.

(3) Conditional Uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042. The conditional uses that may be approved are listed in Appendix C, Use Matrix. Certain conditional uses have special restrictions which are listed below.

(a) Automotive Fuel Stations.

1. Minimum Lot Size. Automotive Fuel Stations shall be restricted to small dealerships not to exceed one acre in lot size.

2. Maximum Building Size and Lot Coverage. The maximum building size and the maximum lot coverage shall be determined when approved by the Board of Zone Appeals based on: (1) the scale and character of adjacent uses; and (2) the impact on the function of the adjacent street.

(4) Outside Storage and Display. Outside storage and outside display of vending machines is prohibited.

(D) Planned Business (PB).

(1) Purpose. The purpose of the PB District is to encourage well-planned business uses, particularly with respect to unified design, safe ingress-egress, adequate and properly located parking and service facilities and convenient and safe pedestrian accessibility. Shopping centers are good examples of types of uses in the PB District. The PB District is also designed to service the motoring public through such uses as motels, restaurants, or service stations. The PB District shall only be permitted along or at the intersection of major arterials as specified by the Thoroughfare Plan element of the Comprehensive Plan.

(2) Permitted Uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix.

(3) Uses Permitted with Restrictions. There are currently no permitted uses in the PB district that are subject to special restrictions.

(4) Conditional Uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042. The conditional uses that may be approved are listed in Appendix C, Use Matrix.

(5) Bulk Requirements. The bulk requirements which apply to all Commercial Districts are listed within Table 6.

(6) Outside storage, vending machines and outside display of merchandise prohibited.

(E) Business Planned Development (B/PD).

(1) The purpose of the B/PD District is to permit the development of commercial uses as per the Hamilton County Zoning Ordinance and the Adopted Planned Development Application and Supplemental Documentation for those particular parcels of property as evidenced on the maps in Appendix J. Originally, these parcels were under the county's jurisdiction for zoning and uses or during a time period of not being within the zoning jurisdiction of either the city or Hamilton County thereby creating a "No Zoning Area." The permitted uses and the bulk requirements shall be established as per the adopted Hamilton County Zoning Ordinance and/or Adopted Planned Development Application and Supplemental Documentation in effect at that time.

(2) The parcels will remain as a city zoning district of "B/PD" until such time the properties are rezoned to an existing city zoning district including bulk requirements. These parcels include the following:

(a) Hood's Gardens at 11644 Summer Road (County Zoned A4–Agricultural Business District) (Parcel Numbers 10-11-16-00-00-014.000, 10-11-16-00-00-010.001, 10-11-16-00-00-010.002); and containing 27.33 acres.

(b) Depco located at 11827 Greenfield Avenue (County Zoned – M2-Manufacturing Development – Major Community Impact) (Parcel Number (11-11-16-00-00-018.001) and containing 4.42 acres.

(c) South of the 4.42 acres (County Zoned M2P–Manufacturing Development – Major Community Impact Planned Development) (Parcel Numbers 11-11-16-00-00-017.000, 11-11-16-00-00-018.000) and containing 40.87 acres.

(d) 11741 Greenfield Avenue (Parcel Number 10-11-16-00-00-016.003) (9.53 acres) "No Zoning" Area at initial construction.

(e) 15055 Gray Road (Parcel Number 10-10-16-00-00-016.001) (19.32 acres) County Zoned A4–Agricultural Business.

(f) 14978 Gray Road (Parcel Number 10-10-16-00-00-016.002) (2.72 acres) and (10-10-16-00-00-016.000 (partial area of ID number and five acres) County Zoned C1P–Commercial Development/Residential Character Planned Development.

(g) 5325 East 161st Street (Parcel Number 10-10-09-00-00-019.001) (4.64 acres) County Zoned C3–Commercial Development - Major Community Impact.

(3) The planned developments shall be required to follow the standards adopted by the Planned Development Applications and Supplemental Documentation and the Hamilton County Zoning Ordinance. All non-planned developments shall abide by the requirements of said Hamilton County Zoning Ordinance for said particular zoning district. Any requirements that cannot be met shall require a public hearing before the Plan Commission and Common Council or the Board of Zoning Appeals. (Refer to Appendix J).

(F) Corporate Campus Planned Development District (CCPD)

(1) Purpose and Procedures. The purpose of the Corporate Campus Planned Development District (CCPD) is to encourage economic development activity and high quality, well-integrated development both north and south of the 146th Street corridor, east of State Road 37 to Prairie Baptist Road and Atlantic Road, and north of the I-69 interchange. This district is intended to provide for a broad range of uses, thus expanding employment opportunities in Noblesville and enhancing its tax base. Within this district are a number of subdistricts that represent various physical character areas. Although the CCPD District shall be developed in a unified and coordinated fashion, each of the subdistricts has tailored a purpose, use, bulk and site development standards reflective of its location, function, and desired appearance within the corporate campus park. It is the intent of this district to augment the other bulk provisions of this chapter. When not specifically addressed by this district, the bulk standard provisions of this chapter shall apply.

(a) Review Procedures.

1. All development within the CCPD District shall be subject to site plan review, Unified Development Ordinance subdivision regulations, and site development standards, in addition to the use, bulk, and site development standards of this section. The following types of development proposals are subject to the procedures and requirements for planned developments contained in § 159.047, Planned Developments, and § 159.109(D), Planned Development (PD) Overlay District:

A. All proposed subdivisions.

B. All development proposals in the Mixed Residential Subdistrict (unless otherwise specified).

C. All development proposals that include requests for any exceptions from the standards listed for this district and/or subdistricts.

D. All proposed uses listed as Special Considerations in Appendix D. These uses are not assumed permitted by-right and thus, there shall be no presumption of their approval. Special considerations, if any are to be given, must be specifically approved by the Plan Commission and Council.

E. All development proposals in the Agricultural/I-O Subdistrict.

2. All other development proposals shall be required to submit all information for a detailed development plan as outlined in this section; however, the plan shall be subject to review by city staff, rather than the Plan Commission.

(2) Establishment of Subdistricts. The City of Noblesville hereby creates a set of subdistricts that represent physical character areas within the CCPD District. The subdistricts are as follows:

(a) Interchange Subdistrict.

1. Purpose and Applicability. The purpose of the Interchange Subdistrict is to address development sites that are visible from Greenfield Avenue/State Road 238 and 146th Street, but are not directly accessible from them. High quality building design and site improvements are a priority in this area, which functions as the “eastern gateway” into Noblesville. Site access and signage must be carefully planned to orient drivers. Site design and parking lot layout must recognize the “double-fronted” nature of development sites in this area.

2. Use Requirements. A mix of commercial and office uses shall be permitted in the Interchange Subdistrict, in this section with the approved Corporate Campus Land Use and Subdistricts map. Where indicated on the map, commercial uses shall be designed in a pedestrian-oriented manner. The complete use matrix is contained in Appendix C.

(b) 146th Street Corridor Subdistrict.

1. Purpose and Applicability. The purpose of the 146th Street Corridor Subdistrict is to address development sites that are visible from 146th Street, but are not directly accessible from it. High quality building design and site improvements are a priority in this area because this corridor functions as the “spine” of the overall corporate campus park. Site access and signage must be carefully planned to orient drivers. Site design and parking lot layout must recognize the “double-fronted” nature of development sites in this area.

2. Use Requirements. A mix of commercial, office, and industrial uses shall be permitted in the 146th Street Corridor Subdistrict, in accordance with an approved Land Use and Subdistricts map. Any newly established user that may be categorized as a "Tax Exempt User" as defined by Ordinance No. 16-05-13 within this subdistrict is prohibited. Where indicated on the map, commercial uses shall be designed in a pedestrian-oriented manner. The complete use matrix is contained in Appendix C.

(c) View Corridor Subdistrict.

1. Purpose and Applicability. The purpose of the View Corridor Subdistrict is to address development sites that are highly visible from key regional arterials (I-69 and State Road 37), but are not directly accessible from them. The design quality and presence of buildings in this area is important as viewed from afar as well as upon closer approach. Site design and parking lot layout must address the “double-fronted” nature of development sites in this area.

2. Use Requirements. A mix of commercial, office, and industrial uses shall be permitted in the View Corridor Subdistrict, in accordance with an approved Land Use and Subdistricts map. Any newly established user that may be categorized as a "Tax Exempt User" as defined by Ordinance No. 16-05-13 within this subdistrict is prohibited. Where indicated on the map, commercial uses shall be designed in a pedestrian-oriented manner. The complete use matrix is contained in Appendix C.

(d) Interchange Flex Subdistrict.

1. Purpose and Applicability. The purpose of the Interchange Flex Subdistrict is to address development sites that , are visible from key secondary arterials and may have direct access from them depending upon lot size. Generous landscaped setbacks and high quality site improvements are key to establishing the appropriate image for this area. Adequate buffering is required where dissimilar land uses abut one another (including residential). The Interchange Flex Subdistrict permits only industrial, office, and related flex uses.

2. Use Requirements. A mix of office and industrial uses shall be permitted in the Interchange Flex Subdistrict, in accordance with an approved Land Use and Subdistricts map. The complete use matrix is contained in Appendix C.

(e) Secondary Corridor Subdistrict.

1. Purpose and Applicability. The purpose of the Secondary Corridor Subdistrict is to address development sites that are visible from key secondary arterials (including Greenfield Avenue/State Road 238) and may have direct access from them depending upon lot size. Generous landscaped setbacks and high quality site improvements are key to establishing the appropriate image for this area. Adequate buffering is required where dissimilar land uses abut one another (including residential). The Secondary Corridor Subdistrict permits a broader range of uses including industrial, office, and commercial uses.

2. Use Requirements. A mix of commercial, office, and industrial uses shall be permitted in the Secondary Corridor Subdistrict, in accordance with an approved Land Use and Subdistricts map. Where indicated on the map, commercial uses shall be designed in a pedestrian-oriented manner. The complete use matrix is contained in Appendix C.

(f) Internal Subdistrict.

1. Purpose and Applicability. The purpose of the Internal Subdistrict is to address development sites that are not highly visible from key arterials. While a basic standard of quality is expected, the required level of site improvements and architectural quality is not as high as in other subdistricts. Emphasis is placed on the design of building entries and signage more than the overall building design. Adequate buffering is required where dissimilar land uses abut one another (including residential).

2. Use Requirements. A mix of office and industrial uses shall be permitted in the Internal Subdistrict, in accordance with an approved Land Use and Subdistricts map. The complete use matrix is contained in Appendix C.

(g) Mixed Residential District.

1. Purpose and Applicability. The purpose of the Mixed Residential Subdistrict is to address areas where a diversity of residential development is appropriate within the Corporate Campus Planned Development District. The range of residential uses that are permitted within this subdistrict include single family detached, single family attached, two-family, and multiple family residential, provided it is designed in an integrated manner. The design standards included within this section are intended to ensure that residential development within the Corporate Campus is attractive, and yet remains affordable.

2. Use Requirements. A mix of residential and complementary institutional uses shall be permitted in the Mixed Residential Subdistrict, in accordance with an approved Land Use and Subdistricts map. The complete use matrix is contained in Appendix C.

(h) Regional Recreation and Entertainment Subdistrict.

1. Purpose and Applicability. The purpose of the Regional Recreation and Entertainment Subdistrict is to address existing recreation and entertainment uses within the subdistrict and the potential for future development sites that are visible from key thoroughfares, including but not limited to Greenfield Avenue/State Road No. 238, 146th Street, Boden Road, and Olio Road, and may have direct access from them depending upon lot size. Generous landscaped setbacks and high quality site improvements are key to establishing the appropriate image for this area as future development occurs on the existing recreation and entertainment site. Adequate buffering is required where dissimilar land uses abut one another (including residential). The Regional Recreation and Entertainment Subdistrict permits a range of full service entertainment facilities and uses as well as office and industrial facilities and uses.

2. Use Requirements. A mix of regional entertainment facilities and uses shall be permitted in the Regional Recreation and Entertainment Subdistrict in accordance with an approved Land Use and Subdistricts map. Where indicated on the map, uses shall be designed in a pedestrian-oriented manner. The complete use matrix is contained in Appendix C.

(i) Agricultural/I-O Subdistrict.

1. Purpose and Applicability. The purpose of the Agricultural/I-O Subdistrict is to address development sites that are in areas that are presently primarily agricultural or rural in nature. This district is identified in areas that are generally on the periphery of the Corporate Campus as a whole with a development timeline that is anticipated to exceed the more high-profile subdistricts. Agricultural and rural residential uses will continue to operate as they currently exist until such time as development in the area occurs. It is expected that development in this district will be non-residential in nature, with permitted uses ranging from industrial and office to other related flex uses. Generous landscaped setbacks and high quality site improvements are key to establishing the appropriate image for this area, respecting the character of the pre-existing agricultural and residential uses. Adequate buffering is required where dissimilar land uses abut one another including residential.

2. Use Requirements. A mix of office and industrial uses shall be permitted in the Agricultural/I-O Subdistrict, in accordance with an approved Land Use and Subdistricts map. The complete use matrix is contained in Appendix C. Residential uses are permitted to continue according to this section.

(3) Public Right-of-Way and Infrastructure Improvements.

(a) Improvements.

1. Unifying streetscape elements must be provided at adjacent public rights-of-way, including street lights, street trees, sodded parkways, continuous sidewalks, and hike/bike trails where appropriate.

2. Street lights are to be installed at all public rights-of-way per city specifications. These lights shall have a uniform and consistent design throughout the development.

A. Sidewalks.

(i) A continuous five-foot public sidewalk shall be provided within the public right-of-way, per city specifications, making connections to sidewalks at adjacent properties. Where space permits, sidewalks must meander toward and away from the curb line, to no closer than five feet and no further than 30 feet from the curb. The curve shall be gradual, to discourage short-cuts. This sidewalk may be replaced with an asphalt path, as required by the Access Framework Plan and the Noblesville Alternative Transportation Plan (NAT), if deemed appropriate.

(ii) Public sidewalk configuration must provide direct access to curbside transit stops where appropriate. These access points shall be American with Disabilities Act (ADA) compliant and installed pursuant to City regulations.

(iii) Hike/bike trails and trail heads shall be provided where indicated on the Access Framework Plan and the Noblesville Alternative Transportation Plan (NAT), per city specifications, making connections to trail segments at adjacent properties.

B. Landscaping.

(i) Deciduous street trees of two and one-half to three-inch caliper at the rate of one tree for every 40 linear feet of right-of-way are required to be installed in a mulch bed of a maximum eight feet in diameter. Street trees must always be located between the curb and the public sidewalk, and need not be in a straight line if the sidewalk meanders. Required street trees are in addition to the on-site landscaping required per the previous section. Permitted tree species shall be those listed on the approved planting lists of the City of Noblesville.

(ii) Unpaved portions of the right-of-way shall be established in turf by either sodding (preferred) or seeding.

(iii) Median strips between divided roads and driveways shall be landscaped with trees and low shrub masses accented with annuals/perennials. Plantings shall be focused at intersections and “gateway” areas, and shall cover a minimum of 30% of the unpaved area of the median strip. Unplanted areas shall be maintained in turf.

(iv) Along primary arterials, a berm and landscape treatment shall be installed that will buffer buildings and parking facilities from view. The berm should be at least four feet in height, and plantings shall be pursuant to the buffering requirements of §§ 159.180 through 159.191. In some cases, this buffer can be installed in lieu of the buffering requirements for individual uses. The look and feel of the treatment should be consistent throughout the corridor.

C. Detention.

(i) Detention/ retention ponds shall be located and designed to be natural in appearance and enhance the entry sequence and/or view of buildings.

(ii) Wet detention facilities and water features, side slopes above the water line shall not exceed 4:1, and wetland/aquatic vegetation shall be planted around at least 75% of the wet area perimeter. The maximum “freeboard” of all detention areas shall not exceed three feet. All detention facilities shall be required to install safety ledges pursuant to the requirements of this chapter and as approved by the City Engineer.

(iii) Dry detention areas shall maintain a maximum slope of 4:1, and shall be graded to harmonize with the overall open space design of the site.

(4) General Regulations.

(a) Non-Residential Site Planning Regulations.

1. Commercial uses shall be “master planned” in conjunction with adjacent office uses to facilitate efficient circulation and shared parking.

2. Where developments include several buildings, they shall be grouped to create outdoor spaces/plazas.

3. Open space shall be located contiguous to open space on adjacent sites to maximize their combined visual effect.

4. A straightforward and visually pleasant approach to building entrances shall be provided, with a drop-off area near office building entrances.

5. No accessory structure shall be located within any required setback.

6. Equipment.

A. No storage areas, garbage containers, or mechanical equipment shall be located within any required setback.

B. Mechanical equipment, garbage containers, and satellite dishes shall be completely and permanently screened from view of public rights-of-way and adjoining properties. When attached

to the ground, screening methods shall include a solid wall or fence enclosure of a material that matches the principal building. When roof mounted, screening methods may include parapet walls or other architectural treatments approved by the Planning Director.

C. The colors and materials of all screening methods shall match and be in coordination with the colors and materials of the principal building.

7. Drive-thru. Where drive-thru uses are permitted, drive-thru windows and lanes are not permitted to face any street.

8. Lighting.

A. Light standards shall not exceed 25 feet in height, and shall be of a consistent type/style/finish throughout the site. If adjacent to a residential district, light standards shall not exceed 15 feet in height within 150 feet of the lot line. Light intensity on sites that are adjacent to a residential district shall be no more than one-half foot-candle as measured along property lines that abut the residential district.

B. Light standards that are used must be approved by the city prior to their use, and the illumination of the standards shall be subject to the standards of this chapter.

C. Lighting shall serve only to illuminate signage, parking/loading areas, walkways and entrances, or to accent landscaping and architectural details.

D. Colored, exposed neon, flashing or moving lights are prohibited.

E. All lights shall be installed in a manner to best hide and shield point source lighting.

9. Circulation.

A. The Land Use and Subdistrict and Access Framework and Thoroughfare Master Plan maps identify a potential roadway network. The maps identify potential locations of arterials and collectors, and all other proposed roads that are not identified would most likely be constructed as local streets.

B. Permitted roadway types (per approved Access Framework and Thoroughfare Master Plan) in all subdistricts are primary arterial, secondary arterial, collector, and local streets.

C. A continuous circulation system must be maintained within large private developments; cul-de-sacs are strongly discouraged.

D. Off-street pedestrian and auto connections shall be provided between sites where feasible, especially between office and commercial uses.

E. Safe pedestrian and bicycle routes shall be delineated within private developments, and connect to the public sidewalk and regional trail system.

10. Service Vehicles/Trucks.

A. Adequate on-site areas must be provided for truck access, maneuvering, loading, and storage.

B. Service vehicle/truck traffic must be separated from automobile traffic.

11. Access Regulations.

A. Roads and driveway cuts must be aligned to create four-way intersections. Access points located on opposite sides of the street should be designed to line up the respective left turn lanes, where the road has no center median.

B. Curb cuts are not permitted within 350 feet of an intersection on any arterial street, or within 300 feet of an intersection on any collector street.

C. Where permitted, outlets in commercial, and mixed developments shall only be accessed from internal roadways, and shall share driveways and parking lots wherever feasible.

D. In Interchange, 146th Street Corridor, and View Corridor Subdistricts, direct access from primary arterials to development sites is prohibited, and direct access from secondary arterials is only allowed for sites at least eight acres in size. Direct access from secondary arterials may not occur more frequently than once every 1,000 feet.

E. In Interchange Flex, Secondary Corridor, and Internal Subdistricts, direct access from primary arterials to development sites is prohibited. Direct access from secondary arterials is only allowed for sites at least ten acres in size. Direct access from secondary arterials may not occur more frequently than once every 1,000 feet.

F. Parcels containing a minimum of five acres and a minimum parcel width of 450 feet may be granted one additional driveway cut based on the merits of unique and/or unusual circumstances on a case-by-case basis and approval by the Planning Director. The driveway cut may not be permitted in all cases.

12. Bulk Requirements.

The following requirements apply to all non-residential subdistricts:

BULK REQUIREMENTS FOR CORPORATE CAMPUS NON-RESIDENTIAL SUBDISTRICTS								
Requirements	***Interchange***	***146th Street Corridor***	***View Corridor***	***Interchange Flex***	***Secondary Corridor***	***Internal***	***Regional Recreation & Entertainment***	***Agricultural/ I-O***
BULK REQUIREMENTS FOR CORPORATE CAMPUS NON-RESIDENTIAL SUBDISTRICTS								
Requirements	***Interchange***	***146th Street Corridor***	***View Corridor***	***Interchange Flex***	***Secondary Corridor***	***Internal***	***Regional Recreation & Entertainment***	***Agricultural/ I-O***
Minimum Lot Area	5 acres[1]	5 acres[1]	5 acres[1]	5 acres[1]	5 acres[1]	3 acres[1]		5 acres[1]
Minimum Lot Width	200 feet	200 feet	200 feet	200 feet	200 feet	200 feet		200 feet
Maximum Impervious Surface	70%	70%	70%	70%	70%	80%		80%
Building Height Maximum								
Office Bldgs.	120 feet	120 feet	120 feet	60 feet	60 feet	50 feet	60 feet	50 feet
Hotels	120 feet	120 feet	120 feet	N/A	120 feet	N/A	120 feet	50 feet
Industrial Bldgs.	50 feet	50 feet	50 feet	50 feet	50 feet	N/A	50 feet	50 feet
Retail Bldgs.	35 feet	35 feet	35 feet	35 feet	35 feet	50 feet	35 feet	50 feet
Accessory Structures[2]	50 feet	50 feet	50 feet	50 feet	50 feet	20 feet	50 feet	20 feet
Entertainment Structures							35 feet, plus 1 ft. for each add'l 5 ft. in setback	
Minimum								
Entertainment Structures							N/A	
All other structures	24 feet and two stories[8]	24 feet and two stories[8]	24 feet and two stories[8]	24 feet and two stories[8]	24 feet and two stories[8]	24 feet and two stories[8]	24 feet and two stories[8]	24 feet and two stories[8]
Front Yard Setback Minimum[7]								
Primary Arterial w/	50 feet[5]	50 feet[5]	75 feet	50 feet[5]	50 feet[5]	50 feet[5]	50 feet[5]	50 feet[5]
Detention Pond,	50 feet[6]	50 feet[6]	75 feet[6]	50 feet[6]	50 feet[6]	50 feet[6]	50 feet[6]	50 feet[6]
Secondary Arterial[3]	50 feet	50 feet	50 feet	40 feet	40 feet	30 feet	30 feet	30 feet

Collector/Local	25 feet	25 feet	25 feet	25 feet	20 feet[3]	20 feet	20 feet	20 feet
Maximum								
Arterial	50 feet[5]	50 feet[5]	75 feet	50 feet[5]	50 feet[5]	50 feet[5]	50 feet[5]	50 feet[5]
Minimum Side and Rear Yard Setback (not abutting a public right-of-way)	25 feet	25 feet	25 feet	15 feet[4]	15 feet[4]	15 feet[4]	25 feet[4]	15 feet[4]
Minimum Building Size	40,000 SF	40,000 SF	40,000 SF	15,000 SF	15,000 SF	35,000 SF	---	15,000 SF

NOTES:

1 Retail uses shall be a minimum of 5 acres and each outlot a minimum of 1 acre in size. Smaller minimum lot sizes may be approved as part of a master plan development.

2 Accessory building should not exceed principal building height or the maximum height allowable, whichever is less.

3 Pedestrian-oriented areas have a maximum front setback of 5 feet.

4 Where side or rear yards abut residentially zoned property, the setback is 50 feet.

5 See § 159.107(H)(8) for landscaping/screening requirements.

6 Detention ponds are permitted within front yard setbacks; however, structures must be set back at least 20 feet from the top of the bank.

7 See § 159.107(H(6) for parking/loading requirements.

8 Industrial use building shall maintain a two-story office component with the potential for a single-story manufacturing/warehousing component at the rear of the building on a case-by-case basis with approval by the Planning Director. Retail buildings are encouraged to be two-story buildings but may be approved as single-story buildings on a case-by-case basis with the approval of the Planning Director.

(b) Residential General Regulations.

1. Existing Residential Uses in Non-Residential Subdistricts. The following site development standards shall apply to all subdistricts within the CCPD District, with the exception of the Mixed Residential Subdistrict.

A. Authority to Continue. Where, at the time of adoption of an ordinance that assigns the CCPD (Corporate Campus) to a Noblesville Jurisdictional zoning map, lawful residential uses of land which exist and would not be permitted by the regulations imposed by the CCPD, may be continued so long as they remain otherwise lawful, subject to the following provisions.

B. Enlargement/Improvement of Existing Residential Structure. Such nonconforming uses may be enlarged or increased to occupy a greater area of land than was occupied at the effective date of rezone so long as such improvements do not result in an increase of the value of the structure by more than 50% of the pre-improvement value.

C. Moving a Residential Structure. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of the rezone.

D. Termination by Discontinuance or Abandonment of Use. If any such nonconforming uses of land are discontinued or abandoned for more than one year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

E. New Construction of Residential Buildings. The only new structures that shall be permitted shall be clearly accessory to the existing residential use of the property and shall adhere to the standards for accessory structures as outlined in § 159.121. No additional homes or separate living units shall be constructed in the CCPD unless such uses are permitted uses in the land use area, and then shall adhere to the R1 Low Density Single-Family Residential zoning district regulations.

F. Damage or Destruction. Should such nonconforming residential structures be destroyed or damaged by any means, then the home may be reconstructed in a manner equal to the fair market value of the building immediately prior to the damage.

G. Underlying Standards. Any residential improvements inside the CCPD district shall adhere to the underlying developmental standards of the Rl (Single-Family Residential) district.

H. Conflict with §§ 159.220 through 159.226. In the case where the specific provisions of this division (H) are in conflict with §§159.220 through 159.226 (Nonconforming Uses And Structures), the standards of this division (H) shall apply.

2. Mixed Use Residential Subdistrict Regulations. In the Mixed Residential Subdistrict, the following design guidelines shall be utilized in evaluation of the proposed planned development proposal. Conformance with the design guidelines may permit additional density within the identified density range, above the 2.4 units/acre specified above. Design standards within this Subdistrict are required. Guidelines are not mandatory. While strict adherence to guidelines is not required, projects that do not adhere to some or all of the guidelines should only be presumed to be allowed a base density that is at the low end of the range permitted and to be required to comply with the established base bulk requirements.

A. Bulk Requirements.

(i) Maximum density.

a. The intent of this district is to provide for a variety of housing types, often times within an individual development. To encourage these multiple housing types, as well as a high quality design and affordability, a set of residential design guidelines and a density range has been identified. The permitted density shall be dependent upon adherence to the design guidelines and shall be at the discretion of the City Council, in accordance with the Planned Development procedure. The base density in the single-family areas shall be 2.4 dwelling units to the acre where there is access to public sewer. The base density shall be one unit per two acres where private sewer systems are proposed. With consideration of the guidelines established for this subdistrict, as well as consideration of the specific products and subdivision designs on a case by case basis, planned developments may be approved that allow the maximum permitted density in the single family areas to range from 2.4 to six dwelling units per acre.

b. The base density in the multiple family areas shall be 14 dwelling units per the acre. Dependent upon compliance with the guidelines established for this subdistrict, as well as the quality, affordability, and/or mix of specific products and subdivision design proposed, planned developments may be approved that permit a maximum permitted density to range from seven to 20 dwelling units per acre.

(ii) Minimum Lot Area and Width. Because a density range has been identified as a means of encouraging high quality residential design and a variety of product types, the minimum permitted lot area and width may vary, dependent upon the density permitted. However, the base lot areas and lot widths for each housing type are as follows:

HOUSING TYPE	***BASE LOT AREA***	***LOT WIDTH***
Single family detached dwellings (public sewer)	15,000 square feet	100 feet
Single family detached dwellings (private sewer)	2 acres	200 feet
Single family attached dwellings (up to four units) (Permitted only on public sewer)	6,000 square feet	60 feet
Multiple family dwellings (Permitted only on public sewer)	3,000 square feet	150 feet

(iii) Maximum Building Height.

a. Single family detached dwellings: 35 feet.

b. Single family attached dwellings (up to four units): 40 feet.

c. Multiple family dwellings: 45 feet.

d. Accessory buildings shall be a maximum height: 15 feet.

(iv) Maximum Permitted Floor Area Ratio.

a. Single family detached dwellings: 0.5.

b. Single family attached dwellings (up to four units): 0.6.

c. Multiple family dwellings: 0.6.

(v) Setbacks.

a. Front Yard Setbacks (minimum).

(I) Single family dwellings: 25 feet local and collector streets.

(II) Single family attached: 50 feet arterial streets.

(III) Multiple family dwellings: 50 feet all streets.

b. Side Yard Setback (minimum). Eight feet for all housing types, except multiple family and single family attached dwellings, which shall provide a minimum separation of ten feet between individual buildings.

c. Rear Yard Setback (minimum).

(I) Principal buildings: 20 feet.

(II) Accessory buildings: five feet.

d. For certain product types, it may be necessary, in certain circumstances and on a case by case basis, to reduce these standards. For this reason, this standard may be varied as part of the planned development process subject to approval by the Council.

(vi) Minimum floor area per dwelling.

a. Single Family: 1,800 square feet.

b. Multiple Family: 600 square feet.

c. For certain product types, it may be necessary to reduce this standard. For this reason, this standard may be varied as part of the planned development process.

(c) Design Standards Applicable to AH Residential Development.

1. Each development should have standards for uniform streetlights, mailboxes, fencing, and sidewalks.

2. A 50-foot buffer yard shall be maintained around all residential developments, unless otherwise reduced through the Planned Development process.

3. No fences or other structures, permanent or temporary, shall be permitted within the 50-foot buffer yard.

4. Common open space and recreational facilities may warrant additional density, provided that the common open space areas consist of a minimum of 15% of the site. This open space area must be active in nature, and shall not include public rights-of-way, easements, floodplain areas, or landscape setback areas. Large open space and retention areas (generally larger than 10,000 square feet) may only be counted if they are improved to include active and passive amenities. Generally, wet detention facilities shall not count toward the 15% requirement. Useable open space should be located no further than 1A mile from the most distant house in the subdivision.

5. Inside the 50-foot landscape buffer, trees shall be planted at a minimum rate of one tree per 40 feet and mounding shall be required as approved during the Planned Development process.

6. Local streets should be extended to provide access between adjoining neighborhoods at appropriate intervals. Streets should generally be designed in a grid network and cul-de-sacs are discouraged.

(d) Guidelines for Single-Family Detached and Two-Family Attached Dwellings.

1. Where detached garages are proposed, dwellings with detached garages that are located in the rear yard and accessed via alleys are the preferred garage design. However, the second preference is detached garages that are located in the rear yard and accessed from the street.

2. Where dwellings are designed with attached garages, rear loaded garages that have access off of alleys are preferred. The second preference is for rear loaded garages that access from the front. The third preference is side-loaded garages. The least desirable design is a dwelling with an attached front-facing garage. Such garages shall occupy no more than 33% of the front facade. Individual garage doors designed with windows are encouraged.

3. In an effort to promote diversity of housing, subdivisions shall vary the following: buildings' relationship to the street by staggering setbacks a minimum of 5 feet for 25% of each block face; driveway orientation or location; the side yard setback and/or lot widths by ten feet for 25% of the lots on each block face.

4. Each development over 100 acres should have a minimum of two product types that address two different market categories.

5. A landscape package including a minimum of one shade tree and ten shrubs and/or ornamental trees per dwelling unit shall be installed on each lot.

6. Generally, lots of less than 60 feet in width should have rear-loaded garages that access from an alley.

(e) Guidelines for Single-Family Attached and Multiple-Family Residential.

1. All townhouse and multiple-family residential units should be designed to be oriented toward the street. Where larger developments are designed with internal circulation systems, at least some dwelling units should be oriented to the exterior of the development so as to promote connection and integration of the multiple family development with adjacent uses. Townhouse or multiple-family developments, which are oriented with the sidewalls facing the street, are discouraged.

2. All single family attached dwellings should have one main entrance for each structure that faces the street at an angle of no more than 45 degrees from the street, or opens onto a porch or a stoop. At least 50% of the units should be designed with building entrances, rather than garage doors fronting on the street at the ground floor level.

3. Attached garages should be located at the rear of the dwelling unit, and face the interior of the development, rather than the street. The least desirable design is a dwelling with an attached street-facing garage. Such garages shall only be permitted if they do not protrude beyond the front building line and provide access via an internal drive or frontage road, rather than with individual curb cuts for each dwelling unit. Individual garage doors designed with windows are encouraged.

(f) Existing Residential Lots in Residential Subdistricts.

1. Planned Development approval shall not be required for a building permit for a single family home that does not involve the subdivision of property, is on property of at least five acres in size, and is located within the Single-Family or Multi-Family Subdistricts.

(5) Architectural Standards.

(a) Architectural Review Procedure.

1. Architectural review shall be required for all residential developments pursuant to the standards of this subchapter and §§159.025 through 159.033.

2. A. With regard to non-residential developments, architectural plans for all primary and accessory buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings, and the number, size, and type of structures. A complete set of color 360-degree elevations detailing the front, rear, and opposite side views of each proposed above ground structure shall be provided. Key exterior elements such as materials, windows, architectural breaks, etc. must be rendered in sufficient detail and accompanied by clear descriptions of materials specifications, colors, and textures.

B. If the architectural standards of the CCPD district are met, the review of the architectural plans shall be completed by the Planning staff. Appeals of staff's interpretations shall go to the Architectural Review Board who shall render a decision pursuant to the procedures established.

(b) Non-Residential General Architecture Requirements. The following design/architecture requirements shall apply to all non-residential Subdistricts within the Corporate Campus district:

1. High quality building design and construction shall be provided on all elevations (360 degree architectural treatment) in all Subdistricts, with the exception that in the Internal Subdistrict, architectural detailing shall be focused on the building entry and on facades visible from any roadway.

2. The scale, mass, color and proportion of the building shall reflect the character of the area in which it is located and shall be compatible with adjoining developments.

3. Multiple buildings in developments (including accessory buildings and detached outlet buildings in commercial centers, where permitted) must incorporate coordinated architectural styles, materials, forms, features, colors and applied elements to visually tie the development together.

4. Antennas shall be roof-mounted only, shall project no more than 12 feet above the height of the building, and shall be positioned to minimize visibility from public rights-of-way. One antenna is allowed per building, except that at buildings with more than one tenant, a maximum of two shall be allowed per building.

5. Signage, fencing, walls, and other amenities (benches, lights) must be integrated with building design and landscaping.

6. Building Trim.

A. The use of accent and trim elements (accent panels, banding, cornices, canopies/awnings, etc.) is recommended to add visual interest and break down the scale of facades.

B. Permitted building trim materials include: brick (clay), stone, simulated cut stone, tile (ceramic or porcelain), wood, glass, painted aluminum, formed polymers ("Fypon"), and EIFS as permitted in the individual subdistricts.

7. Facades.

A. Glazing shall not exceed 75% of any facade.

B. Facade treatments shall be designed to break large facade areas into smaller facades.

C. Exterior materials must be consistent on all facades, and material/finish changes should relate to the "structure" of the building.

D. Colors used on building facades must be complementary. Natural, muted colors should serve as the primary facade color, with brighter colors used only as limited accents.

8. Roofs.

A. Pitched roofs shall be required on buildings used for all small-scale retail, service, and office uses. Small-scale shall generally mean one-story buildings, however, the design and location

of some buildings, which are more than one story in height, may require pitched roofs to be used as well.

B. Rooflines and roof profiles shall be varied to create visual interest. One-story buildings must incorporate sloped roofs or tall parapets to architecturally conceal roof-mounted equipment.

C. All rooftop equipment, including vents greater than one foot in height, shall be screened from view from all ground level vantage points by parapet walls, rooftop walls, or recesses in sloped roofs.

D. Rooftop equipment screens and rooftop penetrations (vents) shall be of a color compatible with the overall building or roof color (not an accent color).

E. Roof materials should be traditional in composition and complement the architectural features of the structure.

F. Where pitched roofs are required or requested; appropriate pitches shall be used based on the circumstance.

9. All structures will be evaluated on the overall appearance of the project and shall be based on the quality of its design and its relationship to the surrounding area.

(c) Subdistrict Specific Architecture Requirements.

1. Interchange Subdistrict.

A. In pedestrian-oriented commercial areas, a continuous “street wall” of facades shall be created. There shall be easy access from parking areas to the shopping street or plaza.

B. Facades shall incorporate three or more vertical planes, and create both a “rhythm” of facade bays or structural elements, and a horizontal division into a base, middle and top.

C. Main building entrances must be prominently featured through porticos, recessed entrances, lighting, and landscaping. Weather protection should be provided at all entrances.

D. Appropriate building finish materials include: brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, tile (ceramic or porcelain), glass (clear or lightly tinted), standing seam metal roofs, slate/imitation slate roof shingles, architectural asphalt roof shingles, and EIFS (“Dryvit”) as a limited trim material only.

E. Inappropriate, prohibited building finish materials include: wood, plywood, unfinished concrete or concrete panels, concrete masonry units, EIFS (“Dryvit”) wall systems, steel or aluminum curtain wall systems, plastics, reflective glass.

2. 146th Street Corridor Subdistrict.

A. Facades must incorporate three or more vertical planes, and create both a “rhythm” of facade bays or structural elements, and a horizontal division into a base, middle and top.

B. Main building entrances must be prominently featured through porticos, recessed entrances, lighting, and landscaping. Weather protection should be provided at all entrances.

C. Appropriate building finish materials include: brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, tile (ceramic or porcelain), glass (clear or lightly tinted), standing seam metal roofs, slate or imitation slate roof shingles, architectural asphalt roof shingles, and EIFS (“Dryvit”) as a limited trim material only.

D. Inappropriate, prohibited building finish materials include: wood, plywood, unfinished concrete or concrete panels, concrete masonry units, EIFS (“Dryvit”) wall systems, steel or aluminum curtain wall systems, plastics, reflective glass.

3. View Corridor Subdistrict.

A. Facades must incorporate three or more vertical planes, and create both a “rhythm” of facade bays or structural elements, and a horizontal division into a base, middle and top.

B. Main building entrances must be prominently featured through porticos, recessed entrances, lighting, and landscaping. Weather protection should be provided at all entrances.

C. Appropriate building finish materials include: brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured and painted) pre-cast concrete panels, (subject to approval by the Planning Director and may not be appropriate when visible from an arterial or expressway), tile (ceramic or porcelain), glass (clear or lightly tinted), standing seam metal roofs, slate/imitation slate roof shingles, architectural asphalt roof shingles, and EIFS (“Dryvit”) as a limited trim material only.

D. Inappropriate, prohibited building finish materials include: wood, plywood, unfinished concrete or concrete panels, concrete masonry units, EIFS (“Dryvit”) wall systems, steel or aluminum curtain wall systems, plastics, reflective glass.

4. Interchange Flex Subdistrict.

A. Facade treatments must create both a “rhythm” of facade bays or structural elements, and a horizontal division into a base, middle, and top.

B. Appropriate building finish materials include: brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured and painted) pre-cast concrete panels, (subject to approval by the Planning Director and may not be appropriate when visible from an arterial or expressway), tile (ceramic or porcelain), glass (clear or lightly tinted), standing seam metal roofs, slate/imitation slate roof shingles, architectural asphalt roof shingles, and EIFS (“Dryvit”) wall systems only if at least eight feet above grade or as a trim material.

C. Inappropriate, prohibited building finish materials include: wood, plywood, unfinished concrete or concrete panels, concrete masonry units, steel or aluminum curtain wall systems, plastics, reflective glass.

5. Secondary Corridor Subdistrict.

A. In pedestrian-oriented commercial areas, a continuous “street wall” of facades shall be created. There shall be easy access from parking areas to the shopping street or plaza.

B. Facade treatments must create both a “rhythm” of facade bays or structural elements, and a horizontal division into a base, middle, and top.

C. Main building entrances must be prominently featured through porticos, recessed entrances, lighting, and landscaping. Weather protection should be provided at all entrances.

D. Appropriate building finish materials include: brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured and painted) pre-cast concrete panels, tile (ceramic or porcelain), glass (clear or lightly tinted), standing seam metal roofs, slate/imitation slate roof shingles, architectural asphalt roof shingles, EIFS (“Dryvit”) wall systems only if at least eight feet above grade and consisting of not more than 25% of any facade.

E. Inappropriate, prohibited building finish materials include: wood, plywood, unfinished concrete or concrete panels, concrete masonry units, steel or aluminum curtain wall systems, plastics, reflective glass.

6. Internal Subdistrict.

A. The primary facade treatment shall create both a “rhythm” of facade bays or structural elements, and a horizontal division into a base, middle and top.

B. Appropriate building finish materials include: brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured and painted) pre-cast concrete panels, tile (ceramic or porcelain), steel/masonry composite wall systems, glass (clear or lightly tinted), standing seam metal roofs, slate/imitation slate roof shingles, architectural asphalt roof shingles, and EIFS (“Dryvit”) wall systems only if at least eight feet above grade, and painted concrete masonry units at rear facades only.

C. Inappropriate, prohibited building finish materials include: wood, plywood, unfinished concrete or concrete panels, and steel or aluminum curtain wall systems plastics, reflective glass.

7. Regional Recreation and Entertainment Subdistrict.

A. In pedestrian-oriented commercial areas, a continuous “street wall” of facades shall be created. There shall be easy access from parking areas to the shopping street or plaza.

B. Facade treatments must create both a “rhythm” of facade bays or structural elements, and a horizontal division into a base, middle, and top.

C. Main building entrances must be prominently featured through porticos, recessed entrances, lighting, and landscaping. Weather protection should be provided at all entrances.

D. Appropriate building finish materials include: brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured and painted) pre-cast concrete panels, tile (ceramic or porcelain), glass (clear or lightly tinted), standing seam metal roofs, slate/imitation slate roof shingles, architectural asphalt roof shingles, EIFS (“Dryvit”) wall systems only if at least eight feet above grade and consisting of not more than 25% of any facade.

8. Agricultural/I-O Subdistrict.

A. Facades must incorporate three or more vertical planes, and create both a “rhythm” of facade bays or structural elements, and a horizontal division into a base, middle and top.

B. Main building entrances must be prominently featured through porticos, recessed entrances, lighting, and landscaping. Weather protection should be provided at all entrances.

C. Appropriate building finish materials include: brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured and painted) pre-cast concrete panels, tile (ceramic or porcelain), glass (clear or lightly tinted), standing seam metal roofs, slate/imitation slate roof shingles, architectural asphalt roof shingles, and EIFS (“Dryvit”) as a limited trim material only.

D. Inappropriate, prohibited building finish materials include: wood, plywood, unfinished concrete or concrete panels, concrete masonry units, EIFS (“Dryvit”) wall systems, steel or aluminum curtain wall systems, plastics, reflective glass.

(d) Residential General Architecture Requirements. These standards shall apply to all residential development:

1. Architectural review, as outlined in this subchapter and §§ 159.025 through 159.033 shall be adhered to for all residential developments inside of the Corporate Campus Planned Development District. The standards for review established for and by the Architectural Review Board (ARE) shall be applied and implemented as required by the ARE.

2. The proposed dwelling should respect the scale, height, and setbacks of those buildings on adjacent properties, and where desirable, serve as an orderly transition to a different scale.

A. Accessory structures shall match the materials and architectural style of the principal buildings.

B. Architectural style/design shall be characterized by the use of traditional design elements (dormers, steep pitched roofs, front porches, front doors, overhangs, shutters, bay/box windows, etc.).

C. No like color schemes or home elevations shall be located on lots adjacent to, or across from, each other.

3. Facades.

A. Facade treatments for homes shall be designed to break up larger facade areas.

B. At least 15% of the area of each facade that faces a street lot line must consist of windows or main entrance doors. Windows in garage doors do not count toward meeting this guideline but windows in garage walls do count toward meeting this guideline.

C. The rear facades of buildings shall not be permitted to front thoroughfare streets. Access may be provided via frontage roads and alleys.

4. The following design elements shall be varied throughout multiple unit projects: exterior materials and finishes such as provide a color palette of at least three color combinations per development or provide exterior accent materials such as brick, stone, or other masonry materials; elevations such as provide three distinct elevations for each standard plan; floor plans such as offer at least 4 different floor plans within each development; and front yard landscaping such as provide three different plant palettes consisting of trees, shrubs, and perennials.

A. The design of dwelling units with pitched roofs is encouraged.

B. A maximum of two single-story homes can be built in a row.

5. Guidelines for Single-Family Detached and Two-Family Attached Dwellings.

A. All single-family dwellings should have one main entrance for each structure that faces the street that is at an angle of not more than 45 degrees from the street; or opens onto a porch. Where a duplex is on a corner lot, the requirement shall be met for both dwelling units. Both main entrances may face the same street.

B. At least one-third of all dwellings proposed within the development shall be designed with open front porches. Roofed unenclosed front porches should be a minimum of 25 square feet in area, have at least one entrance facing the street, and have a roof that is no more than 12 feet above the floor of the porch.

Where a duplex is on a corner lot, the requirement shall be met for both dwelling units. Both main entrances may face the same street.

C. (i) A mix of house heights should be promotes to include a proper balance of single story and multiple story dwellings.

(ii) Greater attention should be paid to the design of buildings on corner lots. Treatments such as brick wraps, shutters, windows, and fence setbacks should all be considered.

(6) Parking/Loading.

(a) The following parking and loading requirements shall apply within the CCPD District. All calculations shall be made using gross floor area (GFA). For those uses not listed in the Schedule of CCPD District Off-Street Parking and Loading Requirements, refer to §§ 159.140 through 159.148.

SCHEDULE OF CCPD DISTRICT OFF-STREET PARKING AND LOADING REQUIREMENTS

Use	***Required Parking Spaces***	***Required Loading Spaces***
Use	***Required Parking Spaces***	***Required Loading Spaces***
Commercial uses	4 per 1,000 SF	1 per USER
Office uses	3 per 1,000 SF	1 per BUILDING
Health/education uses	3 per 1,000 SF	1 per BUILDING
Manufacturing/assembly/ Production uses	2.5 per l,000 SF[1]	1 per 15,000 SF
Distribution uses	1 per 1,000 SF[1]	1 per 15,000 SF[1]
Storage uses	1 per 1,000 SF[1]	1 per 40,000 SF[1]
[1] In cases where buildings exceed 50,000-SF, the overall required parking spaces, and loading spaces required may on a case-by-case basis in addition, based on the merits of the circumstances be reduced with approval of the Planning Director.		

(b) Parking/Loading Setback Requirements.

1. Front Setbacks Along Arterials. Along arterials, no parking, loading, or vehicular use areas may be located between the building and front property line. Loading facilities shall be screened from all public rights-of-way.

2. Front Setbacks Along Collector and Local (or Secondary) Streets. Along collector and local streets, the required front setback for parking, loading, and vehicular use areas is 25 feet. Loading facilities shall be screened from all public rights-of-way.

3. Side and Rear Setbacks. Parking, loading, and vehicular use areas shall be setback a minimum of 12 feet from any rear or side lot line.

4. Dedicated and conveniently located parking spaces shall be provided for the physically disabled per established city and other requirements in pedestrian-oriented commercial areas make off-street parking access points visible.

5. Large parking lots must be divided into “modules” linked by internal access drives and separated by landscaped islands. Modules should not exceed 240 feet in width without a separating island of at least ten feet.

6. Parking, driveways and curb cuts shall be shared between uses where feasible to minimize pavements and reduce interference with pedestrians.

7. The distance from any required parking space to the nearest building entrance the space serves shall be a maximum of 700 feet. In addition, in Interchange, 146th Street Corridor, View Corridor, and Secondary Corridor Subdistricts, every parking space shall be within 200 feet of a sidewalk leading to a building entrance and separated from automobile traffic.

8. Diagonal parking must be provided in commercial parking lots where high turnover is expected.

9. Sufficient stacking spaces must be provided at driveways.

10. Visual obstructions are prohibited within parking lots and at driveways.

11. Snow plowing and storage must be accommodated within parking lots and loading areas.

12. The use of parking lots as “short-cuts” to circumvent the public roadway system must be discouraged.

(c) Parking Structures.

1. Parking structures shall be at least partially below grade to minimize their visual impact.

2. Where parking structures are visible from public rights-of-way, they may not have sloping floor plates visible from adjacent public rights-of-way.

3. Parking structures in commercial areas must accommodate retail space on the ground level, where permitted.

4. The design of parking structures must integrate the forms and materials used for principal building(s). Lighting should also be integrated with the overall architectural character of the site.

5. Landscaping must be used at the base of parking structures, and the use of landscaping should be considered at upper levels, to soften their appearance.

(7) Signage.

(a) General Requirements.

1. Signage within the CCPD shall be permitted subject to the standards of §§159.160 through 159.172 unless otherwise stated below. In cases where §§159.160 through 159.172 and the standards of the CCPD are in conflict, the Corporate Campus standard shall apply.

2. All signs must be associated with the permitted use of the property on which they are located.

3. Street number(s) shall be prominently placed on freestanding signage and shall not count toward the four word limit of designation signs.

4. On multi-tenant buildings, all signage must be visually consistent.

5. Signs shall not obstruct views of authorized traffic signs or traffic control devices, create a visual obstruction at driveway entrances, be animated, cause glare, or be lit by any flashing or moving light.

6. In no case shall total sign area for any use exceed 500 square feet. Ground sign area does not include the supporting base below signage itself. Individual letters are to be measured as total height multiplied by total width of each letter.

7. Lots fronting on two or more streets are permitted one sign for each street frontage. When designation signs are used, the designation signs shall not count toward an individual user's permitted signage.

8. Directional signs cannot exceed four square feet each in size and 48 square feet total for all signs, cannot exceed three feet in height, and must not advertise an activity.

9. A maximum of one color plus white or black may be used on any sign. The primary colors of the sign should be black or white with the other color being used as an accent color only.

Consideration may be given to a sign with more than one color other than black and white and may be approved administratively only if the colors are a muted and dark earth tone. Full color elevations of the signs must be submitted to the Planning Department in order to be approved administratively. Garish colors must be avoided, and the color scheme must relate to the associated building.

10. Off-site and temporary signage shall comply with this chapter's regulations.

11. All signs shall be constructed with individual lettering flush mounted to either the wall of the building or the face of the ground sign. Panel, box-type, or back channeling of letters is prohibited.

12. Where designation signs and multiple ground signs are used in a development, a uniform design theme for the development shall be established and followed with each sign.

(b) Sign Requirements in the Regional Recreation and Entertainment Subdistrict. The purpose of this division (H)(7)(b) is to provide signs that adequately regulate circulation and allow signage for other necessary capabilities while minimizing the impact of such signs on adjacent land uses.

1. Interior Signs. For purposes of this division (H)(7)(b), interior signage refers to signs that are not visible when standing immediately off the premises of the Regional Recreation and Entertainment Subdistrict.

A. Temporary Signage. Interior banners and incidental/directional signs shall be permitted without a sign permit.

B. Permanent Signage. Interior wall and ground signs shall not be regulated in number however they must meet the height and size requirements as per §§159.160 through 159.172.

2. Exterior Signs. Exterior signs are any signs that are visible when standing outside of this Subdistrict and shall be regulated as per this subchapter. Lot identification signs are exempted and shall not be defined as a primary sign.

3. Sponsorship. The names and logos of sponsors of entertainment uses and events shall be considered as an item of information on primary signs.

(c) Sign Requirements in the Commercial and Commercial/Office Subdistricts.

1. Designation Signs.

A. Location Restrictions.

(i) Designation signage shall be permitted for integrated, multi-parcel developments of at least 15 acres in size.

(ii) Designation signage shall be no closer than 750 feet from any other approved and/or existing designation sign.

B. General Requirements.

(i) Each integrated, multi-parcel development shall be permitted one designation sign on each public street frontage to which the development is adjacent.

(ii) Designation signage shall be designed as part of the overall “gateway” treatment that includes landscaping and other improvements such as fencing or water features.

(iii) Designation signage shall be readily visible from the roadway, and shall consist of individual letters, up to a maximum of four items of information, and mounted to a solid wall. Signs shall identify the development name only; identification for individual users is prohibited. Letters shall not exceed 18 inches in height, and shall be either back-lit or illuminated by ground-mounted lights.

C. Setback Requirements. All designation signage shall be set back a minimum of ten feet from the public right-of-way.

D. Height Requirements. Designation signage shall not exceed six feet in height.

E. Size Requirements. Size requirements for Designation Signs are pursuant to standards of §§159.160 through 159.172.

2. Ground Signs.

A. Location Restrictions. Individual ground signs are prohibited in the Commercial and Commercial/Office Subdistricts.

3. Wall Signs.

A. Location Restrictions. One building- mounted sign shall be permitted on each public street frontage to which the lot is adjacent.

B. General Requirements.

(i) Building-mounted signage shall consist of individual back-lit or internally illuminated lettering. Panel, box-type, and back-channeled signs are not permitted in any subdistricts.

(ii) For multi-tenant buildings, each tenant is permitted one wall sign with a maximum of two items of information.

C. Height Requirements. On buildings up to three stories in height, building-mounted signage shall not exceed two feet in height. On buildings over three stories in height, building-mounted signage shall not exceed three feet in height, with the exception in the Internal Subdistrict where they shall not exceed two feet in height. Other building sign size limitations will be per §§ 159.160 through 159.172.

(d) Sign Requirements in all other Subdistricts Designation Signs.

1. Designation Sign.

A. Location Restrictions.

(i) Designation signage shall be permitted for integrated, multi-parcel developments of at least 15 acres in size.

(ii) Designation signage shall be no closer than 750 feet from any other approved and/or existing designation sign.

B. General Requirements.

(i) Each integrated, multi-parcel development shall be permitted one designation sign on each public street frontage to which the development is adjacent.

(ii) Designation signage shall be designed as part of the overall “gateway” treatment that includes landscaping and other improvements such as fencing or water features.

(iii) Designation signage shall be readily visible from the roadway, and shall consist of individual letters, up to a maximum of four items of information, and mounted to a solid wall. Signs shall identify the development name only; identification for individual users is prohibited. Letters shall not exceed 18 inches in height, and shall be either back-lit or illuminated by ground-mounted lights.

C. Setback Requirements. All designation signage shall be set back a minimum of ten feet from the public right-of-way.

D. Height Requirements. Designation signage shall not exceed six feet in height.

E. Size Requirements. Size requirements for Designation Signs are pursuant to standards of §§159.160 through 159.172.

2. Ground Signs.

A. Location Restrictions.

(i) No individual ground signs shall be permitted along 146th Street or any other primary arterial.

(ii) Where ground signs are permitted, such signs shall be placed at site entries.

(iii) Individual ground signs may be used in combination with designation signage so long as individual ground signs are located at the site entrances on collector and local streets only.

B. General Requirements.

(i) Ground signage and light standards shall be located in landscaped areas. The size of the landscape area around the ground signs shall be at least three times the surface area of the sign.

(ii) In the case of multi-tenant buildings there shall be only one ground sign per building.

C. Setback Requirements. All ground signs shall be setback a minimum of ten feet from the public right-of-way.

D. Height Requirements. All ground signs are limited to a maximum of six feet in overall height.

E. Size Requirements. All ground sign size limitations, except for height shall be as per §§159.160 through 159.172.

3. Wall Signs.

A. Location Restrictions. All buildings shall be permitted to have one wall sign that displays only the address number for that specific building. A single-tenant building over 30,000 square feet shall be permitted to have one wall sign that identifies the tenant.

B. General Requirements. Building mounted signage shall consist of individual back-lit or illuminated lettering. Panel, box-type, and back channeled signs are not permitted in any subdistrict.

C. Size Requirements. On buildings up to three stories in height, building-mounted signage shall not exceed two feet in height. On buildings over three stories in height, building-mounted signage shall not exceed three feet in height, with the exception of in the Internal Subdistrict where they shall not exceed two feet in height. Building-mounted signage shall not exceed 30 square feet in size.

(8) Landscaping/Screening.

(a) 1. In Interchange, 146th Street Corridor, View Corridor, and Agricultural/I-O Subdistricts high quality, hardy and climate-appropriate landscaping must be provided on all sides of buildings (360 degree landscaping). In Interchange Flex, Secondary Corridor, and Internal Subdistricts, high-quality, hardy, and climate-appropriate landscaping must be provided in yards adjacent to public

rights-of-way. All landscaping materials should be of varying size, form, texture, and color to provide visual interest. Allowable plant types and sizes shall be per applicable city regulations.

A. A coordinated landscaping palette must be established for use throughout the site/development.

B. Where possible and permitted, at least 35% of required plant material for parking lot screen and buffering shall be installed in front of the primary facade(s) of the building (the primary "view(s)"), to maximize the visual effect of the planting material.

C. Departures from planting requirements may be justified only by the presence of significant and viable existing plant material, per city regulations.

D. Important elements such as building entries and signage shall be highlighted with colorful, varied plantings.

E. Grouping plant materials into larger masses that relate to the scale of the site is encouraged. The scale of plant specimens shall also relate to the scale of the site and building(s).

F. Where required, significant plantings shall be provided both adjacent to and on parking structures, to soften their appearance.

G. Existing vegetation must be preserved, wherever possible. Existing trees may be limbed up, but limbing-up may not exceed one-third of the total tree height. Vegetation can only be removed with prior city approval.

H. Mulch shall be a dark, natural color and may extend no farther than one foot beyond plants to form the edge of planting beds.

I. Earthen berms shall have a maximum height of 6 feet and a maximum slope of 3:1. Berms shall be planted with sod rather than mulched, except where clusters of plants require a mulch bed.

J. Underground irrigation systems shall be installed and properly operated and maintained to water plant material in all required planting areas.

K. The 146th Street Corridor will require 50 feet beyond the required right-of-way setback to have a continuous sculpted and undulating earthen mound at five feet in height. The mound will have a 5:1 slope that will begin at the right of way line and have a 3:1 slope on the opposite side, which will begin at the 50-foot setback line so the crest of the earth mound will be approximately 15 feet from the setback line and extend for approximately ten feet in width. Along the crest of the earth mound there shall be five deciduous trees at three and one-half inch caliper, five ornamental trees plus either four evergreen trees or eight large variety evergreen shrubs ground in massing planted per each 200 linear feet. Street trees are still required as per the Noblesville Unified Development Ordinance.

2. In addition, the following landscape requirements shall apply:

(b) Interchange, 146th Street Corridor and View Corridor Subdistricts.

1. Overall Landscaping.

A. With regard to the mix of landscaping materials that are to be used for a given site, a variety of planting materials is encouraged. Generally, shade trees are favored to ornamental trees; however, ornamental trees are permitted subject to the restrictions of §§ 159.180 through 159.191. Evergreen trees shall be deemed appropriate, and in some cases required, when screening and design variability are necessary. Shrubs should generally be divided evenly between deciduous and evergreen varieties.

2. Interior Parking Lot Landscaping. In parking lots with up to 50 spaces, internal landscape islands equal to at least 5% of the paved surface shall be provided. In parking lots with 51 to 200 spaces, internal landscape islands equal to at least 10% of the paved surface shall be provided. In parking lots with over 200 spaces, internal landscape islands equal to at least 15% of the paved surface shall be provided. These percentages are exclusive of perimeter landscaping. The islands shall be at least seven feet in width (inside dimension), at least 240 square feet in size. There shall be no unbroken rows of parking longer than 100 feet in length. Shrubs at a rate of one shrub per 25 square feet and groundcover and/or perennials are also required. All rows of parking shall be terminated at both ends with landscape islands. Tree plantings shall be required at a rate of one shade tree for every 120 square feet of landscape area. Other planting requirements shall be pursuant to the standards of §§ 159.180 through 159.191.

3. Building Foundation Landscaping. Provide building base plantings to visually anchor buildings to their sites. The following plant materials (from the total required above) should be dedicated to building base plantings: One ornamental tree for every 20 feet of facade, and one shrub for every three feet of building facade. These materials should be clustered, and placed within ten feet of the building in defined beds of groundcover.

4. Site Screening. Provide a landscape screen at the perimeter of parking lots and truck staging areas, to conceal loading areas, and at the site perimeter. Site perimeter buffers should be placed so as to screen views of truck staging areas and loading docks. These buffers can incorporate berms, plantings, fences, or walls.

5. Parking Lot Screening. Parking lot screening shall per pursuant to the standards established in §§159.180 through 159.191. The plantings required in §§ 159.180 through 159.191 may be clustered so long as the clustering maintains a minimum 75% screening of the lot perimeter where adjacent to a public right-of-way, or 50% otherwise. Where appropriate and permitted, screening shall be accomplished in a buffer zone of at least ten feet in width, using a combination of shade trees, evergreen trees, evergreen shrubs, and dense deciduous shrubs, with earthen berms where appropriate. The exact mix of landscape types shall be determined on a case by case basis.

6. Perimeter Site Buffering.

A. Adjacent to a primary arterial, maintain a minimum width of 40 feet.

B. Adjacent to other public rights-of-way, maintain a minimum width of 25 feet.

C. At internal lot lines adjacent to similar land uses, maintain a minimum width of 15 feet.

D. At internal lot lines adjacent to dissimilar land uses, maintain a minimum width of 40 feet.

E. Plantings shall be required subject to the standards of §§159.180 through 159.191.

(c) Interchange Flex, Secondary Corridor, and Regional Recreation and Entertainment Subdistricts.

1. Overall Landscaping. With regard to the mix of landscaping materials that are to be used for a given site, a variety of planting materials is encouraged. Generally, shade trees are favored to ornamental trees; however, ornamental trees are permitted subject to the restrictions of §§ 159.180 through 159.191. Evergreen trees shall be deemed appropriate, and in some cases required, when screening and design variability are necessary. Shrubs should generally be divided evenly between deciduous and evergreen varieties.

2. Interior Parking Lot Landscaping. In parking lots with up to 50 spaces, internal landscape islands equal to at least 5% of the paved surface shall be provided. In parking lots with 51 or more spaces, internal landscape islands equal to at least 10% of the paved surface shall be provided. These percentages are exclusive of perimeter landscaping. The islands shall be at least seven feet in width (inside dimension), at least 200 square feet in size in Interchange Flex and 300 square feet in size in Secondary Corridor and Regional Recreation and Entertainment Subdistricts, and contain at least one shade tree per 200 square feet in Interchange Flex, and one shade tree per 150 square feet in Secondary Corridor and Regional Recreation and Entertainment Subdistricts. There shall be no unbroken rows of parking longer than 100 feet in length. Shrubs at a rate of one shrub per 25 square feet and groundcover and/or perennials are also required. All rows of parking shall be terminated at both ends with landscape islands. For single use parking lots of more than 1000 spaces, parking rows shall be capped with a landscape island with dimensions of at least ten feet by 36 feet for a double parking row and ten feet by 18 feet for a single parking row. These shall contain at least one shade tree per 150 square feet. There shall be no unbroken rows of parking longer than 300 feet in length. Other planting requirements shall be pursuant to the standards of §§ 159.180 through 159.191.

3. Building Foundation Landscaping. Provide building base plantings to visually anchor buildings to their sites. The following plant materials (from the total required above) should be dedicated to building base plantings: One ornamental tree for every 25 feet of facade, and one shrub for every four feet of building facade. These materials should be clustered, and placed within ten feet of the building in defined beds of groundcover.

4. Site Screening. Screen parking lots, truck staging areas and loading docks from view of the street. Site perimeter buffers should be placed so as to screen views of truck staging areas and loading docks. These buffers can incorporate berms, plantings, fences or walls.

5. Parking Lot Screening. Parking lot screening shall per pursuant to the standards established in §§159.180 through 159.191. The plantings required in §§ 159.180 through 159.191 may be clustered so long as the clustering maintains a minimum 75% screening of the lot perimeter where adjacent to a public right-of-way, or 50% otherwise. Where appropriate and permitted, screening shall be accomplished in a buffer zone of at least ten feet in width, using a combination of shade trees, evergreen trees, evergreen shrubs and dense deciduous shrubs, with earthen berms where appropriate. The exact mix of landscape types shall be determined on a case-by-case basis.

6. Perimeter Site Buffering.

A. Adjacent to public rights-of-way, maintain a minimum width of 25 feet.

B. At internal lot lines adjacent to similar land uses, maintain a minimum width of 15 feet.

C. At internal lot lines adjacent to dissimilar land uses, maintain a minimum width of 40 feet.

D. Plantings shall be required subject to the standards of §§159.180 through 159.191.

(d) Internal Subdistrict.

1. Overall Landscaping. With regard to the mix of landscaping materials that are to be used for a given site, a variety of planting materials is encouraged. Generally, shade trees are favored to ornamental trees; however, ornamental trees are permitted subject to the restrictions of §§ 159.180 through 159.191. Evergreen trees shall be deemed appropriate, and in some cases required, when screening and design variability are necessary. Shrubs should generally be divided evenly between deciduous and evergreen varieties.

2. Interior Parking Lot Landscaping. In parking lots internal landscape islands equal to at least 5% of the paved surface shall be provided. This percentage is exclusive of perimeter landscaping. The islands shall be at least seven feet in width (inside dimension), at least 200 square feet in size and contain at least one shade tree per 200 square feet. There shall be no unbroken rows of parking longer than 100 feet in length. Shrubs at a rate of one shrub per 100 square feet and groundcover and/or perennials are also required. All rows of parking shall be terminated at both ends with landscape islands. Other planting requirements shall be pursuant to the standards of §§ 159.180 through 159.191.

3. Building Foundation Landscaping. Provide building base plantings to visually anchor buildings to their sites. The following plant materials (from the total required above) should be dedicated to building base plantings: one ornamental tree for every 30 feet of facade, and one shrub for every five feet of building facade. These materials should be clustered, and placed within ten feet of the building in defined beds of groundcover.

4. Site Screening. Screen parking lots, truck staging areas and loading docks from view of the street. Site perimeter buffers should be placed so as to screen views of truck staging areas and

loading docks. These buffers can incorporate berms, plantings, fences or walls.

5. Parking Lot Screening. Parking lot screening shall per pursuant to the standards established in §§159.180 through 159.191. The plantings required in §§159.180 through 159.191 may be clustered so long as the clustering maintains a minimum 75% screening of the lot perimeter where adjacent to a public right-of-way, or 50% otherwise. Where appropriate and permitted, screening shall be accomplished in a buffer zone of at least ten feet in width, using a combination of shade trees, evergreen trees, evergreen shrubs and dense deciduous shrubs, with earthen berms where appropriate. The exact mix of landscape types shall be determined on a case-by-case basis.

6. Perimeter Site Buffering.

A. Adjacent to public rights-of-way, maintain a minimum width of ten feet.

B. At internal lot lines adjacent to similar land uses, maintain a minimum width of ten feet.

C. At internal lot lines adjacent to dissimilar land uses, maintain a minimum width of 40 feet.

D. Plantings shall be required subject to the standards of §§159.180 through 159.191.

(e) Agricultural/I-O Subdistrict.

1. Overall Landscaping. With regard to the mix of landscaping materials that are to be used for a given site, a variety of planting materials is encouraged. Generally, shade trees are favored to ornamental trees; however, ornamental trees are permitted subject to the restrictions of §§ 159.180 through 159.191. Evergreen trees shall be deemed appropriate, and in some cases required, when screening and design variability are necessary. Shrubs should generally be divided evenly between deciduous and evergreen varieties.

2. Interior Parking Lot Landscaping. In parking lots internal landscape islands equal to at least 5% of the paved surface shall be provided. This percentage is exclusive of perimeter landscaping. The islands shall be at least seven feet in width (inside dimension), at least 200 square feet in size and contain at least one shade tree per 200 square feet. There shall be no unbroken rows of parking longer than 100 feet in length. Shrubs at a rate of one shrub per 100 square feet and groundcover and/or perennials are also required. All rows of parking shall be terminated at both ends with landscape islands. Other planting requirements shall be pursuant to the standards of §§ 159.180 through 159.191.

3. Building Foundation Landscaping. Provide building base plantings to visually anchor buildings to their sites. The following plant materials (from the total required above) should be dedicated to building base plantings: one ornamental tree for every 30 feet of facade, and one shrub for every five feet of building facade. These materials should be clustered, and placed within ten feet of the building in defined beds of groundcover.

4. Site Screening. Screen parking lots, truck staging areas and loading docks from view of the street. Site perimeter buffers should be placed so as to screen views of truck staging areas and loading docks. These buffers can incorporate berms, plantings, fences or walls.

5. Parking Lot Screening. Parking lot screening shall per pursuant to the standards established in §§159.180 through 159.191. The plantings required in §§159.180 through 159.191 may be clustered so long as the clustering maintains a minimum 75% screening of the lot perimeter where adjacent to a public right-of-way, or 50% otherwise. Where appropriate and permitted, screening shall be accomplished in a buffer zone of at least ten feet in width, using a combination of shade trees, evergreen trees, evergreen shrubs and dense deciduous shrubs, with earthen berms where appropriate. The exact mix of landscape types shall be determined on a case-by-case basis.

6. Perimeter Site Buffering.

A. Adjacent to public rights-of-way opposite dissimilar land use, maintain a minimum width of 60 feet.

B. Adjacent to internal lot lines of dissimilar land use, maintain a minimum width of 60 feet.

C. Requires a undulating landscaping berm between three and six feet in height.

(i) Type B or D Trees planted at a rate of 30 feet on-center.

(ii) Type B shrubs planted per 100% of length of buffer.

(iii) Minimum height of buffer, including berm and trees shall not be less than nine feet.

(f) Walls and Fencing.

1. The following wall and fence types are permitted: masonry, decorative metal (wrought iron) or finished wood (stained or painted). In areas requiring security, decorative metal fencing with a spiked or curved top profile or razor/concertina/barbed wire mounted inside a solid fence or wall is recommended. This type of fence shall only be permitted with the express written approval of the Planning Director and may not be permitted in all cases based on the visibility of the fence.

2. The following wall and fence types are prohibited in areas visible from public rights-of-way: concrete masonry units (painted or unpainted), non-solid and/or unfinished wood, chain link (with or without slats), non-decorative corrugated sheet metal, electrified, and razor/concertina/barbed wire.

3. Fences and walls shall not exceed eight feet in height, but are not permitted to be located between a building and the street, with the exception of fences that are approved as a component of a master planned design theme within a Planned Development and more specifically approved through the Planned Development procedure.

(G) Fencing requirements refer to § 159.121(D)(5), Fences, walls, and hedges for the following zoning districts: Local Business (LB), General Business (GB),Planned Business (PB), and Downtown (DT).

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 27-5-00, passed 6-12-00; Am. Ord. 33-6-04, passed 7-13-04; Am. Ord. 56-11-07, passed 12-11- 07; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 25-7-09, passed 8-11-09; Am. Ord. 23-06-10, passed 7-13-10; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 24-07-13, passed 8-13-13; Am. Ord. 31-09-13, passed 9-24-13; Am. Ord. 48-10-14, passed 11-10-14; Am. Ord. 53-10-15, passed 11-10-15; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 25-07-17, passed 8-15-17) Penalty, see § 159.999

§ 159.108 INDUSTRIAL DISTRICTS.

Table 7

Summary of Industrial Bulk Standards

Requirements	***Industrial Districts***		
	I-1	***I-2***	***I-3***

Table 7

Summary of Industrial Bulk Standards

Requirements	***Industrial Districts***		
	I-1	***I-2***	***I-3***
Minimum Lot Area	10,000 sq. ft.	1 acre	3 acres
Minimum Lot Width	100'	200'	350'
Maximum Floor Area Ratio	One-half (0.5)	One-half (0.5)	One-half (0.5)
Minimum Front Yard	60'	60'	60'
Minimum Side Yard:	----	----	----
Abutting a residential district or use	20'	30'	30'
Abutting other district or uses	10'	20'	20'
Minimum Rear Yard	10'	10'	10'
Maximum Building Height	35' or 2 stories	75' or 6 stories	75' or 6 stories
Maximum Impervious Surface	70%	80%	NA

NOTE: The above requirements do not preclude the establishment of more stringent restrictions for Conditional Uses or individual permitted uses where conditions may warrant.

(A) Light Industrial (I-1).

(1) Purpose. The purpose of the I-1 District is to encourage the development of manufacturing and wholesale establishments which are clean, quiet, and free of hazardous or objectionable elements, operate entirely within enclosed structures, and generate little industrial traffic. This district is further designed to act as a transitional use between heavy manufacturing uses and less intensive uses such as business or residential.

(2) Permitted Uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in division (A)(3) of this section.

(3) Uses Permitted with Restrictions. The following uses are permitted in this district provided that they meet the restrictions below.

(a) Retail Sales. Retail sales shall be permitted as an accessory use to the primary industrial use, provided such uses are located within the principal building and occupy no more than 20% of its

net floor area.

(4) Conditional Uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042. The conditional uses that may be permitted are listed in Appendix C, Use Matrix.

(5) Bulk Requirements. The bulk requirements which apply to all Industrial Districts are listed within Table 7.

(6) Outdoor Storage. Outdoor storage shall be permitted only as an accessory use to the primary use on the same lot or tract of land.

(a) Outdoor storage areas shall not encroach into any minimum required yard setback, drainage easement, public right-of-way, a fire land, parking area or maneuvering aisle.

(b) All outdoor storage areas shall provide a solid, opaque wall or fence of not less than seven feet in height measured at the highest finished grade to screen the view from any adjacent property or right-of-way.

(c) All outdoor storage shall be located behind the rear line of the principal building or structure and shall not front on any public right-of-way.

(d) A chain link fence or a variation of a chain link fence combination shall not constitute an acceptable screening device to satisfy the requirements of this section.

(e) Materials stored behind any screening wall or fence shall be stacked no higher than one foot below the top of the wall or fence. Vehicles, trailers, mobile machinery, or equipment shall be stored in their lowest elevation. No vehicle, trailer, mobile machinery, or equipment shall be used for nor constitute permanent storage.

(f) Maintenance of the wall or fence shall be the responsibility of the property owner and/or tenant and shall be maintained to create a visual screen.

(7) Fencing. Fencing for either outside storage or fencing of the real estate shall require that a fence permit be issued prior to installation as set forth in § 159.121(D)(5)(e).

(B) Heavy Industrial (I-2).

(1) Purpose. The purpose of the I-2 District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities and reasonably good access to major thoroughfares and the interstate system. They may also have extensive open storage and service areas and may generate heavy industrial-type traffic, but shall be prohibited if they create nuisances beyond the limitations of this chapter.

(2) Permitted Uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix.

(3) Uses Permitted with Restrictions. There are currently no permitted uses in the I-2 district which require special restrictions.

(4) Conditional Uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042. The conditional uses that may be permitted are listed in Appendix C, Use Matrix.

(5) Bulk Requirements. The bulk requirements which apply to all Industrial Districts are listed within Table 7.

(6) Fencing. Fencing for either outside storage or fencing of the real estate shall require that a fence permit be issued prior to installation as set forth in § 159.121(D)(5)(e).

(C) Extractive Industrial (I-3).

(1) Purpose. The purpose of the I-3 District is to provide land for the mining, excavating, processing, and storage of mineral resources. This district is designed to assure that these resources be properly managed and that all land be reclaimed so as not to create a hazard or nuisance which either immediately or in the future affects the health, safety, or general welfare of the community. This case would also be of conditional use status. Since what is now agricultural farmland might one day be exploited as a mineral resource for extraction, it would require either a rezoning or special exception permit. Also, after reclamation, a rezoning to a more usable classification would be in order.

(2) Permitted Uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in division (C)(3) of this section.

(3) Uses Permitted with Restrictions. The following uses are permitted in this district provided that they meet the restrictions below.

(a) Excavation.

1. Before any excavation is begun, there shall be a plan on file with and approved by both the State Department of Natural Resources and the Plan Commission for both excavation and reclamation activities.

2. Any excavation shall be carried on in such a manner so as not to disturb any land or properties immediately adjacent to the property on which the excavation is being accomplished. In particular, no excavation shall take place within 100 feet of the property line.

3. Any excavation shall be surrounded by a fence not less than seven feet high.

4. No excavation shall take place by use of explosives.

(4) Conditional Uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042. The conditional uses that may be permitted are listed in Appendix C, Use Matrix.

(5) Bulk Requirements. The bulk requirements which apply to all Commercial Districts are listed within Table 6.

(6) Outdoor storage. Outdoor storage shall be permitted only as an accessory use to the primary use on the same lot or tract of land.

(a) Outdoor storage areas shall not encroach into any minimum required yard setback, drainage easement, public right-of-way, a fire lane, parking area or maneuvering aisle.

(b) All outdoor storage areas shall provide a solid, opaque wall or fence including chain-link or vinyl coated chain-link fence with slats of not less than seven feet in height measured at the highest finished grade to screen the view from any adjacent property or right-of-way.

(c) All outdoor storage shall be located behind the rear line of the principal building or structure and shall not front on any public right-of-way.

(d) Materials stored behind any screening wall or fence shall be stacked no higher than one foot below the top of the wall or fence. Vehicles, trailers, mobile machinery, or equipment shall be stored in their lowest elevation. No vehicle, trailer, mobile machinery, or equipment shall be used for nor constitute permanent storage.

(e) Maintenance of the wall or fence shall be the responsibility of the property owner and/or tenant and shall be maintained to create a visual screen.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 33-6-04, passed 7-13-04; Am. Ord. 96-11-05, passed 12-13-05; Am. Ord. 46-07-16, passed 8-9-16)Penalty, see § 159.999

§ 159.109 SPECIAL DISTRICTS.

(A) Flood Hazard (FH) District.

(1) Purpose. The purpose of the Flood Hazard (FH) District is to guide development in flood hazard areas. The flood hazard areas of the city are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. The Indiana Legislature has in I.C. 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council, in order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, does hereby adopt the following floodplain management regulations.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Protect human life and health;

(b) Minimize expenditure of public money for costly flood control projects;

(c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) Minimize prolonged business interruptions;

(e) Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

(f) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood-blight areas;

(g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

(h) Minimize the impact of development on adjacent properties within and near flood-prone areas;

(i) Ensure that the flood storage and conveyance functions of the floodplain are maintained;

(j) Minimize the impact of development on the natural, beneficial values of the floodplain;

(k) Prevent floodplain uses that are either hazardous or environmentally incompatible; and

(l) Meet community participation requirements of the National Flood Insurance Program.

(2) Methods of reducing flood loss. In order to accomplish their purposes, these regulations include methods and provisions for:

(a) Restricting or prohibiting uses that are dangerous to health, safety, and property due to water hazards, or that result in damaging increases in flood heights or velocities;

(b) Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers that help accommodate or channel floodwaters;

(d) Controlling filling, grading, dredging, excavating, and other development that may increase flood damage; and,

(e) Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters, or that may increase flood hazards in other areas.

(3) Basis for establishing regulatory flood data. This chapter shall apply to all Special Flood Hazard Areas (SFHAs) within the jurisdiction of the city, including any additional areas of special flood hazard within the extraterritorial jurisdiction of the city or areas annexed by the city over time.

(a) The regulatory flood elevation, floodway, and fringe limits for the studied Special Flood Hazard Areas (SFHAs) within the jurisdiction of the city, delineated as an “AE Zone”, shall be determined by the 1% annual chance flood profiles in the Hamilton County and Incorporated Areas Flood Insurance Study (FIS), and corresponding Flood Insurance Rate Map (FIRM), dated November 14, 2014, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an “AE Zone”, the limits of the floodway will be according to the best available layer as provided by the Indiana Department of Natural Resources.

(b) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs delineated as a “Zone A” on the FIRM of Hamilton County, Indiana and Incorporated Areas prepared by the Federal Emergency Management Agency and dated November 19, 2014, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

(c) In the absence of a published FEMA map or the absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community’s known flood-prone areas shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(d) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective, less restrictive flood hazard data provided by FEMA.

(e) The FH zoning district is established based upon the boundaries of the Special Flood Hazard Areas as shown on the FIRM for Hamilton County, Indiana, and Incorporated Areas. Those areas shown by the best available flood layer to be within the SFHA but not yet shown on an FIRM shall be subject to the regulations of this FH zoning district.

(f) Discrepancy between mapped floodplain and actual ground elevations.

1. In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.

2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

3. If the elevation (natural grade) of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied, provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

(4) Administration.

(a) The Director of Planning (or his or her designee) shall be the Floodplain Administrator charged with the administration and implementation of the provisions of this chapter. The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this chapter.

(b) The duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

1. Evaluate applications for permits to develop in Special Flood Hazard Areas to assure that the permit requirements of this chapter have been satisfied.

2. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

3. Issue permits to develop in Special Flood Hazard Areas when the provisions of these regulations have been met or deny the permit application in the event of noncompliance.

4. Advise the permittee that additional federal, state, and/or local permits may be required. If specific federal, state, and/or local permits are necessary, require that copies of such permits be provided and maintained on file with the floodplain development permit.

5. Conduct substantial damage determinations to determine whether existing structures, located within the Special Flood Hazard Areas identified by FEMA and damaged from any source, must meet the development standards of these regulations.

6. For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvements or work on such building and structures, the Floodplain Administrator shall:

a. Verify and document the market value of the pre-damaged or pre-improved structure;

b. Compare the cost to perform the improvements; or the cost to repair a damaged building to its pre-damaged condition; or the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community;

c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluations of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement” for proposed work to repair damage caused by flood and previous permits issued to repair flood-related damage as specified in the definition of “substantial damage”; and

d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards of this chapter are required.

7. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects within the floodway as further described in this chapter, and maintain a record of the authorization with either a copy of the permit/authorization or a copy of the floodplain analysis/regulatory assessment.

8. Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if a construction authorization is required from the Indiana Department of Natural Resources for development projects within the floodway as described further in this chapter. Maintain a record of the authorization (a copy of the actual permit/authorization or a copy of the floodplain analysis/regulatory assessment).

9. Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially-damaged structure or a repetitive-loss structure) to ensure eligibility for ICC funds.

10. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of these notifications to FEMA.

11. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and as-built elevation and floodproofing data for all buildings constructed subject to this chapter.

12. Utilize and enforce all LOMC or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

13. Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished.

14. Ensure that an approved connection to a public sewer system or an approved onsite septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, a kitchen or other facilities requiring disposal of wastewater.

15. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with the requirements of this division (A).

16. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with the requirements of this chapter.

17. Provide information, testimony, or other evidence as needed during variance hearings.

18. Service notices of violations, issue stop work orders, revoke permits and take corrective actions in accordance with division (A)(27).

19. Coordinate map maintenance activities and associated FEMA follow-up as further detailed in this chapter.

20. As the work pursuant to a permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is done according to the provisions of the local ordinance and terms of the permit. The Floodplain Administrator shall have the right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

21. Once a project is complete, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have the right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

22. Request any additional information that may be necessary to determine the nature of a proposed development or structure with respect to the requirements of this chapter.

23. For all projects involving channel modifications or fill (including levees), submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

(c) Floodplain management records.

1. Regardless of any other law or ordinance on the period required for retention of public records, records of actions associated with the administration of these floodplain regulations shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records shall include permit applications, plans, certifications, Flood Insurance Rate Maps, Letters of Map Change, records of issuance of permits and denial of permits, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage, required design certifications and documentation of elevations required by this chapter, notifications to adjacent communities, FEMA, and the state related to alterations of watercourses, assurances that the flood-

carrying capacity of altered watercourses will be maintained, documentation related to appeals and variances, including justification for issuance or denial, and records of enforcement actions taken pursuant to this chapter.

2. These records shall be available for public inspection at Noblesville City Hall, 16 South 10th Street, Noblesville, IN 46060.

(d) The Administrator is further authorized to render interpretations of this chapter that are consistent with its spirit and purpose. In addition to the provisions for appeals contained in § 159.043(B), the provisions of this division (A) shall be applied in the following manner for the interpretation and application of provisions:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

(5) Approval procedures.

(a) Any alterations to sites and existing structures within the FH District must appear before the Board of Zoning Appeals for approval before any construction or alteration of the site may begin. The only exceptions to this requirement are those sites that are rezoned by the Common Council to allow fill or cut-and-fill operations or additions to existing structures that do not increase the footprint of the structure and that are located above the BFE.

(b) The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this chapter.

(c) No applicant shall proceed with any fill or cut-and-fill operations without receiving rezoning approval from the Plan Commission and Common Council. See §159.109(A)(8) for further requirements.

(d) All projects shall be required to receive a building permit or improvement location permit prior to the beginning of any development on the project.

(6) Improvement location permit.

(a) No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining an improvement location permit from the Director. The Director shall not issue an improvement location permit if the proposed development does not meet the requirements of this chapter after review by the Floodplain Administrator.

(b) The application for an improvement location permit shall include all applicable information that is required by §§159.040 et seq. and Appendix B of this chapter.

(c) Upon receipt of an application for an improvement location permit, the Director shall determine if the site is located within an identified floodway, floodway fringe, or within the floodplain where the limits of the floodway have not yet been determined. If in an identified floodway, floodway fringe, or within a floodplain where the limits have not been determined, the Director shall forward the application to the Floodplain Administrator.

1. Floodways

a. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of I.C. 14-28-1, a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities, such as filling, grading, clearing, paving, and any other similar activities undertaken before the actual start of construction of the building. General licenses and exemptions to the requirements of the Flood Control Act (I.C. 14-28-1 and 312 I.A.C. 10) may apply to qualified additions or improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

b. No action shall be taken by the Floodplain Administrator until a permit has been issued by the Natural Resources Commission, granting approval for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. Once a permit has been issued by the Natural Resources Commission, the Director may issue the local improvement location permit, provided the provisions contained in this division (A) have been met.

c. The improvement location permit cannot be less restrictive than an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site or project. However, a community's more restrictive regulations (if any) shall take precedence.

d. In floodway area identified on the FIRM, development shall cause no increase in flood level during the occurrence of the base flood discharge without first obtaining a conditional letter of map revision. A conditional letter of map revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.

e. In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies, but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This "ADVERSE EFFECT" is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot, as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

2. Fringe. If the site is located in an identified fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies not identified on a FIRM), then the Floodplain Administrator may issue the local improvement location permit provided the provisions of this division (A) have been met.

3. SFHAs without established base flood elevation and/or floodways or fringes.

a. When the drainage area upstream of a site is greater than one square mile and the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment. No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the 1% annual chance flood elevation and the recommended flood protection grade has been received from the Indiana Department of Natural Resources. Once the Floodplain Administrator has received the proper permit or floodplain analysis/regulatory assessment approving the proposed development, an improvement location permit may be issued, provided the conditions of the improvement location permit are not less restrictive than the conditions received from the Department of Natural Resources, and the provisions contained in this division (A) have been met.

b. When the drainage area upstream of a site is less than one square mile and the site is in an identified floodplain where the limits of the floodway and floodway fringe have not been determined, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and 1% annual chance flood elevation for the site. Upon receipt of the information, the Floodplain Administrator may issue the improvement location permit, provided the provisions of this division (A) have been met.

4. SFHAs not identified on a map.

a. If a proposed development is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review. No action shall be taken by the Floodplain Administrator until either a permit or written approval from the Indiana Department of Natural Resources (approval for construction in the a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the 100-year flood elevation, 1% annual chance flood elevation, and the recommended flood protection grade has been received from the Indiana Department of Natural Resources. Once the Floodplain Administrator has received the proper permit or floodplain analysis/regulatory assessment approving the proposed development, an improvement location permit may be issued, provided the conditions of the improvement location permit are not less restrictive than the conditions received from the Department of Natural Resources, and the provisions of this division (A) have been met.

b. When the drainage area upstream of a site is less than one square mile and the site is in an identified floodplain where the limits of the floodway and floodway fringe have not been determined, the Floodplain Administrator shall require the applicant to provide an engineering analysis, showing the limits of the floodplain and 1% annual chance flood elevation for the site. Upon receipt of the information, the Floodplain Administrator may issue the improvement location permit, provided the provisions of this division (A) have been met.

(d) Upon establishment or placement of the lowest floor, it shall be the duty of the applicant to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator shall review the elevation certificate. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to proceed. Failure to submit the survey or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

(e) Upon completion of construction of any structure requiring a certification of elevation, an elevation certification depicting the as-built lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the supervision of a registered land surveyor and certified by the same.

(f) Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.

(g) Upon the completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by the same.

(7) Permitted uses. A complete listing of permitted uses is provided in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in division (A(8) below.

(8) Excavation as a permitted use with restrictions. Excavation is permitted in this district provided it meets the following restrictions.

(a) Before any excavation is begun, there shall be a plan on file with and approved by both the Indiana Department of Natural Resources, if located within the floodway, and the Plan Commission for both excavation and reclamation activities.

(b) Any excavation shall be carried on in such a manner so as not to disturb any land or properties immediately adjacent to the property on which the excavation is being accomplished. In particular, no excavation shall take place within 100 feet of the property line.

(c) Any excavation shall be surrounded by a fence not less than seven feet in height.

(d) No excavation shall take place by use of explosives.

(9) Prohibited uses. The following uses are prohibited in this district.

(a) Cut and fill. Cut and fill is prohibited within the Flood Hazard District. These regulations prohibit the placement of fill within the FH zoning district. However, in rare circumstances, when it is

not possible to avoid fill within the floodplain, the applicant may seek a waiver of the prohibition. The waiver of this prohibition must be received with a request to rezone the property, and both requests must be approved by the Plan Commission and City Council. No changes will be approved without compliance with the following requirements:

1. Compensatory storage is required for any fill, structure, or other material above the grade in the regulatory floodplain that temporarily or permanently displaces floodplain storage volume.

2. Compensatory storage must:

a. Be equal to at least three times the volume of flood storage lost below the ten-year and 100-year flood elevations.

b. Be operational prior to placement of fill, structures, or other materials temporarily or permanently placed in the regulatory floodplain.

c. Be provided in addition to the site detention volume.

d. Drain freely and openly to the waterway.

3. All regulatory floodplain storage lost below the existing ten-year flood elevation shall be compensated for below the proposed ten-year flood elevation.

4. All regulatory floodplain storage lost below the existing, regulatory ten-year flood elevation shall be compensated for above the proposed ten-year flood elevation.

(b) A restrictive covenant, which states the approved compensatory cut area (excavation) shall not be altered without approval from the Floodplain Administrator, shall be executed and recorded in the County Recorder's Office, using a document cross-reference number that references the property in question.

(c) Cut-and-fill projects must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one foot vertical.

(d) Fill. Filling a property using materials from an outside source that does not provide an area of compensatory storage within the watershed is prohibited.

(10) Conditional uses. Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § 159.042. The conditional uses that may be permitted are listed in Appendix C, Use Matrix. Certain conditional uses have special restrictions that are listed below. In the floodway, no conditional use shall be granted by the Board of Zoning Appeals unless a permit for construction has previously been obtained from the Indiana Department of Natural Resources. The Board may impose greater restrictions than those required by the Indiana Department of Natural Resources.

(a) Campgrounds.

1. Approval must be obtained from the Indiana State Board of Health and from the Department of Natural Resources.

2. The size, procedure, design, installation, and maintenance for Recreational Campgrounds shall be provided for in §159.106(G), Residential Mobile Home Park (RMH) District.

(11) Bulk requirements. The bulk requirements that apply to the FH District shall be determined on a case-by-case basis by the Director of Planning and Development. The Director should take into account the standards for the adjoining zoning districts as well as the existing pattern of development in the immediate area of the construction when determining the setbacks.

(12) General standards. In all areas of special flood hazard, the following are required:

(a) New construction, reconstruction or repairs to a repetitive-loss structure and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(b) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(c) All structures shall be constructed of flood-resistant materials below the FPG.

(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at or above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at or above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(e) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(g) Onsite waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(h) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this chapter applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other development, affecting any part of the area of the development.

(i) Construction of new solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in areas of special flood hazard.

(j) Parking lots, driveways, and sidewalks within the SFHA shall be constructed with permeable materials.

(k) Any alteration, repair, reconstruction, or improvement to a structure that is not in compliance with the provisions of this chapter shall be undertaken only if the nonconformity is not furthered, extended or replaced. Any structure in the SFHA that is not in compliance with the provisions of this chapter may not be altered, repaired, reconstructed, or improved unless the changes are in compliance with these regulations. The only exception to this is a repair or alteration that does not increase the footprint of the existing structure and does not total more than 40% of its pre-repair fair market value.

(l) Whenever any portion of the SFHA is authorized for construction of a new structure, the volume of space that will be occupied by the structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to three times the volume of storage lost due to the structure.

1. The excavation shall take place on the same property on which the structure is located within the same floodplain, provided sufficient space exists. If sufficient space does not exist on the same property, the excavation shall take place in the same floodplain no further than 1,000 feet from the site of the structure, provided authorization or permission has been granted by the owners of any property where the excavation is proposed.

2. A restrictive covenant that runs with the property, which states the approved compensatory cut area (the excavation) shall not be altered without approval from the Floodplain Administrator, shall be executed and recorded in the Hamilton County Recorder's Office.

3. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by floodwater.

4. The excavation shall be sufficiently stabilized and compacted to remain firm and resist erosion.

5. The grading around the excavation shall be such that the excavated area is accessible to other regulatory floodwater.

6. The structure shall not obstruct a drainage way leading to the floodplain.

7. The structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding, and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.

8. Plans depicting the areas to be excavated shall be submitted prior to the start of construction or site work. Once site work is complete, but prior to the start of construction on any structure, the applicant shall provide the Floodplain Administrator with a certified survey of the excavation demonstrating that the excavation complies with this division (A).

(13) Building protection requirement. In addition to the general standards described above, all structures located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

(a) Construction or placement of a residential structure.

(b) Construction or placement of a non-residential structure.

(c) Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 40% of the market value of the existing structure, excluding the value of land.

(d) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before-damaged condition equals or exceeds 40% of the market value of the structure, excluding the value of the land, before damage occurred. The costs of any proposed additions or improvements beyond restoring the damaged structure to its before-damaged condition must be included in the cost.

(e) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

(f) Installing a manufactured home on a new site or a new manufactured home on an existing site.

(g) Reconstruction or repairs made to a repetitive-loss structure.

(h) Addition or improvement made to any existing structure with a previous repair, addition, or improvement constructed since the community's first floodplain ordinance.

(14) Residential construction (excluding manufactured homes).

(a) New construction or substantial improvement of any residential structure shall meet all the provisions of this chapter.

(b) In Zone A and Zone AE, new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, at or above the FPG.

(c) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall meet the following requirements:

1. Must be designed to preclude finished living space. Must be designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional

and require supporting engineering certification or make- or model-specific ICC-ES Report, or they must meet the following criteria for non-engineered flood openings:

a. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls, with a total net area of not less than one square inch for every one square foot of enclosed area.

b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade or floor and the finished exterior grade immediately under each opening.

c. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.

d. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.

e. Doors and windows do not qualify as openings.

f. Openings must be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

2. Where the interior height of the enclosure exceeds six feet, the property owner shall execute and record with the structure's deed a non-conversion agreement, declaring that the area below the lowest floor or the detached accessory building shall not be improved, finished, or otherwise converted to living space, and the city will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Hamilton County Recorder, and a copy of the recorded document shall be presented to the Floodplain Administrator prior to the issuance of a certificate of occupancy.

3. The floor of the enclosed area must be at or above grade on at least one side.

4. The interior portion of the enclosed area shall not be partitioned or finished into separate rooms.

(d) A residential structure constructed on permanent fill must meet the following criteria:

1. Fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.

2. Fill shall extend ten feet beyond the foundation of the structure before sloping below the BFE.

3. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one foot vertical.

4. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

5. Fill shall be composed of clean granular or earthen material.

(e) A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(15) Non-residential construction.

(a) New construction or substantial improvement of any non-residential structure (excluding accessory structures) shall meet all provisions of this division (A).

(b) All newly placed or replaced, aboveground gas or liquid storage tanks shall be subject to the requirements for a non-residential structure.

(c) In Zone A and Zone AE, new construction or substantial improvement of any non-residential structure (excluding accessory structures) shall either have the lowest floor, including basement, elevated to or above the FPG or floodproofed to or above the FPG.

(d) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall meet the following requirements:

1. Must be designed to preclude finished living space. Must be designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional and require supporting engineering certification or make- or model-specific ICC-ES Report, or they must meet the following criteria for non-engineered flood openings:

a. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls with a total net area of not less than one square inch for every one square foot of enclosed area.

b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade or floor and the finished exterior grade immediately under each opening.

c. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.

d. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.

e. Doors and windows do not qualify as openings.

f. Openings must be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

2. Where the interior height of the enclosure exceeds six feet, the property owner shall execute and record with the structure's deed a non-conversion agreement, declaring that the area below the lowest floor or the detached accessory building shall not be improved, finished, or otherwise converted to living space, and the city will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Hamilton County Recorder, and a copy of the recorded document shall be presented to the Floodplain Administrator prior to the issuance of a certificate of occupancy.

3. The floor of the enclosed area must be at or above grade on at least one side.

4. The interior portion of the enclosed area shall not be partitioned or finished into separate rooms.

(e) A non-residential structure constructed on permanent fill must meet the following criteria:

1. Fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.

2. Fill shall extend ten feet beyond the foundation of the structure before sloping below the BFE.

3. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one foot vertical.

4. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

5. Fill shall be composed of clean granular or earthen material.

(f) A non-residential may be floodproofed in accordance with the following:

1. A registered professional engineer or architect shall certify that the structure has been designed so that, below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certifications shall be provided to the Floodplain Administrator.

2. Floodproofing measures shall be operable without an outside source of electricity.

(g) A non-residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(16) Manufactured homes and recreational vehicles.

(a) These requirements apply to all manufactured homes to be placed on a site in the SFHA:

1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space, and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. The enclosure must comply with all regulations listed in division (A)(14) for fully enclosed areas.

3. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(b) Recreational vehicles placed on a site in the SFHA shall either:

1. Be on site for less than 180 days and be fully licensed and READY FOR HIGHWAY USE" (defined as being on its wheels or jacking system, attached to the site only by quick disconnect-type utilities and security devices, and with no permanently attached additions); or

2. Meet the requirements for manufactured homes as stated above.

(17) Accessory structures. Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

(a) Shall have a floor area of 400 square feet or less.

(b) Shall not be used for human habitation.

(c) Use shall be limited to the parking of vehicles and limited storage.

(d) Shall be constructed of flood-resistant materials.

(e) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.

(f) Shall be firmly anchored to prevent flotation.

(g) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.

(h) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. The enclosure must comply with all regulations listed in division (A)(14) for fully enclosed areas.

(i) Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

(18) Freestanding pavilions, gazebos, decks, carports, and similar open-sided structures.

(a) Shall have open sides. No more than one rigid wall is permitted.

(b) Shall be anchored to prevent flotation or lateral movement.

(c) Shall be constructed of flood-resistant materials below the FPG.

(d) Any electrical, heating, plumbing, and other service facilities shall be located at or above the FPG.

(e) Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a pavilion, gazebo, carport, or similar open-sided development.

(19) Standards for critical facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Those facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

(20) Standards for subdivision proposals.

(a) All subdivision proposals and all other proposed development shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals and all other proposed development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals and all other proposed development shall have adequate drainage provided to reduce exposure to flood hazards.

(d) For subdivision proposals and other proposed development that is greater than the lesser of either 50 lots or five acres, when proposed in areas of special flood hazard where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations.

(e) All subdivision proposals shall minimize development in the SFHA. All the property identified in the SFHA shall not be counted towards overall acreage when determining permitted density.

(f) All subdivision proposals shall ensure safe access into/out of the SFHA for pedestrians and vehicles, especially emergency responders.

(g) Streets, blocks, lots, parks, and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds.

(21) Nonconforming uses. Uses legally existing in the FH District as of the effective date of this chapter shall be considered legal nonconforming uses. After determination of the value of the proposed alteration or enlargement subject to the criteria laid out in § 159.109(A)(4)b.6., the following shall apply:

(a) No nonconforming use in the FH District and located in an identified floodway may be altered or enlarged without a permit for construction in a floodway from Natural Resources.

(b) A nonconforming use in a FH District may be altered, enlarged, or extended, on a one time only basis, provided the alteration, enlargement, or extension does not increase the value of the building or structure, excluding the value of land, by more than 40% of its pre-improvement market value, unless the building or structure is permanently changed to a conforming use.

(c) Any nonconforming use in the FH District that is damaged by flood, fire, explosion Act of God, or the public enemy may be restored to its original dimensions and conditions, provided the cost of the repair does not exceed more than 40% of the pre-damage assessment, excluding the value of the land.

(d) Such uses may be granted variances subject to the provisions of §159.043, but may require additional notice requirements beyond those required for uses in other districts.

(22) Map maintenance activities. To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the city flood maps, studies, and other data accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(a) Requirement to submit new technical data.

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the Special Flood Hazard Area;

c. Alteration of watercourses that result in a relocation or elimination of the Special Flood Hazard Area, including the placement of culverts; and subdivision or large-scale development proposals requiring the establishment of base flood elevations.

2. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or a Letter of Map Revisions and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA application forms for a Conditional Letter of Map Revision or a Letter of Map Revisions (MT-2) or submitted through the online letter of map change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a flood development permit for proposed floodway encroachments that increase the base flood elevation.

4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

(b) Right to submit new technical data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such submission shall include appropriate supporting documentation made in writing by the Mayor and may be submitted to FEMA at any time.

(c) Annexation or detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the city have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Hamilton County, Indiana, and Incorporated Areas Flood Insurance Rate Map accurately represents the city boundaries, within such notification shall be included a copy of a map of the city suitable for reproduction, clearly showing the new corporate limits or the new area for which the city has assumed or relinquished floodplain management regulatory authority.

(23) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of the city, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

(24) Compliance.

(a) No structure shall hereafter be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations.

(b) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this chapter applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments affecting any part of the area of the development.

(c) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.

(25) Abrogation and greater restrictions. This division (A) is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this division and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(26) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(27) Violations. Failure to comply with the provisions of this chapter, obtain a permit, comply with the requirements of a permit, or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance subject to the remedies described in § 159.999. Planning staff shall inform the owner in the written notice that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended. Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(a) Stop work orders.

1. Upon notice from the Floodplain Administrator, work on any building, structure, or premises that is being done contrary to the provisions of this chapter shall immediately cease.

2. Such notice shall be in writing and shall be given to the owner of the property, to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(b) Revocation of permits.

1. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

2. The Floodplain Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(B) Zero Lot Line (ZLL) Overlay.

(1) Purpose. The purpose of the ZLL Zero Lot Line District is to accommodate this unique form of development for smaller families and affordable living as recommended by the Comprehensive Plan. ZLL Districts may be appropriate in developed areas and for unusual parcels, as further described below. There is no guarantee that approval of a ZLL development will be granted. The Commission may deny a ZLL request that is not consistent or compatible with the surrounding uses and/or that the health, safety, or general welfare of the immediate neighborhood or community is at risk. The principal purposes of the Zero Lot Line (ZLL) District are:

(a) To support a more efficient use of land, as compared with the typical single family development, making available needed housing at a more affordable cost;

(b) To encourage the design of dwellings that integrate and relate internal-external living areas resulting in more pleasant and enjoyable living facilities; by placing the dwelling against one of the property lines, permitting the outdoor space to be grouped and utilized to its maximum benefit;

(c) To promote scattered ZLL developments and not to isolate all ZLL in a single area;

(d) To utilize ZLL to infill existing areas.

(2) Location.

(a) District in Which Permitted. A Zero Lot Line development district (ZLL) for one-family dwellings only, may be permitted in the R-1, R-2, R-3, R-4, and R-5 districts as an overlay district if approved by the Plan Commission and Common Council following a public hearing subject to § 159.044.

(b) Other Locational Criteria. In addition to division (B)(2)(a) of this section, the location of Zero Lot Line developments shall be guided by the following criteria. Such districts shall:

1. Be located in an urbanized area where sanitary sewer service and public water supply is available;

2. Provide common open space on site for the occupants of the project or to contribute land or fees in lieu of land to the governmental unit of jurisdiction;

3. Provide landscaping not normally provided in conventional residential developments;

4. Be located on sites no more than ten acres; provided, however, that larger ZLL developments may be allowed provided recreational facilities are included within the development.

(3) Uses.

(a) Single Family Detached Dwellings on individually platted lots shall be permitted.

(b) All dwelling units shall have at least a one car attached garage.

(c) Detached accessory structures of any kind shall not be permitted.

(d) Carports and utility storage structures shall be permitted accessory uses if connected to the principal structure and the required side and rear setbacks are followed.

(e) Fencing, walls, trellises, and other similar uses may be used as connecting elements between one-family dwellings on adjacent lots, subject to Site Plan Review.

(4) Bulk Requirements.

(a) Minimum Tract Sizes. The minimum tract size shall be five acres. Usable or buildable space of any individual tract shall be 75% of the total tract area. (Lake areas may be included in the required tract sizes; however, the lake area will not be included in determining buildable tract size.)

(b) Maximum Density and Dwelling Unit Size. The maximum density is based upon which district the Zero Lot Line project is proposed. In the R-1 district, 4.48 units per acre are permitted; in the R-2 district, 5.35 units per acre; in the R-3 district, 6.05 units per acre; in the R-4 and R-5 districts, 7.25 units per acre are permitted. Arrangement of the units is somewhat flexible, however, no individual lot may be smaller than 5,000 square feet. Private streets, open spaces, recreation areas or bodies of water shall not be used in calculating the net lot area. Dwelling unit sizes shall be similar to the adjacent development but in no instance less than required by the base zoning district.

(c) Lot Width. The minimum lot width for one-family dwellings shall be 40 feet, except for corner lots where the minimum lot width shall be 50 feet.

(d) Setbacks.

1. Front Yard or Corner Side Yard. All dwelling structures shall be set back a minimum of 20 feet from the property line.

2. Rear Yard Adjacent to other ZLL Development. There shall be a minimum rear setback of ten feet.

3. Interior Side Yard Adjacent to other ZLL Development. The dwelling unit shall be placed on one interior side property line with a zero setback, and the dwelling unit setback on the other interior side property line shall be a minimum of ten feet, excluding the connecting elements such as fences, walls, and trellises. Patios, pools, garden features and other similar elements shall be permitted within the ten foot setback area, provided, however, no structure with the exception of fences or walls, shall be placed within easements required by § 159.082(B). No zero yard is allowed against a perimeter yard or against a public right-of-way.

4. Side or Rear Yard Adjacent to Conventional Development. Where a ZLL development is adjacent to a conventional subdivision, no structure shall be closer than 25 feet to the adjacent lot line.

(e) Maximum Lot Coverage. The total lot coverage permitted for all buildings on a site shall not exceed 50% of the lot area, including accessory uses.

(f) Building Height. The maximum building height shall not exceed two stories and 35 feet in height.

(5) Procedure for a ZLL District.

(a) Application. Applications for a Zero Lot Line Development shall be filed in accordance with the requirements of § 159.040.

(b) Site Plan Review. Applications for a Zero Lot Line Development shall be subject to site plan review pursuant to § 159.041. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and insure the congruity of the proposed development and its compatibility with the surrounding area.

(c) Site Plan Review Criteria. The following criteria shall be considered for the Site Plan review of ZLL Districts:

1. Planning Studies. Planning studies approved by the Plan Commission that include development patterns or environmental and other design criteria shall be utilized in the plan review process.

2. Definition of Private Outdoor Living Spaces. The Zero Lot Line unit shall be designed to integrate interior and exterior living areas. The configuration of the exterior walls of the unit shall define and enclose and/or partially enclose outdoor living areas.

3. Landscape. Landscape shall be preserved in its natural state insofar as is practical by minimizing removal of existing vegetation. Landscaping shall be used to shade and cool, direct wind movements, enhance architectural features, relating structure design to the site, visually screen non-compatible uses, and ameliorate the impact of noise.

4. Buffers. Architectural and/or landscape elements that provide a logical transition to adjoining, existing, or permitted uses shall be provided.

5. Energy Conservation. Design methods to reduce energy consumption is encouraged. Energy conservation methods may include, but not be limited to, natural ventilation of structures, siting of structures in relation to prevailing breezes and sun angles, insulation of structures, use of landscape materials for shade and transpiration, and orientation of breezes.

6. Graphics. Outdoor graphics shall be designed as an integral part of the overall design of the project.

7. Visual Access. Visual access shall be provided for the driver of an automobile backing out of the individual lot into the adjacent roadway. Dwelling units on corner lots shall be so situated and set back as to provide unobstructed visual clearance at a roadway intersection.

8. Private Open Space. Open space intended for the private use of each individual dwelling unit should be so located and designed as to maximize its utility to the dwelling unit it serves and maximize its privacy, especially in relation to adjacent dwelling units.

9. Trash Containers. Trash containers shall be screened and so designed as to be conveniently accessible to their users and collectors.

10. Visual monotony created by excessive block lengths shall be avoided.

(d) Commencement of Development. Development may not commence until after final approval of the Technical Advisory Committee (TAC) is received. If development is not commenced within 12 months from the date of approval of a site development plan, the approval thereof shall become null and void and the same may not be developed in accordance with said plan; provided, if development is permitted in stages, subsequent stages may be commenced within 18 months after the completion of the previous stage; otherwise, such subsequent stage may not be developed in accordance with the previously approved plan and such approval shall be null and void. Commencement of construction shall include but not be limited to active and continuous road improvement, excavation, grading and leveling, installation of utilities and the like.

(6) Additional Requirements.

(a) Platting Requirements. Each dwelling shall be located on its own individual platted lot. If areas for common use of occupants of the development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities as provided in division (B)(6)(e) of this section. The plat shall indicate the zero lot lines and easements appurtenant thereto.

(b) Openings Prohibited on Zero Lot Line Side. The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of openings, provided, however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three walls of the dwelling unit and a solid wall of at least eight feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit.

(c) Maintenance and Drainage Easements. A perpetual four foot wall maintenance easement shall be provided on the lot adjacent to the zero lot property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Roof overhangs may penetrate the easement on the adjacent lot a maximum of 24 inches, but the roof shall be so designed that the water runoff from the dwelling placed on the lot line is limited to the easement area.

(d) Trees. Yard trees shall be provided on the basis of three trees for each platted lot. In addition, street shade trees shall be provided along each side of the roadways at a minimum spacing of 40 feet on center for private roads. In case of developments with public roads, the trees may be placed on private lots in lieu of the public right-of-way provided the 40 foot spacing and the rowing of trees are maintained. This shall be in addition to the three trees required for each platted lot. Existing trees shall be preserved to the maximum extent practical and shall count towards meeting the total tree requirements. Removal of any existing trees shall be in accordance with the approval directives of the Plan Commission.

(e) Common Open Space and Maintenance of Facilities. Common open space is not always required, unless the development is larger than ten acres in size, see § 159.121(A), but is permitted and encouraged. Where the development is larger than ten acres, the required open space shall include a recreational area consisting of at least two of the following:

1. A playground area with equipment;
2. A tennis court;
3. A basketball court;
4. A swimming pool.

Where common open space is provided, provisions satisfactory to the Plan Commission shall be made to assure that non-public areas and facilities for the common use of occupants of Zero Lot Line development shall be maintained in a satisfactory manner, without expense to the general taxpayer of the city or its zoning jurisdiction. Such may be provided by the incorporation of an automatic membership home association for the purpose of continually holding title to such non-public areas and facilities and levying assessments against each lot, whether improved or not, for the purpose of paying the taxes and maintaining such common open space.

Such assessments shall be a lien superior to all other liens save and except tax liens and first mortgage liens, which are amortized in monthly or quarter annual payments over a period of not less than ten years. Other methods may be acceptable if the same positively provide for the proper and continuous payment of taxes and maintenance without expense to the general taxpayers. The instrument incorporating such provisions shall be approved by the Plan Commission Attorney as to form and legal sufficiency, before submission to the Board of Public Works and Safety or the County Commissioners, and it shall be recorded in the public records of Hamilton County, if satisfactory to the Board of Works or the County Commissioners.

(f) Drainage. On-site storm water detention or retention is mandatory, but facilities may be shared.

(C) Historic Preservation (HP) Overlay District.

(1) Purpose. The purpose of the Historic Preservation Overlay District (HPO) is to further the purposes of this chapter and of the Comprehensive Plan by preserving buildings which are important to the education, culture, traditions and economic values of the city and to the rehabilitation, conservation and redevelopment of the Downtown District, and to afford the city, interested persons, historical societies, or organizations the opportunity to acquire or to arrange for the preservation of such buildings.

This chapter promotes the conservation, protection, restoration, rehabilitation, use, and overall enhancement of historic structures, sites, and districts within the city and provides regulatory protection to areas of the city that compliments, but does not supersede the contents of the underlying zoning district.

(2) District Requirements. The permitted and conditional uses and bulk regulations for all Historic Preservation Overlay Districts shall be pursuant to the underlying zoning district. Any application for new construction, additions, or alterations of a structure in an Historic Preservation Overlay District must complete a site plan review process as described in § 159.041.

(3) Procedure for HPO District. A Historic Preservation Overlay District may be created by either of the following means.

(a) The Common Council may designate an area as an Historic Preservation District upon the recommendation of the Plan Commission, following the adoption of a study delineating the historic resource area.

(b) The petition by more than 50% of the property owners in a proposed district shall cause the Common Council to consider an overlay for the area petitioned, pursuant to § 159.044.

(4) Site Plan Review Criteria. The following criteria shall be considered for any Site Plan Review in the HPO District:

(a) Massing. The massing of the building shall be regulated by the Floor Area Ratio standards found in the underlying zoning district.

(b) Height. The height of a proposed building shall be regulated by the underlying zoning district.

(c) Proportion of building's front facade. The relationship of the height of a building to its width at the front elevation shall be the same as currently exists within the district.

(d) Proportion of openings within the structure. The width of a window and its height shall match that currently existing within the district.

(e) Rhythm of buildings along street. The relationship of a building to open space between it and adjoining buildings shall be visually compatible to the buildings currently existing within the district.

(f) Porches, entrances, and porch projections. In districts where porches, door platforms or steps, exterior stairs or decks, or roof-walks and platforms are a characteristic element of building design, these must be incorporated into the new design. Porches must be at least four feet deep. A projection less than four feet in depth will be considered a door platform.

(g) Materials and Texture. The materials and textures used in the design must be the same as those that predominate in the district. This applies to roofs, wall surfaces, and foundations.

(h) Roof Shapes. The roof shape of a building must be that which predominates in the district. This shall apply to the shape, pitch, overhang, dormers, skylights, and chimneys.

(i) Trims and Miscellaneous Details. The trim and miscellaneous details of a building must be that which predominates in the district. This shall apply to the trim, gutters and leaders, louvers, vents, house lights, and public utilities.

(j) Garages, other accessory buildings. In residential districts, all garages must be detached and located at the rear property line.

(5) Demolition. Upon the receipt of an application for the demolition of any structure within an Historic Preservation Overlay District, the Director of Planning and Development will send public notice to the property owners within the district and to the Indiana Historic Preservation Agency.

(D) Planned Development (PD) Overlay Districts.

(1) Purpose. This district is intended to provide flexibility in specific locations for development which is in the public interest and would not otherwise be permitted pursuant to this chapter. Such flexibility is provided to achieve certain comprehensive plan policies, accommodate rapid changes in design and technology in the construction industry, and address new and varied demands in the housing and commercial markets, all in a manner that will be consistent with the objectives of the City and the Townships. This district is further intended to:

(a) Encourage a more creative approach in land and building site planning.

(b) Encourage an efficient, aesthetic, and desirable use of open space.

(c) Promote variety in the physical development pattern of the community.

(d) Achieve flexibility and provide incentives for development which will produce a wider range of choice in satisfying the changing urban needs.

(e) Encourage renewal of older areas where new development and restoration are needed to revitalize the area.

(f) Permit special consideration of property with unique features, such as historical significance, unusual topography, landscape amenities, size, and shape.

(g) Recapture bypassed land so poorly planned and developed as to be a public liability.

(h) Simplify processing of development proposals for developers and the Commission by providing for concurrent review of land use, subdivision, public improvements, and site considerations.

(2) Applicability. The provisions of this section shall only apply to new development proposals. It shall not apply to any Planned Development Plan which is now fully or partially developed, nor to any such development for which a final authorization has been granted pursuant to a previous ordinance, provided, however, that a petitioner may, upon application and approval of the Commission, become subject to all the benefits and requirements of this section, subject to such rights as shall have vested in the owners of the area affected by development under said ordinance.

(3) Limitations on Flexibility of Planned Developments. It is not intended that the city automatically grant the initial plan of development proposed by a petitioner. The City Plan Commission shall approve only such plans of development which are consistent with the public benefits resulting from the planned development. Therefore, the City Plan Commission may require as a condition of approval and subsequent amendment of the zoning map, any reasonable condition, limitation or design factor which will promote proper development of a Planned Development.

(4) Classes of Planned Development Districts and Uses Permitted. This chapter provides for the following four classes of Planned Development Districts:

(a) To designate a parcel of real property as a Planned Development (PD) including the underlying zoning district;

(b) To specify uses or a range of uses permitted in the Planned Development District;

(c) To specify development requirements in the Planned Development District;

(d) To specify the documentation including an overall plan and supporting documents;

(e) To specify any limitation(s) applicable to the Planned Development District; and

(f) To specify any variation(s) from the underlying zoning district requirements.

(5) Minimum Size of District. No district shall be established unless it contains the minimum area specified below:

(a) Residential Planned Development: Five acres.

(b) Mixed Use Planned Development: Ten acres.

(c) Commercial Planned Development: Three acres.

(d) Industrial Planned Development: Five acres.

(6) Development Standards. A proposed Planned Development Plan shall be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design, and must provide standards of open space, efficiency in street patterns, and areas for parking adequate for the occupancy proposed, or equal to the requirements of this chapter. It must also provide for a development density and related bulk and coverage characteristics in keeping with the requirements of the comprehensive plan and reflecting that of the base zone that contains the land subject to rezoning as a particular Planned Development.

(a) Establishment of Site Development Intensity.

1. Before approval of a Preliminary Planned Development Plan, a detailed determination of land use intensity shall be declared.

2. Except as otherwise provided below, the development standards for lots in a PD may be varied from one another and from that allowed by the underlying base zone, provided that the density of the overall PD parcel shall not exceed 100% of that allowed under the density provisions of the base zone. The minimum base zone density permitted under the PD process is as follows:

DISTRICT	*ON PUBLIC SEWER*	*ON PRIVATE SEWER*
SR	1 unit per acre	1 unit per 2 acres
R-1	2.4 units per acre	1 unit per acre
R-2	2.9 units per acre	1 unit per acre
R-3	3.5 units per acre	Not permitted
R-4	5 units per acre (singe-family) 8 units per acre (two-family)	Not permitted
R-5	14 units per acre	Not permitted

[In calculating the density, certain areas inappropriate for development including but not limited to bodies of water, floodplains, and rights-of-way, shall be discounted from the gross acreage.]

3. The Commission shall make a finding that said intensity is consistent with the Land Use Element of the Comprehensive Plan of current adoption and in the best interest of the City and surrounding areas.

4. If such zoning is not related to the character of development sought by the Planned Development, then the Plan Commission shall determine whether to require a rezoning of the site to a more appropriate zone or to establish a development intensity pursuant to division (D)(6)(d)2. of this section.

(b) Establishment of Peripheral Landscape Buffer Yard. A minimum 50-foot peripheral landscape buffer yard shall be provided along the perimeter of the Planned Development District. The 50-foot peripheral landscape buffer yard shall be maintained as common area, labeled on the development plan/subdivision plat/parcel as common area/landscaping buffer, and a minimum of 25-foot used exclusively for landscaping and labeled. The declaration of covenants or other recordable instrument shall state that the peripheral landscape buffer yard is common area and maintained by the association or developer of said project. Exception to the minimum buffer yard size requirements include those subdivisions or parcels abutting an expressway or arterials and those subdivisions having rear yards abutting a collector, arterial or expressway then those specific requirements apply as set forth in the Unified Development Ordinance. A variety of landscaping plants are required and shall adhere to § 159.185.

(c) Establishment of Maximum Height, Building Size. Maximum heights and maximum/minimum building sizes shall be as required in the base zone unless modified by the Plan Commission and approved by the Common Council as part of the Preliminary Plan approval, unless otherwise specified in this chapter.

(d) Establishment of Other Site Development Regulations.

1. Other site development regulations, including but not limited to parking, signs, accessory uses, landscape requirements, environmental standards, flood plain protection, and public and private infrastructure shall be as required in the base zone, unless otherwise specified in this chapter.

2. The Plan Commission may recommend, and the Common Council may authorize, exceptions to other applicable regulations of this chapter controlling development within the boundaries of a Planned Development, provided that the Plan Commission shall find that such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the tenants or occupants of such development, as well as the neighboring property, than would be obtained under the regulations of this chapter for buildings developed on separate zoning lots.

(7) Procedure. The authorization of a Planned Development shall require approval of the preliminary development plan and detailed development plan that conforms with the provisions laid out in this division (D)(7). Additional information regarding the procedures and information required to file a Planned Development ordinance, a preliminary development plan, and a detailed development plan may be bound in § 159.047 and in Appendix B, Applications, Section 9., Planned Developments.

(a) Preliminary Development Plan. A Preliminary Development Plan is required for the purposes of establishing basic goals and policies, (bulk standards, architectural standards, variations/waivers from the underlying zoning district standards and layout of the proposed Planned Development).

2. Submission of Application.

a. The petitioner shall refer to the Schedule of Meeting Dates and submit the completed application, filing fee, and supporting documentation for consideration by the Technical Advisory Committee, Architectural Review Board (if applicable) and the Plan Commission.

b. All drawings shall be submitted on a minimum paper size of 24 x 36 inches and drawn to a scale of 1" = 40' maximum. The landscaping plans shall be drawn to a scale of 1" = 20' maximum.

c. Submission of Materials: The applicant shall prepare and submit 25 copies of the information outlined below. The maximum plan size shall be 24 x 36 inches. At least five of these plans are to be reduced to no larger than 11 x 17 inches. All plans should be drawn to scale, scale noted, fully dimensioned, and drawings labeled. Each set of plans must include the following:

i. Written application for approval of a Planned Development to be made on forms available from the Director of Planning and Development and in the manner prescribed by the City Plan Commission. Each application shall be accompanied by a written description of the project. The length of the description will vary with the size of the project; however, it is very important that the description include the design concept, the rationale for the design, the project proposal in written language, the relation of existing conditions on-site, and the existing and proposed uses.

ii. Proposed maximum site development intensity and demonstration that it is in keeping with the comprehensive plan and will not exceed 100% of the base zone.

iii. A list of requested exceptions including justifications from the requirements of the base zone.

iv. Site (development) plans of the Planned Development shall show such designations as proposed streets, all buildings and their yards and uses common open space, recreation facilities, parking areas, service areas, floodways, detention/retention facilities, and other facilities to indicate the character of the proposed development.

v. Character: Explanation of the character of the Planned Development and the reasons why it has been planned to take advantage of the flexibility of these regulations. This item shall include a specific explanation of how the proposed Planned Development meets the objectives of all adopted land use policies which affect the land in question.

vi. Ownership: Statement of present and proposed ownership of all land within the project, including the beneficial owners of a land trust.

vii. Schedule: Development schedule indicating:

(aa) Stages in which project will be built, with emphasis on area, density, use and public facilities, such as open space to be developed with each stage. Each stage shall be described and mapped as a unit of the project. Overall design of each unit shall be shown on the plan and through supporting graphic material.

(bb) Dates for beginning and completion of each stage.

viii. Service Facilities: Information on all service facilities, driveways, private streets, paths and off-street parking facilities.

ix. Architectural Plans: Architectural plans for all Single-family attached, two-family, and multi-family residential, and residential accessory buildings shall be submitted in sufficient detail to permit an understanding of the styie of the development, and the design of the buildings including color front elevations for all residential buildings and 360-degree color elevations for all residential accessory buildings such as clubhouses,; pool houses, carport/garages for multi-family uses, trash receptacle enclosures, and other similar structures.

(aa) In the case of Single-family attached, and Two-family residential developments, a complete set of 360-degree elevations detailing the front, rear, and opposite side views of each proposed above ground structure shall be included with the submittal. Front color elevations of all home structures are required. Key exterior elements such as masonry, siding, roof, windows, chimney, etc., must be rendered in sufficient detail and accompanied by clear descriptions of materials, colors, and textures. These developments must adhere to the adopted Architectural Review Board Guidelines for each individual housing type and shall be reviewed by the Architectural Review Board on an as-need basis.

(bb) All non-residential buildings and multi-family residential and those accessory structures shall include key exterior elements such as cladding materials, roof materials and pitch, windows and window treatments, general articulation etc., and must be rendered in sufficient detail and accompanied by clear descriptions of materials, colors, and textures. 360-degree color elevations are required and submitted on a minimum paper size of 24 x 36 inches. A sample materials board 11 x 17 inches and floor plans are required.

(cc) The application of new single-family residential planned developments submitted for review after October 23, 2018 must adhere to the Single-Family Residential Standards below and be codified as a part of the proposed planned development ordinance for said planned development. Failure to include all standards in the proposed planned development ordinance will cause a delay in the processing of the application for the Plan Commission Public Hearing.

x. Facilities Plan: Preliminary Development Plans and feasibility reports for:

(aa) Roads, including classifica-tion, width of right-of-way, width of pavement, and construction details.

(bb) Sidewalks/trails including those trails indicated on the Noblesville Alternative Transportation Plan.

(cc) Sanitary sewers.

(dd) Storm drainage.

(ee) Water supply system.

(ff) Street lighting.

(gg) Public utilities.

(hh) Proposed development amenities (i.e. parks, playgrounds, pools, and the like).

xi. Landscape Concept Plan: A general planting plan for the site showing landscape intent, types of plant material to be provided, intensity and scale of landscape with site details where appropriate to fully explain the concept. The landscape concept should be provided at the same scale of the overall site plan. All existing trees over four inches in diameter shall be indicated on the development plans. Retention of all trees is encouraged, and any tree larger than 12 inches in diameter should not be removed.

xii. Traffic Analysis: If requested by the Director of Planning and Development or the Plan Commission, a study of the impact caused by the Planned Development on the street and highway systems operating in the city.

xiii. Environmental Assessment: If requested by the Director of Planning and Development, a study of the impact upon natural vegetation, watercourses, topography, noise, lighting and another features as identified by the Department of Planning and Development.

xiv. Ordinance: An ordinance shall be submitted for consideration by the Plan Commission and Common Council which outlines all standards and uses requested, bulk standards and variations. The ordinance shall include as appendices and commitments all drawings and renderings used in presentation of the application.

xv. All drawings and plans shall be submitted to the Planning Department on a CD or DVD as a Portable Document Format (PDF), Version 7 or later at the time of submission of the application.

xvi. Residential review standards for single-family detached structures.

(aa) Roof Ridges.

(1) A minimum of three (3) Roof Ridges, visible from the front facade, shall be required on all dwellings.

(2) In counting roof ridges: roof planes must project from the roof and could include False-Front Gables and/or a dormer package that would count as a single roof-ridge but does not include minor architectural features such as bay windows, turrets, garage eyebrows, or other similar features.

(bb) Corner Breaks.

(1) A minimum aggregate of eleven (11) corner breaks shall be provided on any dwelling; BUT a minimum of three (3) Corner Breaks shall be located on each Front Facade, Rear Facade, and Primary Facade of a dwelling; and no more than one (1) Secondary Facade shall have less than three (3) corner breaks.

(2) In counting corner breaks:

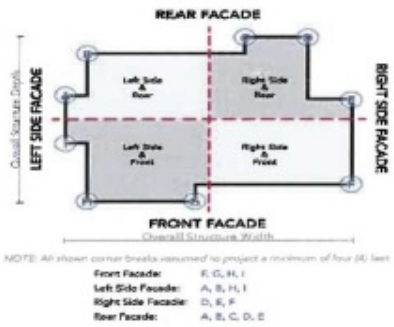
a. As per the illustration below, divide the structure into quadrants based on the overall depth and overall width of the structure.

b. Architectural features shall project a minimum of two feet from the adjacent architectural plane to count as a corner break.

c. Architectural features located on a facade may be considered to provide corner breaks on an adjacent facade, if the location of the corner break is within fifty percent (50%) of the overall dwelling width or overall dwelling depth of the adjacent facade as illustrated below.

d. Add-ons to a compliant base floor plan such as a sunroom shall not be counted against the base floor plan corner breaks.

(3) If the lot width is 48 feet or less, the number of required corner breaks on the side facades shall be reduced to a minimum of two per side thus reducing the minimum aggregate number to 10.



(cc) Windows.

(1) A minimum of two (2) windows shall be located on each facade of a single-level dwelling.

(2) A minimum of three (3) windows shall be located on each facade of a multiple-level dwelling.

(3) In counting windows:

a. Each framed opening of at least six (6) square feet shall count as one (1) window.

b. Each grouping of two (2) or more framed openings individually greater than four square feet but less than six (6) square feet shall count as one (1) window, if all windows comprising the grouping are located within twelve (12) inches from each other and are located on the same story of the same architectural plane.

(4) Once per dwelling, a required Window may be substituted for a service door with a window providing access to a garage.

(5) Window wells do not count towards the window requirement.

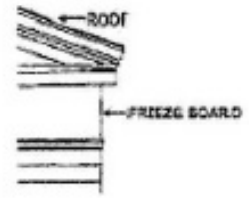
(6) Patio doors count as one window towards the window requirements.

(7) A dwelling constructed on a lot being less than 48 feet in width and having a side yard setback of less than five feet shall be required to provide one window per side elevation and three windows on the front and rear elevations.

(dd) Window treatment.

(1) Window Treatment shall be required on all framed openings on a dwelling.

(2) The treatment of framed openings located on Masonry facades shall consist of shutters or enhanced masonry detailing including but not limited to quoins, keystones, soldier courses as architecturally appropriate and applied to the header and sill at a minimum; exception that a frieze board at the top of the window counts towards the window treatment.



(3) The treatment of framed openings located on non-masonry facades shall consist of shutters or trim composed of wood, engineered wood, or fiber cement and applied to the header, sill, and jams with a nominal minimum depth of one (1) inch and a minimum width of four (4) inches. Decorative trim detailing including but not limited to arches, cornices, crossheads, ornate moldings, pediments as architecturally appropriate to the dwelling are acceptable.

(ee) Garage door percentage and standards.

(1) The garage door percentage of any single-level dwelling containing a front-load garage shall not exceed thirty percent (30%) for a garage providing storage for two (2) or less vehicles, and shall not exceed forty percent (40%) for a garage providing storage for more than two (2) vehicles.

(2) The Garage Door Percentage of any Multiple-Level Dwelling containing a front-load garage shall not exceed twenty percent (20%) for a garage providing storage for two (2) or less vehicles, and shall not exceed thirty percent (30%) for a garage providing storage for more than two (2) vehicles.

(3) In calculating garage door percentage:

(a) The garage door percentage shall be calculated as a ratio of the area of all garage doors divided by the total area, including roof, windows, and doors, of the building facade on which the garage is located.

(b) Decorative garage doors are required for front-load and side-load garages. Decorative details include paneling (other than horizontal paneling), windows, decorative hardware and similar decorations.

(c) Front-load garages must be recessed or project from the front facade plane a minimum of two (2) feet.

(ff) Front entry and porch. A Porch of at least thirty square feet (30 square feet) shall be located at the front entry of any dwelling.

(gg) Roof pitch. Roof planes comprising the main roof of a dwelling shall be required to be a minimum of 6/12 pitch. Dwellings determined to having ‘historical significance’ shall be required to be a minimum of a 5/12 pitch.

(hh) Roof overhang.

(1) Roof planes comprising the main roof shall be required to form overhangs from adjacent Architectural Planes at a minimum distance of twelve (12) inches. Depth shall be determined prior to the installation of the exterior cladding material.

(2) The overhang shall be measured as the horizontal distance, excluding gutters, of which the roof plane projects beyond the finished framing of the architectural plane immediately below.

(ii) Composition of siding materials. All Siding Materials shall be composed of Masonry, wood, stucco, fiber cement board, composite lap siding, vinyl siding of 0.050-inch thickness, and/or decorative precast panels, including synthetic or composite materials intended to simulate the appearance of natural materials.

(jj) Number of siding materials and material patterns.

(1) A minimum of three (3) distinct Siding Materials and/or Material Patterns shall be located on each Front Facade of a dwelling.

(2) A minimum of two (2) distinct Siding Materials and/or Material Patterns shall be located on each Primary Facade of a dwelling.

(3) A minimum of one distinct siding material and/or material pattern shall be located on each Secondary Facade of a dwelling and shall include a trim break.

(4) In counting siding materials and material patterns:

(a) A brick or stone wainscot of at least two (2) feet in height located across entire Facade shall count as one (1) distinct material;

(b) A siding material or material pattern located underneath the entire area formed by roof gables comprising a roof ridgeline shall count as one (1) distinct material.

(c) A residential structure, which is a minimum of 75% or greater brick and/or stone on the front facade, shall count as meeting the minimum front facade materials number in total.

(d) A single-story structure shall be permitted a minimum of two distinct siding materials on the “Front Facade” if one of the siding materials is either brick or stone.

(5) Siding materials and material patterns shall be arranged logically and in a manner consistent with the intended architectural style of the dwelling.

(kk) Masonry.

(1) Masonry materials shall comprise a minimum of fifteen percent (15%) of Siding Materials located on each Primary Facade of a dwelling and shall be located on the first floor of the facade, or a wainscot shall be located across the entire Facade.

(2) Brick or stone used on the front elevation, requires to the use brick or stone on any chimney that may be located on the side or rear elevation.

(3) Exterior design details, including but not limited to: siding materials and material patterns, siding composition, number and style of windows, trim detailing, and roof design shall logically transition onto adjacent facades of a dwelling in a manner consistent with the intended architectural style.

(ll) Anti-monotony. No two (2) dwellings with alike facade styles and/or exterior color packages shall be permitted adjacent to, diagonally, or across from each other as illustrated below.

(mm) Landscaping. Foundation plantings shall be installed within ten feet of the foundation wall.

(1) All lots shall have a minimum of seven shrubs/ornamental grasses at a minimum of 18-inches in height at the time of planting along all primary architectural planes.

(2) All lots shall include a minimum of two trees. One tree shall be planted adjacent to the primary architectural plane of the dwelling. If multiple primary architectural planes exists; one tree is required adjacent to one (1) of the primary architectural planes and shall be a minimum of ten (10) feet behind the sidewalk/trail. The trees may be deciduous having a minimum caliper of two (2) inches or an evergreen tree having a minimum height of six (6) feet at the time of planting.

(nn) Historical architectural styles.

(1) Any dwelling designed in accordance with a historically significant architectural style may be exempt from masonry, roof ridgeline, corner break, roof pitch and/or porch requirements contained in this article.

(2) The Director of Planning and Development shall have the authority to determine whether a dwelling qualifies as a historically significant architectural style entitled to the exemptions listed above. The builder shall submit documents identifying the architectural design features that constitute the intended architectural style for determination by the Director. The Director shall reference the current edition of a book entitled “A Field Guide to American Houses” by Virginia and Lee McAlester to determine the architectural elements for the historical architectural style. The applicant shall be required to adhere to a minimum of 51% or greater of the typical design features on the front facade of said historic architectural style as evidenced by said field guide.

3. Preliminary Development Plan Review. The Director of Planning and Development or designee shall coordinate a review of the Preliminary Development Plan materials to include review by all relevant departments, Technical Advisory Committee, and the Archi-tectural Review Board (ARB). Written findings and recommendations will be submitted to the Plan Commission.

4. Public Hearing.

a. The Plan Commission shall hold a public hearing on each application for approval of a Planned Development Zone in accordance with §59.044.

b. The Commission may approve the plan submitted, amend and approve the plan as amended, imposing any reasonable conditions upon its approval, including the recording of covenants or disapprove the plan. If approved, the Preliminary Development Plan, with any amendments, shall be stamped “Approved Preliminary Development Planned Development” and signed by the President and the Secretary of the Plan Commission. One copy shall be permanently retained in the office of the Plan Commission.

5. Action by the Common Council. The Common Council shall act upon the recommendation within 30 days after receipt of the Plan Commission’s report. The Common Council may approve, approve with modifications, refer back to the Plan Commission, disapprove, or provide written explanation to the petitioner on why an extension is required for Common Council action. The time period for action shall be exclusive of any time extensions or continuances requested by the petitioner. Common Council action shall be based upon the record of the Plan Commission.

6. Effect of Preliminary Development Plan Approval. Approval of the Preliminary Development Plan for a Planned Development shall not constitute approval of the Planned Development Detailed Plan. Rather, it shall be deemed an expression of approval of the concepts and details of the Preliminary Development Plan of the Planned Development and the proposed map amendment, which are set forth in the Application for Approval of the Planned Development. It shall also be deemed as a specific guide to the preparation of final documents which are required as part of the Application for Approval of the Detailed Development Plan. Further, it indicates approval of the details set forth in the application, and a commitment by the applicant to such details.

7. Recording of Preliminary Development Plan Approval. Upon approval of the Preliminary Development Plan by the Common Council, the conditions, modifications, density premiums and exceptions, if any, shall be indicated on the plan shown in the application. It is the applicant’s financial responsibility to pay for the formal recording of this document and to return the original recorded ordinance to the City Clerk-Treasurer’s office within 30 days of approval. The plan shall be kept on file in the office of the Director of Planning and Development and no permits shall be issued for the subject development until proof of recording is submitted.

(b) Detailed Development Plan. The purpose of the Detailed Development Plan is to specifically designate the land subdivided into conventional lots or blocks for non-residential planned developments as well as the division of other lands into common open areas and building sites. The Detailed Development Plan shall show the exact location of each building to be constructed, and a designation of the specific internal use for each building. The Detailed Development Plan also informs all who deal with the Planned Development of the restrictions placed upon the land, and acts as a zoning control device.

2. Time Period for Detailed Development Plan Approval.

a. Approval of a Detailed Development Plan, or first phase of that plan, shall be obtained within six months after adoption of the Preliminary Development Plan by the Common Council. However, the Common Council may grant an extension of time for such period as it deems in the public interest.

b. In the event that a detailed development plan is not approved within the six month period or an approved extension of time, the action of the Common Council, adopting the relevant Preliminary Development Plan as a particular class of Planned District shall be declared null and void, and the land shall revert to the category or categories it held before being zone as a “PD” District subject to submission of approved Detailed Development Plan.

3. Submission of Application.

a. Following Common Council approval of the Preliminary Development Plan, an application for Detailed Development Plan may be submitted. This application and supporting documentation shall be shall be reviewed by the Director of Planning and Development or his or her designee for compliance with the approved Preliminary Development Plan and sign a copy of the detailed plan, if it is in substantial compliance with the adopted Preliminary Development Plan and subject to the requirements below.

b. Submission of Materials: The applicant shall prepare and submit 15 copies of the following plans and documents:

i. Written application for approval of the Final Detailed Development Plan is to be made on forms available from the Department of Planning and Development and in the manner prescribed by the Plan Commission.

ii. Final Detailed Development Plan: A Final Detailed Development Plan shall be prepared by a licensed engineer and architecture including civil drawings (signed and sealed), landscaping plans, lighting plans, signage plans, and elevations including the following:

(aa) The land subdivided into conventional lots as well as the division of other lands, not so treated, into common open space areas and building areas;

(bb) The location of all buildings to be constructed and the specific internal uses of each building, structure, and use of land;

(cc) Infrastructure improvements including construction details, showing center line elevations, pavement type, curbs, gutters, culverts, etc.;

(dd) Such additional information as the Common Council or the Plan Commission may have required when approving the Preliminary Development Plan.

iii. An accurate legal description and survey of the entire area being developed as a part of the Planned Development.

iv. If subdivided lands are included in the Planned Development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat in accordance with the City’s applicable regulations.

v. An accurate legal description of each separate unsubdivided use area, including open space.

vi. Landscape Plan: A detailed landscape planting plan for the site including a plant list containing the common and botanical names, sizes, at the time of installation and at maturity, and quantities of all plants, permanent signs, site lighting and street fixtures. Scale 1" = 20'.

vii. A complete set of approved 360-degree color elevations of any proposed structures.

viii. Certifications, seals, and sig-natures required for the dedication of land and recording of the document.

ix. Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre.

x. Construction schedule.

xi. Common Open Space Documents: All common open space, at the election of the City, may be:

(aa) Conveyed to a municipal or public corporation; or

(bb) Conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Development or adjoining property owners or any one or more of them. All lands conveyed thereunder shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common open space; or

(cc) Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Development or adjoining property owners and/or both.

xii. Improvements—Guarantee of Performance. The owner and/or developer shall guarantee the completion of all required improvements and facilities, as set forth in applicable city regulations, except where varied by this application of these procedures, whether said improvement or facilities shall become public or remain private, by either completing the improvements in advance of approval of the Detailed Site Plan or submitting irrevocable letters of credit in a form and from a financial institution acceptable to the City’s legal department (or an escrow department) in an amount equal to at least 110% of the construction cost estimate approved at the time said improvements and facilities are scheduled to be installed.

4. Staff Review. The Director of Planning and Development shall coordinate a review of the Detailed Development Plan to include review by relevant City Departments and Technical Advisory Committee. If the Director of Planning and Development, upon review, finds major changes on the Detailed Development Plans, he shall forward the plans to the Plan Commission as per division (D) (13) of this section.

5. Appeal Procedure. The Plan Commission may, upon the applicant’s request, hear an appeal of the decision of the Director of Planning and Development, in regard to the Detailed Development Plan review action. This appeal procedure is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions. An application for appeal to the Plan Commission shall be filed no later than 30 days after the action being appealed. The Plan Commission shall hold a public hearing on the application in accordance with § 159.040. The Plan Commisson may reverse, affirm, wholly or partially modify the decision of the Director of Planning and Development.

(8) Designation of Permanent Common Open Space. No plan for a Planned Development shall be approved, unless such plan provides for permanent landscaped open space equivalent to the following types of Planned Developments:

(a) Residential Planned Development: Twenty-eight percent of gross acreage.

(b) Mixed Use Planned Development: Twenty-eight percent of gross acreage.

(c) Industrial or Commercial Planned Development: Twenty-two percent of gross acreage.

(d) Corporate Campus Planned Development: Twenty-five percent of gross acreage.

(e) The relief provided by this subsection should only apply to:

1. Residential PD overlays for land which is zoned RI or R2.

2. There shall be two areas of land eligible for the benefits in this subsection, which are referred to as Zone A and Zone B.

A. Zone A shall include land located contiguous to, or has the point of the PD zone within 1,320 feet of a city park, and will have direct pedestrian access to the city park prior to the completion of the first residence in the PD.

B. Zone B shall include land which has a point of the PD zone within 2,640 feet of a city park, and will have direct pedestrian access to the city park prior to the completion of the first residence in the PD.

C. This section shall only apply if the city park is at least 20 acres of real estate.

(f) The developer of an eligible PD under §159.109(H) may request a reduction in the permanent common open space within the development by making Payments In Lieu of Open Space (PILOS) as provided below.

(g) The PD may provide a maximum reduction of landscape open space from 28% to 13% of the gross acreage of the project in Zone A and 19% of the gross acreage of the project in Zone B.

(h) In exchange for the reduction in open space, the developer shall, prior to the final approval of the preliminary development of the project, enter into a PILOS Agreement. The PILOS Agreement shall be recommended by the Director of Planning and approved by the Board of Public Works and Safety of the City of Noblesville.

(i) The total amount of PILOS payments for the PD shall equal the number of acres of open space reduced from a decrease in the requirements in subsection (a) above, times 72% of the fair market value of the developable land included in the PD. The valuation date shall be based on the value of the land subsequent to the approval of the planned development, and prior to any construction of the PD. The appraised value of the land shall be substantiated by the developer through an appraisal by a licensed appraiser. The appraised value shall be considered; but is not binding upon the city in determining the value of the PILOS.

(j) The PILOS Agreement shall also describe the improvements to the city park which will be constructed, or have been constructed through use of the PILOS payments; the source of funds in addition to the PILOS payments to fund the improvements, and a schedule for completion of the park improvements funded fully, or partially, by the PILOS payments.

(k) The PILOS payments shall be paid upon submission of the secondary plats for any part of the PD. Each payment shall equal the total PILOS for the entire PD, times the percentage of land in the secondary plat compared to the entire PD. The city shall not finally approve a secondary plat for any part of the PD unless the PILOS payments for that section have been paid.

(l) All PILOS payments shall be deposited in a non-reverting fund to be created by ordinance and shall only be used to pay, or reimburse, the city all or part of the costs identified in the PILOS Agreement.

(9) Covenants and Maintenance.

(a) Covenants shall be required by the Commission as an ingredient for stability and longevity of the Planned Development Plan, and shall set forth in detail provisions for the ownership and maintenance of facilities held in common to insure continuity and conservation. Covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the City and Townships. In such event, the City shall take those remedial steps provided for. A draft of the covenants shall be submitted as part of the Preliminary Plan application to the Plan Commission.

(b) The Plan Commission shall require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes wherever necessary in conformity with the Comprehensive Plan and the Thoroughfare Plan of current adoption. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Plan Commission a modified Detailed Development Plan for such land consistent with the approved Preliminary Development Plan. Such modified detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire Planned Development Plan.

(c) The Plan Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in Planned Development Plan. Such development standards may include, but are not limited to, requirements as to the following:

1. Lot area;
2. Floor area;
3. Ratios of floor space to land area;
4. Area in which structures may be built (“Buildable area”), including areas for cluster type Residential Development without lot lines;
5. Open space;
6. Setback lines and minimum yards;
7. Building separations;
8. Height of structures;
9. Signs;
10. Off-street parking and loading space;
11. Design standards;
12. Phasing of development.

(d) The petitioner shall provide financial assurance for the satisfactory installation of all facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of this chapter.

(e) Adequate provision shall be made for private organization with direct responsibility to, and control by, the property owners involved to provide the operation and maintenance of all common facilities including private streets jointly shared by such property owners, if such facilities are a part of the Planned Development Plan. In such instance, legal assurances shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

(f) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

(g) All private streets shall be maintained by the private organization in a manner that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation, and public utility vehicles conserve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. Said private streets shall be developed in accordance with this chapter.

(10) Changes in the Planned Development.

(a) A Planned Development shall be developed only according to the approved and recorded Detailed Development Plan and all supporting data. The recorded Detailed Development Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of the premises (including the internal use of buildings and structures) and location of structures in the Planned Development, as set forth therein.

(b) In the exercise of its continuing jurisdiction, the Commission may from time to time modify the approved Detailed Development Plan in a manner to be consistent with the approved Preliminary Development Planned Development Plan to provide for circumstances and conditions unforeseen at the time of original approval. Such modifications shall constitute major or minor changes which shall be acted upon as follows:

1. Major Change to Planned Development. Major changes, Amendment as defined in § 159.016 may be approved only by submission of a new Preliminary Development Plan and supporting data, and following the Preliminary Development Plan approval steps, holding of a new public hearing and subsequent amendment of the Development Plan.

2. Minor Change to Planned Development. The Director of Planning and Development may approve minor changes to the Planned Development as defined in § 159.016 that do not change the concept or intent of the adopted preliminary development plan/ ordinance, governing agreements, provisions, waivers, conditions, and/or stipulations, without going through the Preliminary Development Plan approval steps. Any minor changes approved shall be properly recorded with the County Recorder or it shall be automatically deemed a major change.

a. The following test as to the acceptability of the change to an approved preliminary development plan under a Minor Amendment includes:

i. Is the proposed change significant in terms of its magnitude in relation to the original approval;

ii. Does the proposed change modify any use that the development originally approved;

iii. Would the proposed change result in an impact either visually or in terms of an amenity;

iv. Would the interests of any third party that participated in the public hearing or received notice of the original preliminary development plan/ordinance be disadvantaged in any way;

v. Would there be any alteration to the site boundary;

vi. Would the proposed changes reverse design improvements secured during the public hearing process;

vii. Would there be any changes to the external materials which would adversely affect the character or appearance of the development or erode the quality to what was originally approved; and

viii. Is the proposed change contrary to a condition, stipulation, provision, waiver, or governing agreement of the original approval.

b. Process for Submitting a Minor Change. A minor change is administratively approved by the Director of Planning and Development upon receipt of the following:

i. A completed application;

ii. A letter of explanation outlining the request for each modification;

iii. Single-paper copy of all plans and other documents;

iv. Digital format in PDF; and

v. Filing fee.

3. Changes to Approved Architectural Plans. The Director of Planning and Development may approve changes to Council-approved architectural plans if they are determined to meet the intent of the originally approved plans and are substantially compliant with those plans. In the event that the new plans are determined not to be substantially compliant, an applicant may appeal for consideration by the ARB, subject to § 159.031(B).

(11) Abandonment or Expiration. Abandonment of a development authorized under this section shall occur when one or more of the following conditions occur:

(a) No improvements are made pursuant to the approved Detailed Development Plan for 12 consecutive months, or upon the expiration of two years from the approval date by the Commission of a Detailed Development Plan.

(b) If a construction of public improvements, including streets, parks, walkways, and utility installation identified in the approved Detailed Development Plan is less than 50% completed in terms of the approved development schedule.

(c) For a development which has not been completed Common Council may either grant a time extension for such development not to exceed one year increments, or initiate an amendment to revoke the Planned Development Zoning and rezone the land to the base zone.

(12) Limitation on Rezoning. The Plan Commission shall not initiate any amendments to this chapter concerning the property involved in a Planned Development Plan before completion of the development as long as development is in conformity with the approved Detailed Development Plan, and proceeding in accordance with the time requirements imposed herein.

(13) Standards for Review of Planned Development District Applications. No Planned Development District shall be approved unless the applicant shall establish that the proposed development will meet each of the criteria for a map amendment as listed in § 159.044, and the following standards specific to Planned Developments.

(a) Conformity with City Policies and Ordinances.

1. The proposed development shall not injure the use, value and enjoyment of the surrounding property in accordance with the policies of the City, shall be consistent in all respects with the purpose, intent, and applicable standards of this chapter and shall advance the general welfare of its immediate vicinity and of the City as a whole.

2. Any deviation from the standard development requirements included in this chapter shall be justified by the benefits and design of the proposed development.

(b) Timely Progression of the Development. The order in which stages of development will likely proceed, and the time estimated to complete the development and its various stages, should be based on a reasonable schedule in which improvements may be substantially completed.

(c) Unified Ownership. The entire tract or parcel of land to be occupied by the proposed development shall be held in single ownership, or if there are two or more owners, the application for such proposed development shall be filed jointly by all such owners. This shall ensure that the property is developed as a unified whole.

(d) Site Design. The location, configuration, construction, manner and time of operation of off-street parking and loading areas, service areas, circulation systems, entrances, exits, open space, amenities, lighting, or other potentially detrimental influences shall be designed to avoid adverse effects on: (1) residential uses within or adjoining the development, (2) traffic congestion, and (3) hazard to vehicular or pedestrian traffic.

(e) Utilities. The proposed development shall provide, if possible, for underground installation of utilities (including electricity and telephone) within both public ways and private extensions thereof. Provisions also shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.

(f) Preservation and Maintenance of Open Space and Amenities. The Detailed Development Plan shall include provisions for the ownership and maintenance of common open space and amenities, including all improvements thereto, as are reasonably necessary to ensure their continuity, maintenance, and operation in accordance with predetermined standards. Also, to ensure that remedial measures will be available to the City of Noblesville if such open space, amenities, or other improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned development, its immediate vicinity, or the City as a whole.

(E) (1) Purpose. The Village Center Planned Development District allows for specific categories of uses, structures, and site design criteria that serve to implement the Village Center Plan. The Village Center nodes as designated per the adopted Comprehensive Master Plan shall be utilized for the Village Center Planned Development District locations. The Village Center Planned Development District is intended to provide for a variety of limited commercial neighborhood-serving uses such as daily retail and convenience needs, and second story or above residential units and/or other commercial/office uses while maintaining compatibility with the surrounding land uses through the Preliminary Development Plan approval process and the design standards. The Village Center Planned Development District shall benefit the general health and welfare of the area residents and protect the environment by accommodating a more compact development that reduces the impacts of sprawl and provides connectivity, pedestrian/bicycle access, and parking and/or landscaping flexibility.

(2) Intent.

(a) Provide an area that accommodates the philosophy of work, live, shop, and recreate in close proximity.

(b) Provide convenient and general merchandise for residents within a two-mile radius.

(c) Provide compact, walkable centers for adjacent neighborhoods.

(d) Provide places for social interaction and recreation.

(e) Develop land use arrangements that consider compatibility of adjacent activities.

(f) Encourage a design that enhances pedestrian interest and provides a pleasant and diverse pedestrian experience.

(g) Encourage and develop connections between environmental quality and economic vitality.

(h) Support the development of comprehensive pedestrian and bicycle network linkages to and between residential and commercial areas and the adjacent neighborhoods.

(3) Location and size.

(a) The newly established district shall contain between six to 20 acres.

(b) Locations of Village Center Planned Development Districts are per the nodes on the Adopted Comprehensive Plan Land Use Map.

(4) Uses.

(a) Commercial uses.

1. Fire/police substation.
2. Government offices (satellite).
3. Post office (satellite).
4. Gallery/museum.
5. Bar, tavern, brewery.
6. Financial, insurance, real estate services.
7. Launderette.
8. Dry cleaners.
9. Offices of medical, dental, or other health care practitioners.
10. Professional and technical services.
11. Personal services.
12. Convenience store.
13. Cafe.
14. Retail sales and service (less than 5,000-square feet of gross floor area per business use on a single floor/level).
15. Restaurant (no drive-thrus).
16. Pharmacy.
17. Bakery.
18. Outdoor seating associated with restaurants and cafes.
19. Artist live/work space.
20. Outdoor markets within open space area.

(b) Residential uses.

1. A. Residential units above first floor.

   B. Multi-story assisted living units (separate building).

   C. Townhomes or multi-story condominiums (separate building).

2. Separate residential buildings shall only be constructed if it is a part of the overall development plan that includes the construction of commercial/office buildings.

(5) Bulk standards.

(a) Commercial uses.

1. Minimum/maximum structure height: 24/35 feet
2. Minimum/maximum front yard setback from interior roadway: 0/15 feet

3. Minimum/maximum side and rear yard setbacks: 0/10 feet

4. Minimum setback from arterial roadway as per landscape buffer requirements in §§159.180 et seq., Landscaping and Screening.

(b) Residential uses.

1. Minimum/maximum structure height and yard setbacks as per above

2. Minimum/maximum density: 8 to 20 units per acre

(6) Parking requirements. Parking areas shall be designed to maintain a pedestrian-friendly environment. Large parking areas shall be located behind the buildings. Diagonal parking shall be encouraged adjacent to the building and along the interior roadways. Parking standards for a specific use shall apply to the uses in the Village Center District as per §§ 159.140 et seq., Off-Street Parking and Loading. Reductions to the required parking and alternative methods of meeting the parking requirements shall be encouraged as follows:

(a) Shared on-site parking.

1. Applicants may propose a reduction in the parking requirements based on an analysis of peak demands for the non-competing uses. Up to 75% of the parking requirements for the predominant use may be waived by the Plan Commission and Council if the applicant can demonstrate that the peak demands for the two uses do not overlap.

2. Applicants may propose a reduction in the parking requirements based on an analysis of peak demands for the competing uses which do overlap. Up to 50% of the parking requirements for the predominant use may be waived by the Plan Commission and Council.

(b) Off-site parking.

1. Off-site parking shall be located within 500 feet of the property for which it is being requested.

2. Off-site parking shall be subject to a legally binding agreement by all property owners and presented to the Plan Commission as a condition of the Preliminary Development Plan. The agreement shall be recorded in the Hamilton County Recorder's Office. Should the agreement expire in a specified timeline, the current owners shall continue to provide the Planning Department evidence that the agreement has been extended and recorded.

3. Bicycle parking. Two bicycle parking or storage spaces shall be created for each two commercial uses and be located as close as possible to the building entrance(s). Shared bicycle parking facilities may be proposed with another commercial use within the same block and shall be approved by the Plan Commission and Council.

(7) Design standards. The following design standards shall apply to the Village Center Planned Development District. Buildings shall follow the stylistic practice of traditional American commercial architecture and be of a design similar to or compatible with traditional architecture in terms of scale, massing, roof shape, spacing and exterior materials. The design standards are intended to promote quality development consistent with the surrounding land uses, human scale, plaza/open space areas, and pedestrian/bicycle-oriented village characteristics.

(a) Buildings shall follow the traditional practice of commercial facades being constructed in a continuous plane thus meeting the front yard setbacks as established. No building facades shall project forward or back from the plane established by adjacent and nearby buildings by more than ten feet. Building designs shall not mix elements from different styles. Buildings should present diverse but consistent appearances. Changes in materials, color or relief are acceptable when used as accents to the primary materials, color, and walls. Use of visual features such as awnings, ornamental doors and windows, and architectural details are encouraged to create diversity.

(b) Building materials may include but are not limited to wood, brick, stone, or high-quality brick face or high quality stone face. Alternate materials such as fiber cement siding (composite of sand, cement, and cellulose materials) and other similar modern materials may be appropriate when they are used in the same way as traditional materials and shall match the historical practice when those elements were made of wood. Vinyl, unfinished metal or fiberglass and reflective materials such as porcelain enamel or sheet metal are prohibited materials.

(c) All buildings shall include a base, body, and crown. Transitions between these areas should occur at floor changes or at the cornice line of the roof. Transitions may be created by material or color changes or the use of ornamental features. The architectural style and materials shall be consistent on all sides of a building.

(d) Ground floor commercial building facades shall contain transparent windows encompassing a minimum of 40% of the facade surface. The second story or above building facades shall contain transparent or faux windows encompassing at least 25% of the facade surface.

(e) Multiple non-residential tenants located on the first floor of the building shall articulate the facade in a manner that distinguishes the location of each tenant with decorative, raised or depressed vertical surfaces, variations in acceptable signage, awnings, colonnades or arcades.

(f) Maximum commercial building length shall not exceed 200 feet.

(g) Roofs shall be either pitched between 6:12 to 12:12 or be flat with parapets or decorative cornices.

(h) Mechanical equipment located on the roofs shall be screened, organized and designed as a component of the roof design and not appear to be a leftover or add-on element. All permanent mechanical equipment at ground level and roof-mounted shall be screened from public view and from the views of surrounding properties and ways.

(i) Awnings and canopies shall be compatible with the architectural style of the building and compatible with the existing awnings on adjacent buildings. Colors shall be muted earth tones and patterns shall be prohibited.

(8) Site design.

(a) Buildings shall be arranged in a manner that optimizes the ability of adjacent residents and consumers to access public spaces and pedestrian amenities.

(b) Buildings shall be oriented toward each other in a way that minimizes conflicts between pedestrians and automobiles.

(c) Open space provided shall be designed as a public gathering place. Arcades, courtyards, parks, greenspace or other common areas shall be located in a manner that connects buildings to each other and to public/private sidewalks without interruption from parking areas or automobile travel lanes to the greatest particular extent possible.

(d) Features used to create open space areas may include, without limitation, fixed benches, fixed tables, fountains, pathways, bikeways, period lighting, shade trees, perennial gardens and other similar fixtures or features.

(e) Open space ownership and maintenance shall require the applicant to document the ownership of said common areas and provide a detailed maintenance schedule to ensure the long term care of open space and shall be approved by the Plan Commission and Council.

(f) Where residential neighborhoods abut the parcel devoted to the Village Center Planned Development District appropriate transitional features shall be used and may include landscaping, open space, and clearly defined and designed pedestrian features.

(g) Pedestrian connections shall be established between any rear parking areas and the sidewalk areas in front of the building.

(h) Minimum width of sidewalk is ten feet. Pedestrian-friendly features such as patios, courtyards, outdoor seating, and/or porches shall be provided.

(i) Parking for the commercial structures shall be primarily along the internal streets (diagonal) or at the rear of the building for larger parking areas.

(j) Private drives behind the buildings must provide shared cross-access agreements to be submitted to the Plan Commission and Council.

(k) Impervious surface maximum is 85%.

(9) Signs.

(a) Primary signs include wall, canopy, window, and/or blade signs per commercial use:

1. Wall Sign - Sign shall not exceed 20% of the signable wall area, unless windows, doors, awning, and other architectural details make up more than 50% of the building face in which the sign size may increase to 40% of the signable wall area.

2. Blade Sign - four square feet maximum size

3. Canopy/Awning Sign - 20% of the area of the angled face constructed of cloth or canvas no reflective or glossy materials or illuminated plastic.

4. Window Sign (vinyl, gold leaf or substantially similar materials)

A. Second floor tenant - 20% of the total window area on which the sign is located.

B. Ground floor tenant - 15% of the total window area.

(b) One ground sign is permitted not exceeding 12 square feet, maximum height four feet and containing the name of the development only and a minimum of five feet from the right-of-way provided it does not interfere with easements or vision corner clearance requirements. A landscape bed shall be provided around the base of the ground sign radiating a minimum distance of four feet from the sign base. Landscaped areas shall be substantially covered with annuals, ground covers, perennials, shrubs, ornamental grass, and ornamental trees providing a mixture of the above.

(c) All signs shall be externally lit.

(d) Signs shall be made of materials consistent with the character of the buildings and district. Materials may include painted or natural wood, stone, copper, brass, galvanized steel, or engraved facade surface.

(e) Maximum of two signs per tenant based on the standards above. No tenant shall have the same type of sign on the same facade.

(10) Landscaping. Landscaping should enhance but not obscure buildings and vistas while walkways should take advantage of, and derive access to views, open space, and environmental features that are important to the Village Center Planned Development District. It is encouraged that the landscape design enhance the pedestrian environment and complement the building and site design.

(a) 1. Building base landscaping shall be provided at the base of all buildings elevations that do not directly abut hardscapes such as sidewalks or plazas/public greenspace. Building base landscaping shall contain a minimum of one small shade tree, one ornamental tree, and six shrubs per 100 linear feet of stand-alone building perimeter. If building base landscaping requirements

cannot be installed due to its proximity to a hardscape, then landscaping may be installed elsewhere to fulfill the building base landscaping requirements as approved by the Plan Commission and Council.

2. Alternate locations (adjacent to site) include interior courtyards, public parks, plazas, parking lots, alleys, and/or roof gardens/green roofs. Other suitable alternatives include window boxes, planters, trellises, climbing vines, espaliered trees and shrubs, and roof gardens. Sculpture groupings may also be used as a part of the landscaping. A range of landscaping materials, trees, deciduous and evergreen shrubs, ornamental grasses, groundcovers, and/or seasonal flowers shall be provided for color and visual interest.

(b) Planters shall be constructed of masonry or stone and have a minimum height of 30 inches and the minimum height of shrubs and/or ornamental grasses shall be 12 inches at the time of planting.

(c) Window boxes with flowers and freestanding planters of a scale and character appropriate to the street and main structure are encouraged.

(d) Parking lot landscaping is one tree for every 50 linear feet of adjacent right-of-way. A landscaping strip sufficient to maintain the landscaping shall be provided and covered with groundcover or mulch. A parking lot abutting an arterial road shall also provide shrubs three feet on center, staggered, at a minimum height of 30 inches at the time of planting. A decorative fence may be substituted for the shrubs required in the perimeter parking lot landscaping or a combination thereof.

(e) Internal parking lot landscaping shall include one parking island (minimum size 180-SF) for every 20 parking spaces to include one small shade tree and vegetative ground cover.

(f) Twenty percent of the lot area must be in landscaping including a combination of building base landscaping, perimeter parking lot landscaping, interior parking lot landscaping, hardscape, planter boxes, planter containers, etc.

(g) The maintenance and care of all landscape elements are the responsibility of the owner of the property. All landscaping is to be approved by the city prior to installation.

(h) Street trees are required to be installed as per the Noblesville Standards and Unified Development Ordinance, as amended.

(11) Establishment of Village Center. Establishment of a Village Center Planned Development (VCPD) District shall require submission of a Preliminary Development Plan. This plan will establish land uses, location of buildings, architectural elevations, open spaces, detention/retention facilities, and other aspects to indicate the character of the proposed development. The approval procedure shall follow the procedure set forth for a Planned Development overlay district under § 159.109(D)(7).

(12) Changes to Village Center Development Plan. Refer to § 159.109(D)(10), Changes in the Planned Development.

(F) Government Use Overlay (GUO) Districts.

(1) Purpose. The Government Use Overlay District (GUO) is intended to take into consideration the fact that governmental uses are different than private uses because a governmental unit has a duty to provide services to its citizens. Many of these entities also have the right to use eminent domain, and many also have taxing authority and/or are tax exempt in their uses. Due to the unique circumstances that providing services to the public presents, Government Use Overlay Districts are used to allow the Plan Commission and the Common Council of the City along with public input in the form of a public hearing at the Plan Commission to consider government uses for which a single set of written regulations may be difficult to set out. This process also allows the consideration of uses that may not be expressly permitted within the proposed district or require variations from the development standards that exist within the underlying zoning district for such use. It further permits the Plan Commission and Council to consider whether a governmental use is rationally coordinated to promote orderly development and preservation of property values in any particular area or instance.

(2) Applicability. In order to establish a government use on a property within the zoning jurisdiction of the City of Noblesville, an applicant must (before establishing said use) first receive approval of a GUO Overlay District. These regulations shall also apply to an expansion or amendment of an existing Government Use Overlay that is either amending the ordinance text or any adopted exhibits.

(3) Procedure for establishment of a GUO Overlay District. A GUO may be established in any zone district within the City of Noblesville under the following procedures:

(a) Submission of a development plan. An applicant shall provide a petition to be filed with the Plan Commission with a plan indicating the proposed location of all improvements within the zone. The plan shall include setbacks, a landscape plan, and signage proposed within the zone. The development plan may include for approval future proposed uses, structures, or additions that may not be proposed for construction in the short term. The petitioner shall also include an ordinance affecting the Government Use Overlay District and containing a list of any deviations from the applicable standards and any alternative proposed regulations for the proposed use.

(b) Review criteria.

1. The Director of Planning and Development or his staff shall review the plan and shall file a report identifying any concerns regarding the governmental use, taking into consideration the following non-exclusive list of considerations:

a. The development of the use on the property should promote orderly development that is consistent with existing development and the preservation of property values of property within the area;

b. The need or benefit of the proposed government use for the operation of the political subdivision in provision of services to the community;

c. The necessity for the efficient operation of the facility in proximity to a resource or other nearby land use;

d. The availability of alternative, more-suitable locations for the proposed government use;

e. Possible adverse impacts of the proposed government use on surrounding properties (considering any design elements that are, could, or should be added to minimize any possible adverse impacts);

2. The Director of Planning and Development or staff may also address to the Plan Commission any other factors that his or her staff deems reasonable to evaluate the specific proposed government use and the public benefit associated with the use proposed.

(c) Public hearing. The City Plan Commission shall hold a public hearing on each application for approval of a Government Use Overlay District as a map (and/or text) amendment in accordance with law. The Commission may forward to the Common Council a favorable recommendation, an unfavorable recommendation, or no recommendation on the plans submitted. It may also recommend amendments to the plan or imposition of reasonable conditions upon its approval, including the recording of covenants. Upon action by the Plan Commission, a petition shall be certified to the Common Council in accordance with law.

(d) Action by the Common Council. The Common Council shall act upon the recommendation by considering a GUO Overlay ordinance. The Common Council may approve with modifications, refer back to the Plan Commission, disapprove, or provide written explanations to the petitioner on why an extension is required by the Common Council for action. The time period for action shall be exclusive of any time extensions or continuances requested by the petition. The Common Council action shall be based upon the record of the Plan Commission and shall take into consideration all of the factors set out in division (F)(2)(b) above.

(e) Effect of the preliminary development plan approval. Approval of the development plan shall not constitute approval of construction proposed within the development plan. The approval of the Development Plan shall be deemed as an expression of approval of the concepts and details of the development plan. Construction may not commence until the project has received approval under the Site Plan Review procedures detailed in § 159.041.

(f) Legal non-conforming uses. All government uses established prior to adoption of this chapter, shall be considered legal non-conforming uses. Such legal non-conforming uses are not required to have an approved Government Use Overlay. Any expansion or renovation of the facilities after adoption of this chapter requires the entity to complete the GUO process as laid out above prior to submitting permits for approval of the proposed modifications.

(G) Wellhead Protection Overlay District.

(1) Purpose. The purpose of the Wellhead Protection Overlay District is to provide protection to the public water supply system from land uses which might threaten its ability to provide the community safe drinking water.

(2) Applicability.

(a) The following requirements apply to all land within the Wellhead Protection Zones, as defined in division (3) below and Exhibit A Wellhead Protection Areas for the City of Noblesville as attached to Ordinance 54-7-05, with the exceptions of single and multi-family residential land uses connected to municipal sanitary and storm sewers.

(b) No building, structure, premises, or part thereof shall be constructed, erected, enlarged, extended, or relocated except in conformity with these regulations and for uses permitted by this division (H) and until the proposed site and land use description has been filed with and approved by the Director of Planning and Development.

(3) Location. For purposes of this section, the following areas are designated as Wellfield Protection Zones as per Exhibit A Wellhead Protection Areas for the City of Noblesville as attached to Ordinance 54-7-05:

(a) Zone 1.

1. The area contained within a one year time-of-travel to a public water supply well or wellfield as defined by a modeled delineation performed in compliance with 327 IAC 8-4.1; or

2. The areas within 1,000 feet of a public water supply well.

(b) Zone 2.

1. The area contained within a five-year time-of-travel to a public water supply well or wellfield as defined by a modeled delineation performed in compliance with 327 IAC 8-4.1; or

2. The areas within 3,000 feet of a public water supply well.

(4) Development Plan.

(a) Development Plan Required. Unless otherwise exempted under division (4)(b) below, any proposed land use within a Wellhead Protection Zone must submit a Site and Development Plan, as described in division (4)(d) below.

(b) Exemptions. The following are not required to submit Site and Development Plans:

1. Zone 1 district. Any land use, in the ordinary course of their business, that has, or will have, less than the threshold amount of one gallon of liquids in the aggregate or six pounds of water soluble solids; and

2. Zone 2 district. Any land use, in the ordinary course of their business, that has, or will have, less than the threshold amount of 100 gallons of liquid in the aggregate or 600 pounds of water soluble solids in the aggregate.

3. Exemptions. In determining thresholds, the following substances shall be exempted:

a. Reasonable quantities of substances used for routine building and yard maintenance stored inside a facility;

b. Liquids required for normal operation of a motor vehicle in use in that vehicle;

c. Substances contained within vehicles for bulk deliveries to the site;

d. Beverages and food at restaurants, supermarkets, convenience stores, and other retail food establishments;

e. Uncontaminated public water supply water, groundwater and/or surface water;

f. Substances, which are packaged in pre-sealed containers, sold at retail establishments;

g. Substances utilized for the production and treatment of public water supply; and

h. Substances, which due to their inherent chemical or physical properties, that are determined to pose no significant threat to groundwater quality.

(c) Plan Review. Property located within Zones 1 and 2 proposed for new construction or expansion of existing facilities shall prepare and submit a description of said construction or expansion and the new or expanded use of the property. The site description shall be submitted to the Director of Planning and Development for review and either approved, disapproved, or approved with conditions. The Director of Planning and Development may solicit comments from the Hamilton County Health Department and the applicable water utility on the site and development plan. In reviewing the site and land use description, the Director of Planning and Development shall assess whether the site and proposed land use:

1. Will prevent potential ground water contaminants association with human activity from interfering with each community public water supply system's ability to produce drinking water that meets all applicable Federal and State drinking water standards after undergoing conventional ground water treatment, as employed by the public water supply system. These treatment processes include, but are not limited to aeration, detention, pressure filtration, and disinfection;

2. Will not unreasonably endanger the quality of groundwater in a designated wellhead protection area. an unreasonable risk includes, but is not limited to, the inappropriate storage, handling, use and/or production of metals, inorganic compounds, semi-volatile organic compounds or other substances listed at 40 CFR Part 355, or defined at Chapter 4 of the Hamilton County Code, "Hazardous Material Emergencies" (10-4-4-1) within a wellhead protection area; and

3. The site complies with the standards and prohibitions listed in division (G)(5) below.

(d) Plan Documentation and Supporting Information. Said Site and Development Plans shall include the following:

1. A narrative report of the proposed site, including:

a. A narrative description of the site including any existing uses, setbacks, available sewage disposal facilities, and a brief history of the site (including any former uses, historical environmental concerns, abandoned wells, underground storage tanks, septic systems, etc.);

b. Description of the proposed operations, including chemical/products used or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures;

c. Methods and locations of receiving, handling, storing and shipping chemicals/products and wastes;

d. Spill or release response measures and reporting;

e. Description of slopes near containment vessels and waste storage areas.

2. A Site Plan including:

a. A Vicinity Map (USGS quadrangle preferred);

b. A site Map (drawn to scale) depicting:

(i) All existing and proposed structures;

(ii) Paved and non-paved areas;

(iii) Utility lines (inside and outside structures) including sanitary sewers, storm sewers, storm retention ditches/basins/french drains/dry wells, etc. (both proposed and existing);

(iv) Floor drain locations and outlets;

(v) Chemical/product storage locations;

(vi) Waste storage locations;

(vii) Liquid transfer areas;

(viii) Site surface water bodies (streams, rivers, ponds);

(ix) Underground storage tanks (and associated piping);

x. Aboveground storage tanks (and associated piping);

xi. Slope and contours of finished grade at two-foot intervals.

3. Proposed containment area detail drawings, including area, heights, materials, specifications, if applicable.

(5) Development Standards and Prohibitions.

(a) Except for single-family residences (with sewage flows under 750 gallons per day), all development shall be connected to municipal sanitary sewers or combined sewers. Floor drains, if present, must be connected to sanitary sewers or combined sewers or routed to a temporary holding area for removal;

(b) No surface impoundments, pits, ponds or lagoons shall be established except for:

1. Storm water detention and retention ponds; and

2. Recreation, landscaping, or public water supply purposes.

(c) In Zone 1, detention and retention ponds shall be constructed in a manner that provides an effective barrier to the migration of potential ground water contaminants into ground water, as demonstrated by sealing the bottom of the structure with clay or other approved low permeability material.

(d) The following restrictions apply to new storage areas in Zone 1:

1. No above ground storage of liquid and/or petroleum of greater than 1,000 gallons in aggregate;

2. No storage of water-soluble solids of more than 6,000 pounds per container in any one containment area;

3. No new underground storage tanks (USTs) are permitted.

(e) All above ground storage of liquids in excess of 40 gallons for more than 24 hours within Zones 1 and 2 must provide secondary containment that meets the following requirements:

1. Containment must be capable of containing 110% of the volume of the tank or tanks;

2. Constructed to meet one of the following:

a. Designed to prevent and control the escape of the contaminants into ground water for a minimum of 72 hours before removal; or

b. Designed and built with an outer shell and a space between the tank wall and outer shell that allows and includes interstitial monitoring;

3. The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure; and

4. Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited or that stormwater is removed to maintain system capacity.

(f) In Zone 1, the following requirements apply to existing fuel dispensing facilities and associated underground storage tanks (UDTs) which are to be replaced or upgraded:

1. All USTs shall be double walled;

2. All USTs shall include the following three methods of release detection:

a. Inventory control as defined in 40 CFR 280.43(a);

b. Monthly 0.2 in-tank leak test as defined in 40 CFR 280.43(d);

c. Interstitial monitoring of a double walled approved UST as defined by 40 CFR 280.43(g).

3. Connected piping must include the following three methods of release detection:

a. Inventory control;

b. Continuous detection for 3 gallon per hour line leak, as specified in 40 CFR 280.44(a) except that automatic shutoff is required at 95% tank capacity; and

c. Double walled line that is continuously monitored to detect the presence of liquid in the interstitial space and provided an alarm as specified in 40 CFR 280.44c via 40 CFR 280.43g.

(g) In Zone 2, the requirements of 40 CFR Part 280 apply to all existing, registered USTs that are replaced or upgraded and USTs installed at new fuel dispensing facilities. In addition, the construction standards of 40 CFR Part 280, applicable to non-petroleum USTs, shall be applicable to the following in Zone 2:

1. Such a tank that is covered by State or federal hazardous waste regulations; and

2. Heating oil tanks for on-site use.

(h) All Class V Injection Wells (including but not limited to dry wells, large-capacity cesspools, motor vehicle waste disposal wells, or other injection wells as defined at 40 CFR 146) shall be prohibit d with the exception of the following:

1. Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump, if non-contact;

2. Cooling water return flow wells used to inject water previously used for cooling, if non-contact;

3. Barrier recharge wells used to replenish the water in an aquifer or to improve ground water quality, provided the injected fluid does not contain potential ground water contaminants;

and

4. Wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power, if non-contact.

(i) The transfer area for bulk delivery of liquids shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:

1. The liquid transfer are shall be constructed in a manner to prevent a release in the transfer area from reaching the ground water; and

2. The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardizes the integrity of the area.

(j) No disposal of solid waste, as defined at 329 IAC 10-2-174, or other hazardous materials as defined at 40 CFR Part 355, or defined at Chapter 4 of the Hamilton County Code, “Hazardous Material Emergencies” (10-4-4-1) shall be permitted in either Zone 1 or Zone 2.

(k) The following requirements apply to all excavation activities associated with the removal of sand and gravel materials:

1. If the extraction of sand and gravel involves the removal of materials below the normal groundwater level, the work shall be performed by means of a dragline, floating dredge, or an alternative “wet” excavation method.

2. There shall be no de-watering of sites utilized for sand and gravel extraction.

3. No form of solid waste (as defined at 329 IAC 10-2-174) or any other form of waste material of any kind, including but not limited to construction/demolition debris, shall be used on the site. Clean natural earth fill materials may be used without restriction as to origin or placement on-site.

4. All fuels, oils, lubricants, hydraulic fluids, petroleum products, or other similar materials on site shall have appropriate secondary containment, as specified in division (H)(5)(e) above.

Table 7a. Development Standards and Prohibitions by Land Use and Overlay Zoning District

Land Use	***Overlay Zoning District***	
	Zone 1 ***(One Year TOT)***	***Zone 2*** ***(Five Year TOT)***
Land Use	***Overlay Zoning District***	
	Zone 1 ***(One Year TOT)***	***Zone 2*** ***(Five Year TOT)***
Sanitary land fills	**Prohibited**	**Prohibited**
On-Site Sewage Disposal (Commercial Facilities)	**Prohibited**	**Prohibited**
Sand and Gravel Mining	**Allowed** • Must use “wet” excavation • Excavation can be filled only with clean fill	**Allowed** • Must use “wet” excavation • Excavation can be filled only with clean fill
Surface Impoundments (e.g. pits, ponds & lagoons)	**Prohibited** • Exceptions for stormwater, recreation, etc.	**Prohibited** • Exceptions for stormwater, recreation, etc.
Detention and Retention Basins	**Allowed** • Must be lined	**No Restrictions**
New ASTs(>1,000 gallons)	**Prohibited**	**Allowed** • Must have secondary containment at 110% of volume
New ASTs(<1,000 gallons)	**Allowed** • Must have secondary containment at 110% of volume	**Allowed** • Must have secondary containment at 110% of volume
Existing ASTs	**Allowed** • Must have secondary containment at 110% of volume	**Allowed** • Must have secondary containment at 110% of volume
Storage of Water Soluble Solids	**Prohibited** (In excess of 6,000 lbs)	**Allowed** • must prevent release to ground, and • be appropriately maintained
New USTs	**Prohibited**	**Allowed** • Must meet all requirements of 40 CFR Part 280
Existing USTs	**Allowed** • Must be double-walled • Must include leak detection (40 CFR 280.43) • Must have release detection on connection piping (40 CFR 240.44)	**Allowed** • Must meet all requirements of 40 CFR Part 280
Class 5 Injection Wells (e.g., dry wells)	**Prohibited**	**Prohibited**
Liquid Transfer Areas	**Allowed** • Must prevent release to ground, and • Must be appropriately maintained	**Allowed** • Must prevent release to ground, and • Must be appropriately maintained

(H) Federal Hill Planned Development District (FeHiPD).

(1) Purpose and procedures. The purpose of the Federal Hill Planned Development (FeHiPD) district is to enhance redevelopment potential and to integrate development with downtown Noblesville. This district is intended to provide for a western extension of downtown Noblesville by offering standards for building architecture, location of accessory parking and pedestrian-oriented features as well as provisions for land uses complimentary to the downtown, Riverview Hospital, and Forest Park. Within this district are a number of subdistricts that represent various physical character areas. Although the FeHiPD district shall be developed in a unified and coordinated fashion, each of the subdistricts has a tailored purpose, use, bulk and site development standards reflective of its location, function, and desired appearance within the Federal Hill area. It is the intent of this district to augment other bulk requirements of the Unified Development Ordinance. When not specifically addressed by this district, the bulk standards of the Unified Development Ordinance shall apply.

(a) Review procedures.

1. All development within the FeHiPD District shall be subject to site plan review, Unified Development Ordinance subdivision regulations, and site development standards, in addition to the use, bulk, and site development standards of this part. All types of development proposals shall be required to be reviewed as detailed development plans in accordance with the requirements of the Federal Hill Planned Development district and the Unified Development Ordinance.

A. All proposed subdivisions.

B. All development proposals in the Mixed Residential Subdistrict (unless otherwise specified).

C. All development proposals that include requests for any exceptions from the standards listed for this district and/or subdistricts.

D. All development proposals in the FH Flood Hazard Zoning District.

E. All proposed uses listed as Special Considerations in Appendix C-1. These uses are not assumed permitted by-right and thus, there shall be no presumption of their approval.

2. Process of the detailed development plan shall always include the review and approval of the Technical Advisory Committee. Should all the requirements of the Federal Hill Planned Development district be met; only additional administrative review by the Planning Department Staff is required; however, if the requirements of said district cannot be met, then the process requires a public hearing before the Plan Commission and Common Council seeking relief for any waivers from the Federal Hill Planned Development district.

(2) Establishment of subdistricts. The city hereby creates a set of subdistricts that represent physical character areas within the FeHiPD District. The subdistricts are as follows:

(a) Riverwalk Subdistrict.

1. Purpose and applicability. The purpose of the Riverwalk Subdistrict is to offer the community public gathering and celebration space, to provide opportunities to view and interact with the White River, to provide scenic pedestrian connections to other existing and proposed paths, to offer recreation and sporting attractions, and to provide a continuous natural green amenity that acts as a regional destination.

2. Use requirements. In recognition of the environmental factors associated with the White River, uses in the Riverwalk Subdistrict is limited to cultural and recreational. Permanent structures are also limited. The complete use matrix is contained in Appendix C-1.

(b) West Logan Street Corridor Subdistrict.

1. Purpose and applicability. The purpose of the West Logan Street Corridor Subdistrict is to create a high-density mixed-use activity center for the Federal Hill area, to provide outstanding, comfortable pedestrian-friendly and visually attractive streets and sidewalks, to create an energetic and vibrant gathering space for residents and visitors, to link other Federal Hill districts, to create a hospitality district for visitors to Noblesville, to provide space for continuing education, workforce development and adult training, and to provide space for conventions, gatherings and events.

2. Use requirements. A mix of commercial, office uses, and residential uses located on the second floor or above shall be permitted in the West Logan Street Corridor Subdistrict, in accordance with an approved Land Use and Subdistricts map. Where indicated on the map, commercial uses shall be designed in a pedestrian-oriented manner. The complete use matrix is contained in Appendix C-1.

(c) Professional Office Subdistrict.

1. Purpose and applicability. The purpose of the Professional Office Subdistrict is to establish a planned and well-connected location for new office and business development, to better integrate new office and professional development within the Federal Hill area, to provide a concentration of office and professional uses near the government center, to provide space to grow and extend downtown's office capacity and to provide a daytime population that can patronize downtown businesses.

2. Use requirements. A mix of commercial and office uses shall be permitted in the Professional Office Subdistrict, in accordance with an approved Land Use and Subdistricts map. Where indicated on the map, commercial uses shall be designed in a pedestrian-oriented manner. The complete use matrix is contained in Appendix C-1.

(d) Hospital Subdistrict.

1. Purpose and applicability. The purpose of the Hospital Subdistrict is to establish a formal and well-defined medical services campus, to leverage the physical and economic potential of the medical services market, to improve the local employment base, and to better integrate Riverview Hospital and its future growth needs to the Federal Hill.

2. Use requirements. A mix of medical and professional office uses shall be permitted in the Hospital Subdistrict, in accordance with an approved Land Use and Subdistricts map. The complete use matrix is contained in Appendix C-1.

(e) Mixed Residential District.

1. Purpose and applicability. The purpose of the Mixed Residential Subdistrict is to address areas where a diversity of residential uses is appropriate within the Federal Hill Planned Development District. The range of residential uses that are permitted within this Subdistrict include single family attached and multiple family residential, provided it is designed in an integrated manner. The design standards included within this section are intended to ensure that residential development within the Federal Hill district is attractive, and yet remains affordable.

2. Use requirements. A mix of residential uses shall be permitted in the Mixed Residential subdistrict, in accordance with an approved Land Use and Subdistricts map. The complete use matrix is contained in Appendix C-1.

(3) Public right-of-way and infrastructure improvements.

(a) Improvements. Unifying streetscape elements must be provided at adjacent public rights-of-way, including streetlights, street trees, sodded parkways, continuous sidewalks, and hike/bike trails where appropriate.

1. Sidewalks.

A. Along properties fronting West Logan Street, a continuous 15 foot public sidewalk shall be provided outside of the public right-of-way, per city specifications, making connections to sidewalks at adjacent properties. An access easement shall be recorded against the deed of the appropriate property.

B. Along all other public road frontages, a continuous five foot public sidewalk shall be provided within the public right-of-way, per city specifications, making connections to sidewalks at adjacent properties. Where space permits, sidewalks must be set no closer than five feet to the curb line or as approved by the City Engineer.

C. Public sidewalk configuration must provide direct access to curbside transit stops where appropriate. These access points shall be compliant with the American with Disabilities Act (ADA) and installed pursuant to city/federal regulations.

D. Hike/bike trails and trailheads shall be provided where indicated on the Noblesville Alternative Transportation Plan (NAT), per city specifications, making connections to trail segments at adjacent properties.

2. Landscaping.

A. Deciduous street trees of 2.5 to 3-inch caliper at the rate of one tree for every 40 linear feet of right-of-way are required in an eight-foot wide grass strip. Street trees shall be planted in the right-of-way unless circumstances do not allow and as approved in a "streetscape" plan approved by the Director of Planning and Development. Permitted tree species shall be those listed on the approved planting lists of the City of Noblesville.

B. Unpaved portions of the right-of-way shall be established in turf.

3. Detention.

A. Detention/retention ponds shall be located and designed to be natural in appearance and enhance the entry sequence and/or view of buildings.

B. Wet detention facilities and water features, side slopes above the water line shall not exceed 4:1, and wetland/aquatic vegetation shall be planted around at least 75% of the wet area perimeter. The maximum "freeboard" of all detention areas shall not exceed three feet. All detention facilities shall be required to install safety ledges pursuant to the requirements of the Unified Development Ordinance and as approved by the City Engineer.

C. Dry detention areas shall maintain a maximum slope of 4:1, and shall be graded to harmonize with the overall open space design of the site.

(4) General regulations.

(a) Non-residential site planning regulations.

1. Commercial uses shall be "master planned" in conjunction with adjacent office uses to facilitate efficient circulation and shared parking.

2. Where developments include several buildings, they shall be grouped to create outdoor spaces/plazas.

3. No accessory structure shall be located within any required setback.

4. Equipment.

A. No storage areas, trash receptacles/ enclosures, or mechanical equipment shall be located within any required yard setback and shall not be located in the front yard and as per the requirements of the Unified Development Ordinance.

B. Mechanical equipment, trash receptacles, and satellite dishes shall be completely and permanently screened from view of public rights-of-way and adjoining properties. Mechanical equipment and satellite dishes attached to the ground shall include a solid wall or fence enclosure and of materials that match the principal building. When roof mounted, screening methods may include parapet walls or other architectural treatments approved by the Planning Director. All trash receptacle enclosures shall adhere to the requirements as per §§ 159.180 et seq.

C. The colors and materials of all screening methods shall match and be in coordination with the colors and materials of the principal building.

5. Drive thru.

A. Vehicular drive thru uses are prohibited in the Federal Hill Planned Development.

6. Lighting.

A. Light standards shall not exceed 25 feet in height (measured from the grade to the top of the light standard), and shall be of a consistent type/style/finish throughout the site. If adjacent to a residential district, light standards shall not exceed 15 feet in height within 150 feet of the lot line. Light intensity on sites that are adjacent to a residential district shall be no more than one half (.5)

foot-candle as measured along property lines that abut the residential district.

B. Light standards that are used must be approved by the city prior to their use, and the illumination of the standards shall be subject to the standards of the Unified Development Ordinance.

C. Lighting shall serve only to illuminate signage, parking/loading areas, walkways and entrances, or to accent landscaping and architectural details.

D. Colored, exposed neon, LED, tubing, and flashing or moving lights, or similar types of lighting are prohibited.

E. All lights shall be installed in a manner to best hide and shield point source lighting.

7. Circulation.

A. Off-street pedestrian and auto connections shall be provided between sites where feasible, especially between office and commercial uses.

B. Pedestrian and bicycle routes shall be delineated within private developments, and connect to the public sidewalk and the city's trail system.

C. Adequate on-site areas must be provided for truck access, maneuvering, loading, and storage. These on-site areas shall not be located fronting a street and as per the requirements as set forth in §§ 159.140 et seq. If the parcel(s) to be developed have frontage on more than one street, the location shall be approved by the Director of Planning and Development.

8. Access regulations.

A. Roads and driveway cuts must be aligned to create four-way intersections. Access points located on opposite sides of the street should be designed to line up the respective left turn lanes, where the road has no center median.

B. Curb cuts are not permitted within 350 feet of an intersection on any arterial street, or within 300 feet of an intersection on any collector street.

C. Where permitted, outlots in commercial and mixed developments shall only be accessed from internal roadways, and shall share driveways and parking lots wherever feasible.

D. Direct access from State Road 32 to development sites is prohibited. Direct access from secondary arterials may not occur more frequently than once every 400 feet or as approved by the City Engineer.

9. Bulk requirements. The following requirements apply to all subdistricts:

Table 8.H.4 Bulk Requirements for Federal Hill Subdistricts

Requirements		***Riverwalk***	***West Logan Street Corridor***	***Professional Office***	***Hospital***	***Mixed Residential***
Requirements		***Riverwalk***	***West Logan Street Corridor***	***Professional Office***	***Hospital***	***Mixed Residential***
Minimum Lot Area		None	3,000 SF	5,000 SF	5 acres	NA
Minimum Lot Width		None	20 feet	40 feet	100 feel	20 feel
Maximum Impervious Surface		80%	None	80%	80%	80%
Building Height	Maximum Principal Buildings:	None	60 feet	60 feet	60 feet	60 feet
	Accessory Structures:[1]	None	14 feet	14 feet	14 feet	14 feet
	Minimum[2] All Structures:	None	24 feet and two stories	12 feet and one story	24 feet and two stories	24 feet or two stories
Front Yard Setback	Minimum State Roads 32 & 19	10 feet	20 feet	20 feet	20 feet	NA
	Local	10 feet	None	None	20 feet	NA
	Maximum West Logan Street	None	5 feet	N/A	N/A	NA
Minimum Side and Rear Yard Setback (not abutting a public right-of-way)		None	None	None	15 feet	None
Minimum Building Size		None	5,000 SF	5,000 SF	40,000 SF	1,000 SF
Density Single Family Attached Multi-Family		NA	NA	NA	NA	Maximum 14 dwelling units per acre
Minimum Floor Area Single Family Attached Multi-Family		NA	NA	NA	NA	700 SF

NOTES:

1 Accessory buildings should not exceed principal building height or the maximum height allowable, whichever is less.

2 Story height shall be determined by the number of stories from grade as viewed from the street to which the front of the building is oriented.

(b) Residential general regulations.

1. Existing residential uses in non-residential subdistricts. The following site development standards shall apply to all subdistricts within the FeHiPD District, with the exception of the Mixed Residential Subdistrict.

2. Authority to continue residential uses. Where, at the time of adoption of an ordinance that assigns the FeHiPD Federal Hill Planned Development District to a Noblesville Jurisdictional zoning map, lawful residential uses of land which exist and would not be permitted by the regulations imposed by the FeHiPD, may be continued so long as they remain otherwise lawful, subject to the following provisions.

A. Enlargement/improvement of existing residential structure. Such nonconforming uses may be enlarged or increased to occupy a greater area of land than was occupied at the effective date of rezone so long as such improvements do not result in an increase of the value of the structure by more than 50% of the pre-improvement value.

B. Moving a residential structure. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of the rezone.

C. Termination by discontinuance or abandonment of use. If any such nonconforming uses of land are discontinued or abandoned for more than one year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

D. New construction of residential buildings. The only new structures that shall be permitted shall be clearly accessory to the existing residential use of the property and shall adhere to the standards for accessory structures as outlined in § 159.121. No additional homes or separate living units shall be constructed in the FeHiPD district unless such uses are permitted uses in the land use subdistrict area and meets the requirements of the Federal Hill Planned Development district.

E. Damage or destruction. Should such nonconforming residential structures be destroyed or damaged by any means, then the home may be reconstructed in a manner equal to the fair market value of the building immediately prior to the damage.

3. Underlying standards. Any residential improvements inside the FeHiPD district involving lawful non-conforming residences excluding mobile home units located in an approved Mobile Home Park, shall adhere to the underlying developmental standards of the R2 (Low to Moderate Density Single-Family Residential) district.

4. All lawful nonconforming non-residential uses and/or structures shall adhere to the requirements of §§159.220 et seq. (Nonconforming Uses and Structures).

(c) Mixed Residential Subdistrict regulations. In the Mixed Residential Subdistrict, the following design guidelines shall be utilized in evaluation of the proposed planned development proposal. Design standards within this subdistrict are required.

1. Guidelines for single-family attached and multiple-family buildings.

A. Each development should have standards for uniform streetlights, mailboxes, fencing, sidewalks, and similar structures.

B. A 30-foot buffer yard shall be maintained along the railroad right-of-way. No structures, permanent or temporary, shall be permitted within the 30-foot buffer yard with the exception of

fences. Inside the 30-foot landscape buffer, trees shall be planted at a minimum rate of one tree per 40 linear feet and mounding shall be required as approved during the Planned Development process.

C. Common open space and recreational facilities shall consist of a minimum of 15% of the site. This open space area must be active in nature, and shall not include public rights-of-way, easements, floodplain areas, or landscape setback areas. Large open space and retention areas (generally larger than 10,000 square feet) may only be counted if they are improved to include active and passive amenities. Generally, wet detention facilities or impervious surfaces shall not count toward the 15% requirement.

D. Local streets should be extended to provide access between adjoining neighborhoods at appropriate intervals. Streets should generally be designed in a grid network and cul-de-sacs are discouraged.

E. All buildings should be designed to be oriented toward the street. Where larger developments are designed with internal circulation systems, ai least some dwelling units should be oriented to the exterior of the development to promote connection and integration of the multiple family developments with adjacent uses. Townhouse or multiple-family developments, which are oriented with the sidewalls facing the street, are discouraged.

F. All buildings should have one main entrance for each unit or one main entrance for the building that faces the street at an angle of no more than 45 degrees from the street, and opens onto a porch or a stoop. All buildings should be designed with building entrances, rather than garage doors fronting on the street at the ground floor level.

G. Attached garages should be located at the rear of the dwelling unit, and face the interior of the development, rather than the street.

(5) Architectural standards.

(a) Architectural review procedure.

1. Architectural review shall be required for all residential uses pursuant to the standards of §§159.105 et seq. and §§ 159.025 et seq.

2. With regard to non-residential uses, architectural plans for all primary and accessory buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings, and the number, size, and type of structures. A complete set of color 360-degree building/structure elevations detailing the front, rear, and opposite side views of each proposed above ground structure shall be provided. Key exterior elements such as materials, windows, architectural breaks, and the like must be rendered in sufficient detail and accompanied by clear descriptions of materials specifications, colors, and textures.

a. If the architectural standards of the FeHiPD district are met, the review of the architectural plans shall be completed by Planning Staff. Appeals of Staff's interpretations shall go to the Architectural Review Board who shall render a decision pursuant to the procedures established.

b. If the architectural standards for residential or non-residential buildings/structures located within the FeHiPD district cannot be met, then the Architectural Review Board shall render a decision pursuant to the procedures established.

(b) Subdistrict specific architecture requirements.

1. Riverwalk Subdistrict.

A. New Structures are restricted in the Riverwalk Subdistrict due to the Flood Hazard District regulations. Should the Plan Commission and state or federal agencies allow a structure to be permitted, the West Logan Street Corridor Subdistrict architecture requirements shall be followed.

2. West Logan Street Corridor Subdistrict.

A. General requirements.

i. All new construction shall reflect the vertical design character of the existing downtown streetscape. The emphasis on the vertical design character shall be carried through on the storefront treatment and the proportions of upper windows for commercial buildings.

ii. All new buildings shall be a minimum of two stories and a maximum of four stories.

iii. High quality building design and construction shall be provided on all elevations (360-degree architectural treatment).

iv. Multiple buildings in developments (including accessory buildings) must incorporate coordinated architectural styles, materials, forms, features, colors and applied elements to visually tie the development together.

v. Signage, fencing, walls, and other amenities (benches, lights) must be integrated with building design and landscaping.

B. Facades.

i. Facade treatments shall be designed to break large facade areas into smaller facades by utilizing architectural variety in the form of offsets, lintels, expression lines or cornices; changes in texture, color or masonry pattern; and/or pilasters, piers or columns. Building facades that are blank or windowless shall be prohibited.

ii. Buildings shall be designed so that there is distinct architectural differentiation between the ground floor and the floors above, such as incorporating differences in floor-to-ceiling heights, using building trim and accent elements, changing materials or textures, or adding an awning or canopy between the first and upper stories.

iii. Exterior materials must be consistent on all facades, and material/finish changes shall relate to the "structure" of the building.

iv. Colors used on building facades must be complementary. Natural, muted colors should serve as the primary facade color, with brighter analogous color used only as limited accents.

v. Main building entrances must be prominently featured through porticos, recessed entrances and lighting. Weather protection should be provided at all entrances.

C. Building materials.

i. Primary building materials (minimum 60% of the facade) must be brick, stone or glass.

ii. Secondary building materials (maximum 30% of the facade) may be decorative block or stucco.

iii. Accent materials (maximum 10% of the facade) may be wood or metal if integrated into the overall design.

iv. No corrugated metal, sheet metal, iron, plain concrete block, vinyl or similar materials allowed.

D. Building trim.

i. The use of accent and trim elements (accent panels, banding, cornices, canopies/awnings, etc.) is recommended to add visual interest and break down the scale of facades.

E. Windows and doors.

i. A minimum of 60% of the store- front/ground floor facade shall be clear glass windows and doorways.

ii. The window treatment for the upper floors shall be different from the window treatment for the ground floor facade. Upper floors shall have individual window openings rather than a continuous band of windows.

iii. Reflective or tinted glass, opaque materials, shelving units, or similar materials that impede views into storefront/ground floor of a building are prohibited.

iv. Store entrances may be recessed 3-6 feet into the building face so a door may open outwards without obstructing the sidewalk.

F. Roofs.

i. Buildings shall have flat roofs, as viewed from the street and must be enclosed by parapets.

ii. All rooftop-mounted equipment must be enclosed or screened from view on all sides of a building.

iii. Parapets and other screen treatments shall be composed of high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.

3. Professional Office Subdistrict.

A. Facades must incorporate three or more vertical planes, and create both a "rhythm" of facade bays or structural elements, and a horizontal division into a base, middle and top.

B. Main building entrances must be prominently featured through porticos, recessed entrances, lighting and landscaping. Weather protection should be provided at all entrances.

C. Appropriate building finish materials include: brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured and painted) pre-cast concrete panels, (subject to approval by the Planning Director and may not be appropriate when visible from an Arterial or Expressway), tile (ceramic or porcelain), glass (clear or lightly tinted), standing seam metal roofs, slate/imitation slate roof shingles, architectural asphalt roof shingles, and EIFS ("Dryvit") as a limited trim material only.

D. Inappropriate, prohibited building finish materials include wood, plywood, unfinished concrete or concrete panels, concrete masonry units, EIFS ("Dryvit") wall systems, steel or aluminum curtain wall systems, plastics, reflective glass.

4. Hospital subdistrict.

A. Facade treatments must create both a "rhythm" of facade bays or structural elements, and a horizontal division into a base, middle and top.

B. Appropriate building finish materials include: brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured and painted) pre-cast concrete panels, (subject to approval by the Planning Director and may not be appropriate when visible from an arterial or expressway), tile (ceramic or porcelain), glass (clear or lightly tinted), standing seam metal roofs, slate/imitation slate roof shingles, architectural asphalt roof shingles, and EIFS ("Dryvit") wall systems only if at least eight feet above grade or as a trim material.

C. Inappropriate, prohibited building finish materials include wood, plywood, unfinished concrete or concrete panels, concrete masonry units, steel or aluminum curtain wall systems, plastics, reflective glass.

5. Mixed Residential Subdistrict.

A. Architectural style/design shall be characterized by the use of traditional design elements (dormers, steep pitched roofs, front porches, front doors, overhangs, shutters, bay/box/bow windows, etc.)

B. Facade treatments shall be designed to break large facade areas into smaller facades by utilizing architectural variety in the form of offsets, lintels, expression lines or cornices and changes in texture, color or masonry pattern; pilasters, piers or columns. Building facades that are blank or windowless shall be prohibited.

C. Buildings shall be designed so that there is distinct architectural differentiation between the ground floor and the floors above. Such as incorporating differences in floor-to-ceiling heights, using building trim and accent elements, changing materials or textures, or adding an awning or canopy between the first and upper stories.

D. Colors used on building facades must be complementary. Natural, muted colors should serve as the primary facade color, with analogous brighter colors used only as limited accents.

E. All new buildings shall be a minimum of two stories and a maximum of four stories.

F. All buildings shall front on to a public sidewalk.

G. Single-family attached buildings shall have a front porch or front stoop with steps.

H. High quality building design and construction shall be provided on all elevations (360-degree architectural treatment).

I. Appropriate building finish materials include brick (clay), natural stone, simulated cut stone, wood, Hardi-plank or similar cementuous materials, slate/imitation slate roof shingles, architectural asphalt roof shingles.

J. Inappropriate, prohibited building finish materials include plywood, unfinished concrete or concrete panels, concrete masonry units, steel or aluminum curtain wall systems, plastics, reflective glass, and vinyl.

K. Multiple buildings in proposed developments (including accessory buildings) must incorporate coordinated architectural styles, materials, forms, features, colors and applied elements to visually tie the entire development together.

L. Signage, fencing, walls and other amenities (benches, lights) must be integrated with building design and landscaping.

M. The proposed dwelling should respect the scale, height, and setbacks of those buildings on adjacent properties, and where desirable, serve as an orderly transition to a different scale.

N. At least 15% of the area of each facade that faces a street lot line must consist of windows or main entrance doors.

O. The rear facades of buildings shall not be permitted to front thoroughfare streets. Access may be provided via frontage roads and alleys.

P. The following design elements shall be varied throughout multiple unit projects: exterior materials and finishes including a color palette of at least three color combinations per overall development or provide exterior accent materials such as brick, stone, or other masonry materials; three distinct architectural building elevations for each standard plan; floor plans including a minimum of four different floor plans within each development; and front yard landscaping including three different plant palettes consisting of trees, shrubs, and perennials.

(6) Parking/loading. The following parking and loading requirements shall apply within the FeHiPD district. All calculations shall be made using gross floor area (GFA). For those uses not listed in the Schedule of FeHiPD district, Off-Street Parking and Loading Requirements, refer to §§ 159.140 et seq. for the specific standards.

SCHEDULE OF FeHiPD ***DISTRICT OFF-STREET PARKING AND LOADING REQUIREMENTS***			
Use	***Required Parking Spaces***	***Maximum Parking Spaces***	***Required Loading Spaces***
Commercial Uses[1]	4 per 1,000 SF	5 per 1,000 SF	1 per USER
Office Uses[1]	3 per 1,000 SF	4 per 1,000 SF	1 per BUILDING
Hospital, Medical Office[1]	3 per 1,000 SF	4 per 1,000 SF	1 per BUILDING
Residential	See § 159.142, Table 9 Required Parking Spaces		

1 In cases where buildings exceed 50,000 SF, the overall required parking spaces and loading spaces may, on a case-by-case basis, and on the merits of the circumstances be reduced with approval of the Director of Planning.

(a) Parking/loading setback requirements.

1. Front setbacks. No parking, loading, or vehicular use areas may be located between the building and front property line. Loading facilities shall be screened from all public rights-of-way.

2. Side and rear setbacks. Parking, loading, and vehicular use areas shall be setback a minimum of six feet from any rear or side lot line.

3. Dedicated and conveniently located parking spaces shall be provided for the physically disabled per established city and other requirements in pedestrian-oriented commercial areas make off-street parking access points visible.

4. Parking lots shall provide a pedestrian path between the parking and the sidewalk, and parking and building.

5. Parking, driveways and curb cuts shall be combined between developments where feasible to minimize pavement and reduce interference with pedestrians.

6. Diagonal parking must be provided in commercial parking lots where high turnover is expected.

7. Sufficient stacking spaces must be provided at driveways.

8. Visual obstructions are prohibited within parking lots and at driveways.

9. Snow plowing and storage must be accommodated within parking lots and loading areas.

10. The use of parking lots as "short-cuts" to circumvent the public roadway system must be discouraged.

(b) Parking structures.

1. Parking structures are encouraged.

2. Parking structures shall be at least partially below grade to minimize their visual impact.

3. Where parking structures are visible from public rights-of-way, they may not have sloping floor plates visible from adjacent public rights-of-way.

4. Parking structures in commercial areas must accommodate retail space on the ground floor level where permitted by the subdistrict requirements.

5. The design of parking structures must integrate the forms and materials used for principal building(s). Lighting should also be integrated with the overall architectural character of the site.

6. Landscaping must be used at the base of parking structures, and the use of landscaping should be considered at upper levels, to soften their appearance.

(c) Bicycle parking requirements.

1. All commercial and public/semi-public uses shall provide parking facilities for bicycles based on the number of vehicle parking spaces provided consistent with the Bicycle Parking Standard table below.

Bicycle Parking Standards Table	
Total Vehicle Parking Spaces Required	***Bicycle Parking Spaces Required***
1-25	0
26-200	4
201-500	8
Over 500	12

2. Bicycle racks shall support the bicycle upright by its frame in two places above the bicycle's center of gravity, shall enable the frame and one or both wheels to be secured with a lock, and shall not require the lifting of the bicycle to use any of the racks' parking positions.

A. Examples of appropriate racks include an inverted "U" rack, the "A" rack, and the post and loop rack. The toast rack is prohibited.

3. Bicycle parking facilities shall be located in high visibility areas that provide convenient and safe pedestrian access to main entrances or activity areas.

(7) Signage.

(a) General requirements.

1. A. Riverwalk, West Logan Street Corridor.

i. Permit Required: Yes.

ii. Type of Sign Permitted: Wall, Projecting, Awning, Canopy, Window, Blade, Ground, and Sandwich Board signs.

iii. Number and Type:

(aa) Single Tenant Building.

(1) One wall, projecting, awning, canopy, window, or ground sign per street frontage and/or one blade sign per street frontage. Ground signs shall only be permitted on lots with at least 75 feet of frontage and a minimum building setback of 20 feet from the adjacent street right-of-way. The owner may transfer a permitted sign from one building elevation to another, however, no elevation is permitted two or more of the same sign type on the same frontage.

(2) One sandwich board sign.

(bb) Multi-Tenant, Multi-Level Building.

(1) Ground Floor Tenant.

a. One wall, projecting, awning, canopy, window, or sign per street frontage.

b. One blade sign per street frontage.

c. One sandwich board sign.

(2) Tenant above the ground floor.

a. One blade sign and/or one window sign on the door at street level used to access the tenant space or on the floor where the use is located.

b. One wall sign above the windowsill of the second story.

iv. Maximum Sign Area:

(aa) Awning Sign - 20% of the area of the angled face and 65% of the area of the vertical face.

(bb) Canopy Sign - 20% of the area of the angled face and 65% of the area of the vertical face.

(cc) Blade Sign - four square feet.

(dd) Projecting Sign - 15 square feet.

(ee) Sandwich Board - six square feet - two feet in width and three feet in height.

(ff) Wall Sign - Sign shall not exceed 20% of the signable wall area, unless windows, doors, awning, and other architectural details make up more than 50% of the building face in which the sign size may increase to 40% of the signable wall area.

(gg) Ground Sign - 12 square feet.

(hh) Window Sign - (i) Ground Floor Tenant: 15% of the total window area; (ii) Second Floor and Above Tenant: 20% of the total window area on which the sign is located.

v. Maximum Sign Height:

(aa) Ground Sign - four feet.

(bb) Sandwich Board - three feet.

vi. Location: Sign shall not obscure significant architectural features of the building.

(aa) Awning Sign - May extend to within one foot of the vertical plane of the curb and must maintain a minimum clearance of eight feet above the sidewalk.

(bb) Canopy Sign - May extend to within one foot of the vertical plane of the curb and must maintain a minimum clearance of eight feet above the sidewalk.

(cc) Blade Sign - Permitted at ground floor locations. May extend to within one foot of the vertical plane of the curb and must maintain a minimum clearance of eight feet above the sidewalk.

(dd) Projecting Sign - Must maintain a minimum clearance of eight feet above the sidewalk.

(ee) Sandwich Board - May be located on the exterior storefront or on the sidewalk at the front of the establishment. It shall be located and oriented not to create a safety hazard to pedestrians or conflict with pedestrian circulation patterns.

(ff) Wall Sign - An activity on the first floor shall not construct a wall sign above the windowsill of the second story. An activity on the second floor or above shall construct a wall sign between the windows on the highest floor and the roofline. A wall sign may not exceed two-thirds of the distance between the top of the lower window and the sill of the upper window or roofline.

(gg) Ground Sign - Shall be located a minimum of five feet from the street right-of-way and a minimum of five feet from the leading edge of the driveway. The sign shall be separated from another ground sign located on the same side of the right-of-way a minimum distance of 100 linear feet.

(hh) Window Sign - On or behind the window and viewable from public right-of-way.

vii. Permitted Materials:

(aa) Awning Sign - Canvas or cloth, no reflective or glossy materials or illuminated plastic.

(bb) Canopy Sign - Canvas or cloth, no reflective or glossy materials or illuminated plastic.

(cc) Blade Sign - Wood or metal (matching architectural features of building).

(dd) Projecting Sign - Wood or metal (matching architectural features of building).

(ee) Sandwich Board - Wood, chalkboard, or finished metal A-frame.

(ff) Wall Sign - Wood, metal, plastic, or similar material (matching architectural feature of building). Individually mounted channel letters are preferred.

(gg) Ground Sign - Wood, metal, or masonry (matching architectural features of building).

(hh) Window Sign - Vinyl, gold leaf, or substantially similar materials.

viii. Illumination: Halo-lit or externally lit.

ix. Landscaping: A minimum of five foot landscaped areas radiating around the base of the sign shall be provided and shall be planted in such a way to substantially cover the area with landscape materials such as, but not limited to, annuals, ground covers, perennials, shrubs, and ornamental trees. A mixture of plant types is required.

x. Alternate Signage:

(aa) Cafe umbrella graphics for outdoor seating areas may be used in addition to all other permitted signs. The total signage on an umbrella shall not exceed 15% of the area of the umbrella.

(bb) Painted wall signs may be used as a primary sign on a secondary elevation if permitted. Such painted signs shall constitute no more than 20% of the signable area.

(cc) Users with secondary public entrances are permitted to have a window sign that equals 15% of the glass area or a one square foot placard mounted next to the door.

B. Professional Office Subdistrict.

i. Permit Required: Yes.

ii. Type of Sign Permitted: Ground Sign, Wall Sign.

iii. Number and Type:

(aa) Single Tenant Building.

(1) One sign per street frontage. Ground signs shall only be permitted on lots having a minimum lot width of 75 feet and a minimum building setback of at least 20 feet from the adjacent street right-of-way. The owner may transfer a permitted sign from one building elevation to another, however, no elevation is permitted two or more of the same sign types on the same frontage.

(bb) Externally Accessed Multi-Tenant Building.

(1) One wall sign per tenant per street frontage and/or one ground sign per street frontage with signage space for each tenant provided equally. Ground signs shall only be permitted on lots having a minimum lot width of 75 feet and a minimum building setback of at least 20 feet from the adjacent street right-of-way.

(cc) Internally Accessed Multi-Tenant Building.

(1) One wall sign per street frontage identifying the building and one ground sign per street frontage. Ground signs shall only be permitted on lots having a minimum lot width of 75 feet and a minimum building setback of at least 20 feet from the adjacent street right-of-way.

iv. Maximum Sign Area:

(aa) Ground Sign: 32 square feet.

(bb) Wall Sign: Shall not exceed 20% of the signable wall area, unless windows, doors, awnings, and other architectural details make up more than 50% of the building face in which the sign size may increase to 40% of the signable area.

v. Maximum Ground Sign Height: five feet.

vi. Location: Shall be located a minimum of five feet from the street right-of-way and a minimum of five feet from the leading edge of the driveway. The sign shall be separated from another ground sign located on the same side of the right-of-way a minimum distance of 100 linear feet.

vii. Permitted Materials:

(aa) Wall Sign - Wood, metal, plastic, or similar material (matching architectural feature of building), individually mounted channel letters.

(bb) Ground Sign - Wood, metal, or masonry (matching architectural features of building).

viii. Illumination: Halo-lit, internally or externally lit

ix. Landscaping: A minimum of five foot landscaped area radiating around the base of the sign shall be provided and shall be planted in such a way to substantially cover the area with landscape materials such as, but not limited to, annuals, ground covers, perennials, shrubs, and ornamental trees. A mixture of plant types is required.

x. Alternate Signage: Awning or canopy signage may be used in lieu of wall signage. Signage shall be a maximum of 20% of the awning/canopy area.

C. Hospital Subdistrict.

i. Permit required: Yes.

ii. Type of Sign Permitted: Designation Sign, Ground Sign, Illuminated Vehicular Directional Sign, Non-Illuminated Vehicular Directional Sign, Entrance Identification Sign, Directory Sign, Wall Sign.

iii. Number and Type:

(aa) Designation Sign: One at each main entrance to the property. Signs must be separated by at least 1,000 feet.

(bb) Ground Sign: One per adjacent internal drive or road.

(cc) Illuminated Vehicular Directional Sign: Not Applicable.

(dd) Non-Illuminated Vehicular Directional Sign: Not Applicable.

(ee) Entrance Identification Sign: One at each entrance to the property.

(ff) Directory Sign: One at each public entrance to the building.

(gg) Wall Sign: One per building elevation.

iv. Maximum Sign Area:

(aa) Designation Sign: 220 square feet.

(bb) Ground Sign: 45 square feet.

(cc) Illuminated Vehicular Directional Sign: 30 square feet.

(dd) Non-Illuminated Vehicular Directional Sign: 20 square feet.

(ee) Entrance Identification Sign: 110 square feet.

(ff) Directory Sign: 85 square feet.

(gg) Wall Sign: Not Applicable.

v. Maximum Sign Height:

(aa) Designation Sign: 14.5 feet.

(bb) Ground Sign: six feet.

(cc) Illuminated Vehicular Directional Sign: seven feet.

(dd) Non-Illuminated Vehicular Directional Sign: six feet.

(ee) Entrance Identification Sign: eight feet.

(ff) Directory Sign: six feet.

(gg) Wall Sign:

(1) Hospital Name - five foot tall letters.

(2) Secondary Identifiers - four foot tall letters.

vi. Location:

(aa) Designation Sign: Shall be a minimum of ten feet from the street right-of-way and a minimum of ten feet from the leading edge of the driveway. The sign shall be separated from another ground sign located on the same side of the right-of-way, a minimum distance of 100 linear feet.

(bb) Ground Sign: Shall be located far enough from the curb and driveway to not obstruct views of oncoming traffic.

(cc) Illuminated Vehicular Directional Sign: shall be located far enough from the curb and driveway to not obstruct views of oncoming traffic.

(dd) Non-Illuminated Vehicular Directional Sign: Shall be located far enough from the curb and driveway to not obstruct views of oncoming traffic.

(ee) Entrance Identification Sign: Shall be a minimum of ten feet from the street right-of-way and a minimum of ten feet from the leading edge of the driveway. The sign shall be separated from another ground sign located on the same side of the right-of-way, a minimum distance of 100 linear feet.

(ff) Directory Sign: Shall be located at the public entrances to the building.

vii. Permitted Materials:

(aa) Designation Sign, Ground Sign, Illuminated Vehicular Directional Sign, Non-Illuminated Vehicular Directional Sign, Entrance Identification Sign, or Directory Sign: The sign shall be constructed of materials that blend with the character of the building such as, but not limited to, wood, metal, EIFS, or masonry.

(bb) Wall Sign: Individually mounted channel letters.

viii. Illumination: Halo-lit, internally or externally lit.

ix. Landscaping: A minimum of five foot landscaped area radiating around the base of the sign shall be provided and shall be planted in such a way to substantially cover the area with landscape materials such as, but not limited to, annuals, ground covers, perennials, shrubs, and ornamental trees. A mixture of plant types is required.

x. Alternate Signage: The designation sign may include an electronic sign component that does not exceed 40 square feet in size.

D. Mixed Residential Subdistrict.

i. Permit Required: Yes.

ii. Type of Sign Permitted: Ground sign.

iii. Number and Type: One ground sign shall be permitted at each entrance to a recorded, platted residential subdivision.

iv. Maximum Sign Area: 24 square feet.

v. Maximum Ground Sign Height: Six feet.

vi. Location: Shall be a minimum of ten feet from the street right-of-way and a minimum of ten feet from the leading edge of driveway.

vii. Permitted Materials: The sign material shall be constructed of materials which blend with the residential character of the neighborhood including but not limited to wood, metal, or

masonry.

viii. Illumination: Halo-lit or externally-lit.

ix. Landscaping: A minimum of five foot landscape area radiating around the base of the sign shall be provided and shall be planted in such a way to substantially cover the area with landscape materials such as, but not limited to, annuals, ground covers, perennials, shrubs, and ornamental trees. A mixture of plant types is required.

x. Alternate Signage: Not Applicable.

(8) Landscaping/screening.

(a) General requirements.

1. A. Riverwalk, West Logan Street, Professional Office Subdistricts.

i. Landscaping should enhance but not obscure buildings and vistas while walkways should take advantage of, and derive access to views, open space, and environmental features that are important to the Federal Hill Planned Development District. It is encouraged that the landscape design enhance the pedestrian environment and complement the building and site design.

ii. (aa) Building base landscaping shall be provided at the base of all buildings elevations that do not directly abut hardscapes such as sidewalks or plazas/public greenspace. Building base landscaping shall contain a minimum of one small shade tree, one ornamental tree, and six shrubs per 100 linear feet of stand-alone building perimeter. If building base landscaping requirements cannot be installed due to its proximity to a hardscape, then landscaping may be installed elsewhere to fulfill the building base landscaping requirements as approved by the Director of Planning and Development or his or her designee.

(bb) Alternate locations (adjacent to site) include interior courtyards, public parks, plazas, parking lots, alleys, and/or roof gardens/green roofs. Other suitable alternatives include window boxes, planters, trellises, climbing vines, espaliered trees and shrubs, and roof gardens. Sculpture groupings may also be used as a part of the landscaping. A range of landscaping materials, trees, deciduous and evergreen shrubs, ornamental grasses, groundcovers, and/or seasonal flowers shall be provided for color and visual interest.

iii. Planters shall be constructed of masonry or stone and have a minimum height of 30 inches and the minimum height of shrubs and/or ornamental grasses shall be 12 inches at the time of planting.

iv. Window boxes with flowers and freestanding planters of a scale and character appropriate to the street and main structure are encouraged.

v. (aa) Perimeter parking lot landscaping is one tree for every 50 linear feet of adjacent right-of-way. A landscaping strip sufficient to maintain the landscaping shall be provided and covered with groundcover or mulch. A parking lot abutting an arterial road shall also provide shrubs three-feet on center, staggered, at a minimum height of 30 inches at the time of planting. A decorative fence may be substituted for the shrubs required in the perimeter parking lot landscaping and shall enclosure the perimeter of the parking area.

(bb) Internal parking lot landscaping shall include one parking island (minimum size 180-SF) for every 20 parking spaces to include one small shade tree and vegetative ground cover.

vi. A minimum of 20% of the lot area must be in landscaping including a combination of building base landscaping, perimeter parking lot landscaping, interior parking lot landscaping, hardscape, planter boxes, planter containers, and the like.

B. Hospital - As per adopted Planned Development Ordinance No. 14-03-08 or as it may be amended.

C. Mixed Residential - As per adopted landscaping standards of the Unified Development Ordinance per the Perimeter Parking Lot Table and Building Base Landscaping Table.

The maintenance and care of all landscape elements are the responsibility of the owner of the property. All landscaping is to be approved by the city prior to installation.

Street trees are required to be installed as per the Noblesville Standards and Unified Development Ordinance, as amended.

(I) Downtown Mixed Use Overlay District (DMU).

(1) Purpose. The purpose of the “Downtown Mixed Use Overlay District” (DMU) is to accommodate a unique form of development defined as “Downtown Mixed Use Residential.” The area boundaries are denoted in the map below, to be commonly known as the Downtown District. The Downtown District is the area contained within the following boundaries: Beginning at the intersection of Wayne and North 13th Streets, proceeding south along 13th Street to where 13th Street would intersect with Cherry Street, running east along cherry Street to the intersection with 13th Street, running south to the intersection with Division Street, proceeding west to the western end of Division Street, winding to the southwestern curve on the western drive around Riverview Hospital and proceeding north along that drive to the intersection with State Road 32, running east to Lakeview Drive, proceeding north along Lakeview Drive to Park Street, running along Park Street to the western rail line, proceeding along the rail line to the southeast to Cicero Road, proceeding east in a line connecting the rail line with the curve where Wayne Street curves south into 8th Street, and proceeding east along Wayne Street to the point of beginning.

(2) Location; District in Which Permitted. Mixed Use Residential Development shall only be permitted in the DT Downtown Zoning District as it relates to the geographical area depicted within the Central Core Map, as per Appendix G.

(3) Uses. Single-family, two-family or multi-family units located above a first floor (ground level) of a non-residential use. For non-residential uses, refer to the Official Schedule of Uses, Appendix C, Commercial Districts, specifically DT (Downtown Zoning District). Only permitted uses shall be developed as a part of the Mixed Use Residential Development, removing the following permitted uses: club or lodge (private), indoor cinema, theater, hotel, motel, meeting or party hall, cemetery, sex shop, adult media store, public parks and playgrounds, health fitness, ATMs (standalone structures), laundry and dry cleaners without an on-site plant, restaurant with drive-thru, and restaurant drive-in or drive-thru as a primary use.

(4) Bulk Requirements.

(a) Minimum lot area, density, lot coverage, lot width are not applicable.

(b) Dwelling Unit Size. Minimum residential dwelling unit size: 600 square feet.

(c) Setbacks.

1. Front Yard and Side Yards. The average setback of the adjacent principal structures on either side of the proposed structure.

2. Rear Yard. There shall be a minimum rear setback of ten feet.

(d) Building Height. The maximum building height is 50 feet.

(5) Procedure for a Downtown Mixed Use Overlay as per the Central Core Map relating to Mixed Use Residential Development.

(a) Application. Applications for a Mixed Use Residential Development (Downtown Mixed Use Overlay District) shall be filed in accordance with the requirements of § 159.040, Applications and Hearings. A detailed development plan, architectural plans, civil drawings, photometric plans, landscaping plans, signage, and other information that may be required by Planning and/or Engineering Departments shall be required to be submitted for review, subject to approval by the Plan Commission and Common Council as per § 159.040, Applications and Hearings, and § 159.044, Amendments.

(b) Site Plan Review. Applications for a Mixed Use Residential Development shall be subject to site plan review pursuant to § 159.041, Site Plan Review. The purpose of the site plan review is to encourage logical, imaginative, innovative design and variety in the development of the district to insure the continuity of the proposed development and its compatibility with the surrounding area.

(c) Site Plan Review Criteria. The following criteria shall be considered for the site plan review of Mixed Use Residential Development:

1. Planning Studies. Planning studies approved by the Plan Commission/Common Council that include development patterns or environmental and other design criteria shall be utilized in the plan review process.

2. Architecture. As per § 159.041(F), Additional Standards for Non-Residential Uses, Except in I2 and I3 Zoning Districts, including purpose, design principals, relationships (architectural and site), materials and colors, exterior walls, roofs, windows, doors, lighting and fencing.

3. Landscape. Landscape shall be preserved in its natural state insofar as is practical by minimizing removal of existing vegetation. Landscaping shall be used to shade and cool, direct wind movements, enhance architectural features relating the structure design to the site, visually screen non-compatible uses, and ameliorate the impact of noise. Base landscaping standards shall be applied as per Central Core Map; however, lesser standards may be approved by the Plan Commission and the Common Council.

4. Buffers. Architectural and/or landscape elements that provide a logical transition to adjoining, existing or permitted uses may be required as per the Plan Commission and/or Common Council.

5. Energy Conservation. Design methods to reduce energy consumption are encouraged. Energy conservation methods may include, but not be limited to: natural ventilation of structures, siting of structures in relation to prevailing breezes and sun angles, insulation of structures, use of landscape materials for shade and transpiration, and orientation of breezes.

6. Signs for Non-Residential Tenants (Ground Floor).

a. Projecting. Fifteen square feet, internally illuminated or halo-lit, may be a push-through letters on an opaque background, clears the grade by a minimum of eight feet in height, shall not extend vertically above a second-story window, and may require the approval of an encroachment permit if it extends over the right-of-way and/or sidewalk; or

b. Wall. Twenty per cent of the signable wall area, unless windows, doors, awnings and other architectural details make-up more than 50% of the building face, in which case the sign face may increase to 40% of the signable area or as determined by the Plan Commission and Common Council.

7. Trash Containers. Trash containers shall be screened as per the requirements of the Unified Development Ordinance, unless modified by the Plan Commission and Common Council, and so designed as to be conveniently accessible to their users and collectors at the rear of the property within the ten-foot setback.

(4) Commencement of Development. Development may not commence until after adoption by the Common Council of the overlay district and final approval by the Technical Advisory Committee (TAC) is received regarding the site development plan. If development is not commenced within six months from the date of approval by the Technical Advisory Committee of a site development plan, the approval thereof shall become null and void, and the same may not be developed in accordance with the site development plan unless reviewed by the Technical Advisory Committee and approved. Subsequent stages of the site development plan shall commence within the following 18 months after completion of the previous stage. Commencement of construction shall include, but not be limited to: active and continuous road improvement, excavation, grading and leveling, installation of utilities and the like.

(5) Additional Requirements.

(a) Platting Requirements. Area may require a replat of the lots involved as per Subdivision Requirements, §§ 159.060 et seq.

(6) Exceptions from the General Requirements.

(a) In the interest of preserving the downtown area and pursuant to Ordinance 45-11-92, the DT Downtown Zoning District shall be exempt from the requirements of §59.142, Required Off-street Parking Standards, and from the payment of certain sewer availability fees as set forth below.

(b) In consideration for a waiver of sewer availability charges, connection fees, and parking lot requirements, the applicant for an improvement location permit and/or a building permit within the Core Central Business District, as described in Ordinance No. 45-11-92, shall pay 15% of the savings from the sewer availability charges and connection fee(s), which would have been due under ordinary circumstances, to a maintenance fund for the continued improvement and maintenance of the downtown area. Under no circumstances shall more than ten EDUs of sewage capacity per day be entitled to the exemption established herein for any proposed use that would otherwise qualify for an exemption.

(J) State Road 32 Overlay District (SR32).

(1) Purpose.

(a) The purpose of this division (J) is to:

1. Preserve and enhance aesthetic qualities of the highway corridor by regulating building architecture, building placement, building orientation, landscaping, design of detention areas, and transitions between the State Road 32 Overlay District and adjacent uses;

2. Preserve and enhance transportation functionality and safety by limiting access, regulating building setbacks, providing for alternative transportation, and providing for future development/redevelopment of the State Road 32 corridor into a "Community Corridor," as called for in the 2020 Noblesville Comprehensive Plan; and

3. Provide supplemental development regulations for the property abutting the Midland Trace public recreational trail within the City of Noblesville's planning jurisdiction, and ensure continuity of design for developments along Midland Trace and the establishment of human scale in the urbanization-to-trail transition, while recognizing the right to reasonable development within the Overlay District.

(b) Several graphics are referenced within this division (J). Such graphics are intended to illustrate the specific subjects of the division in which they are referenced. Not every graphic included in this division (J) is intended to illustrate a structure that fully complies with all standards of this division (J).

(2) Applicability.

(a) The regulations within this division (J) shall apply to any property for which a development plan is required, within the adopted State Road 32 Overlay District boundaries, in connection with an application to the Department of Planning and Development.

(b) If any property or proposed building, structure, or improvement is only partially located within the State Road 32 Overlay District, the provisions of this division (J) shall apply only to such property or proposed building, structure, or improvement located within the District, and not to any property or proposed building, structure, or improvement located outside of the District.

(c) The State Road 32 Overlay District is superimposed over the underlying base zoning district, and its regulations shall supersede those of the base zoning district. Where the State Road 32 Overlay District regulations are silent on a specific development standard, the respective development standard of the underlying base zoning district shall govern. Where there is conflict between this division (J) and the provisions of the underlying base zoning district, this division (J) shall govern.

(3) Process for new developments. Properties that are undeveloped (not exhibiting above-ground improvements) at the time of application for development shall follow the procedural requirements for a Planned Development found in this section.

(4) Procedure for existing developments. For properties that were developed or improved prior to the effective date of this division (J), the Director is hereby authorized to determine whether the standards of this division (J) shall apply to the entire property or property portion within the State Road 32 Overlay District on which additional development is proposed or if the standards of this division (J) may be limited only to the newly proposed improvements. The following factors shall be taken into consideration:

(a) The extent and location of the proposed improvements (e.g., buildings, parking, landscaping, drainage) on the property; and

(b) The extent of conflicts in applying the standards of this division (J) with existing and/or planned improvements.

(5) Access control requirements.

(a) One purpose of this division is to make the closing of all private curb cuts along State Road 32 possible by establishing a common access road to provide access to and through lots abutting State Road 32.

(b) In those cases where tracts can be accessed via a collector road, frontage road, adjoining parking lot, or a connection to an arterial road other than State Road 32, new curb cuts shall not be permitted from State Road 32. When curb cuts from State Road 32 cannot be avoided, new curb cuts from State Road 32 shall not be permitted unless specifically approved by the Indiana Department of Transportation prior to installation.

(c) Access roads in substantial compliance with the design plan included at Graphic 8.H.8.A. - Access Roads shall be provided by developers of property along State Road 32 unless the Noblesville Common Council approves development of a property without provision of this normally required access road.

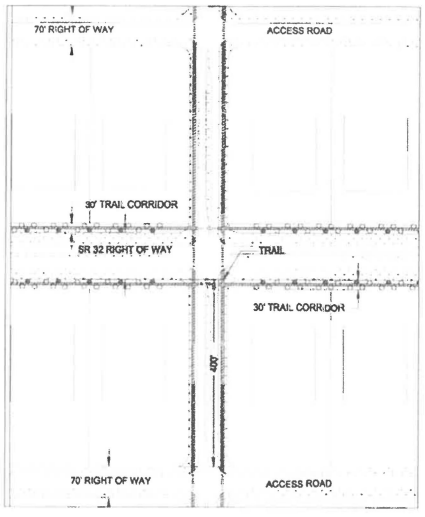
(d) Approval of an illustrative concept plan showing vehicular drive cuts as part of a zoning petition shall not constitute approval of the specific drive cuts themselves.

(e) Any existing road cuts along State Road 32 shall be vacated and eliminated as a condition of any discretionary approval for use or development of land on which such road cuts are present, if alternative vehicular access is available.

(f) All developments along State Road 32 shall provide for vehicular and pedestrian interconnectivity between neighboring uses, parking lots, and developments in order to encourage and facilitate east-west vehicular movement without directly accessing State Road 32. Cross-access easements shall be created to ensure continued access and connectivity between and through land uses within the State Road 32 Overlay District.

(g) All developments on property abutting Midland Trace shall provide at least one trail access easement connecting with Midland Trace. Midland Trace access points for new residential or non-residential construction shall be designed and built in accordance with engineering practices approved by the City of Noblesville Engineering Department. All access points shall be constructed of durable materials and shall be designed so as not to impede drainage ways. Where determined appropriate, a non-access agreement may be required to be recorded. When approval is sought for Midland Trace access points from properties exhibiting buildings at the time of adoption of this division (J), this approval shall be sought from Noblesville Parks and Recreation with input from the City's Engineering Department.

Graphic 8.H.8.A. - Access Roads



(6) Permitted uses. All uses which are listed as "Permitted Use," "Conditional Use," and "Accessory Use" in the underlying base zoning district by UDO Appendix C (Official Schedule of Uses), except those uses expressly prohibited by division (J)(7), below, shall likewise be classified for the State Road 32 Overlay District. Parking structures are permitted in the non-residential zoning districts adjacent to Midland Trace, provided that the ground floor facing Midland Trace is a non-parking use, or a below-grade parking structure acts as a building foundation.

(7) Prohibited uses. The following uses shall be prohibited within the State Road 32 Overlay District:

(a) Automobile/boat/RV/manufactured home repair;

(b) Automobile/boat/RV/manufactured home sales;

(c) Automobile impound lot;

(d) Commercial kennel;

(e) Commercial sewage or garbage disposal plant;

(f) Contractor's office with outdoor equipment and material storage;

(g) Dry cleaning establishment with on-site plant;

(h) Funeral home/mortuary/crematory;

(i) Grain elevator;

(j) Junk and/or salvage yard;

(k) Lumber/building materials sales;

(l) Mineral/sand/gravel extraction;

(m) Mini-storage warehouse;

(n) Mobile home court;

(o) Outdoor manufacturing;

(p) Outdoor sales;

(q) Outdoor storage;

(r) Parking as a primary use, unless the use is as a trailhead for Midland Trace;

(s) Penal or correctional institution;

(t) Sexually oriented business;

(u) Shooting range (outdoor);

(v) Stadium or coliseum;

(w) Stone processing activities;

(x) Supply yard;

(y) Truck terminal;

(z) Veterinary hospital with commercial kennel;

(aa) Water management/use facility; and

(bb) Wholesale trade (outdoor).

(8) Setback requirements from State Road 32 right-of-way. The following setback requirements, regulating the distance from the State Road 32 right-of-way line that structures must sit, shall supersede all other setback standards of the Unified Development Ordinance.

(a) The minimum front yard setback of 30 feet shall be measured from the roadside corridor boundary located farthest from the State Road 32 right-of-way line.

(b) The maximum front yard setback of 120 feet shall be measured from the roadside corridor boundary located farthest from the State Road 32 right-of-way line.

(c) For the purposes of this division, only the following accessory structures shall be permitted within the front yard, but outside of the roadside corridor:

1. If provided for public use and enjoyment: fountains, gazebos, picnic shelters, benches, public restrooms, drinking fountains, utility installations, bike racks, artistic pieces, decorative walls and fences (not to exceed an average height of four feet), hardscape amenities, landscaping, pavement, curbs, and other similar improvements.

2. Monument signs.

(9) Setback requirements from Midland Trace. The following setback requirements, regulating the distance from the Midland Trace boundary that structures must sit, shall supersede all other setback standards of the Unified Development Ordinance.

(a) The minimum setback from the Midland Trace boundary, for principal structures, shall be 40 feet.

(b) There shall be no maximum setback from the Midland Trace boundary; however, the area adjacent to Midland Trace shall not be used solely for parking.

(c) For the purposes of this division (J), only the following accessory structures shall be permitted within 40 feet of the Midland Trace boundary: Fountains, gazebos, picnic shelters, benches, drinking fountains, utility installations, bike racks, artistic pieces, decorative walls and fences (not to exceed an average height of four feet), hardscape amenities, decks, outdoor seating areas, landscaping, pavement, curbs, and other similar improvements. Ground signs are specifically prohibited.

(d) An artistic piece, or artistic pieces, mentioned in division (I)(3) above, shall be a required feature accompanying any development with frontage on Midland Trace. The party seeking development approval may take responsibility for installing the artistic piece or pieces, after approval of the artistic piece or pieces as part of the Planned Development process, or may make payment in lieu thereof to the City of Noblesville, the amount paid to be placed in a fund specifically earmarked for artistic improvements at any point along Midland Trace, within 40 feet of the Midland Trace boundary.

(10) Building height.

(a) Maximum building height: Fifty feet within 600 feet north of the State Road 32 right-of-way and within 700 feet south of the State Road 32 right-of-way. In stretches of the State Road 32 Overlay District south of the State Road 32 right-of-way that include Midland Trace, the maximum building height in residential zoning districts shall be 50 feet, while maximum building height shall be stepped down in non-residential zoning districts, per Table 8.H.8.J., below:

Table 8.H.8.J	
Building distance from Midland Trace	***Maximum Building Height***
Between 201 and 300 feet from Midland Trace boundary	40 feet
Between 101 and 200 feet from Midland Trace boundary	30 feet
Between 0 and 100 feet from Midland Trace boundary	20 feet

(b) Minimum building height: Twelve feet for primary structures.

(c) Multiple stories: Multiple stories are encouraged, but not required. However, within 100 feet of residentially zoned property, the maximum building height shall be that of the residential zoning district to which the development parcel is adjacent.

(d) If used, building facade step-backs shall be at least 20 feet in depth and shall be constructed as usable outdoor space, such as a rooftop patio or garden.

(11) Building size. The gross floor area requirements set forth below are intended to create a certain massing for buildings located within the corridor. Although some buildings may be acceptable with square footages above or below the limits set forth herein, decisions to alter the limit shall be considered on a case-by-case basis by the Plan Commission and/or Common Council. In instances where the limit is altered, enhanced architectural or site features (e.g., pergolas, outdoor seating, landscape amenities) may be required.

(a) Maximum gross floor area: Within 600 feet north of State Road 32 right-of-way and 700 feet south of State Road 32 right-of-way, Table 8.H.8.K.1. governs:

Table 8.H.8.K.1.	
5 stories	100,000 square feet
4 stories	90,000 square feet
3 stories	80,000 square feet
2 stories	60,000 square feet
1 story	20,000 square feet

(b) In stretches of the State Road 32 Overlay District south of the State Road 32 right-of-way that include Midland Trace, maximum gross floor area in residential zoning districts shall be based on the number of floors, according to Table 8.H.8.K.1., above, while maximum gross floor area shall be stepped down in non-residential zoning districts, per Table 8.H.8.K.2., below:

Table 8.H.8.K.2.	
Building Distance from Midland Trace	***Maximum Gross Floor Area***
Between 201 and 300 feet from Midland Trace Boundary	60,000 square feet
Between 101 and 200 feet from Midland Trace Boundary	20,000 square feet
Between 0 and 100 feet from Midland Trace Boundary	10,000 square feet

(c) Minimum gross floor area: Five thousand square feet.

(12) Architectural design. Architectural variation is encouraged as a general design theme standard. The architectural requirements that follow are intended to provide consistent architectural quality among buildings and other improvements within the corridor. All structures shall be thoughtfully designed in a manner that visually and functionally complement the existing topography.

(a) Building elevations.

1. All building facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by an articulated, three-dimensional cornice or a pitched roof, as illustrated by example in Graphic 8.H.8.B. - Building Modulation 1 and Graphic 8.H.8.C. - Building Modulation 2, respectively.

Graphic 8.H.8.B. - Building Modulation 1

Graphic 8.H.8.C. - Building Modulation 2

2. Building facades which are 90 feet or greater in length shall be designed with offsets (projecting or recessed) at intervals of not greater than 60 feet, as illustrated by example in Graphic 8.H.8.D. - Facade Offset. Buildings less than 10,000 square feet in gross floor area shall be designed with offsets at intervals of not greater than 40 feet. Offsets shall be a minimum depth of four feet and a minimum aggregate length of 20% of the horizontal plane of the overall building facade. The offsets may be provided by setbacks of the building facade and/or with architectural elements such as arcades and column rows if such architectural elements meet the minimum offset requirements.

Graphic 8.H.8.D. - Facade Offset

3. Buildings shall be constructed with 360-degree architecture, defined as use of the same materials, colors, and architectural elements around all sides of a structure.

4. Every parcel with frontage on Midland Trace must have at least one building elevation that fronts on Midland Trace.

5. No non-residential facade greater than 80 feet in length shall be parallel with Midland Trace. Longer facades must be oriented at an angle greater than or equal to 60 degrees from the property line abutting Midland Trace.

6. Openings.

a. Design elements of the building facade shall be organized such that openings (including windows, doors, loading berths, faux windows, and architectural or painted elements resembling openings) line up horizontally and vertically with other openings, as illustrated by example in Graphic 8.H.8.E. - Design Balance.

b. Exceptions may be permitted if openings are organized in an aesthetically pleasing manner and constitute an essential artistic design element appropriate for the building type, scale, orientation, location, and site.

c. Every facade of a building abutting, and generally parallel with, Midland Trace shall have openings for windows. Such facades shall have a minimum of 20% of the wall square footage composed of glazed areas or having a glazed appearance.

Graphic 8.H.8.E. - Design Balance

(b) Roofs.

1. Pitched roofs.

a. Pitched roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

b. If standing seam panels are used, they shall be:

i. Gray, black, dark blue, dark green, barn red, or dark brown.

ii. Made of a non-reflective material.

c. Modulation of the roofs and/or roof lines shall be required in order to eliminate the appearance of box-shaped buildings, as illustrated by example in Graphic 8.H.8.F., Pitched Roof - Roof Line Modulation.

Graphic 8.H.8.F., Pitched Roof-Roof Line Modulation

2. Flat roofs.

a. Flat roofs are permitted if edged by a parapet wall with an articulated, three-dimensional cornice, illustrated by example in Graphic 8.H.8.G. - Articulated Cornice.

Graphic 8.H.8.G. - Articulated Cornice

b. Parapet walls shall be fully integrated into the architectural design of the building to create seamless design transitions between the main building mass and roof-mounted architectural elements (which may include screening elements for roof-mounted equipment).

c. Modulation of roof lines shall be required in order to eliminate the appearance of box-shaped buildings. A building with a flat roof shall have varying roof height sections, as illustrated by example in Graphic 8.H.8.H. - Flat Roof Modulation 1 and Graphic 8.H.8.I. - Flat Roof Modulation 2. Roofline modulation shall include a vertical change in the visible roof line of at least five feet from an adjacent roof section. The maximum roof line length without modulation shall be 60 feet, or 40 feet for buildings with a gross floor area of less than 10,000 square feet.

Graphic 8.H.8.H. - Flat Roof Modulation 1

Graphic 8.H.8.I. - Flat Roof Modulation 2

3. Dormers and cupolas shall be designed with appropriate details, proportion, and style consistent with the overall building composition and roofed with symmetrical gable or hip roofs, as illustrated by example in Graphic 8.H.8.J. - Dormers and Cupolas.

4. All visible vents, attic ventilators, turbines, flues, and other visible roof penetrations shall be:

a. Painted to match the color of the roof, or flat black; and

b. Oriented to minimize visibility from adjacent parcels and thoroughfares.

Graphic 8.H.8.J. - Dormers and Cupolas

(c) Building entrances.

1. All buildings shall be designed with a main entrance and at least two window openings associated with the main entrance, as illustrated by example in Graphic 8.H.8.K. - Window Openings 1 and Graphic 8.H.8.L., Window Openings 2.

2. Building entrances shall be clearly defined and articulated by multiple architectural elements such as lintels, pediments, pilasters, columns, awnings, porticos, and other design elements appropriate to the architectural style and details of the building, as illustrated by example in Graphic 8.H.8.M. - Entrance Articulation 1 and Graphic 8.H.8.N. - Entrance Articulation 2.

3. The orientation, proportion, and style of doors shall complement the style of the building.

4. Retail uses, any portions of which are within 100 feet of the boundary of Midland Trace, shall have a first floor public entrance facing Midland Trace.

Graphic 8.H.8.K - Window Openings 1

Graphic 8.H.8.L. - Window Openings 2

Graphic 8.H.8.M. - Entrance Articulation 1

Graphic 8.H.8.N. - Entrance Articulation 2

(d) Features promoting bicycling.

1. New principal buildings on parcels fronting on Midland Trace and having a gross floor area of more than 15,000 non-residential square feet shall contain a shower, changing area, and locker facility accessible for employee use, as well as covered, long-term bicycle parking at a rate of two spaces per 5,000 square feet. Such parking may include an indoor storage area and/or exterior bicycle lockers.

2. For any use established or expanded within the SR32 Overlay District after passage of this division (J), for every four bicycle parking spaces established, the minimum number of required off-street parking spaces may be reduced by one space, up to a maximum reduction of five off-street parking spaces. The established bicycle parking spaces must meet these minimum requirements:

a. The minimum size of a bicycle parking space is two feet by six feet.

b. Bicycle parking shall be located outside of any walkway.

(e) Windows. The number of window panes, the number of window openings, window trim, and architectural elements designed to accent the windows (e.g., shutters, keystones, masonry arches, awnings, decorative stone frames, masonry rowlock frames, or other trim or design elements as approved by the Plan Commission or Director) shall be consistent with the style, materials, color, details, and proportion of the building, as illustrated by example in Graphic 8.H.8.O. - Window Design. Window trim and other architectural elements designed to accent the windows shall be required for all windows.

Graphic 8.H.8.O. - Window Design

(f) Awnings.

1. Fixed or retractable awnings are permitted if they complement the building's architectural style, material, colors, and details, as illustrated by example in Graphic 8.H.8.P. - Awnings.

2. Awnings may be constructed of canvas or cloth. Illuminated plastic or glossy or reflective materials shall not be used.

3. Awnings used to comply with the architectural design requirements of this division (J) shall not be removed unless the building facade would otherwise comply with such architectural design requirements without such awnings.

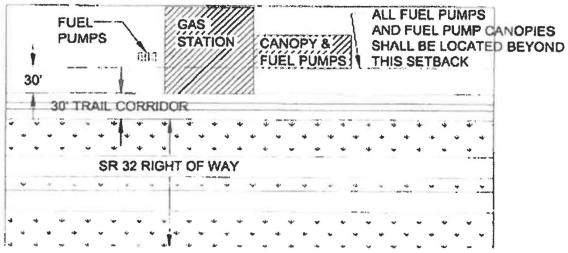
Graphic 8.H.8.P. - Awnings

(g) Drive-through windows and fueling stations. This division shall apply to property adjacent to the State Road 32 right-of-way line or the roadside corridor, as defined herein.

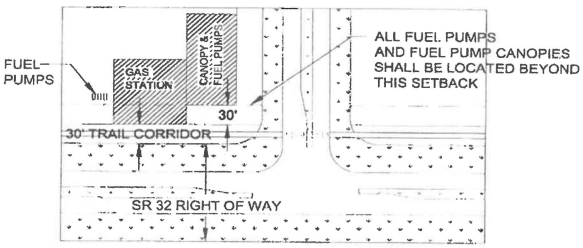
1. Drive-through windows and lanes shall not be permitted between the State Road 32 right-of-way line and the building facade nearest to said right-of-way line, nor between the Midland Trace legal boundary and the building facade nearest to said boundary.

2. Vehicular fuel pumps and canopies, and canopies not associated with fuel pumps, shall be set back a minimum of 30 feet farther than 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, as illustrated in Graphics 8.H.8.Q. - Fuel Pump/Canopy Location 1 and 8.H.8.R. - Fuel Pump/Canopy Location 2.

Graphic 8.H.8.Q. - Fuel Pump/Canopy Location 1



Graphic 8.H.8.R. - Fuel Pump/Canopy Location 2



(h) Building materials.

1. Masonry materials shall be the preferred and primary exterior building material used on buildings within the corridor.

2. Masonry materials shall be used to create a wainscot or brick wrap effect around buildings.

3. A minimum of 60% of each building facade, exclusive of windows (including faux windows and glazing), doors, and loading berths, shall be covered with masonry materials.

4. No more than 25% of each building facade, exclusive of windows (including faux windows and glazing), doors, and loading berths, may be covered with metal, fiber cement siding, polymeric cladding, E.I.F.S., or stucco exterior building materials.

5. In order to create an aesthetically pleasing appearance and to create an appearance of high quality, visually interesting architecture, increased and enhanced use of masonry material and other architectural ornamentation shall be required around building entrances and on building facades visible from State Road 32.

(i) Accessory buildings. All accessory buildings shall be architecturally compatible with the principal building(s) with which they are associated.

(13) Roadside corridor requirement.

(a) The purpose of this division is to establish an alternative transportation corridor along both sides of State Road 32 by requiring an alternative transportation trail and related amenities to be installed along State Road 32 on all property abutting State Road 32.

(b) A linear green space (the "roadside corridor") that contains the alternative transportation trail mentioned herein, along with associated landscaping, lighting, and infrastructure, shall be provided along each side of State Road 32. Detention areas, retention areas, and monument signs shall be prohibited within the roadside corridor.

(c) The roadside corridor (as defined herein), and the improvements therein, shall be located within the property being developed, and the real estate within the roadside corridor shall be the subject of an alternative transportation corridor easement that allows only the improvements cited in this division (J)(13). Other improvements, such as access drives, shall be approved on a case-by-case basis during Technical Advisory Committee review according to limitations set by the Unified Development Ordinance.

(d) Roadside corridor design standards.

1. The roadside corridor shall be a minimum width of 30 feet parallel and immediately abutting the State Road 32 right-of-way line.

2. The roadside corridor hard surface shall a minimum of ten feet in width, and shall be constructed of asphalt material in compliance with the city's construction standards. Construction of a trail with meandering design is encouraged.

3. All developments along State Road 32 shall provide for alternative transportation interconnectivity between neighboring uses, developments, and the roadside corridor in order to encourage and facilitate alternative transportation movements without directly accessing State Road 32. Cross-access easements and connections to the alternative transportation corridor referenced above shall be appropriately provided to ensure continued alternative transportation access and connectivity between and through uses along the roadside corridor.

(e) Roadside corridor plantings. The primary landscaping materials within the roadside corridor shall be shade trees, ornamental trees, shrubs, groundcover, and grass.

1. A minimum of three shade trees and one ornamental tree shall be provided per every 100 linear feet of roadside corridor along State Road 32. Installation of plantings on both sides of the alternative transportation corridor is encouraged. All trees shall be a minimum of two and one-half inches in caliper at the time of planting.

2. Shade trees planted within the roadside corridor shall be spaced a minimum of 15 feet apart and a maximum of 40 feet apart.

(f) Roadside corridor mounds/berms. The construction of intermittent, undulating mounds or berms within the roadside corridor is encouraged, but not required. If mounds or berms are installed, they should be designed in a manner that complements other improvements in the vicinity, and in no event shall such mounds or berms be installed in a manner that inhibits vehicular line of sight (see also Unified Development Ordinance 9.A.8., "Vision Corner Clearance") or use of the alternative transportation corridor.

(14) Miscellaneous requirements.

(a) Loading berths.

1. Loading berths shall be oriented so as not to be visible from State Road 32 and in a manner that minimizes their visibility from other rights-of-way and adjacent properties.

2. Loading berth enclosures shall be utilized, where appropriate, in order to accomplish the design objectives of this division.

3. Loading berths shall be located behind the building facade nearest to the State Road 32 right-of-way line or roadside corridor.

4. Loading berths shall be screened to the extent reasonably necessary by installing solid, opaque walls or fences. Mounds or berms may also be utilized, or utilized in combination with walls or fence enclosures, to provide screening. Special attention shall be given to accomplish the design objectives herein for visibility of loading berths from adjacent properties and right-of-way.

5. Loading berth walls and fences shall be softened by installing the following adjacent to such screens, except that no landscaping shall be required adjacent to access and delivery doors or gates:

a. One ornamental or evergreen tree every 30 feet.

b. Five shrubs every 30 feet.

(b) Mechanical equipment.

1. Mechanical equipment and similar improvements shall be completely and permanently screened from view from right-of-way and adjoining properties.

2. When attached to the ground, screening methods shall include a mound/berm or an opaque wall or fence enclosure of a material that matches or complements the principal building to which it is appurtenant.

3. When roof-mounted, screening methods shall include parapet walls, enclosures, or other similar architectural treatment that matches or complements the principal building to which it is appurtenant.

(c) Walls and fencing.

1. The following wall and fence types are permitted within the State Road 32 Overlay District: Masonry material, decorative metal (wrought iron, or wrought iron in appearance), or finished wood (stained or painted). In areas requiring security, decorative metal fencing with a spiked or curved top profile or razor/concertina/barbed wire mounted inside a solid fence or wall is recommended. This type of fence shall only be permitted with the express written approval of the Director and may not be permitted in all cases, based on the visibility of the fence.

2. The following wall and fence types are prohibited in areas visible from outside the property on which such walls or fences are installed: non-solid and/or unfinished wood, chain link (with or without slats), non-decorative corrugated metal, electrified fences, and razor/concertina/barbed wire.

3. If a wall or fence consists of the same building materials as used on the non-residential principal building to which it is appurtenant, it shall be permitted to extend from the plane of the principal building's front facade toward the street right-of-way.

4. If a wall or fence does not consist of the same building materials as used on the non-residential principal building to which it is appurtenant, it shall be set back a minimum of eight feet from the plane of the principal building's front facade.

(d) Boundary markers. Upon application for approval of development of a parcel, any portion of which fronts on the Midland Trace boundary, a staked survey shall be completed to determine the Midland Trace boundary. Prior to commencing construction, and throughout the duration of construction, boundary markers shall be placed at the Midland Trace boundary. Monuments shall be at least 24 inches in height and placed at the property comers abutting Midland Trace. In addition, a temporary construction fence shall be placed along the Midland Trace boundary prior to site work commencement and throughout the duration of construction.

(K) Innovation Mile District.

(1) Purpose and review procedures.

(a) Purpose.

1. The purpose of the Innovation Mile District (IMD) is to create a dynamic business and technology hub that will serve as an anchor for revolutionary thinking and a gateway for innovation, leverage long-term growth opportunities, and catalyze reinvestment in the City of Noblesville. This district is intended to provide for a broad range of uses supportive of this vision, thus expanding employment opportunities in Noblesville and enhancing its tax base. Within this district are several subdistricts that represent various physical character areas.

2. Although the IMD zoning district shall be developed in a unified and coordinated fashion, each of the subdistricts has a tailored purpose, use, bulk, and site development standards reflective of its location, function, and desired appearance within the Innovation Mile area. It is the intent of this district to augment the other bulk Articles of this Unified Development Ordinance. When not specifically addressed by this district, the bulk standards of the Unified Development Ordinance determined by the Director of Planning and Development shall apply.

(2) Review procedures. All development within the IMD District shall be subject to site plan review, Unified Development Ordinance subdivision regulations, and site development standards, in addition to the use, bulk, and site development standards of this part. The following types of development proposals shall be required to have a development plan reviewed by the Innovation Mile Review Committee (IMRC) subject to the submission of a preliminary development plan application:

(a) All proposed new construction.

(b) All renovations that affect more than 10% of the facade.

(c) All additions to existing buildings that increase the building square footage by 15% or more.

(d) All proposed subdivisions.

(e) All development proposals that include requests for any exceptions, waivers, or variances from the standards listed for this district and/or subdistricts.

(f) All proposed uses listed as Special Considerations in Appendix D. These uses are not assumed permitted by-right and thus, there shall be no presumption of their approval.

(g) All development within the Public Space Subdistricts.

(3) Innovation Mile Review Committee (IMRC).

(a) The IMRC shall be a seven person committee with the following members:

1. Two members of the Noblesville Plan Commission.

2. Two members of the Noblesville Common Council.

3. The Noblesville Economic Development Director or designee.

4. The Noblesville Community Development Director or designee.

5. The Noblesville City Engineer or designee.

(b) The development committee shall be responsible for reviewing waivers to the requirements of the Innovation Mile of the following type:

1. Bulk standards.

2. Parking requirements.

3. Transportation and circulation.

4. Architectural design standards.

5. Landscaping.

6. Lighting.

7. Signage.

(c) The development committee shall also be responsible for reviewing special considerations and requests to allow prohibited uses.

(d) Development of property within the IMD zoning district shall be guided by the general development principles outlined in the Innovation Mile Master Plan.

(e) Development shall be consistent with the development principles set out in the Innovation Mile Master Plan and comply with the intent of the standards of this zoning district.

(f) If a request is denied, the IMRC shall provide written findings supporting the denial and provide them to the applicant.

(g) Any appeal of a decision of the Innovation Mile Review Committee shall be conducted by the Noblesville Plan Commission with a recommendation sent to the Noblesville Common Council for a final decision.

(4) Land use and transportation components. The land use strategy and transportation strategy for the area are intentionally integrated and an overview of these components are as follows:

(a) Future Land Use Plan: Assigns the land uses within the study area by parcel; and identifies the applicable street hierarchy applicable to each parcel.

(b) Street Hierarchy: Establishes future network of streets to frame growth; and provides a reference point for assigning more detailed requirements.

(d) Land Use Character: Establishes intention and unique character within the area; and provides requirements for land uses such as heights, setbacks, and uses.

(e) Building Typologies: Establishes a range of allowable building typologies by character district; and provides requirements for buildings such as floorplates, facades, projections, transparency, and materials.

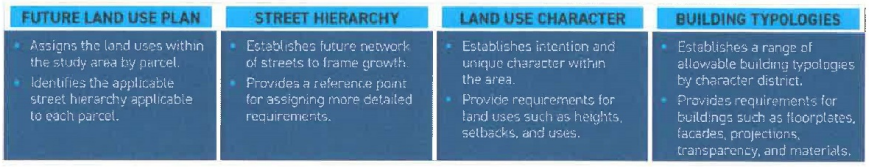


Figure 1: Land Use and Transportation Components

(2) Establishment of Subdistricts. The intention of this future land use strategy is to create a new hub for innovation on the city-owned parcels located immediately adjacent to 141st Street that will foster the growth of Innovation Mile from Olio Road to Cyntheanne Road over time. The land use strategy was designed to provide the city with a flexible approach to land uses that will require specific uses in some areas and allow for market responsivity in others. Based on the principles of form-based coding best practices, the land use system is constructed using four fundamental components: a future land use plan, a street hierarchy, character districts, and building typologies. Each component provides an increasing level of detail regarding the location, character, and detailed requirements for development within the area.

(a) Land Use Character Districts: The City of Noblesville hereby creates a set of land use character districts that represent physical character areas within the IMD District. The land use character districts are as follows:

1. Campus Type 1 (C1) Uses - Innovation Core:

a. Purpose and applicability. The Campus Type 1 (C1) - Innovation Core land use is principally intended to provide mixed-use, corporate headquarters and office area in the heart of the district along 141st Street and adjacent to the new public square.

b. Use requirements. This district requires active ground floor uses such as retail, restaurants, bars, entertainment venues, event lawns and other activated uses with offices and headquarters type uses on upper floors on all streets within the Street Hierarchy. See Appendix C-2. Official Schedule of Uses - Innovation Mile District for a full list of permitted uses.

(i) Allowable ground floor uses. Active commercial such as such as retail shops, restaurants, bars, cafes, and other commercial uses with regular customer turnover.

(ii) Allowable upper floor uses. Offices and corporate headquarters, structured parking.

2. Campus Type 2 (C2) Uses - Innovation Gateway:

a. Purpose and applicability. The Campus Type 2 (C2) - Innovation Gateway land use is principally intended to provide a more flexible district which will allow for a range of innovation district uses such as headquarters, offices, collaboration, innovation, and light industrial uses with common or creative spaces on the ground floor.

b. Use requirements. Active ground floor uses are only required within the district in areas where a Primary Street or Secondary Street intersect directly with a Non-Motorized Street in the Street Hierarchy. See Appendix C-2. Official Schedule of Uses - Innovation Mile District for a full list of permitted uses.

(i) Allowable ground floor uses. Common Spaces, creative/maker spaces, lobbies allowed on all ground floors, and all uses allowed in Campus Type 1. Active commercial uses are required for the first 80' from the intersection of a primary or secondary street with a non-motorized street.

(ii) Allowable upper floor uses. Innovation uses, flexible uses, residential uses, and all uses allowed in Campus Type 1.

3. Campus Type 3 (C3) Uses - Innovation I-69:

a. Purpose and applicability. The Campus Type 3 (C3) - Innovation I-69 Corridor land use is principally intended to provide the flexibility within the district and along the 1-69 corridor and allow for an increasing range of innovation district uses such as headquarters, offices, collaboration, innovation, light industrial, and manufacturing uses.

b. Use requirements. Active ground floor uses are only required within very limited areas where a Primary Streets intersect, or a Secondary Street intersect directly with a Non-Motorized Street in the Street Hierarchy. See Appendix C-2 . Official Schedule of Uses - Innovation Mile District for a full list of permitted uses.

(i) Allowable ground floor uses. Industrial and manufacturing uses. Active commercial uses are required for the first 80' from the intersection of a primary or secondary street with a non-motorized street.

(ii) Allowable upper floor uses. Industrial or manufacturing uses, and all use allowed in Campus Type 2.

4. Residential Type 1 (R1) Uses - Mixed-Use Residential:

a. Purpose and applicability. The Residential Type 1 (R1) - Mixed-use Residential land use is principally intended to provide for an area of the district that will add vibrancy and 24/7 activation immediately adjacent to the core innovation area.

b. Use requirements. This area will be the main residential area within Innovation Mile and consist primarily of ground floor commercial spaces with residential above. See Appendix C-2 . Official Schedule of Uses - Innovation Mile District for a full list of permitted uses.

(i) Allowable ground floor uses. Active commercial such as such as retail shops, restaurants, bars, cafes, and other commercial uses with regular customer turnover and multi-family common spaces.

(ii) Allowable upper floor uses. Multi-family residential.

5. Residential Type 2 (R2) Uses - Multi-Family Residential:

a. Purpose and applicability. The Residential Type 2 (R2) - Multi-family Residential land use is principally intended to provide for a more intensive living district adjacent to the core of the Innovation Mile.

b. Use requirements. This will provide a few different types of living options ranging from apartments to townhomes and offering rental and ownership options. See Appendix C-2 . Official Schedule of Uses - Innovation Mile District for a full list of permitted uses.

(i) Allowable ground floor uses. Multi-family common spaces and multifamily residential.

(ii) Allowable upper floor uses. Multi-family residential.

6. Light Industrial Manufacturing Uses (LIM).

a. Purpose and applicability. The Light Industrial/Manufacturing (LIM) land use is principally intended to provide a range of flexible uses for the long-term that will allow the eastern portion of Innovation Mile to build out.

b. Use requirements. This area will provide a range of flexible uses for the long-term that will allow more supportive uses such as manufacturing, production, distribution, and other innovation uses. See Appendix C-2. Official Schedule of Uses - Innovation Mile District for a full list of permitted uses.

(i) Allowable ground floor uses. Industrial, manufacturing, warehousing, and distribution.

(ii) Allowable upper floor uses. Same as ground floor.

7. Community / Institutional Uses (CI):

a. Purpose and applicability. The Community/Institutional (CI) land use is principally intended to provide a very flexible set of uses for the "soul" of the district along 141st Street and adjacent to the Mud Creek area.

b. Use requirements. This area prioritizes conserving the natural environment while allowing light recreational uses and community/institutional uses. See Appendix C-2 . Official Schedule of Uses - Innovation Mile District for a full list of permitted uses.

(i) Allowable ground floor uses. Community centric uses such as nature center, arboretum, community center, outdoor recreation, library, and other uses beneficial to the new district and existing residential areas.

(ii) Allowable upper floor uses. Same as ground floor.

8. Public Space Type 1 Uses (P1) - Formal Public Spaces and Parks:

a. Purpose and applicability. The Public Space Type 1 Uses (P1) should be highly integrated into development projects and contain a wide range of amenities from formal hardscaped areas and plazas that support the core of the district and activation of ground floor uses to landscaping, park spaces, and stormwater detention facilities that help capture and treat runoff. Specific areas include spaces adjacent to the improved 141st Street and non-motorized pathways.

b. Use requirements. Specific uses will be coordinated, reviewed, and recommended by the City of Noblesville Parks and Recreation Department. Specific uses allowed in this district will be approved by the IMRC.

9. Public Space Type 2 Uses (P2) - Unprogrammed Open Spaces:

a. Purpose and applicability. The Public Space Type 2 Uses (P2) are less programmed than Public Space Type 1 uses, and may include elements such as trails, trailheads, natural landscaping, water features, boardwalks, and other features that support passive recreation activities and connectivity throughout the district. Specific areas include land on the north retained for future development, land along I-69, the utility easement, and the south Mud Creek area.

b. Use requirements. Specific uses will be coordinated, reviewed, and recommended by the City of Noblesville Parks and Recreation Department. Specific uses allowed in this district will be approved by the IMRC.

10. Public Space Type 3 Uses (P3) - Conservation Areas:

a. Purpose and applicability. The Public Space Type 3 Uses (P2) are very sensitive areas that should be treated sensitively with only low-impact development strategies for pathways and passive recreation activities. This may include uses like soft surface nature trails, tree canopy boardwalks, picnic areas, play areas along the creek, and other very low impact uses.

b. Use requirements. Specific uses will be coordinated, reviewed, and recommended by the City of Noblesville Parks and Recreation Department. Specific uses allowed in this district will be approved by the IMRC.

(3) Land Use and Street Hierarchy Plan.

(a) Land Use Plan: The main organizing principle behind the land use strategy is the proposed street network. The street network, which is further detailed in the mobility strategy section of the district, will provide a framework for the growth for the area and character is defined based on a parcels relationship to that network. The role of the future land use plan is to identify each (future) parcel of development within the area and the associated character district that will help achieve the vision for the area. The future land use plan also identifies the street types that are associated with each parcel that will guide more specific requirements for the character districts and building typologies.

Figure 2: Land Use Plan Map

(b) Street Hierarchy Plan:

1. The proposed street network throughout the district uses four street types to organize the land uses and assign more detailed requirements. This street hierarchy is intended to inform the land use and development related to the street and open space network by organizing the streets into an order based on function, connectivity, capacity, and character. At the highest level, primary streets are a major determinant for character and activity within Innovation Mile. Primary streets are generally located on major public spaces and shape the core brand and identity for the area, including streets such as East 141st Street and the new signature boulevard connecting north into future development. Efforts should be made to face building facades to the primary streets.

2. Other streets seek to provide additional modes of transportation, allow for service, and access, and increase flexibility for the development moving forward. For example, potential alleys are provided as a tool to allow individual decisions regarding land subdivision to increase access, hide parking internal to the blocks, and allow for flexibility in the overall footprint of development. Depending upon the type of street and the types of intersecting streets, the regulations for land use and building type requirements are adjusted to ensure that a minimum level of urban design and architectural sensitivity is provided throughout Innovation Mile. Additional information relating to the Street Hierarchy Plan and the types of streets may be found in the adopted Innovation Mile Master Plan document. This includes cross-sections for all the street types and block layout information.

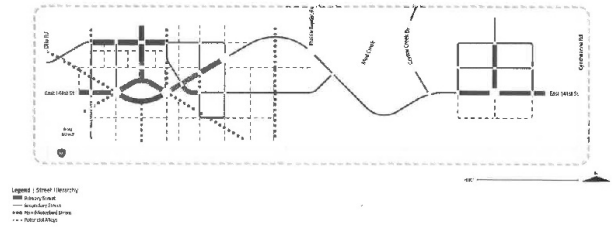


Figure 3: Street Hierarchy Plan

Table 8.I.3.C Summary Table of Street Type Requirements:

The following is a summary of Street Type requirements for typical details.

Requirement	Street Type A – East 141 St Street Core Area	Street Type B – East 141 St Street Non-Core Area	Street Type C – East 141 St Street Old Alignment	Street Type D – Typical Commercial Street	Street Type E – Typical Service Street	Street Type F – Special Boulevard	Street Type G – Special Shared Street	Street Type H – Potential Alley
Typical Classification	Principal Arterial	Minor Arterial	Collector	Local	TBD	TBD	TBD	Alley
Typical Right-of-Way (ROW)	110' (from property line to property line)	110' (from property line to property line)	60' (from property line to property line)	70' (from property line to property line)	70' (from property line to property line)	156' (from property line to property line)	40' (from property line to property line)	22' (from property line to property line)
Median (Landscaping and Vegetation)	18' wide, 1' high above finished road surface, 2% slope from center line towards gutter	12' wide, 1' high above finished road surface, 2% slope from center line towards gutter	N/A	N/A	N/A	48' including multi-use and pedestrian only lanes, landscaping, and vegetation	N/A	N/A
Travel Lane (Two-Way Street)	1 lane in each direction, 11'-12' wide, 2% slope towards gutter	1 lane in each direction, 11'-12'wide, 2% slope towards gutter	1 lane in each direction, 11'- 12'wide, 2% slope towards gutter	1 lane in each direction, 11'- 12' wide, 2% slope towards gutter	1 lane in each direction, 11'- 15'wide, 2% slope towards gutter	1 lane in each direction, 11'-15' wide, 2% slope towards gutter	N/A	1 lane, 1.5 % slope from center line towards gutters on both sides of the street
Parking Lane (On Street)	1 lane in each direction, 8' wide, 3% slope towards gutter	1 lane in each direction, 8' wide, 3% slope towards gutter	N/A	1 lane in each direction, 8' wide, 3% slope towards gutter	N/A	1 lane in each direction, 8' wide, 3% slope towards gutter	N/A	N/A
Bike Facilities (Location Varies)	1 lane in each direction, 5' wide, 3' wide raised buffer from parking lane, 2% slope towards gutter	1 lane in each direction, 5' wide, 3' wide raised buffer from parking lane, 2% slope towards gutter	5' wide within multi-use trail	N/A	N/A	Shared bike lanes within 10' wide multi use lane in the median and within 15' wide public space on both sides of the street	Shared bike lanes and pedestrian 12' wide multi-use trail, 1.5% slope towards both side of the trail, varied width landscape and vegetation buffer between	Shared bike and vehicular

							train and property line	
Sidewalk Facilities (Location Varies)	16' wide, 8' tree zone buffer from bike lane, 1.5% slope towards gutter	6' wide, 8' tree zone buffer from bike lane, 1.5% slope towards gutter	5' wide, 8' tree zone buffer from road, 1.5% slope towards gutter, 5' buffer from property line	10' wide, 8' tree zone buffer from road, 1.5% slope towards gutter	6' wide, 14' tree zone buffer from road, 1.5% slope towards gutter	5' wide,8' tree zone buffer from road, 8' tree and landscaping buffer from public space, 1.5% slope towards gutter	N/A	N/A
Lighting	Two directional street lighting; towards sidewalk and road, zero cutoff, no sodium halide lighting	Two directional street lighting; towards sidewalk and road, zero cutoff, no sodium halide lighting	Two directional street lighting; towards sidewalk and road, zero cutoff, no sodium halide lighting	Two directional street lighting; towards sidewalk a nd road, zero cutoff, n o sodium h alide lighting	Two directional street lighting; towards sidewalk and road, zero cutoff, no sodium halide lighting	Two directional street lighting; towards sidewalk and road, zero cutoff, no sodium halide lighting	Pedestrian-scaled lighting utilized on edges to provide lighting to common areas, zero cutoff, and no sodium halide lighting.	N/A
Pedestrian Amenities	Landscaping, two directional strcct lighting towards sidewalk and road street light posts within tree lawn, street trees	Landscaping, two directional strcct lighting; towards sidewalk and road, light posts within 6' wide tree lawn, street trees, 13' multi-use trail on the south side	Two directional street lighting; towards sidewalk and road, light posts within 5' wide tree lawn, street trees, 12' mixed use trail on the south side, 5' buffer from property line	Light posts within 6' wide tree lawn, strcct trees	Single direction street lighting towards road, light posts within 14' wide tree lawn, street trees	Two directional street lighting; towards sidewalk and road, light posts within 5' wide tree lawn, street trees, 15' public space	Shared bike lanes and pedcstrian 12' wide multi-use trail, 1.5% slope towards both side of the trail, varied width landscape and vegetation buffer between train and property line	N/A
Loading and Service	Not allowed	Not allowed	Not allowed	Not allowed	Allowed	Not allowed	Not allowed	Allowed

(4) General Regulations.

(a) Land Use Character Districts. The City of Noblesville hereby creates a set of land use character districts that represent physical character areas within the IMD zoning district.

Table 8.I.4.B Summary Table of Land Use Character Districts Requirements:

The following is a summary of Land Use Character district requirements based upon the established subdistrict.

Requirement	Campus Type 1 Uses (C1) – Innovation Core	Campus Type 2 Uses (C2) – Innovation Gateway	Campus Type 3 Uses (C3) – Innovation I-69	Residential Type 1 Uses (R1) – Mixed-Use Residential	Residential Type 2 Uses (R2) – Multi-Family Residential	Light Industrial / Manufacturing Uses (LIM)	Community / Institutional Uses (C1)
Height (Stories/Feet)	Minimum of 3 stories and 44', and maximum of 5 stories and 68'.	Minimum of 2 stories and 32'; and maximum of 5 stories and 68'.	Minimum of 1 story and 24'; and maximum of 3 stories and 44'.	Minimum of 3 stories and 44'; and maximum of 5 stories and 68'.	Minimum of 2 stories and 32'; and maximum of 4 stories and 56'.	No minimum; and maximum of 4 stories and 56'.	No minimum; and maximum of 5 stories and 68'.
Primary Street Build-to-Line (Feet from the Property Lines)	Zero Lot Line / 0' for building facades; and minimum of 30' for surface parking lots/ structured parking garages on both ground and upper floors.	0' to 10' for building facades; and minimum of 30' for surface parking lots / structured parking garages on both ground and upper floors.	20' to 200' for building facades; and minimum of 20' for surface parking lots; and 20' for the first 80' of building facades on primary streets.	Zero Lot Line / 0' for building facades; and minimum of 30' for surface parking lots on ground floors and structured parking garages on upper floors.	30' to 130' for building facades; and minimum of 30' for surface parking lots.	30' to 200' for building facades; and minimum of 30' for surface parking lots; and 30' for the first 80' of building facades on primary streets.	Not applicable.
Secondary Street Build-to-Line (Feet from the Property Lines)	0' to 10' for building facades; and minimum of 30' for surface parking lots/structured parking garages.	10' to 20' for building facades; and minimum of 30' for surface parking lots / structured parking garages on both ground and upper floor.	20' to 200' for building facades; and minimum of 20' for surface parking lots; and 20' for the first 80' of primary street building facades.	0' to 10' for building facades; and minimum of 30' for surface parking lots on ground floors and structured parking garages on upper floors.	Maximum of 30' for building facades.	30' to 200' for building facades; and minimum of 30' for surface parking lots; and 30' for the first 80' of building facades on primary street.	Maximum of 50' for building facades; and minimum of 50' for surface parking lots on ground floors.
Upper Floor Setbacks (Feet)	Maximum of 30' from the ground floor building façade.	Maximum of 30' from the ground floor building façade.	Maximum of 50' from the ground floor building façade, if provided.	Maximum of 30' from the ground floor building façade.	Maximum of 30' from the ground floor building façade.	Maximum of 50' from the ground floor building façade, if provided.	Not applicable.
Finished Ground Floor Level	Maximum of 6" above the adjacent grade.	Maximum of 6" above the adjacent grade.	Maximum of 6" above the adjacent grade for active commercial uses; and maximum of 6' above the adjacent grade for other uses.	Maximum of 6" above the adjacent grade.	Maximum of 3' above the adjacent grade.	Maximum of 6" above the adjacent grade.	Not applicable.

(5) Building type standards.

(a) Building types.

1. The City of Noblesville hereby creates a set of building typologies. The term building typology is referred to as the categorization of a development project according to similar building form, use, and functional characteristics. Typically, building typologies become established within a community over time and based on the fabric of urban development that is established in a particular context. The building typologies identified here share some of those similarities; however, unique building topologies have been provided based on the aspirations of the city and the necessity to provide more unique typologies that will build the character of Innovation Mile.

2. Additionally, the building typologies will provide the city with a set of more detailed criteria for each development project that will ensure that each new building within the area aspires to a higher-level and quality of architectural character and design that will meet the goals of district. These design criteria will define more nuanced details of the buildings including typical floor plate widths, floor-to-floor heights, facade articulation, projections, transparencies, materiality, and landscaping and lighting. Furthermore, the building typologies will provide the developers with a visual example of character and typical massing that will be considered during planning review.

3. Building types applicable to Innovation Mile include:

a. Innovation / Headquarters Building (IH).

b. Mixed-Use Office Building (MO).

c. Shared Innovation / Flexible Building (IF).

d. Office Building (OF).

e. Mixed-Use Residential Building (MR).

f. Residential Apartment Building (RA).

g. Residential Townhome Building (RT).

h. Flexible / Manufacturing Building (FM).

i. Warehouse / Distribution Building (WD).

Table 8.I.5.B Summary of Building Type Requirements:

The following is a summary of Street Type requirements for typical details.

Requirement	Innovation/ Headquarters (IH) Building	Mixed-Use Office (MO) Building	Shared Innovation/ Flexible Building (IF)	Standard Office Building (OF)	Mixed-Use Residential Building (MR)	Residential Apartment Building (RA)	Residential Townhome Building (RT)	Flexible Manufacturing Building (FM)	Warehouse /Distribution (WD) Building
Typical Floorplate Dimension	180' to 200' typical width	80' to 100' typical width	140' to 180' typical width	80' to 100' typical width	70' to 80' typical width	70' to 80' typical width.	40' to 50' typical width.	200' to 350' typical width.	200' to 400' typical width.
Floor Heights (Floor-to-Floor)	20' ground floor; and 10'-12' upper floor.	15' ground floor; and 10'-12' upper floor.	15 20' ground floor; and 10'-14' upper floor.	15' ground floor; and 12'-14' upper floor.	15' ground floor; and 10'-12' upper floor.	15' ground floor; and 10'-12' upper floor	12'-15' ground floor; and 10'-12' upper floor.	20'-35' ground floor, and 12'-15' upper floors (if applicable)	20'-35' ground floor; and 12'-15' upper floors (if applicable)
Building Façade Articulation	Must include vertical plane breaks on all Primary Streets and Secondary Street building facades.	Must include vertical plane breaks on all Primary Streets and Secondary Street building facades.	Must include vertical plane breaks on all Primary Streets and Secondary Street building facades.	Must include vertical plane breaks on all Primary Streets and Secondary Street building facades.	Must include vertical plane breaks on all Primary Streets and Secondary Street building facades.	Must include vertical plane breaks on all Secondary Street building facades.	Must include vertical plane breaks between individual units that include entrances.	Must include vertical plane breaks on Primary Street Building Facades and facades that are visible from I-69.	Must include vertical plane breaks on Primary Street Building Facades.
Building Façade Projections or Encroachments	Entrance canopies, light shelves, window louvers, and upper floor outdoor space coverings required.	Entrance canopies, light shelves, window louvers, and upper floor outdoor space coverings required.	Entrance canopies, light shelves, window louvers, and upper floor outdoor space coverings required.	Entrance canopies, light shelves, window louvers, and upper floor outdoor space coverings required.	Entrance canopies, light shelves, window louvers, balconies for units, and upper floor outdoor space coverings required.	Entrance canopies, light shelves, window louvers, balconies for units, and upper floor outdoor space coverings required.	Entrance canopies and coverings required; balconies for units allowed.	Entrance canopies, light shelves, and window louvers required.	Entrance canopies, light shelves, and window louvers required.

Building Façade Transparency	Minimum of 30% on Primary Street building facades; and minimum of 30% on Secondary Street building facades.	Minimum of 50% on Primary Street building facades; and minimum of 30% on Secondary Street building facades.	Minimum of 50% on Primary Street building facades; and minimum of 30% on Secondary Street building facades.	Minimum of 50% on Primary Street building facades; and minimum of 30% on Secondary Street building facades.	Minimum of 50% on Primary Street ground floor building facades; and minimum of 30% on Secondary Street ground floor building facades; no requirements on upper floors.	Minimum of 30% on Primary Street ground floor building facades; and minimum of 30% on Secondary Street ground floor building facades; no requirements on upper floors.	No requirements.	Minimum of 10% on Building Facades on Primary Streets, Secondary Streets, and Non-Motorized Paths.	Minimum of 10% on Building Facades on Primary Streets, Secondary Streets, and Non-Motorized Paths.
Building Façade Materiality	High-quality glass, metals, concrete, masonry, stone, and wood on all Primary Street and Secondary Street building facades.	High-quality glass, metals, concrete, masonry, stone, and wood on all Primary Streets; and flexibility on Secondary Streets.	High-quality glass, metals, concrete, masonry, stone, and wood on all Primary Streets; and flexibility on Secondary Streets.	High-quality glass, metals, concrete, masonry, stone, and wood on all Primary Streets; and flexibility on Secondary Streets.	High-quality glass, metals, concrete, masonry, stone, and wood on all Primary Streets; and flexibility on Secondary Streets.	High-quality glass, metals, concrete, masonry, stone, and wood on all Secondary Street building facades.	High-quality glass, metals, concrete, masonry, stone, and wood on all Secondary Street building facades.	high-quality glass, metals, concrete, masonry, stone, and wood on all Primary Street Building Facades and facades that are visible from I-69. Low reflectivity materials are required.	High-quality glass, metals, concrete, masonry, stone, and wood on all Primary Street Building Facades Low reflectivity materials are required.
Building Façade Lighting	Required on all Primary Street building facades; and adjacent to any non-motorized streets and potential alleys.	Required on all Primary Street building facades; and adjacent to any non-motorized streets and potential alleys.	Required on all Primary Street building facades; and adjacent to any non-motorized streets and potential alleys.	Required on all Primary Street building facades; and adjacent to any non-motorized streets and potential alleys.	Required on all Primary Street building facades; and adjacent to any non-motorized streets and potential alleys.	Required on all Primary Street building facades; and adjacent to any non-motorized streets and potential alleys.	Required on all Primary Street building facades; and adjacent to any non-motorized streets and potential alleys.	Required on all Primary Street building facades; and adjacent to any non-motorized streets and potential alleys; and facades that are visible from I-69.	Required on all Primary Street building facades; and adjacent to any non-motorized streets and potential alleys.
Exterior Lighting	Required on all Primary Street building facades; and adjacent to any non-motorized streets and potential alleys.	Required on all Primary Street building facades; and adjacent to any non-motorized streets and potential alleys.	Required on all Primary Street building facades; adjacent to any non-motorized streets and potential alleys; and flexibility on Secondary Streets.	Required on all Primary Street building facades; adjacent to any non-motorized streets and potential alleys; and flexibility on Secondary Streets.	Required on all Primary Street building facades; adjacent to any non-motorized streets and potential alleys; and flexibility on Secondary Streets.	Required on all Secondary Street building facades; adjacent to any non-motorized streets and potential alleys.	Required on all Secondary Street building facades; adjacent to any non-motorized streets and potential alleys.	Required on all Primary Street building facades; adjacent to any non-motorized streets and potential alleys; and facades that are visible from I-69.	Required on all Primary Street building facades; adjacent to any non-motorized streets and potential alleys.

Landscaping	Required in front of all Primary Street and Secondary Street Build-to-Lines. Shall include a mix of trees and shrubs that comply with the size requirements of Article 12 to visually ground the building.	Required in front of all Primary Street and Secondary Street Build-to-Lines. Shall include a mix of trees and shrubs that comply with the size requirements of Article 12 to visually ground the building.	Required in front of all Primary Street and Secondary Street Build-to Lines. Shall include a mix of trees and shrubs that comply with the size requirements of Article 12 to visually ground the building.	Required in front of all Primary Street and Secondary Street Build-to-Lines. Shall include a mix of trees and shrubs that comply with the size requirements of Article 12 to visually gro...ne the building.	Required in front of all Primary Street and Secondary Street Build-to-Lines. Shall include a mix of trees and shrubs that comply with the size requirements of Article 12 to visually ground the building.	Required in front of all Secondary Street Build-to-Lines. Shall include a mix of trees and shrubs that comply with the size requirements of Article 12 to visually ground the building.	Required in front of all Secondary Street Build-to-Lines. Shall include a mix of trees and shrubs that comply with the size requirements of Article 12 to visually ground the building.	Required in front of all Primary Street Build-to-Lines. Shall include a mix of trees and shrubs that comply with the size requirements of Article 12 to visually ground the building.	Required in front of all Primary Street Build-to-Lines. Shall include a mix of trees and shrubs that comply with the size requirements of Article 12 to visually ground the building.
Exterior Public Spaces and Courtyards	Required on all Primary Street building facades; adjacent to any non-motorized streets and potential alleys; and adjacent to any Public Space character districts.	Required on all Primary Street building facades; adjacent to any non-motorized streets and potential alleys; and adjacent to any Public Space character districts.	Required on all Primary Street building facades; adjacent to any non-motorized streets and potential alleys; and adjacent to any Public Space character districts.	Required on all Primary Street building facades; adjacent to any non-motorized streets and potential alleys; and adjacent to any Public Space character districts.	Required on all Primary Street building facades; adjacent to any non-motorized streets and potential alleys; and adjacent to any Public Space character districts.	Required on all Secondary Street building facades; adjacent to any non-motorized streets and potential alleys; and adjacent to any Public Space character districts.	No requirements.	Required at the Intersections of Primary Streets and facades that are visible from I-69.	Required at the Intersections of Primary Streets.

(c) Building type requirements. Requirements for building types are below. They are grouped based upon the subdistrict the building type is permitted within. A map of the areas is shown above the building type.

1. Innovation/Headquarters Buildings (IH) Building Type.

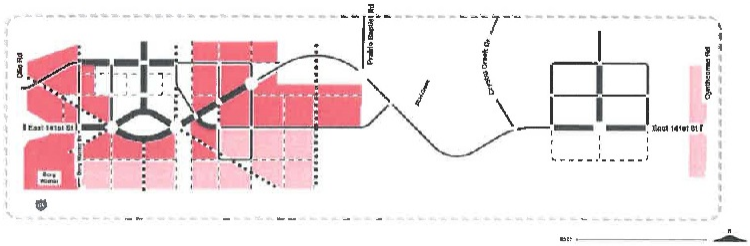
a. Intention. The Innovation/Headquarters (IH) Building Type is one of the critical building types for Innovation Mile. This building type typically includes a singular tenant located on upper floors with ground floor commercial, retail, and common, creative, or collaborative spaces.

b. Allowable land use character districts. These building types are allowed within Campus Type 1, 2, and 3 Character Districts.

2. Mixed-Use Office (MO) Building Type.

a. Intention. The Mixed-Use Office (MO) Building Type is one of the critical building types for Innovation Mile. This building type typically includes multiple tenants located on upper floors with ground floor commercial, retail, and common spaces.

b. Allowable land use character districts. These building types are allowed within Campus Type 1, 2, and 3 Character Districts.



3. Innovation/Flexible (IF) Building Type.

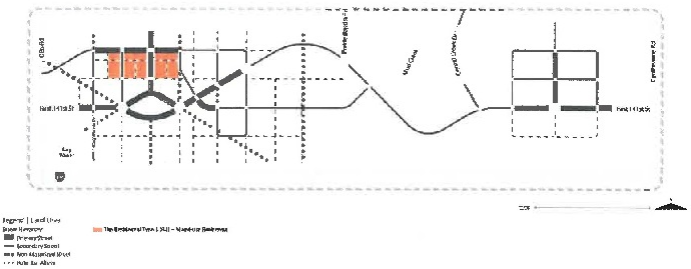
a. Intention. The Shared Innovation/Flexible (IF) Building Type is a supportive building type for Innovation Mile that provides greater flexibility on the ground floor. This building type typically includes multiple tenants located on upper floors with ground floor common spaces, creative, collaborative, or parking uses.

b. Allowable land use character districts. These building types are allowed within Campus Type 2 and 3 Character Districts.

4. Standard Office Building (SO) Building Type.

a. Intention. The Standard Office (OF) Building Type is a supportive building type for Innovation Mile that provides greater flexibility on the ground floor. This building type typically includes multiple tenants located on upper floors with ground floor office, common spaces, or parking uses.

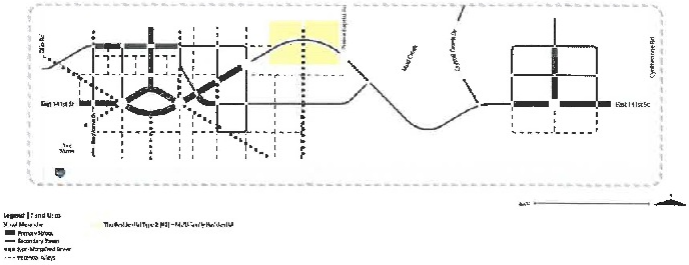
b. Allowable land use character districts. These building types are allowed within Campus Type 2 and 3 Character Districts.



5. Mixed-Use Residential (MR) Building Type.

a. Intention. The Mixed-Use Residential (MR) Building Type is a supportive building type for Innovation Mile that provides increased living options and fosters more of a 24/7 life within the district. This building type typically includes residential located on upper floors with ground floor commercial and common spaces.

b. Allowable land use character districts. These building types are allowed within Residential Type 1 Character Districts.



6. Residential Apartment (RA) Building Type.

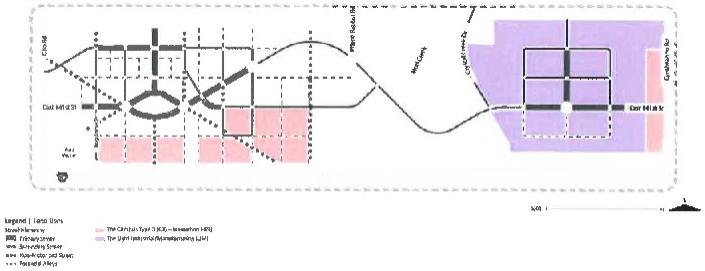
a. Intention. The Residential Apartment (RA) Building Type is a supportive building type for Innovation Mile that provides increased living options and fosters more of a neighborhood feel along 141st Street. This building type typically includes multiple residential located on upper floors with ground floor common spaces.

b. Allowable land use character districts. These building types are allowed within Residential Type 2 Character Districts.

7. Residential Townhome (RT) Building Type.

a. Intention. The Residential Townhome (RT) Building Type is a supportive building type for Innovation Mile that provides increased living options and more diversity of neighborhood feel along 141st Street. This building type typically includes residential and rear parking located on ground and units on upper floors.

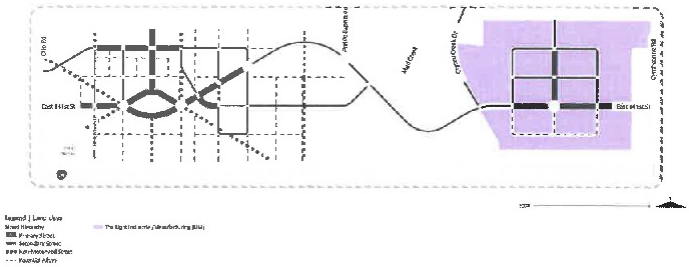
b. Allowable land use character districts. These building types are allowed within Residential Type 2 Character Districts.



8. Flexible Manufacturing (FM) Building Type.

a. Intention. The Flexible Manufacturing (FM) Building Type is a supportive building type for Innovation Mile that provides increased flexibility in uses for areas along I-69 and east of the Mud Creek area. This building type typically includes single tenant buildings with a variety of uses on ground and upper floors (if applicable).

b. Allowable land use character districts. These building types are allowed within Campus Type 3 and Light Industrial/Manufacturing Character Districts.



9. Warehouse/Distribution (WD| Building Type.

a. Intention. The Warehouse/Distribution (WD) Building Type is a supportive building type for Innovation Mile that provides increased flexibility in uses east of the Mud Creek area. This building type typically includes single tenant buildings with limited uses on ground and upper floors (if applicable).

b. Allowable land use character districts. These building types are allowed within Light Industrial/Manufacturing Character Districts.

(6) Parking / Loading. The following parking and loading requirements shall apply within the IMD. All calculations shall be made using gross floor area (GFA). For those uses not listed in the Schedule of IMD- Street Parking and Loading Requirement, refer to Article 10 of the Unified Development Ordinance.

Table 8.I.6.A Parking/Loading Setback Requirements

Use Type (IMD)	Sub-Category	Required Parking Spaces	Required Loading Spaces
Residential Uses	Single Family Attached Dwellings	<2000 SF: 1/DU, 2,000 to 3,000 SF: 2/DU, >3,000 SF: 3/DU	N/A
	Multi-Family Dwellings - RENTAL	1/DU for efficiency units; 1.5/DU for the first bedroom in units with one of more bedrooms, plus 0.25 space for each additional bedroom	N/A
	Multi-Family Dwellings - OWNED	1/DU for efficiency units; 1.75/DU for the first bedroom in units with one of more bedrooms, plus 0.25 space for each additional bedroom	N/A
	Other Residential	To be determined by the City.	To be determined by the City.
Office and Institutional Uses	Office uses	3 per 1,000 SF	1 per BUILDING
	Other Institutional Uses	3 per 1,000 SF	To be determined by the City.
	Other Office Uses	To be determined by the City.	To be determined by the City.
Educational Uses	Education uses	3 per 1,000 SF	1 per BUILDING
	Other Educational Uses	To be determined by the City.	To be determined by the City.
Cultural / Entertainment Uses	–	To be determined by the City.	To be determined by the City.
Commercial Uses	Commercial Lodgings	1.25/sleeping room or unit plus 10/1,000 SF GFA restaurant lounge plus the following for meeting/banquet space: less than 20 SF / sleeping room: non; 20 SF / sleeping room: 30/1,000 SF GFA; 20 to 50 SF / sleeping room: scaled between 20 and 30 SF / sleeping room: over 50 SF / sleeping room: 20/1,000 SF GF	1 per BUILDING when banquet/meeting space or restaurant are provided.
	Fine/Casual Dining (with bar)	20 per 1,000 SF	To be determined by the City.
	Family Restaurant	15 per 1,000 SF	To be determined by the City.
	Fast Food	15 per 1,000 SF	To be determined by the City.
	Commercial uses	4 per 1,000 SF	1 per USER
Industrial Uses	Manufacturing/assembly/ Production uses	2 per 1,000 SF[1]	1 per 15,000 SF[1]
	Distribution uses	1 per 1,000 SF[1]	1 per 15,000 SF[1]
	Storage uses	1 per 1,000 SF[1]	1 per 40,000 SF[1]
Other Uses	–	To be determined by the City.	To be determined by the City.
	[1]In cases where buildings exceed 30,000-SF, the overall required parking spaces and loading spaces may, on a case by case basis, based on the merits of the circumstances be reduced with approval of the Planning Director.		

(b) Parking/loading setback requirements.

1. Setbacks along streets are contained within Table 8.1.4.B - Summary of Land Use Character District Requirements.

2. Side and rear setbacks. Parking, loading, and vehicular use areas shall be setback a minimum of 12 feet from any rear or side lot line.

3. Dedicated and conveniently located parking spaces shall be provided for the physically disabled per established city and other requirements.

4. In pedestrian-oriented commercial areas make off-street parking access points visible.

5. Large parking lots must be divided into "modules" linked by internal access drives and separated by landscaped islands. Modules should not exceed 240' in width without a separating island of at least ten feet.

6. Parking, driveways and curb cuts shall be shared between uses where feasible to minimize pavements and reduce interference with pedestrians.

7. Every parking space shall be within 200 feet of a sidewalk leading to a building entrance and separated from automobile traffic.

8. Sufficient stacking spaces must be provided at driveways.

9. Visual obstructions are prohibited within parking lots and at driveways.

10. Snow plowing and storage must be accommodated within parking lots and loading areas.

11. The use of parking lots as "short-cuts" to circumvent the public roadway system must be discouraged through design elements.

(c) Parking structures.

1. Parking structures may be at least partially below grade to minimize their visual impact.

2. Where parking structures are visible from public rights-of-way, they may not have sloping floor plates visible from adjacent public rights-of-way.

3. Parking structures in commercial areas must accommodate retail space on the ground level, where permitted.

4. The design of parking structures must integrate the forms and materials used for principal building(s). Lighting should also be integrated with the overall architectural character of the site.

5. Landscaping must be used at the base of parking structures, and the use of landscaping should be considered at upper levels, to soften their appearance.

(d) Parking lot landscaping.

1. Parking lot screening shall per pursuant to the standards established in §§159.180 through 159.192 of the Unified Development Ordinance. The plantings required in §§ 159.180 through 159.192 may be clustered so long as the clustering maintains a minimum 75% screening of the lot perimeter where adjacent to a public right-of-way, or 50% otherwise. Where appropriate and permitted, screening shall be accomplished in a buffer zone of at least 10' in width, using a combination of shade trees, evergreen trees, evergreen shrubs and dense deciduous shrubs, with earthen berms where appropriate. The exact mix of landscape types shall be determined on a case by case basis.

2. If earthen berms are used, they shall have a maximum height of six feet and a maximum slope of 3:1.

(7) Signage.

(a) General requirements.

1. Signage within the IMD shall be permitted subject to the general and design standards of §§159.160 through 159.172 of the Unified Development Ordinance unless otherwise stated below. In cases where §§ 159.160 through 159.172 and the standards of the IMD are in conflict, the Innovation Mile standard shall apply.

2. All signs must be associated with the permitted use of the property on which they are located, unless specifically permitted otherwise.

3. Street number(s) shall be prominently placed on freestanding signage and shall not count toward the maximum number of items of information.

4. On multi-tenant buildings, all signage must be visually consistent.

5. Signs shall not obstruct views of authorized traffic signs or traffic control devices, create a visual obstruction at driveway entrances, be animated, cause glare, or be lit by any flashing or moving light.

6. Lots fronting on two or more streets are permitted one sign for each street frontage. When designation signs are used, the designation signs shall not count toward an individual user's permitted signage for that frontage.

7. Directional signs cannot exceed four square feet each in size and three feet in height. The square footage of all directional signs for a use shall not exceed 48 square feet total for all signs. Directional signs shall not contain any logos, business names, or other copy that denotes the business for which it serves.

8. A maximum of one color plus white or black may be used on any sign. The primary colors of the sign should be black or white with the other color being used as an accent color only. Consideration may be given to a sign with more than one color other than black and white and may be approved administratively only if the colors are a muted and dark earth tone. Full color elevations of the signs must be submitted to the Planning Department in order to be approved administratively. Garish colors must be avoided, and the color scheme must relate to the associated building. Deference will be given to trademarked brands that contain more than one color other than black and white.

9. Off-site and temporary signage shall comply with Unified Development Ordinance regulations contained in §§159.160 through 159.172 .

10. All signs shall be constructed with individual lettering flush mounted to either the wall of the building or the face of the sign. Panel or box-type signs are prohibited.

11. Properties more than 30 acres in size may be able to utilize a combination of designation signs and ground signs. Where designation signs and multiple ground signs are used in a development, a uniform design theme for the development shall be established and followed with each sign.

12. All signs noted in this section shall require approval of a sign permit unless specifically noted in the following text.

(b) Sign requirements - event center. The purpose of this section is to provide signs that adequately regulate circulation and allow signage for other necessary capabilities while minimizing the impact of such signs on adjacent land uses.

1. Interior signs. For purposes of this section, interior signage refers to signs that are not visible when standing immediately off the premises of the event center.

a. Temporary signage.

(i) Interior banners and incidental/directional signs shall be permitted without a sign permit.

b. Permanent signage.

(i) Interior wall and ground signs shall not be regulated in number.

(ii) The maximum ground sign height shall be eight feet.

2. Exterior signs. Exterior signs are any signs that are visible when standing outside of the premises.

a. Wall signs.

(i) Permitted one per street frontage per structure identifying the facility. Also permitted up to one additional sign on two street frontages that are electronic signs.

(ii) Individual channel letters are not required. May include a mural.

(iii) Limited to 20% of the signable wall area. Square footage of electronic signage is excluded from this maximum.

(iv) The electronic sign face may be up to 600 square feet in size.

b. Designation signs.

(i) Permitted on any property boundary that is not adjacent to I-69.

(ii) Maximum height of 33 feet permitted.

(iii) The maximum sign area shall be 140 square feet. This area shall not include the area of the sign base.

(iv) The sign face may be an electronic sign.

c. Electronic sign - I-69.

(i) Permitted within 200 feet of the property boundary adjacent to I-69. One sign of this type is permitted.

(ii) Maximum height of 65 feet permitted.

(iii) The digital sign faces may be a maximum of 750 square feet per side. Up to 250 square feet may be permitted per side to identify the event center or Innovation Mile.

(iv) The electronic message sign shall be permitted to: (a) identify users and user products; (b) businesses and establishments not located on the property including their products, services, and events; and (c) community and private events occurring inside or outside the property.

(v) The supporting components of the electronic sign must have some aesthetic value and might include brick, masonry, stone, simulated brick, metal panels, or other similar materials. The sign support may not be a simple metal pole.

(vi) The sign may be Halo-lit, externally illuminated, internally illuminated, or illuminated in any manner acceptable to the property owner.

(vii) The sign message shall remain stationary for a minimum of ten seconds.

(viii) The sign shall not flash, scroll, twirl, change color, fade in or out, have transitional elements between copy changes, or in any manner imitate movement at any time.

3. Sponsorship. The names and logos of sponsors of entertainment uses and events shall not be considered as an item of information on primary signs. A sponsorship sign(s) is permitted on each side of the structure or freestanding signage and shall not be considered a separate sign from the primary sign.

(c) Sign requirements - innovation/headquarters.

1. Designation sign.

a. Designation signage shall be permitted for developments of at least 15 acres in size with a minimum building setback of 30 feet from right-of-way.

b. Each integrated, multi-parcel development shall be permitted one designation sign on each public street frontage to which the development is adjacent.

c. Designation signage shall be no closer than 750 feet from any other approved and/or existing designation sign.

d. Designation signage shall be designed as part of the overall "gateway" treatment that includes landscaping and other improvements such as fencing or water features. The size of the landscape area around the sign shall be equal to five times the surface area of the sign.

e. Designation signage shall be readily visible from the roadway, and shall consist of individual letters, up to a maximum of six items of information and mounted to a solid wall. Letters shall either halo-lit or externally illuminated.

f. The address may be posted on the sign and will not count towards the maximum number of items of information.

g. All designation signage shall be set back a minimum of ten feet from the public right-of-way.

h. Designation signage shall not exceed six feet in height.

i. Designation signs on roads with a speed limit under 40 MPH shall be limited to 45 square feet in size. Designations signs on roads with a speed limit over 40 MPH shall be limited to 60 square feet in size.

j. For properties with at least 300 feet of frontage on I-69, the property shall be permitted an additional designation sign of up to 200 feet in size with a maximum height of 20 feet.

2. Ground signs.

a. Ground signage shall be permitted for properties with at least 200 feet of frontage on a public street with a minimum building setback of 30 feet from right-of-way.

b. No individual ground signs shall be permitted along 141st Street or any other primary arterial.

c. Where ground signs are permitted, such signs shall be placed at site entries.

d. Individual ground signs may be used in combination with designation signage so long as individual ground signs are located at the site entrances on collector and local streets only.

e. Ground signage and light standards shall be located in landscaped areas. The size of the landscape area around the ground signs shall be at least five times the surface area of the sign.

f. In the case of multi-tenant buildings there shall be only one ground sign per building.

g. All ground signs shall be setback a minimum of ten feet from the public right-of-way.

h. All ground signs are limited to a maximum of six feet in overall height.

i. All ground sign on roads with a speed limit 40 MPH and under shall be limited to 30 square feet in size. Ground signs on roads with a speed limit over 40 MPH shall be limited to 45 square feet in size.

3. Wall signs.

a. All buildings shall be permitted to have one wall sign per street frontage.

b. Building mounted signage shall consist of individual lettering. Panel or boxtype signs are not permitted.

c. Building-mounted signage shall not exceed 60 square feet in size.

(d) Sign requirements - mixed-use office.

1. Overall building.

a. Permit required: YES.

b. Types of signs permitted: projecting or wall.

c. Number: One sign per street frontage and one for each vehicular entrance to structured parking (if applicable).

d. Maximum sign area:

(i) Projecting - 45 square feet for overall building, 20 square feet for structured parking.

(ii) Wall - 20% of signable wall area for overall building, 50 square feet for structured parking.

e. Permitted materials:

(i) Projecting - Wood or metal (matching the architectural features of the building.

(ii) Wall - Individual channel letters.

f. Illumination: Halo-lit, internal, or externally lit.

2. Ground floor active commercial use.

a. Permit required: YES.

b. Types of signs permitted: Awning, canopy, projecting, wall, or window.

c. Number: One sign per street frontage.

d. Maximum sign area:

(i) Awning - 50% of entire awning area.

(ii) Canopy - 20% of canopy area.

(iii) Projecting - 15 square feet.

(iv) Wall - 20% of signable wall area.

(v) Window - 15% of the total window area.

e. Permitted materials:

(i) Awning - Canvas or cloth, no reflective or glossy materials or illuminated plastic.

(ii) Canopy - Canvas or cloth, no reflective or glossy materials or illuminated plastic.

(iii) Projecting - Wood or metal (matching the architectural features of the building.

(iv) Wall - Individual channel letters.

(v) Window - Vinyl, gold leaf, or substantially similar materials.

f. Illumination: Halo-lit or externally lit.

g. Additional restrictions: Awning and projecting signs may extend into the public right-of-way to within two feet of the back of curb. The sign must have a minimum clearance from the sidewalk of at least eight feet.

h. Alternative signage:

(i) All buildings shall be permitted to display the address number for that specific building. No permit required.

(ii) Each tenant may display one blade sign - see §§159.160 through 159.172 for size limitations - for pedestrian identification.

(iii) Window signage can be used as a secondary identifier for a building in combination with another building sign type.

(iv) Sandwich board signs shall be permitted for first floor tenants subject to the following requirements:

i. Signs shall be removed from outside the business location at the end of each business day.

ii. Maximum size of 24" x 36".

iii. Signs shall be located in a manner to not impede the flow of pedestrian or bicycle traffic on the sidewalk or trail. The sign shall also be placed so as to maintain a clear path of exit from the door of the business.

iv. A ballast a minimum of ten pounds shall be installed at the base or hang internally from the A-frame of the sandwich board sign to ensure stability in windy conditions.

v. Should be made of materials such as hardwood, chalkboard, or finished metal. Primarily plastic signs should be discouraged.

3. Upper level tenants.

a. Permit required: YES.

b. Types of signs permitted: Wall.

c. Number: One multi-tenant wall sign per ground level public access entrance, up to two upper level wall signs per street frontage (maximum six signs per building).

d. Maximum sign area:

(i) Ground level multi-tenant wall sign - 20 square feet.

(ii) Wall - 60 square feet per sign.

e. Permitted materials:

(i) Ground level multi-tenant wall sign - The sign shall be constructed of materials that blend with the character of the building such as but not limited to wood or metal.

(ii) Wall - Individual letters.

f. Illumination: Halo-lit or externally lit.

(e) Sign requirements - innovation/flexible, standard office, flexible manufacturing, and warehouse/distribution.

1. Designation sign.

a. Designation signage shall be permitted for integrated, multi-parcel developments of at least 15 acres in size with a minimum building setback of 30 feet from right-of-way.

b. Each integrated, multi-parcel development shall be permitted one designation sign on each public street frontage to which the development is adjacent.

c. Designation signage shall be no closer than 750 feet from any other approved and/or existing designation sign.

d. Designation signage shall be designed as part of the overall "gateway" treatment that includes landscaping and other improvements such as fencing or water features. The size of the landscape area around the sign shall be equal to five times the surface area of the sign.

e. Designation signage shall be readily visible from the roadway, and shall consist of individual letters, up to a maximum of six items of information and mounted to a solid wall. Letters shall either halo-lit or externally illuminated.

f. The address may be posted on the sign and will not count towards the maximum number of items of information.

g. All designation signage shall be set back a minimum of ten feet from the public right-of-way.

h. Designation signage shall not exceed six feet in height.

i. Designation signs on roads with a speed limit under 40 MPH shall be limited to 45 square feet in size. Designations signs on roads with a speed limit over 40 MPH shall be limited to 60 square feet in size.

j. For properties with at least 300 feet of frontage on I-69, the property shall be permitted an additional designation sign of up to 200 feet in size with a maximum height of 20 feet.

2. Ground signs.

a. No individual ground signs shall be permitted along 141st Street or any other primary street.

b. Where ground signs are permitted, such signs shall be placed at site entries.

c. Individual ground signs may be used in combination with designation signage so long as individual ground signs are located at the site entrances on collector and local streets only.

d. Ground signage and light standards shall be located in landscaped areas. The size of the landscape area around the ground signs shall be at least five times the surface area of the sign.

e. In the case of multi-tenant buildings there shall be only one ground sign per building.

f. All ground signs shall be setback a minimum of ten feet from the public right-of-way.

g. All ground signs are limited to a maximum of six feet in overall height.

h. All ground sign on roads with a speed limit 40 MPH and under shall be limited to 30 square feet in size. Ground signs on roads with a speed limit over 40 MPH shall be limited to 45 square feet in size.

3. Wall signs.

a. All buildings shall be permitted to have one wall sign per street frontage.

b. Building mounted signage shall consist of individual lettering. Panel or box-type signs are not permitted.

c. Building-mounted signage shall not exceed 60 square feet in size.

(f) Sign requirements - mixed-use residential.

1. Overall building.

a. Permit required: YES.

b. Types of signs permitted: Projecting or wall.

c. Number: One sign per street frontage and one for each vehicular entrance to structured parking (if applicable).

d. Maximum sign area:

(i) Projecting - 45 square feet for overall building, 20 square feet for structured parking.

(ii) Wall - 20% of signable wall area for overall building, 50 square feet for structured parking.

e. Permitted materials:

(i) Projecting - Wood or metal (matching the architectural features of the building.

(ii) Wall - Individual letters.

f. Illumination: Halo-lit or externally lit.

2. Ground floor active commercial use.

a. Permit required: YES.

b. Types of signs permitted: Awning, canopy, projecting, wall, or window.

c. Number: One sign per street frontage.

d. Maximum sign area:

(i) Awning - 50% of entire awning area.

(ii) Canopy-20% of canopy area.

(iii) Projecting - 15 square feet.

(iv) Wall - 20% of signable wall area.

(v) Window - 15% of the total window area.

e. Permitted materials:

(i) Awning - Canvas or cloth, no reflective or glossy materials or illuminated plastic.

(ii) Canopy - Canvas or cloth, no reflective or glossy materials or illuminated plastic.

(iii) Projecting - Wood or metal (matching the architectural features of the building.

(iv) Wall - Individual channel letters.

(v) Window - Vinyl, gold leaf, or substantially similar materials.

f. Illumination: Halo-lit or externally lit.

g. Additional restrictions: Awning and projecting signs may extend into the public right-of-way to within two feet of the back of curb. The sign must have a minimum clearance from the sidewalk of at least eight feet.

h. Alternative signage:

(i) All buildings shall be permitted to display the address number for that specific building. No permit required.

(ii) Each tenant may display one blade sign - see §§159.160 through 159.172 for size limitations - for pedestrian identification.

(iii) Window signage can be used as a secondary identifier for a building in combination with another building sign type.

(iv) Sandwich board signs shall be permitted for first floor tenants subject to the following requirements:

i. Signs shall be removed from outside the business location at the end of each business day.

ii. Maximum size of 24" x 36".

iii. Signs shall be located in a manner to not impede the flow of pedestrian or bicycle traffic on the sidewalk or trail. The sign shall also be placed so as to maintain a clear path of exit from the door of the business.

iv. A ballast a minimum of ten pounds shall be installed at the base or hang internally from the A-frame of the sandwich board sign to ensure stability in windy conditions.

v. Should be made of materials such as hardwood, chalkboard, or finished metal. Primarily plastic signs should be discouraged.

(g) Sign requirements - residential apartment.

1. Permit required: YES.

2. Type of sign permitted: Ground sign.

3. Number: One ground sign shall be permitted at each entrance.

4. Maximum sign area: 32 square feet.

5. Maximum ground sign height: Six feet.

6. Location: Shall be a minimum of ten feet from the street right-of-way and a minimum of ten feet from the leading edge of the driveway.

7. Permitted materials: The sign materials shall be constructed of materials which blend with the residential character of the neighborhood including but not limited to wood, metal, or masonry.

8. Illumination: Halo-lit or externally lit.

9. Landscaping: An area equal to three times the area of the sign face shall be required for base landscaping around a ground sign. The landscape area will radiate out a minimum of five feet from the base of the sign shall be provided and shall be planted in such a way to substantially cover the area with landscape materials such as, but not limited to annuals, ground covers, perennials, shrubs, and ornamental trees. A mixture of plant types is required.

10. Alternate signage:

a. Neighborhood signs - masonry pillars marking the entrance into an individual neighborhood within a larger subdivision. There may be either a single pillar or a pillar on either side of the street at the entrance to the smaller neighborhood. The masonry pillar may not exceed five feet in height and shall have a sign face not exceeding four square feet in size. Any lighting must be external, the lighting must be directed narrowly at the sign face and may not shine onto any adjacent property or rights-of-way.

(h) Sign requirements - residential townhome.

1. Permit required: YES.

2. Type of sign permitted: Ground sign.

3. Number: One ground sign shall be permitted at each entrance.

4. Maximum sign area: 32 square feet.

5. Maximum ground sign height: Six feet.

6. Location: Shall be a minimum of ten feet from the street right-of-way and a minimum of ten feet from the leading edge of the driveway.

7. Permitted materials: The sign materials shall be constructed of materials which blend with the residential character of the neighborhood including but not limited to wood, metal, or masonry.

8. Illumination: Halo-lit or externally lit.

9. Landscaping: An area equal to three times the area of the sign face shall be required for base landscaping around a ground sign. The landscape area will radiate out a minimum of five feet from the base of the sign shall be provided and shall be planted in such a way to substantially cover the area with landscape materials such as, but not limited to annuals, ground covers, perennials, shrubs, and ornamental trees. A mixture of plant types is required.

10. Alternate signage:

a. Neighborhood signs - masonry pillars marking the entrance into an individual neighborhood within a larger subdivision. There may be either a single pillar or a pillar on either side of the street at the entrance to the smaller neighborhood. The masonry pillar may not exceed five feet in height and shall have a sign face not exceeding four square feet in size. Any lighting must be external, the lighting must be directed narrowly at the sign face and may not shine onto any adjacent property or rights-of-way.

(8) Smart district strategies.

(a) Smart District initiatives are actions that Innovation Mile can implement to attract investors and inspire all its tenants and visitors to set the district apart as truly innovative. From a construction standpoint, it's vital to realize decisions made today will have a lasting impact for decades to come. By implementing Smart District strategies today, Innovation Mile will be ready for the future impacts of extreme weather, smart technology implementation, phase-down of fossil fuels, and other widescale and broad paradigm shifts. Placing these innovation strategies at the forefront of Innovation Mile design puts Noblesville at the heart of delivering a sustainable, forward-thinking, and economically fair and prosperous society. By catering to the needs of its workers, visitors, and operators in dynamic and intuitive ways, a new dimension of interaction will set the Innovation Mile apart.

(b) Fundamentally, this is not about creating entirely new experiences, especially since district users would not benefit through complete reinvention. Instead, value creation lies within the enhancement of existing experiences through tactical implementation of spatial design and leveraging technology. Through this lens, technology is an enabler of enhanced user experiences rather than the focal point of the experience. The value created through driving innovation is, in part, the result of data gathering, data-driven insights and automation.

(c) These insights are valuable in that, if they are understood and acted upon appropriately, then they will translate to improved user satisfaction among tenants, visitors, and residents, and overall operational cost savings.

(d) The following initiatives will be implemented within the IMD over time and in coordination with the City of Noblesville on a project-by-project basis. Proposed development projects may be required from time to time to contribute, connect, and coordinate with some level of one or more of these initiatives based on the location, impact, and timing of said project. Further information on each of these initiatives can be found in the Innovation Mile Master Plan.

1. Initiative #1: District Fiber Network.

2. Initiative #2: District Data Network.

3. Initiative #3: District Utility Management System.

4. Initiative #4: Smart Street Furniture.

5. Initiative #5: Digital Parking Management.

6. Initiative #6: Electric Vehicle Charging.

7. Initiative #7: Alternative Transit.

8. Initiative #8: Digital Signage and Kiosks.

9. Initiative #9: Innovation Mile Portal.

(9) (a) Sustainability strategies. Districts offer unique and expansive opportunities for sustainable development often not available to smaller projects. At this scale, designers and stakeholders can work to effectively share resources across the district and with the broader community; leverage communal infrastructure to improve efficiency and resiliency; and create opportunities for future tenants, visitors, and residents to expand their understanding and ability to live more sustainable lives.

(b) Sustainability vision elements. The sustainability vision for the Innovation Mile district has been broken down into five Vision Elements, listed here, to help categorize potential Sustainability Strategies:

1. Resiliency: Create an environment and infrastructure that is robust enough to meet operational needs under a range of future conditions. Focus on flexible spaces, future climates, and electrical and mechanical system resiliency.

2. Health and wellness: Promote healthy lifestyles and wellness for the district's tenants and visitors. This includes both physical and mental health in indoor and outdoor environments.

3. Equity and community: Prioritize equity, accessibility, and community empowerment within the district and beyond. The district can be an agent of change and provide key resources to the local public.

4. High performance design and infrastructure: Design high performance systems to drive energy and water efficiency across the development. This could include a district microgrid with battery storage, distributed renewable energy, and efficient design standards for individual buildings.

5. Certifications and story: Promote the sustainability vision and story to engage and draw in tenants and visitors. Certifications are one of the best ways to convert sustainable design to market value.

(c) The following initiatives will be implemented within the IMD over time and in coordination with the City of Noblesville on a project-by-project basis. Proposed development projects may be required from time to time to contribute, connect, and coordinate with some level of one or more of these initiatives based on the location, impact, and timing of said project. Further information on each of these initiatives can be found in the Innovation Mile Master Plan.

1. Initiative 1: Site Planning and Water Management.

2. Initiative 2: Energy Storage.

3. Initiative 3: Waste Management.

4. Initiative 4: Solar Energy.

5. Initiative 5: Low Carbon Mobility.

6. Initiative 6: High Performance Building Design Standards.

7. Initiative 7: Community Scale Certification System.

(10) Existing residential uses.

(a) Existing residential uses. The following site development standards shall apply to all single family residential uses already existing within the IMD zoning district.

1. Authority to continue. Where, at the time of adoption of an ordinance that assigns the IMD (Innovation Mile) to a Noblesville Jurisdictional zoning map, lawful residential uses of land which exist and would not be permitted by the regulations imposed by the IMD, may be continued so long as they remain otherwise lawful, subject to the following provisions.

2. Enlargement/improvement of existing residential structure. Such nonconforming uses may be enlarged or increased to occupy a greater area of land than was occupied at the effective date of rezone so long as such improvements do not result in an increase of the value of the structure by more than 50% of the pre-improvement value.

3. Moving a residential structure. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of the rezone.

4. Termination by discontinuance or abandonment of use. If any such nonconforming uses of land are discontinued or abandoned for more than one year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this division (K) for the district in which such land is located.

5. New construction of residential buildings. The only new structures that shall be permitted shall be clearly accessory to the existing residential use of the property and shall adhere to the standards for accessory structures as outlined in §§ 159.120 through 159.132 - General Regulations of the Unified Development Ordinance. No additional homes or separate living units shall be constructed in the CCPD unless such uses are permitted uses in the land use area and then shall adhere to the "RI Low Density Single Family Residential" zoning district.

6. Damage or destruction. Should such nonconforming residential structures be destroyed or damaged by any means, then the home may be reconstructed in a manner equal to the fair market value of the building immediately prior to the damage.

7. Underlying standards. Any residential improvements inside the IMD district shall adhere to the underlying developmental standards of the R1 (Single-Family Residential) district.

8. Conflict with §§ 159.220 through 159.229 of Unified Development Ordinance. In the case where the specific provisions of this division are in conflict with §§ 159.220 through 159.229 (Nonconforming Uses And Structures) of the Unified Development Ordinance, the standards of this division shall apply.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 12-4-97, passed 5-12-97; Am. Ord. 64-11-98, passed 12-14-98; Am. Ord. 68-11-00, passed 12-12-00; Am. Ord. 21-4-00, passed 5-8-00; Am. Ord. 55-11-01,

passed 12-11-01; Am. Ord. 26-06-02, passed 7-9-02; Am. Ord. 36-08-02, passed 9-10-02; Am. Ord. 04-01-03, passed 2-11-03; Am. Ord. 26-4-03, passed 5-13-03; Am. Ord. 86-11-03, passed 12-9-03; Am. Ord. 33-6-04, passed 7-13-04; Am. Ord. 53-9-04, passed 10-12-04; Am. Ord. 6-1-05, passed 2-14- 05; Am. Ord. 28-4-05, passed 5-10-05; Am. Ord. 42-5-05, passed 6-14-05; Am. Ord. 54-7-05, passed 8-9-05; Am. Ord. 23-4-07, passed 5-15-07; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 64-11-08, passed 12-9-08; Ord. 23-06-10, passed 7-13-10; Am. Ord. 20-7-11, passed 8-9-11; Am. Ord. 29-08-13, passed 9-10-13; Am. Ord. 17-04-14, passed 5-13-14; Am. Ord. 37-08-14, passed 9-9-14; Am. Ord. 48-10-14, passed 11-10-14; Am. Ord. 49-10-14, passed 10-28-14; Am. Ord. 20-03-15, passed 4-14-15; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 53-10-15, passed 11-10-15; Am. Ord. 25-07-17, passed 8-15-17; Am. Ord. 32-07-19, passed 7-23-19; Am. Ord. 40-10-18, passed 12-16-18; Am. Ord. 41-11-20, passed 11-24-20; Am. Ord. 31-05-21, passed 5-25-21; Am. Ord. 68-11-22, passed 11-9-22; Am. Ord. 44-10-23, passed 11-14-23; Am. Ord. 28-07-24, passed 7-9-24; Am. Ord. 27-07-25, passed 7-29-25) Penalty, see § 159.999

Cross-reference:

For improvements along, under, upon, and across the Midland Trace trail right-of-way, see §95.02

GENERAL REGULATIONS

§ 159.120 GENERAL REGULATIONS.

The regulations within each district shall be minimum regulations and shall apply uniformly, except as hereinafter provided.

(A) Allowable Use of Land and Building.

(1) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(2) No structure shall be erected or altered to provide for greater height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this chapter.

(3) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements set forth herein. No part of a yard or other open space or off-street parking or loading space required in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(4) Encourage these home occupations to be primarily service oriented by limiting the intensity and retail design of these uses.

(B) Property Access. No division of property shall be approved unless the lot(s) being created have frontage on and access to an existing street or a street shown upon a plat approved by the Plan Commission and recorded in the Hamilton County Recorder's Office. Such street shall be suitably improved to provide for safe and convenient access, fire protection, and required off-street parking or be secured by a performance bond required under the regulations of §§ 159.060 et seq., Subdivisions.

(C) Number of Buildings Per Lot. Every building hereafter erected shall be located on a lot unless otherwise specified for planned developments. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot, except as otherwise provided in this chapter for a mobile home park or planned development. If two or more principal non-residential buildings are located on a lot, the space between such buildings shall be as established by the yard setback requirements of the district in which the use is located.

(D) Minimum Yard Setback. No structure shall be erected, placed, or moved to within any setback area except certain accessory structures as provided in § 159.121(B)(1).

(E) Topsoil Removal. No person, firm, or corporation, without an improvement location permit, shall strip, excavate, or otherwise remove topsoil for sale, other than on the premises from which the same shall be taken except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto. (Exception, 1-3 District.)

(F) Agriculture.

(1) Agriculture shall be a permitted use in all districts provided that:

(a) The agricultural use does not include the operation or maintenance of a commercial stockyard or confined feeding operation (feedlot).

(b) The use shall not include the feeding, keeping, or sheltering of animals or poultry in penned enclosures within seventy-five (75) feet of any residential district, except where animals are kept in soundproof, air-conditioned buildings, in which case the required setback shall be twenty-five (25) feet or the setback required by § 159.121(B)(3), whichever is greater.

(c) The Board of Zoning Appeals shall have the ability to grant a restricted commercial or retail operation as a component of the overall agricultural operation in any district as a conditional use. These operations shall not be construed to be permitted as an accessory use in any residential district.

(2) Barns, outbuildings, or other buildings, or structures which are adapted for agricultural purposes shall not be affected by the setback and size regulations of this chapter if they are located beyond the corporate limits of the City of Noblesville, except in those situations stated in division (B) above. These structures shall also be exempt from the building permit requirements with the completion of an application for agricultural exemption so long as they are designed to house farm machinery, animals, farm supplies, or products that are harvested from or utilized on a parcel of land. Commercial or industrial enterprises that store for sale items listed in the previous sentence are not eligible to file an application for agricultural exemption.

(G) Mineral Extraction, Exempt by State Law. Nothing herein shall prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or a licensee thereof, pursuant to I.C. 36-7-4-1103. For the purpose of this paragraph, urban area shall include any land or lots used for residential purposes where there are eight (8) or more residences within one-quarter (1/4) mile square area, such other land or lots as have been or are planned for residential areas contiguous to incorporated cities or towns, or other land already incorporated into cities and towns; provided, however, that within these areas, mineral extraction may be permitted in an appropriate location. Uses that qualify for this exemption that are located within the Flood Hazard Zoning District must still obtain an Improvement Location Permit and provide general work plans identifying extraction areas, areas where spoils will be discarded, and other land disturbance activities. These uses are still subject to all applicable regulations of the Flood Hazard District.

(H) Vision Corner Clearance. "VISION CORNER CLEARANCE" is a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision, including buildings, structures, fences, signs, trees and shrubs between the heights of two and one-half feet and ten feet above the established street grade. Street grade is measured at the intersection of the centerlines of the intersecting street pavements. The triangular space is determined by a diagonal line connecting two points measured 15 feet equidistant from the lot corner along each property line at the intersections of two local streets or one local street and one alley; or 25 feet along each property line at the intersection of a local street and a collector, arterial expressway, or any combinations thereof. For measuring purposes only, an alley shall be determined as per the local street distances. For areas located within the Central Core Map, Appendix G, this particular requirement may be modified and shall be approved by the City Engineer on a case-by-case basis.

(I) Height Pre-emptions. Height requirements may be preempted by restrictions imposed by the Tall Structures Act or other airport height control restrictions, as applicable. Mobile equipment may be any height.

(J) Allowable Encroachments.

(1) SR District. No structure or part thereof shall project into a required rear or side yard except:

(a) Un-enclosed, uncovered steps, entrance platforms, terraces, or landings not over 18 inches above grade level;

(b) The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding 18 inches, or 20% of the required setback; whichever is less;

(c) An eave, cornice overhang, awning, balcony, or bay window not exceeding 20% of the required setback.

(2) All Other Districts. No structure or part thereof shall project into a required rear or side yard except:

(a) Un-enclosed, uncovered steps, entrance platforms, terraces, or landings not over 18 inches above grade level;

(b) The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding 18 inches or 80% of the required setback, whichever is less.

(c) An eave, cornice overhang, awning, balcony, or bay window not exceeding four feet or 80% of the required setback, whichever is less.

(3) See list of other allowable encroachments for accessory structures contained in the accessory uses and structures regulations of this section.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 26-7-97, passed 9-29-97 Am. Ord. 48-6-05, passed 7-12-05; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 25-07-17, passed 8-15-17; Am. Ord. 37-10-20, 10-27-20) Penalty, see § 159.999

§ 159.121 ACCESSORY USES AND STRUCTURES.

(A) Intent. The regulations of this section apply to accessory uses and structures such as garages, carports, canopies, porte-cocheres, patios, outdoor fireplaces, bath houses, cabanas, doghouses, children's play equipment, greenhouses, television satellite dishes, solar panels, and similar accessory buildings or structures. Accessory Uses and Structures shall be a permitted use in all zoning districts except as otherwise restricted in this chapter.

(B) General Requirements. Accessory uses and structure may be permitted in all zone districts in accordance with the provisions of this section. Accessory uses and structures:

(1) Shall be incidental and subordinate to, and commonly associated with the operation of, the principal use of the lot;

(2) Shall be operated and maintained under the same ownership and on the same lot as the principal use;

(3) Where permitted detached accessory structure's size, height, and setback are based on the following standards:

(a) In the case where the property is one acre or less in size: The combined square footage of all accessory structures shall be limited to 50% of the square footage of the principal building or 1,000 square feet, whichever is less.

(b) In the case where the property is larger than one acre but less than five acres in size, and where an individual seeks to exceed the bulk requirements of subsection (a) above, a structure may be permitted subject to the following requirements:

1. The combined square footage of all accessory structures shall be limited to the square footage of the principal building or 2,000 square feet, whichever is less.

2. The height of the structure shall be limited to 17 feet.

3. The minimum setbacks required shall be those of the underlying zoning classification except for the side yards and rear yards, which shall be required to maintain a 20 foot minimum setback.

(c) In the case where a property is equal to or larger than five acres, and where an individual seeks to exceed the bulk requirements of subsections (a) and (b) above, a structure may be permitted subject to the following requirements:

1. The combined square footage of all accessory structures shall not exceed the square footage of the principal building or 4,000 square feet, whichever is less.

2. The height of the structure shall be limited to 20 feet.

3. The minimum setbacks required shall be those of the underlying zoning classification except for the side yards and rear yards, which shall be required to maintain a 40 foot minimum setback.

(4) Shall not be located closer to any lot line than the minimum setback line required, unless specified otherwise in this chapter;

(5) Detached garages shall not be located closer to the front lot line than the front line of the principal structure.

(6) Shall not be permitted prior to the erection and operation of the principal use, unless a Temporary Improvement Location Permit is obtained subject to §159.042(B).

(7) Shall require a building permit, except as otherwise provided in division (C) of this section.

(8) Shall include architectural features and elements such as rooflines, color, porches, doors and openings, and compatible materials to be architecturally harmonious with, the principal building(s) with which it is associated.

(9) Shall be used for the storage of personal materials only and shall not be used for any commercial or separate residential purpose.

(C) Accessory Structures Exempt from Building Permit and Setback Requirements. Such uses shall be subject to all other applicable regulations in this chapter.

(1) Accessory structures exempt from building permit:

(a) Lampposts;

(b) Decks less than thirty (30) inches from grade; and

(c) Accessory structures two hundred (200) square feet or less in size.

(2) Accessory structures exempt from setback requirements:

(a) Fences;

(b) Drainage installations;

(c) Boathouses;

(d) Seawalls;

(e) Retaining Walls forty-seven (47) inches or less in height; and

(f) Unenclosed handicap ramps attached to a structure.

(3) Accessory structures exempt from building permit and setback requirements:

(a) Essential services;

(b) Sidewalks;

(c) Driveways;

(d) Curbs; and

(e) Mailboxes.

(D) Accessory Uses Permitted; Regulations Specific to Particular Uses. The following accessory uses and structures shall be permitted subject to the regulations of divisions (B) and (C) of this section and to any additional regulations herein:

(1) Antennae, amateur radio sending and receiving, provided the height thereof including masts shall not exceed 75 feet measured from finished lot grade.

(2) Boathouses, subject to the following: Boathouses are exempt from the rear setback requirement for accessory structures due to their need to be located on the water's edge. The structures are subject to the side yard setback requirements in the base zone district, and the size of the boathouse shall be regulated subject to the site plan review procedure.

(3) Garages and carports, private residential for the storage of motor vehicles, which are clearly accessory and not for commercial purposes. These structures shall be subject to the bulk requirements and other regulations contained elsewhere in this chapter.

(4) Fall-out shelters.

(5) Fences and walls for residential and non-residential uses, these regulations shall apply only to those fences and walls enclosing or screening from view areas on a property. These regulations do not include regulations for retaining walls which are addressed elsewhere in these regulations. These structures are subject to the following and as per specific regulations of that particular zoning district:

(a) They shall not obstruct visibility pursuant to §159.120(H), Vision Corner Clearance.

(b) They may be permitted in any required yard or along the edge of any yard, providing that driveway entrances onto a public or private street are not shielded by the fence, or wall, or hedges in such a way as to obstruct the view of a driver entering the road from the driveway. This regulation shall not apply to any alley.

(c) Residential open or solid fences, latticework, screens, or walls not more than seven feet in height may be located in the required side or rear yard, and a fence maintained not to exceed four feet in height may be located in any front yard as defined in § 159.016.

(d) Non-residential fences shall be restricted by the requirements of the Zoning District or a maximum of eight (8) feet whichever is less.

(e) A site plan, including the location of the fence and the setbacks from the property lines, shall be submitted with the fence application. The site plan shall include all easements and infrastructure locations, wetlands, floodplains, and the like. No fences shall be installed until a permit is obtained.

(f) For the purposes of any fence and wall regulations, any common property held by the homeowner's association or non-residential business associations for landscaping or other purposes, that abuts a street and is adjacent to and separate from the lot, extending fifteen (15) feet or less shall be considered a front yard, thereby permitting a fence at the maximum height of four (4) feet. This only applies to comer lots as defined in §§ 159.015 et seq.

(g) For the purposes of a fence and wall regulations, any yard that abuts a street to which access is prohibited shall be treated as either a side or rear yard {'{'}thereby permitting{'}'} a fence at a maximum height of seven (7) feet except as otherwise noted above.

(6) Fences and Walls for Non-Residential Uses, subject to the following and as per specific regulations of that particular zoning district: These regulations shall apply only to those fences and walls enclosing or screening from view areas on a property. These regulations do not include regulations for retaining walls which are addressed elsewhere in these regulations. These structures are subject to the following and as per specific regulations of that particular zoning district:

(a) They shall not obstruct visibility pursuant to §159.120(H), Vision Corner Clearance.

(b) They may be permitted in any required yard or along the edge of any yard, providing that driveway entrances are not shielded by the fence, wall, or hedges in such a way as to obstruct the view of a driver entering a road from the driveway.

(c) Non-Residential Fences located within the front yard shall be no taller than four (4) feet in height.

(d) Non-Residential Fences shall be restricted by the requirements of the Zoning District or a maximum of eight (8) feet whichever is greater.

(e) A site plan including the location of the fence and the setbacks from the property lines shall be submitted with the fence application. The site plan shall include all easements and infrastructure locations, wetlands, floodplains, etc. No fences shall be installed until a permit is obtained.

(f) For the purposes of any fence and wall regulations, any common property held by the non-residential business associations for landscaping or other purposes, that abuts a street and is adjacent to and separate from the lot, extending fifteen (15) feet or less shall be considered a front yard, thereby permitting a fence at the maximum height of four (4) feet. This only applies to corner lots as defined in § 159.015, Definitions.

(g) For the purposes of a fence and wall regulations, any yard that abuts a street to which access is prohibited shall be treated as either a side or rear yard thereby permitting a fence at a maximum height of eight (8) feet except as otherwise noted above.

(h) The use of uncoated chain link fencing, slats in chain link fencing, visible barbed wire, visible razor wire, and concertina coils is prohibited.

(7) Foster family care, where not more than six children unrelated to the residents are cared for, provided that no sign shall be displayed.

(8) Landscaping materials, as set forth in §§159.180 through 159.188.

(9) Management offices, in multi-family uses, and other facilities normally associated with tenants' convenience, such as vending machines and washing machines, are permitted provided there is no exterior display.

(10) Parking and loading areas, off-street, as set forth in §§159.140 through 159.148.

(11) Pets (domestic): domestic pets are animals used for protection, companionship, or assistance and shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. They are kept primarily indoors in the primary structure, and may include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

(a) The keeping of domestic pets shall not be done for profit.

(b) The keeping of domestic pets shall not be construed as a commercial kennel.

(12) Recreational and open space uses related to residential development.

(a) Recreational and open space uses are limited to the following facilities: clubhouses, docks, exercise rooms, game and craft rooms, gymnasiums, party and reception rooms, bicycle paths, pedestrian and equestrian trails, picnic areas, golf courses, driving ranges, play fields, playgrounds, sauna baths, swimming pools, tanning facilities, and play courts, such as basketball, racquetball, pickle ball, and tennis courts.

(b) These uses are allowed only as part of a residential development, subdivision or neighborhood located in any of the residential zoning districts. The following standards shall apply:

1. No active outdoor recreational use or athletic structures shall be located within 50 feet of any residential use property line.

2. Playing fields shall not be lit. Any associated parking lots must be lit to comply with the standards of the Unified Development Ordinance.

3. Park buffering may incorporate pedestrian access points where access in and out of the park would be beneficial to nearby residents.

4. Special care as it relates to any negative impacts (such as noise, traffic, etc.) shall be noted when locating specialty parks (such as dog parks and skate parks) in residential areas.

5. Neighborhood parks and pocket parks less than two (2) acres in area do not have to provide off-street parking.

6. A golf course A golf course in a residential zoning district is subject to the following:

A. Entrances into accessory toilets, outhouses, and structures of the like, shall not face an adjacent property. If vending machines are provided they shall be screened from view using either fencing or masonry wall at least one foot taller than the machine on at least three (3) sides and shall incorporate landscaping around the fence or wall in a manner that increases aesthetics. Landscaping shall include at least one (1) shrub per four (4) feet offence or wall length.

B. The nearest edge of any fairway or green may be no closer than one hundred and fifty (150) feet to any property line, and no closer than one hundred (100) feet to any right-of-way.

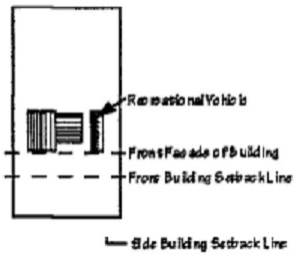
C. Tee-boxes and greens shall be oriented away from adjacent properties and external roadways.

D. Miniature golf is not permitted in a residential zoning district.

(13) Recreational Vehicles and Equipment, Storage or Parking of, subject to the following:

(a) SR District. Recreational vehicles and equipment may be parked or stored anywhere on a lot in this district provided that they do not violate any other section of this chapter and that no storage occurs within the required front yard setback.

(b) All Other Districts. No recreational vehicle or equipment shall be parked or stored on any lot in a residential district, except for in the SR District as provided above, except in a carport or enclosed building or behind the front facade of the building.



(c) Parking and Storage of Unregistered Vehicles. Recreational vehicles, of any kind or type without current license plates shall not be parked or stored for more than seven days on any residentially zoned property other than in completely enclosed buildings.

(d) Mobility Shall Be Maintained. The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.

(e) Number of Vehicles Limited. No more than two recreational vehicles shall be parked or stored in the open on residential property at any one time, provided, however, that one additional recreational vehicle may be permitted for visitation for a maximum of ten consecutive days and not to exceed 14 days in any one year.

(f) Prohibition of Use of Stored Vehicles. At no time shall any parked or stored recreational vehicle be occupied or used for living, sleeping, or housekeeping purposes, except as provided for visitations in division (11)(e) above.

(g) Exception. Notwithstanding the provisions above, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for not longer than a 48-hour period.

(14) Retaining walls forty-eight (48) inches in height or more.

(a) Retaining walls may be tiered or terraced. The area between each wall shall be pervious and may not be paved or otherwise covered with impervious materials.

(b) The height of a retaining wall is the vertical distance measured from the natural grade at the base of the wall to the top of the wall;

(c) When the height of a retaining wall varies, the height shall be measured at the highest point of the wall, from the natural grade at the base of the wall at that point.

(d) Retaining walls should not block or affect an existing swale or drainage path in a manner to cause damming and/or ponding.

(e) Retaining walls shall be constructed of brick, rock, textured or patterned concrete, or other masonry product that complements the proposed building and site development.

(f) The proposed retaining wall should be setback from the property line the distance equivalent to the height of the wall.

(g) No retaining wall shall exceed eight feet in height.

(h) The applicant shall submit such engineering on the structure as deemed necessary by the Building Commissioner.

(15) Accessory Dwelling Unit (ADU).

(a) May be accessed either through a secondary entrance on the property or the main living quarters.

(b) ADU must be connected to the utilities of the primary dwelling unit (principal building). Separate metering is prohibited.

(c) The ADU shall be designed to blend with the architectural and exterior appearance of the principal building. To the degree reasonably feasible, the appearance of the principal building shall remain that of a single-family residence.

(d) No entrance to the ADU shall be permitted on the front façade of the building.

(e) Exterior stairways or similar structures shall not be constructed on the front façade of the building.

(f) The accessory dwelling unit is initially intended for relatives or resident domestic employees.

(g) One accessory dwelling unit is permitted per lot or parcel.

(16) Satellite dishes (parabolic receivers and transmitters), subject to the following:

(a) Parabolic reflectors used to receive from or transmit to satellites (hereinafter-referred to as parabolic reflectors) exceeding thirty-six (36) inches in diameter shall require improvement location permits and payment of fees applicable to accessory uses.

(b) Parabolic reflectors shall be subject to all zone district setbacks, which shall be measured from that part of the parabolic reflector that extends closest to the adjoining property.

(c) In no case shall parabolic reflectors be allowed within 15 feet of any public right-of-way line.

(d) All cables and connections from a parabolic reflector to other equipment on the premises shall be buried underground when a parabolic reflector is located on the ground, or appropriately

concealed when a parabolic reflector is located on a building.

(e) Parabolic reflectors mounted on the roof of a non-residential building shall be shielded from view.

(f) Ground mounted parabolic reflectors shall be screened by a tight evergreen vegetative screen no less than seven feet high, at maturity; provided, however, that in no circumstance shall screening be required that would interfere with the reflector's line of sight to the satellite.

(g) When the setback to the parabolic reflector exceeds 30 times the height of the parabolic reflector, no screening is required.

(17) Signs, as set forth in §§ 159.160 through 159.166.

(18) Stables and Animal Pens.

(a) Within the Corporate Limits of the City:

1. No more than one (1) horse or {'{}pony at least six-months of age shall be stabled, maintained, pastured, grazed, or kept in any manner, except upon property at least two (2) acres, and no more than one (1) horse or pony be kept on each acre thereafter.

a. Stables shall be located at least 150 feet from existing residence on adjacent lots.

b. Minimum yard setbacks.

(I) Front - Stables are not permitted within any front yard.

(ii) Side - 25 feet.

(iii) Rear - 25 feet.

c. Maximum stable building height - 18 feet.

d. Maximum stable structure size - 50% of the square footage of the principal building or 1,000 square feet, whichever is less.

2. No person shall keep, raise, confine, or feed hogs, chickens, ducks, goats, sheep, cows, or other similar animals within the corporate limits of the city.

(b) Outside the corporate limits of the city.

1. No more than one (1) horse or two (2) ponies shall be stabled, maintained, pastured, grazed or kept in any manner, except upon property at least two (2) acres and no more than one (1) horse or two (2) ponies shall be kept on each acre thereafter.

2. Hogs, chickens, ducks, goats, sheep, or cows may be permitted on residentially platted lots of at least five (5) acres, located outside the City limits, provided that structures, pens, or corrals housing animals shall be a minimum of seventy-five (75) feet from an adjoining property line, except where animals are kept in soundproof air conditioned buildings, in which case the required setback shall be (25) feet unless the structure is more than two thousand (2,000) square feet in size. In that instance, the structure needs to meet the setback requirements of § 159.121(B).

(c) No keeping of animals permitted under these regulations shall be conducted for profit, nor shall any kennel be permitted pursuant to these regulations.

(19) Storage buildings and equipment sheds. Subject to the regulations contained in §159.121(B) and (C).

(20) Swimming pools, spas, and hot tubs at least 42 inches deep and 12 feet in diameter, subject to the following:

(a) Permanent swimming pools shall be protected by a surrounding fence at least four feet in height, which is maintained to prevent access by small children or animals, and/or by a safety pool cover, which meets all specifications set forth in the adopted Indiana Swimming Pool Code, as amended. If a surrounding fence is used, said fence may be located around either the pool itself or the property on which the pool is located.

(b) Non-permanent pools shall meet all accessory building structure regulations but are not subject to the safety and screening regulations of permanent pools.

(21) Cluster box units (CBUs) and neighborhood unit centers (NUCs)/postal kiosks.

(a) Required for all new residential subdivisions after January 2016 and amended for apartments after July 1, 2016.

(b) CBUs and NUCs shall be approved by the United States Postal Service (USPS) local manager, including cluster box locations and type of equipment, prior to receiving approval by the Technical Advisory Committee (TAC). The approved plan by the local manager shall be included with the TAC submittal.

(c) The submitted plan shall include all easements, location of infrastructure, such as sewer lines, manholes, and the like, and the location and setbacks of the CBUs or NUCs. Materials, colors, and color elevations are required as a part of the TAC submittal and for approval.

(d) The CBUs and NUCs shall be "decorative" in nature, to include decorative top and enhanced pedestal cover. The non-decorative cluster box units shall be unacceptable such as the base/standard units that are non-descriptive.

(e) Acceptable colors include black, brown and bronze. White, grey, green and/or tan (sandstone) or other similar colors are prohibited.

(f) An encroachment permit shall not be required prior to the installation of CBUs approved by TAC.

(g) A building permit shall be required prior to installation neighborhood unit centers and postal kiosks.

(h) The city shall not be responsible for the installation, repair or replacement of damaged CBUs and/or NUCs.

(I) Refer to the USPS Postal Operations Manual (POM), Section 631, Modes of Delivery, and Section 632, Mail Receptacles, for additional standards, as those documents may be amended.

(j) For new or remodeled apartment complexes, refer to the USPS Postal Operations Manual (POM), Section 632, Mail Receptacles, for location and arrangement of CBUs.

(E) Special Regulations in ZLL Districts. In the ZLL overlay district, all uses are required to have an attached one car garage. No detached accessory structures are permitted in the ZLL District.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 12-4-97, passed 5-12-97; Am. Ord. 44-8-98, passed 9-14-98; Am. Ord. 04-01-03, passed 2-11-03; Am. Ord. 86-11-03, passed 12-9-03; Am. Ord. 95-11-06, passed 12-12-06; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 25-7-10, passed 8-24-10; Am. Ord. 29-9-11, passed 10-11-11; Am. Ord. 21-06-12, passed 7-10-12; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 13-02-14, passed 3-11-14; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 53-10-15, passed 11-10-15; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 37-10-20, 10-27-20) Penalty, see § 159.999

§ 159.122 HOME OCCUPATIONS.

(A) Intent. Home occupations shall be a permitted use in all residential zoning districts except as otherwise restricted in this chapter. The intent of these home occupation regulations is to:

(1) Protect residential areas from adverse impacts of activities associated with home occupations.

(2) Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.

(3) Establish criteria and development standards for home occupations conducted in dwelling units and accessory structures in residential zones.

(B) General Requirements. Home occupations require a permit from the Director of Planning and Development which is subject to the following restrictions.

(1) The primary use of the structure or dwelling unit shall remain residential, and the operator of the home occupation shall remain a resident in the dwelling unit.

(2) If the operator is a tenant, he or she shall provide a written letter from the property owner giving permission for the home occupation to be conducted on the property.

(3) No person may participate in, or assist with, the conduct or operation of the home occupation except:

(a) Individuals who are residents of the dwelling unit as mentioned above;

(b) Individuals whose sole participation in the use and operation of the home occupation is financial in nature;

(c) With the exception of child care homes, a non-resident assistant, subject to the following requirements and limitations:

1. Participation by the nonresident assistant shall be in a subordinate capacity only, incidental to the conduct of the home occupation;

2. The nonresident assistant shall not participate, totally or partially, in the capacity of an additional operator of the home occupation, as an additional practitioner of the professional, craft, or occupational service of the operator, or as a partner or professional associate thereof;

3. Participation by the nonresident shall be limited to 40 hours per week;

4. No more than one resident assistant shall be permitted. If more than one home occupation is conducted in the same dwelling unit, a nonresident assistant shall be permitted for only one of the home occupations.

5. No nonresident assistant shall be permitted at beauty shops, barber shops, or other similar businesses with a regular flow of customers.

(4) No structural additions, enlargements or exterior alterations changing the residential appearance to a business appearance shall be permitted., nor shall nonstructural changes be made that would tend to lend a commercial appearance to the site, such as construction of parking lots, paving of required setbacks, or addition of commercial exterior lighting.

(5) The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling. With the exception of Child Care Homes, no more than six hundred (600) square feet or twenty-five percent (25%) of the total square footage of the dwelling unit, whichever is lesser, shall be used in conduct of all home occupations operated from a property.

(6) Such home occupations shall be conducted entirely within the principal building with the exception of outdoor play areas for child care homes. An accessory structure may be utilized on a property of five (5) acres or more in area and in such cases, no more than six hundred (600) square feet or the twenty-five percent (25%) of the total square footage of all structures on the property, whichever is less, shall be used to conduct the home occupation.

(7) No additional and separate entrance to the structure incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.

(8) No more traffic shall be generated by a home occupation than would normally be expected in a residential neighborhood. Any deliveries to the business shall be done by a truck with a single rear axle.

(9) No provision for more than one (1) extra off-street parking space, other than the requirements and the permitted facilities of the zone district, shall be permitted. No additional driveway to serve such home occupations shall be permitted.

(10) No display of goods or external evidence of the home occupation shall be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name of the occupation and name and address of resident. Said plate shall be attached flat against the wall of the residence and shall not exceed one square foot in total surface area.

(11) In-person retail sales or services are limited to goods grown, produced, or assembled on the premises, and to sales that are incidental to, and a part of, the primary function of the home occupation such as hair styling products sold as part of the hair styling operation.

(12) No stock in trade or commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.

(13) No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

(14) Hours of operation of the home occupation shall not interfere with the use and enjoyment of adjacent residential properties.

(C) Exempt Uses. Uses where the occupant utilizes a telephone or computer for "business" activity but does not receive customers or products shall be exempt from this classification as a business or home occupation provided all of the other conditions of the home occupation are met.

(D) Procedure.

(1) Application. Application for a home occupation shall be filed with the Director of Planning and Development on a form provided by the Director. A child care home must comply with all applicable city ordinances and state and Federal statutes and regulations including licensing. A copy of the state license to operate a child care home shall be provided to the Department upon receipt. An applicant for a Home Occupation Permit shall pay fees in connection with the submittal of the application in accordance with fee schedules adopted, from time to time, by the Common Council. The current fee schedule is found in Appendix A, "Schedule of Fees, Charges, and Expenses." The Director of Planning and Development will make a decision and notify the applicant in writing no later than fifteen (15) calendar days from the date the application is received.

(2) Scope. In cases where the Director considers the application not within the scope of the home occupation criteria, the application shall be denied.

(3) Time Limit and Renewals. All home occupation permits shall be valid for a period of one (1) year from initial date of approval. Home occupation permits may be renewed annually provided there has not been any violation of the provisions of this chapter. Requests for renewals shall be submitted to the Department of Planning and Development in writing one (1) month prior to the expiration of the permit. The fee must be paid upon approval of the permit, and prior to the expiration.

(4) Voiding of Permit. The Director may void any home occupation permit for non-compliance with the criteria set forth in this division (C). Revocation may take place at anytime prior to the expiration date of the permit. If the permit is revoked, or is not renewed, it becomes invalid and said use shall be terminated.

(5) Appeal of Decision to the Board of Zoning Appeals. The decision of the Director concerning approval, denial, or revocation shall be final unless a written appeal is filed with the Board of Zoning Appeals within ten (10) calendar days of the decision. An appeal may only be filed by the applicant or persons residing within six hundred and sixty (660) feet of the subject property.

(6) Notice to Parties. Applicants for a new home occupation permit shall be required to send a notice by certified mail records of this county. Such notice shall be prepared by the Department of Planning and Development to all property owners of property within 660 feet or two adjacent properties whichever is less of the subject tract. The owners shall be identified as recorded in the office of the Hamilton County Recorder, or as it appears in the Department of Planning and Development and shall include the following:

(a) Statement that a home occupation permit application has been filed at a given location;

(b) A brief description of the particular home occupation applied for;

(c) Address and phone number of the Department of Planning and Development determines that the application complies with all legal standards set forth in this chapter.

(7) Issuance of Permit. Upon completion of the required certified mail notices, and a determination that the application is in compliance with the Unified Development Ordinance, the Director of Planning and Development shall issue the permit no sooner than ten (10) days after and no later than fifteen (15) days after the certified mail notice date.

(8) Inspection. Home occupation applicants shall permit a reasonable inspection of the premises by the Director, or his designee, to determine compliance with these provisions. Home occupations shall be field checked annually by the Director, or his designee, to determine compliance.

(9) Renewal. Home occupation permits may be renewed annually provided there has not been any violation of the provisions of these provisions. Requests for renewals shall be submitted to the Department of Planning and Development in writing, accompanied by the prevailing renewal fee, one month prior to expiration of the permit. Renewals shall not be subject to the notice requirement under division (D)(5) of this section. Renewals shall not be subject to the notice requirement under division (D)(5) of this section.

(10) Homeowner's Associations. If the proposed home occupation is within the jurisdiction of a homeowners' association, and the homeowners association has recorded legally binding rules governing home occupations, the proposed home occupation is still subject to those rules. Approval of a home occupation permit by the City shall not be construed as approval by the homeowners association.

(E) Prohibited Uses. The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations:

(1) Medical Offices;

(2) Dental Offices, Law Offices and Real Estate Offices;

(3) Houses of Worship;

(4) Boarding Houses, Time Share Condominiums;

(5) Dance Studios;

(6) Any type of repair or assembly of vehicles or equipment with internal combustion engines, such as automobiles, motorcycles, scooters, snowmobiles, marine engines, lawn mowers, chain saws, and other small engines;

(7) Restaurants, Taverns;

(8) Private Clubs;

(9) Painting of Vehicles, Trailers, or Boats;

(10) Welding, Tooling, or Machine Shops;

(11) Hair Styling Salons with two or more customer chairs;

(12) Massage Parlors or Massage Studios;

(13) Private Schools with Organized Classes;

(14) Tool and Equipment Rental;

(15) Landscaping and Tree Services;

(16) Major Appliance Repair or Service;

(17) Operations requiring a Federal Firearms License of Type 02, Type 06, Type 07, Type 08, Type 09, Type 10, Type 11, or any combination of these Types; and

(18) Therapy and Counseling Services.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 26-7-97, passed 9-29-97; Am. Ord. 33-6-04, passed 7-13-04; Am. Ord. 23-06-10, passed 7-13-10; Am. Ord. 53-10-15, passed 11-10-15; Am. Ord. 37-10-20, 10-27-20) Penalty, see § 159.999

§ 159.123 RESIDENTIAL CARE HOMES.

Residential care homes shall be a permitted use in all residential districts, as permitted by Indiana law, and provided that such uses shall be registered with the Department of Planning and Development. Such registration shall include the following:

(A) Name, address, and phone number of owner.

(B) Name, address, and phone number of operator.

(C) Names, addresses, and phone numbers of individuals who may be contacted in an emergency (24 hours).

(D) Address and phone number of the home itself.

(E) Number of residents.

(F) Disability of the residents.

(G) Any special information concerning special needs or limitations in case of an emergency (e.g. impaired mobility, impaired hearing or vision).

(H) Evidence that all required licenses, certifications, permits, and approvals are up to date and maintained.

(Ord. 62-12-95, passed 1-22-96) Penalty, see § 159.999

§ 159.124 MANUFACTURED HOMES, INDIVIDUAL.

Manufactured homes as scattered-site residences shall be a permitted use in all residential districts, subject to the requirements for all residential uses in the districts and provided manufactured homes shall meet the following requirements and limitations:

(A) The home shall meet all requirements applicable to single family dwellings and possess all necessary improvement location, building and occupancy permits and other certification required by this chapter.

(B) The home shall be of double section construction and meet the minimum square footage requirements for the appropriate zone.

(C) The home shall be oriented such that its longest side is the side which faces the street frontage.

(D) The home shall be attached and anchored to a permanent foundation in conformance with the regulations in the Indiana One- and Two-Family Dwelling Ordinance and with the manufacturer's installation specifications.

(E) The home shall be covered with an exterior material customarily used on site-built residential dwellings, and such material shall extend over the top of the foundation or meet the community's site-built residential dwelling home standards.

(F) The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as asbestos, fiberglass, shake, asphalt, or tile, which shall be installed onto a surface appropriately pitched for the materials used.

(Ord. 62-12-95, passed 1-22-96) Penalty, see § 159.999

§ 159.125 BED AND BREAKFAST ESTABLISHMENTS.

Bed and Breakfast Establishments shall be a conditional accessory use in all residential districts, the Downtown (DT) District and the General Business (GB) District. Bed and Breakfast Establishments, where permitted, shall only be located within and accessory to an owner-occupied single-family home. Bed and Breakfast Establishments shall be bound by the standards below as well as the applicable requirements of the zoning district in which they are located.

(A) Procedural Standards.

(1) Operation of a Bed and Breakfast Establishment shall not commence until approval has been granted by the Noblesville Board of Zoning Appeals.

(2) No party shall operate a Bed and Breakfast Establishment unless the establishment complies with all fire safety standards as established by the Indiana Department of Fire and Building Services, and unless a health inspection report from the Indiana State Board of Health and/or Hamilton County Health Department has been filed with the Department of Planning and Development stating that the establishment complies with state and county public health regulations applicable to Bed and Breakfast Establishments.

(3) Proof of registration with the Indiana Department of Revenue and Hamilton County for hote1/motel taxes shall be provided to the Department of Planning and Development within 90 days after Board of Zoning Appeals approval. Records of payments made to the Indiana Department of Revenue and Hamilton County for hote1/motel taxes shall be submitted upon reasonable request, at any time, by a representative of the Department of Planning and Development.

(4) No ancillary use inconsistent with the description of a Bed and Breakfast Establishment shall be operated in connection with an approved Bed and Breakfast Establishment. Examples of such ancillary uses include, but are not limited to:

(a) Operation of a commercial restaurant;

(b) Sales of items to the general public;

(c) Procurement of an alcoholic beverage sales permit;

(d) Provision of recreation or conference facilities to other than guests;

(e) Operation of services such as beauty and barber shops, on site dry cleaning or laundry services and gift shops.

(5) The location of a Bed and Breakfast Establishment in a residential district shall not be considered a precedent for the granting of any Conditional Use, Land Use Variance, or Variance which would allow other commercial and industrial development in the same district. Operation of a Bed and Breakfast Establishment is not to be considered, classified, or permitted as a Home Occupation.

(B) Development Standards.

(1) A Bed and Breakfast Establishment shall include no more than eight guest rooms for rent.

(2) Accommodations shall not be provided to a particular guest for more than 30 consecutive days.

(3) Parking areas in residential districts must be so designated and maintained so as not to alter the existing character of the district. All parking shall be screened from view from adjacent residential uses according to a landscape plan approved by the Department of Planning and Development and required by the Board of Zoning Appeals as a condition of approval.

(4) Parking lot illumination, if proposed, must not result in an illumination intensity of more than 0.1 foot-candles at any adjacent residential property boundary. A parking lot lighting plan indicating illumination at the property lines must be submitted as part of the application to be heard by the Board of Zoning Appeals. Parking lot lighting must be of a down-directed variety, the standards for which may not exceed a height of 18 feet and must be of an architectural style specifically approved by the Board of Zoning Appeals.

(5) Signage displayed for Bed and Breakfast Establishments located in business districts shall be as provided in §§159.160 through 159.166. In residential districts, each Bed and Breakfast Establishment shall be limited to the display of one non-illuminated sign per street frontage, said sign to be attached flat against the wall of the Bed and Breakfast Establishment and limited to a size of no more than four square feet.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 23-4-07, passed 5-15-07) Penalty, see § 159.999

§ 159.126 (RESERVED)

§ 159.127 TEMPORARY USES.

(A) Intent. Approved or exempt Temporary Uses are a permitted use in all zoning districts, except as otherwise restricted in this ordinance. Unless exempt as set forth in division (D) require the granting of a Temporary Use Permit by the Board of Zoning Appeals (Board) or by the Director of Planning and Development (Director) or his representative as noted. Where the Director is given authority to issue the permit, he may impose conditions on any Temporary Use as he may deem appropriate to further the purposes of this section, and may instead refer any Temporary Use Application to the Board. When review by the Board is conducted, the Board may impose conditions on any Temporary Use they may deem appropriate to further the Purposes of this chapter. In case of conflict among provisions of this § 159.127, the most restrictive language shall apply.

(B) General Requirements.

(1) Temporary uses are limited to the maximum time period listed in this §159.127 per location and/or user provided, however, renewal of such permit may be requested.

(2) Temporary Uses shall be subject to all the regulations of the applicable zoning district.

(3) In addition to the conditions listed for specific uses below, the following conditions are applicable to all Temporary Uses:

(a) Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.

(b) Bulk Requirements (lot width, setback, building height, etc.) of the applicable zoning district shall apply, unless specifically altered by division (C) below.

(c) No public address systems or other noise-producing devices shall be permitted in a residential district. Such systems or devices, when utilized, shall be operated in accordance with Noblesville Code of Ordinances § 93.22, Nuisances.

(d) No signs listed as "Prohibited" by §§159.160 et seq. - Signs of this chapter shall be permitted.

(e) The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

(f) Temporary Uses shall not be established within the Vision Corner Clearance area required by this section.

(g) An approved temporary use permit shall be displayed at all times during the use's approval period and shall be placed in a location on-site that is easily visible to the public.

(4) The following factors should be considered by the Board or Director as they review Temporary Use applications:

(a) Whether the temporary use will not be detrimental to the public health, safety, and general welfare, will be compatible with adjacent uses, and will not adversely affect the surrounding neighborhood by means of odor, dust, light, noise, traffic, or other nuisances.

(b) Whether the subject site can support the Temporary Use without creating negative impacts on existing buffers, landscaping areas, traffic movements, pedestrian circulation patterns, or

operation of the permanent primary use of the property, where applicable.

(c) Whether the temporary use does not unreasonably reduce the number of parking spaces available for use in connection with permanent uses located on the property in question, and does not render handicap parking spaces unusable.

(d) Whether the property where the Temporary Use is proposed has been cited for violations of the City of Noblesville Code of Ordinances or is otherwise currently in violation.

(e) The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

(C) Temporary Uses Requiring a Temporary Use Permit.

(1) Model Homes and related property sale activities for that development or nearby developments being developed by the same builder shall be considered permitted temporary uses in residential subdivisions. Three (3) Model Homes per housing type with a maximum number often (10) Model Homes permitted for the entire planned development/subdivision. Each builder shall be limited to three (3) Model Homes where sales activities occur. Each Model Home shall require a permit by the Director and such permits shall be valid for one (1) year from the date{'}{'} the permit is issued. Such uses shall also be subject to the following:

(a) Model nHomes) shall be clustered together near the entrance of the development so as to avoid undue traffic through the developing site.

(b) Two (2) off-street parking spaces shall be provided and maintained for each structure proposed for a Model Home.

(c) A temporary certificate of occupancy shall be issued for the structure before the temporary use commences.

(d) Signs for the model home shall be limited to those allowed by §§159.160 et seq., Signs.

(2) Sales Uses Operated from Temporary Structures: Home or property sales activities for a development or nearby developments being developed by the same builder in a Temporary Structure shall be bound by the regulations of division (1) above, as well as the following:

(a) Landscaping shall be installed at a minimum rate of twelve (12) shrubs and two (2) trees per temporary structure. All landscaping shall be installed in compliance with the size and height standards required by §§ 159.180 et seq.

(b) Skirting shall be installed around 360 degrees of the structure.

(c) The structure shall have indoor plumbing.

(d) All temporary sales trailers shall be removed upon twenty percent (20%) build out of the subdivision.

(e) The applicant shall provide the mobile unit certification number issued from the Indiana Fire Prevention and Building Safety Commission.

(3) Non-Commercial Concrete Batching Plant. Such use, both incidental and necessary to construction and located for its close proximity to the construction for which it was established, may be issued a Temporary Use permit by the Director For a maximum of eighteen (18) months. A valid air permit from the Indiana Department of Environmental Management shall be provided prior to operation of the plant. Proof shall also be provided that the plant was registered with the Indiana Department of Natural Resources as a significant water withdrawal facility within three (3) months after the plant becomes operational.

(4) Temporary Structure or Yard for Construction Office, Materials, and Equipment. Such use, both incidental and necessary to construction and located for its close proximity to the construction for which it was established, may be issued a temporary use permit by the Director for a period of time coinciding with the building permit, but for a maximum eighteen (18) months. This use is limited to construction-related activity only and is not to be mixed with a sales use. Such use shall be located within the development for which the use has been established. For temporary construction trailers, the applicant shall provide the mobile unit seal of acceptance number issued from the Indiana Fire Prevention and Building Safety Commission. No more than ten (10) portable storage containers may be used in these areas.

(5) Special Event (Minor). A Temporary Use permit may be issued by the Directory for one event per year per property for a maximum of thirty (30) days per calendar year. Such uses shall be subject to the following:

(a) The use shall not be located within any required setback, easement, or fire lane. Handicap parking spaces shall not be obstructed or rendered unusable.

(b) The use shall not interfere with pedestrian or vehicular access.

(c) The site shall have adequate parking for patrons of the special event and patrons of the permanent land use on the property, when operated concurrently, as determined by the Director.

(d) Signs for the special event shall be limited to those allowed by §§159.160 et seq, .

(e) If a tent of over four hundred (400) square feet is proposed, prior approval of the Fire Marshall is required.

(6) Parking lot (designated for a special event in a zone district). A Temporary Use permit may be issued by the Director. Maximum 30 days.

(7) Bazaars, Carnivals, Festivals, Outdoor Expositions, Grand Openings, and Similar Temporary Uses. A Temporary Use permit may be issued by the Director for a maximum ten (10) days. Uses lasting more than ten (10) days must gain approval from the Board of Zoning Appeals. Such uses shall be subject to the following:

(a) Such use need not comply with the maximum height restrictions of this chapter.

(b) The applicant shall be responsible for ensuring that waste or debris related to the event does not leave the site.

(c) Refuse receptacles and portable toilets, if proposed, must be located and maintained according to approved plans.

(d) Signs for the event shall be limited to those allowed by §§159.160 et seq.

(e) There shall be no Temporary Use Permit fee assessed for grand openings.

(f) If a tent of over four hundred (400) square feet is proposed, prior approval of the Fire Marshall is required.

(g) Such use shall not be located within any required setback, easement, or fire lane. Handicap parking spaces shall not be obstructed or rendered unusable.

(8) Seasonal Outdoor Sales. A temporary use permit for christmas trees, fireworks, pumpkins, and similar seasonal items for sale on commercially zoned property may be issued by the Director for a maximum of thirty (30) days. Such uses shall be subject to the following:

(a) A maximum of three (3) seasonal outdoor sales Temporary Use permits shall be issued per property per calendar year.

(b) Such use shall not be located within any required setback, easement, or fire lane. Handicap parking spaces shall not be obstructed or rendered unusable.

(c) Only items traditionally associated with the particular season are allowed to be located in the outdoor sales area. General merchandise not associated with the season is prohibited in these areas.

(d) One (1) temporary sign shall be allowed per event. Such sign(s) shall be no larger than thirty-two (32) square feet, shall not be illuminated, and shall not be an electronic sign.

(e) Fireworks sales shall comply with all applicable requirements of the Indiana Department of Homeland Security in I.C. 22-11-14 as amended.

(f) If a tent of over four hundred (400) square feet is proposed, prior approval of the Fire Marshall is required.

(9) Parking of recreational vehicles for visitation that exceeds 14 days. A Temporary Use permit may be issued by the Director. Maximum 30 days in any given year.

(10) Garage sales shall not be operated from any property more than six days during the calendar year. A permit shall be required for such events. A sticker will be issued for the event to be placed on the temporary sign not exceeding four square feet.

(11) Portable Storage Containers for Non-residential Uses.

(a) No more than ten (10) portable storage containers may be located on a property at any one time.

(b) Portable storage containers shall be hidden from view from a public street, either through means of placement or landscaping.

(c) Portable storage containers shall be permitted to be located on a property during any calendar year for not more than sixty (60) days, consecutive or non-consecutive, during that year, unless a valid building permit has been issued for the site.

(d) At a construction site where a valid building permit has been issued, portable storage containers for temporary storage of construction material must be removed prior to the issuance of a certificate of occupancy.

(e) Portable storage containers shall meet the setback requirements of the applicable zoning district.

(f) The placement of portable storage containers shall not impede a motor vehicle operator's view of vehicular traffic, bicyclists, or pedestrians.

(12) Temporary Classrooms. A temporary classroom is prohibited unless it is located on a site where an existing permanent building housing legal primary use is located. For purposes of this requirement, an authorized main use is one for which a valid certificate of occupancy has been issued. The use of the temporary classroom shall be limited to the primary use for which a certificate of occupancy has been issued or an authorized use accessory to that primary use. A temporary use permit may be issued by the Director for a temporary classroom, and is valid for twelve (12) months. Thirty (30) days prior to the expiration of the temporary use permit, a permit requesting renewal of the application may be submitted to the Director.

(a) Temporary classrooms are not to be located within the front yard.

(b) The applicant shall provide the mobile unit seal of acceptance number issued from Indiana Fire Prevention and Building Safety Commission.

(c) Temporary classrooms shall comply with requirements of 675 IAC 15.

(d) The site shall be restored when the temporary classroom is removed.

(D) Temporary Uses Not Requiring a Temporary Use Permit.

(1) Non-Community Garage Sales, Yard Sales, and Estate Sales. uch uses shall not be operated from any property for more than six (6) days during the calendar year. Signage shall be limited to that allowed by §§ 159.160 et seq. A sign permit is not required.

(2) Community Garage Sales. Such uses shall not be operated from any community for more than twenty (20) days during the calendar year. Signage shall be limited to that allowed by §§159.160 et seq. A sign permit is required with no fee assessed.

(3) Tents for Private Residential Events. Such uses are permitted for a total of three (3) days per calendar year per property. If a tent of over four hundred (400) square feet is proposed, the Fire Marshall shall review the application.

(4) Roadside Stands.

(a) The roadside stand may operate for no more than eight (8) weeks.

(b) Only one (1) roadside stand shall be permitted per property.

(c) Are located on residentially zoned property where the products are grown.

(d) Products for sale shall be limited to those items that are commonly grown, such as field crops, fruits, and vegetables. Homemade food goods such as baked goods, jams, and relishes may constitute a maximum of 25% of the stand products.

(e) Stands, signs, and other related structures shall provide a minimum ten (10)-foot setback from all property lines.

(f) On-premises signage shall be limited to one (1) unlit sign not to exceed twelve (12) square feet in area and four (4) feet in height.

(g) Customer seating areas are prohibited.

(h) Roadside stands shall be removed when not in use.

(5) Portable Storage Containers for Residential Uses

(a) Only one (1) portable storage container may be located on a property at any one time, unless division (d), below, applies.

(b) A portable storage container shall be permitted to be located on a property during any calendar year for not longer than thirty (30) days per calendar year unless a valid building permit has been issued for the site.

(c) At a construction site where a valid building permit has been issued, up to five (5) portable storage containers for temporary storage of construction material may be located at the site during the entire period of construction until either a temporary certificate of occupancy or a certificate of occupancy is issued, whichever is first applicable.

(d) Portable storage containers shall meet the setback requirements of the applicable zoning district, and shall not be placed within any easement; however, for a period of not more than five (5) days, consecutive or non-consecutive, per year, a single portable storage container may be sited within the required front setback.

(e) The placement of portable storage containers shall not impede a motor vehicle operator's view of vehicular traffic, bicyclists, or pedestrians.

(E) Temporary Uses Not Listed. The Director may authorize a temporary use of up to seven (7) days' duration for any temporary use, not listed in divisions (C) and (D) above, that is determined to be similar to other temporary or permitted uses in the applicable zoning district, if the use has been determined to meet the review factors in division (B)(2), above. Any unlisted temporary use proposed to operate in excess of seven (7) consecutive days or any listed use requesting to operate for a time period longer than listed shall require review by the Board of Zoning Appeals. Other similar uses deemed temporary by the Board of Zoning Appeals may be approved and attached with such time period, conditions, and safeguards as the Board may deem necessary.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 45-8-98, passed 9-14-98; Am. Ord. 55-11-01, spassed 12-11- 01; Am. Ord. 42-5-05, passed 6-14-05; Am. Ord. 95-11-06, passed 12-12-06; Am. Ord. 17-5-09, passed 6-9-09; Am. Ord. 12-2-11, passed 3-15-11; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 37-10-20, 10-27-20) Penalty, see § 159.999

§ 159.128 MOBILE FOOD VEHICLES.

(A) Applicability. The provisions of this section apply to mobile food vehicles engaged in the business of cooking, preparing, and distributing food or beverage with or without charge upon or in public and private property. This section does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks or food vending pushcarts and stands located on sidewalks. Mobile food vehicles shall comply with the following standards relating to their operation. Any vendor wishing to operate a mobile food vehicle must first receive a mobile food vehicle permit. Any failure to comply with these regulations may result in the revocation, suspension, or the city not renewing the mobile food vehicle permit.

(B) General regulations.

(1) It shall be unlawful for any person, including any religious, charitable or nonprofit organization to operate a mobile food vehicle within the planning and zoning jurisdiction of the City of Noblesville without a permit unless otherwise exempted by these regulations.

(2) A mobile food vehicle must hold all requisite health department, business, and resale licensures to sell food and beverages.

(3) A separate permit is required for each mobile food vehicle.

(4) A permit issued under this section shall expire after one year.

(5) Mobile food vehicles shall not be required to obtain a temporary use permit.

(6) A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit parking by a mobile food vehicle until a mobile food vehicle permit has been obtained to allow for such use.

(7) In addition to complying with the city's ordinances related to mobile food vehicles, the owner and operator of a mobile food vehicle is responsible for applying for and obtaining all other necessary licenses required for the service of food and beverages, and the food truck itself must be in compliance with the motor vehicle laws of the State of Indiana.

(8) In locations where mobile food vehicles are permitted to operate, mobile food vehicles shall comply with all parking rules.

(9) Mobile food vehicles shall not interfere with or obstruct the free passage of pedestrians or vehicles along any street, sidewalk, road, or parking lot drive aisle or park within 20 feet of any intersection.

(10) Excluded event or location. Mobile food vehicles must operate at least 1,000 feet from permitted special event locations and the Farmer's Market location. A valid mobile food vehicle permit does not allow operation at these excluded events or locations. To operate at these excluded events or locations mobile food vehicles are not required to have a valid mobile food permit, but are subject to the following:

(a) Mobile food trucks may operate at events on public property if they have a vendor agreement with the event coordinator.

(b) Mobile food trucks may operate at events on Noblesville Parks' property if they have a signed agreement with the Noblesville Parks Board.

(c) The space available to mobile food trucks at some excluded events may be limited. It shall be up to the individual groups to make those determinations and set their own selection criteria.

(11) No mobile food vehicle shall be equipped with any external electronic sound amplifying device.

(12) Signage is only allowed when placed on mobile food vehicles. No separate freestanding signs are permitted.

(13) All exterior lights with over 60 watts shall contain opaque, hood shields to direct the illumination downward.

(14) All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the street is allowed.

(15) Any power required for the mobile food vehicle located on a public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any city street, alley, or sidewalk.

(16) Mobile food vehicles shall provide proof of General Liability Insurance in the amount of not less than $l,000,000 per occurrence and $2,000,000 aggregate prior to obtaining a permit or entering into an agreement with the Noblesville Parks Board.

(17) No mobile food truck shall be parked on the street overnight, or left unattended and unsecured at any time food is kept in the mobile food truck. Any mobile food truck which is found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.

(18) All signs must be permanently affixed to or painted on the mobile food vehicle and shall not extend more than six inches from the vehicle.

(19) No sign shall flash, cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; be animated or produce any rotation, motion, or movement.

(20) A sign on which the message is changed electronically not more than one time per ten seconds shall not be considered to be an animated sign or a sign with movement, but is classified as a changeable copy sign.

(21) Changeable copy signs shall be permitted, but the total area of such signs on the vehicle, when parked and the vehicle is set up to operate, must not exceed 30 square feet. Any message on a changeable copy sign shall have an instantaneous change of message with no fading, fly-in, dissolve, or other feature used. The change of message rate on digital sign shall be limited to no more

than once every ten seconds.

(22) No sign shall utilize any exposed incandescent lamp with wattage of more than 40 watts, any revolving beacon light, or a luminance in excess of 350 foot lamberts measured at sign face.

(23) No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the city noise ordinance, including generators. No loud music, other high decibel sounds, horns, or amplified announcements are allowed.

(24) No mobile food vehicle shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and stand up counters, unless a proposal for such seating arrangements is submitted with the permit application and the use is located on private property.

(25) Any mobile food truck being operated without a valid mobile food truck permit shall be deemed a public safety hazard and may be ticketed and impounded.

(26) No flashing or blinking lights or strobe lights are allowed on mobile food vehicles or related signage.

(Ord. 24-07-13, passed 8-13-13)

§ 159.129 WIRELESS TELECOMMUNICATIONS SERVICE FACILITIES.

(A) (1) Applicability. Wireless Telecommunications Service Facilities including Cellular on Wheels (COW) shall comply with the following standards as well as the applicable requirements of the zoning district in which they are located except where otherwise noted in this part.

(2) Purpose. The purpose of this section is to provide for sensible and reasonable land use standards to allow for the provision of adequate, reliable public and private telecommunication service. There is a need to maximize the use of service facilities in order to reduce the total number of towers needed to service the needs of the areas, as well as a need to minimize the adverse, undesirable visual effects of service facilities while still providing for reasonable location of such towers within the city's zoning jurisdiction.

(3) Location of Wireless Telecommunications Facilities.

(a) Wireless Telecommunication Facilities shall be a permitted use in the following zoning districts:

1. I-1 (Light Industrial) Zoning District;
2. I-2 (Heavy Industrial) Zoning District;
3. I-3 (Extractive Industrial) Zoning District; and
4. The following subdistricts of the CCPD (Corporate Campus) Zoning District:
   a. Industrial/Office;
   b. Regional Recreation and Entertainment; and
   c. Agricultural/I-O.

(b) Wireless Telecommunication Facilities shall be a conditional use in the following zoning districts:

1. PB (Planned Business) Zoning District.
2. In any residential zoning district in which the structures may be setback at least 500 feet from an adjoining residential development or property.
3. In any district where the antennas are to be located upon pre-existing structures or buildings so long as the petitioner proposes to sufficiently screen or camouflage antennas and antenna support structures.
4. In any district upon property owned or operated by units of government or public utilities.
5. In any district, in a non-urban area, a term associated with I.C. 36-7-4-1103. "Urban area" is defined in the Code as follows: all lands and lots within the corporate boundaries of a municipality, any other lands or lots used for residential purposes where there are at least eight residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

(c) Wireless Telecommunication Facilities shall be a special consideration in the following subdistricts of the CCPD (Corporate Campus) zoning district:

1. Office;
2. Office/Flex Uses;
3. Commercial;
4. Commercial/Office; and
5. Community.

(B) Procedural Standards. All Wireless Telecommunication Service Facilities shall meet the following requirements:

(1) The placement of antennas upon existing antenna support structures or any electrical work at existing support structures may be administratively approved by the Planning Director. The applicant shall submit all appropriate permits and drawings deemed necessary by the Director of Planning.

(2) In the event an antenna support structure ceases to be used, the antenna support structure shall be removed within 180 days of termination of use. Cellular on Wheels (COW) must be removed from the parcel within three days after the event to which it is servicing.

(3) In the zoning districts in which a Wireless Telecommunication Facility is listed as either a permitted or conditional use, a Wireless Telecommunications Facility may be deemed an accessory use.

(4) The following documentation shall be submitted for all applications for a Wireless Telecommunications Facility. This information shall be submitted in addition to the standard application requirements for the type of application being filed. The Planning Director may waive any of the submission requirements based upon a written request of the applicant that must be submitted at the time of application. The waiver of any submission requirement may only be granted if the Planning Director finds in writing that, due to special circumstances of the application, the information is not required to determine compliance with the standards of this chapter.

(a) A location map showing all Wireless Telecommunications Facilities within a two mile radius of the proposed facility. The applicant shall indicate which existing facilities in the area they already have existing antenna arrays located on. Applicant shall also indicate on this map the size and location of the search ring identified by their engineering studies to find a site to fill the network coverage gap.

(b) Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, the evidence for which may consist of any one or more of the following:

1. Evidence that no existing facilities are located within the targeted market coverage area identified by the applicant's engineering requirements.
2. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost or within the limitations of this chapter at a reasonable cost to meet the applicant's engineering requirements.
3. Evidence that existing facilities do not have sufficient structural strength to support the applicant's proposed antenna array and related equipment. Specifically:
   a. Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment at a reasonable expense.
   b. The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers, or the antenna or equipment with the existing facility would cause interference with the applicant's proposed antenna.
   c. Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.
4. The fee, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of new facility development are presumed to be unreasonable.
5. Evidence that the applicant has made diligent good faith efforts to negotiate co-location on an existing facility, building, or structure and has been denied access.

(c) A propagation map, before and after, of how the proposed facility fits in the applicant's telecommunications network. The after propagation map shall demonstrate that the proposed facility will fill a significant coverage gap.

(d) A scenic assessment for the project area consisting of the following:

1. Elevation drawings of the proposed facility, showing height above ground level and details on the antenna array attachment or arrangement.
2. A site plan indicating the proposed placement of the facility on the site, including the delineation of the proposed lease area; location of existing structures, trees, means of access to the lease area, and the type of material being used, and other significant site features.
3. Photo simulations of the proposed facility taken from at least two different perspectives. Each photo must be labeled with where it was taken from, elevation, and date taken.
4. A landscape plan indicating the landscaping and screening at the base of the facility or around the perimeter of the lease area, whichever is most appropriate.

(e) Drawings prepared and certified by a professional engineer of the proposed structure indicating the location, type, and height of the proposed facility, antenna capacity, and compliance with all applicable American National Standards Institute (ANSI) technical and structural codes.

(f) Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions.

(C) Development Standards.

(1) All Wireless Telecommunication Service Facilities shall meet the following requirements:

(a) The height of the antenna support structure shall not exceed 200 feet.

(b) The antenna support structures in non-residential zoning districts shall be set back a minimum of 40 feet from the property line, unless the adjoining property is zoned or used for a residential use. If the adjoining property is zoned or used for residential use or the tower is located within a residential zoning district, the setback shall not be less than the height of the support structure.

(c) The antenna support structure shall not be illuminated or display strobe lights unless specifically required by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or other governmental agency.

(d) No signs or advertising shall be placed upon an antenna support structure or associated equipment buildings or cabinets.

(e) All new or replacement towers shall be a monopole design.

1. Wireless Telecommunication Service Facilities located within the I-1, I-2, and I-3 zoning districts may have external, hugging or slick-mounted antenna arrays.

2. Wireless Telecommunications Service Facilities located in all other zoning districts must at a minimum have internal antenna arrays. In addition, facilities shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatments.

3. Where feasible, the applicant shall utilize existing structures to house antenna arrays. Such arrays shall be designed to be camouflaged by architectural treatments in keeping with the existing structure.

4. For building mounted facilities that do not utilize camouflaging, the antenna arrays may not extend above the roof line or parapet of an existing structure, and may not be installed unless the roof design allows them to be shielded from public view. Whip antennas and omni-directional antennas may extend up to 15 feet above the roof line or parapet of an existing structure.

(f) All utility or equipment buildings and cabinets accessory to the antenna support structure shall be architecturally designed to blend into the surrounding area. This shall be accomplished through the use of the same exterior materials as the surrounding structures for the equipment building. These requirements shall apply unless the building or cabinet is completely screened by a wall or fence.

(g) Wireless Telecommunications Service Facilities shall provide vehicular access to the tower and antennas along any existing driveways whenever feasible.

(h) A landscaping and screening plan for the Wireless Telecommunication Service Facility shall be submitted with the application.

1. An opaque fence or masonry wall shall completely screen and enclose the facility.

2. A landscaping screen, consisting of more than 75% evergreen material, shall be planted outside the fence or wall. For hedges, the plants shall be a maximum of five feet on center. For evergreen trees, plants shall be a maximum of ten feet on center. All plants needed to provide a solid screen shall be a minimum of five feet in height at the time of planting.

3. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible on the entire site. Credit will be given for any existing trees saved as stated in §§ 159.180 through 159.191.

(i) All Wireless Telecommunication Service Facilities that utilize a freestanding tower shall be designed structurally, electrically, and in all other respects to accommodate the user's equipment and the equipment of at least two additional service providers.

(j) A qualified and licensed engineer must approve the design of the antenna support structure and certify that it is constructed to comply with the co-location requirements set out above.

(k) A notarized letter of intent shall be included with the application committing the antenna support structure-owner or lessee on behalf of themselves and their successors in interest that the antenna support structure shall be shared with additional users if the additional user(s) agrees to meet reasonable terms and conditions of shared use.

(l) No transmissions from a Wireless Telecommunication Service Facility shall interfere with any existing public safety communications.

(m) The site of the facilities shall be maintained in a condition free of debris, refuse, and trash.

(D) Limitations on Zoning Authority.

(1) The Board of Zoning Appeals or any other reviewing body shall not consider any evidence or base a denial of the location of a Wireless Telecommunication Service Facility on any evidence concerning adverse environmental or health effects of radio frequency emissions so long as those emissions meet the standards of the Federal Telecommunication Commission.

(2) Nothing herein shall be construed as a prohibition of the location of Wireless Telecommunication Service Facilities within the planning and zoning jurisdiction of the city.

(3) Nothing herein shall be construed or applied to unreasonably discriminate between providers of functionally equivalent service, or services that compete one against the other for various Wireless Telecommunication Services.

(Ord. 5-2-97, passed 3-10-97; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 24-07-13, passed 8-13-13) Penalty, see § 159.999

§ 159.130 SEXUALLY ORIENTED BUSINESS USES.

(A) Classifications. Sexually oriented business uses are permitted in the General Business and Planned Business zoning classifications as per the Official Schedule of Uses, Appendix C and all other adopted regulations.

(B) Location restrictions. For purposes of this section, separation distances are measured in a straight line, without regard to intervening structures, from the protected use's property line to the building of the sexually oriented establishment. If the business is located in a multi-tenant building, the straight line shall extend to the walls of the sexually oriented business's premises. All sexually oriented businesses are subject to the following location restrictions:

(1) No sexually oriented business shall be permitted in a residential zoning district or within 1,000 feet of a residential zoning district.

(2) No more than one sexually oriented business shall be located within a single building and no sexually oriented business shall be located within 1,000 feet of another sexually oriented business.

(3) No sexually oriented business shall be permitted to be located within 1,000 feet from any of these pre-existing protected uses: religious institutions, schools (K-12), parks and playgrounds, libraries, museums, childcare centers, and community gateways as measured from the right-of-way line.

(4) No sexually oriented business shall be permitted to be located within 1,000 feet from any property owned by these protected uses at the adoption of this subchapter religious institutions, schools (K- 12), parks and playgrounds, libraries, museums, childcare centers, and community gateways (State Road 32/State Road 37; Interstate 69/Campus Parkway; Hazel Dell Road/146th Street; Allisonville Road/146th Street; Gray Road/146th Street; Gray Road and Moontown Road/State Road 32; State Road 37/186th Street, State Road 19/206th and Hague Road/Carrigan Road) measured from the existing right-of-way line.

(5) No sexually oriented business shall be located in the village center or downtown zoning districts.

(6) Refer to Appendix L - Map of Potential Sites for Sexually Oriented Businesses, attached to Ordinance No. 13-3-08, passed April 15, 2008, and adopted by reference as if fully set forth herein.

(C) Exterior portions of the sexually oriented business. The purpose of this section is to carry out the public policy of banning the public display of sexually explicit images and messages and establishing that the business be aesthetically consistent with its adjacent properties to minimize the impact on surrounding property values.

(1) Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner. All sexually-oriented businesses are also subject to sign regulations as per §§ 159.160 through 159.166 in addition to the following conditions: each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size, and color. The background behind such lettering on a display surface of a primary sign shall be of a uniform and solid color.

(2) Signage maybe illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (i.e. spot or floodlights), or any flashing or animated lights (either interior to the sign, exterior of the sign, or as a border to the sign).

(3) Painting of the exterior with any design that would simulate a sign or advertising message is prohibited.

(4) (a) The exterior appearance of the establishment shall be consistent with the structures from the abutting properties to conform to the character of the area, which shall include but is not limited to materials and architectural style.

(b) The exterior portions of the establishment shall not be painted any color other than a single achromatic color unless the following conditions are met:

1. The establishment is part of a commercial multi-tenant center; and

2. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way to be a component of the overall architectural style or pattern of the commercial multi-unit center.

(5) The merchandise or activities of the establishment are prohibited from being displayed publicly.

(6) All off-street parking areas and structure entryways of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system, which provides an average maintained horizontal illumination of one-foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premise.

(D) Bulk requirements. All sexually oriented businesses shall comply with the bulk requirements of the appropriate zone classification as per the established districts set forth in §§ 159.105 - 159.109.

(E) Classification specific regulations.

(1) Main stream media outlets. These are mainstream media shops, video stores, bookstores, and newsstands in which adult media constitutes between 10% and 40% of the stock in trade or occupies between 10% and 40% of the gross public floor area and are subject to the following conditions:

(a) Location restrictions. Mainstream media outlets shall be permitted in all zones as per Appendix C, Official Schedule of Uses and shall be subject to the separation conditions of division (B) of this section.

(b) Design requirements. Adult media in a shop to which this section is applicable shall be kept in a separate room or section of the shop, which room or section shall:

1. Not be open to any person under the age of 18;

2. Be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight feet high or to the ceiling, whichever is less;

3. Be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children;

4. Have access controlled by electronic or other means to provide assurance that persons under the age of 18 will easily not gain admission and that the general public will not accidentally enter such room or section and provide continuous video or window surveillance of the room by store personnel; and

5. Provide signage at the entrance stipulating that persons under 18 are not permitted inside.

(2) Sexually oriented retail establishments. These establishments include adult media stores and sex shops and are subject to the following conditions: location restrictions; sexually oriented retail establishments shall be limited to intensive commercial zones and shall be subject to the separation requirements of division (B). A complete listing of permitted districts is provided in Appendix C, Use Matrix.

(3) Sexually oriented on-premise entertainment. These establishments include adult motion picture theaters and adult cabarets. The purpose of this section is to prohibit specified sexual activities and other public sexual conduct and enforce I.C. 35-45-4 while leaving open alternative channels for protected speech.

(a) Location restrictions.

1. Sexually oriented on-premise entertainment establishments shall be limited to zones that allow for adult motion picture theaters and adult cabarets and shall be subject to the separation requirements of division (E)(1). A complete listing of permitted districts is provided in Appendix C, Use Matrix.

2. No sexually oriented on-premise entertainment business shall be permitted to be located within 1,000 feet from any of these pre-existing protected uses: religious institutions, schools (K-12), parks and playgrounds, libraries, museums, childcare centers, and community gateways as measured from the right-of-way line.

(b) Design requirements.

1. Adult cabarets. All entertainers are required to perform in an area that meets the following requirements:

a. The performance area shall only occur in a room of at least 1,000 square feet.

b. The performance area shall be separated from areas where patrons are permitted by a minimum of six feet which shall be separated by a solid barrier or railing of which shall be a minimum of at least three feet from the floor;

c. The performance area shall be on a stage or platform, which is at least 18 inches above the immediate floor level.

d. The sexually oriented business establishment shall provide separate dressing room facilities for female and male performers that shall not be occupied or used in any way by any one other than performers.

e. The sexually oriented business establishment shall provide access for performers between the stage and the dressing rooms that is completely separated from the patrons. If such separate access is not physically feasible, the establishment shall provide a minimum four foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers which prevents any physical contact between patrons and performers.

2. Adult motion picture theaters.

a. The showing of films, motion pictures, video cassettes, slides or similar photographic reproductions may only occur in rooms greater than 600 square feet in size.

b. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than two-foot candle as measured at the floor level. The lighting shall be shown on the required sketch or diagram of the premise.

(F) Prohibited uses. The purpose for restricting the following uses from the Noblesville community is to eliminate the actual or potential direct one-on-one contact between an entertainer (and/or another employee) and a customer where the purpose of the employee is to display their body in order to excite the customer sexually. The prohibition of these uses is intended to promote the health, safety, morals, and general welfare of the citizens of Noblesville by preventing the potentially adverse secondary effects of these businesses that includes, but is not limited to reducing the possibility of prostitution and drug dealing.

(1) Lingerie modeling studio.

(2) Massage studios that do not comply with Chapter 113 of the Noblesville City Code of Ordinances;

(3) Video-viewing booths or arcades; and

(4) Nude model studios.

(Ord. 57-9-04, passed 9-28-04; Am. Ord. 23-4-07, passed 5-15-07; Am. Ord. 13-3-08, passed 4-15-08; Am. Ord. 24-07-13, passed 8-13-13)

§ 159.131 PUBLIC SERVICE FACILITIES.

(A) Purpose. Public service facilities shall be a permitted use in all zoning districts. These regulations are intended to provide for sensible and reasonable land use standards to allow for the provision of reliable public utility service to all structures in the City of Noblesville. At the same time, there is a need to minimize the adverse, undesirable effects of the facilities while still allowing them in locations that do not drive up the cost of the improvements.

(B) Development Standards.

(1) No structure shall be located within 150 feet of any structure on another lot.

(2) Every structure must meet the minimum setback and/or buffer yard requirements for the zoning district in which it is located.

(3) All outdoor above ground facilities excluding a building shall be completely surrounded by a masonry wall or fence. Fences may be constructed of wrought iron, vinyl, vinyl coated chain link, or wood. Uncoated chain link is prohibited.

(4) Landscaping shall be provided on all sites.

(a) Those facilities that are surrounded by a fence or wall shall provide evergreen canopy trees at a rate of ten feet on center and a minimum height of six feet at the time of planting around the entire perimeter of the fence.

(b) If the facility is surrounded by a masonry wall, the spacing of the evergreen canopy trees may be increased to a rate of 20 feet on center.

(c) Those facilities that include a building not surrounded by a fence or wall shall comply with the building base landscape requirements set out in §159.185.

(5) Buildings 200 square feet in size or less shall be finished in brick, masonry, native stone, integral color CMU, horizontal wood lap siding, stucco, EIFS, or split faced block. No metal, unfinished concrete, or vinyl or aluminum siding shall be permitted.

(6) Buildings more than 200 square feet in size shall be required to meet the architectural requirements for non-residential uses contained in §159.041(F).

(7) Any facilities that require a parking area of more than two spaces shall be required to meet the parking lot landscape requirements set out in §159.184.

(8) No outdoor storage shall be permitted unless on a lot zoned I-1 or I-2 and the outdoor storage area must comply with the requirements for those zoning districts.

(9) All lighting shall comply with the standards of §159.201. In those instances where stronger lights are needed for emergency work, lights shall be on a switch, and lights shall be directed downward, and away from adjoining property and roadways.

(C) Procedure. All public service facilities shall meet the requirements contained in this section. If all regulations are met, such permits shall be administratively approved. If any regulation will not be met, the applicant shall submit a request for variance.

(Ord. 23-06-10, passed 7-13-10; Am. Ord. 24-07-13, passed 8-13-13)

§ 159.132 SMALL CELL NETWORKS AND FACILITIES.

(A) Applicability. The regulations in this section shall apply to small cell networks and facilities located within the public right-of-way within the planning and zoning jurisdiction of the city. Those facilities not located in the public right-of-way shall be subject to the regulations of § 159.129, Wireless Telecommunications Service Facilities.

(B) Application Requirements.

(1) Contents of Application. An application for a wireless support structure and wireless facility shall include the following:

(a) The name, business address, and point of contact for the applicant;

(b) The location of the proposed or affected wireless support structure or wireless facility, including location map, address, and latitude and longitude;

(c) A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment;

(d) The location of all existing wireless support structures within 1,500 feet of the proposed wireless support structure; and

(e) If applicable, evidence supporting the choice of location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that co-location of wireless facilities on an existing wireless support structure was not a viable option because co-location:

1. Would not result in the same wireless service functionality, coverage, and capacity;

2. Is technically infeasible; or

3. Is an economic burden to the applicant.

(f) A copy of any applicable encroachment or location permits from entities other than the city. In the event that an application is submitted for a facility that is in the planning and zoning jurisdiction of the city, but requires an encroachment or location permit from an entity other than the city, the applicant shall first obtain all other required permits. A copy of those permits shall be submitted to the city with the permit application.

(g) Construction plans for the proposed facility shall include the following elements:

1. A written plan for construction of a new wireless support structure which demonstrates that the aesthetics of the wireless support structure is substantially similar to the street lights located nearest the proposed location;

2. Includes the total height and width of the wireless facility and wireless support structure, including cross section and elevation, footing, foundation and wind speed details;

3. A structural analysis indicating the capacity for future and existing antennas, including a geotechnical report and calculations for the foundation's capacity;

4. The identity and qualifications of each person directly responsible for the design and construction; and

5. Signed and sealed documentation from a professional engineer that shows the proposed location of the wireless facility and wireless support structure and all easement and existing structures within 200 feet of the wireless facility or wireless support structure, including the distances from roadways, sidewalks, trails, driveways, and entrances.

6. For a substantial modification of an existing wireless facility or wireless support structure, a plan that describes the proposed modifications to the wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment, along with any relevant engineering information relating to the support structure.

(2) An applicant may submit one application for multiple wireless support structures and wireless service facilities that are located within the city. A single permit shall be issued for those multiple locations, but a fee shall be assessed for each location.

(3) Procedure.

(a) Determination of a complete application. Within ten business days of receipt of an application, the department shall determine if the application is complete. If the application is not complete, the applicant shall be notified in writing of all defects in the application. If the applicant is not notified an in writing of all defects in the application, the application is considered complete.

(b) An applicant that receives written notice of an incomplete application or an application with deficiencies may cure the defects and resubmit the corrected application within 30 days of receiving the notice. If an applicant is unable to cure the defects within the 30-day period, the applicant shall notify the department of the additional time the applicant requires to cure the defects.

(c) Not more than 90 days after making an initial determination of completeness, the department shall review the application to determine if it complies with applicable laws and ordinances governing land use and zoning, and notify the applicant in writing whether the application is approved or denied. If the applicant has requested additional time to cure the defects, the 90-day period is extended for a corresponding amount of time.

(d) A written determination shall state clearly the basis for the decision to approve or deny an application. If the department denies the application, the written notice must include substantial evidence in support of the denial. A notice is considered written if it is included in the minutes of a public meeting of the permit authority.

(e) In all instances, the Department of Planning shall transmit to the Street Department a copy of the permit application as notice of encroachment locations.

(C) Location Limitations.

(1) There must be a minimum of 1,320 feet between any support structures used for telecommunications, measured in any direction between support structures. This measurement is not necessarily a dimension measured parallel to a road right-of-way.

(2) The wireless support structure shall be placed so as to not interfere with the construction, maintenance, or safe operation of vehicular and pedestrian transportation infrastructure. The support structures shall be at least two feet from the edge of pavement for pedestrian transportation infrastructure. The support structures shall be outside the clear zone per the Indiana Design Manual for vehicular transportation infrastructure.

(3) The wireless support structure must be located on a roadway with a classification on the Noblesville Thoroughfare Plan of expressway, primary arterial, secondary arterial, or collector streets.

(4) Wireless support structures are prohibited on local streets, as defined in § 159.016.

(5) The applicant must make reasonable efforts to avoid obstruction or location in front of existing ground signage and entry features. Whenever feasible, the facilities shall be placed so as to not be located within ten feet of edge of the ground signage or entry feature.

(D) Specifications. New wireless facilities and wireless support structures shall meet the following specifications.

(1) Maximum Height. The wireless support structure shall not be taller than adjacent existing utility poles within 1,320 feet. If there are no existing utility poles, the wireless support structures may be no more than 40 feet in height in residential areas, and 50 feet in height in non-residential areas.

(2) Support structures must be metal or fiberglass poles matching the city's street light poles, per the city standards contained in Appendix F of the Unified Development Ordinance, which may be amended from time to time. The support structures, cabinets, and any antenna mounted to the support structures shall be painted Deep Hemlock (Porter Paints, Color No. 6348-5).

(3) At a minimum, new wireless support structures shall be a monopole constructed to support the initial user plus the anticipated loading of one additional user.

(4) Any proposed wireless support structure shall be designed and engineered structurally, electrically, and in all other respects, to accommodate both the initial wireless facility and one additional wireless facility.

(5) All facility equipment at a single facility, with the exception of the antenna itself, shall be ground-mounted in a cabinet having an area not to exceed 40 cubic feet, and no greater than 48 inches overall height. Under special circumstances based on a mutual agreement, the permit authority may allow a pole-mounted cabinet, with dimensions not exceeding 20 inches by 20 inches by six inches, and a ground-mounted cabinet not exceeding two feet by two feet by one foot. If a pole-mounted cabinet is permitted, the facility will need to include additional shrouding and landscaping to mitigate the visual impact of the equipment. If a mutual agreement cannot be reached, then the Board of Public Works shall intervene and make a determination.

(6) All support structures shall have a plaque identifying the structure, the owner, and the owner's contact information. This plaque shall not exceed 0.25 square feet.

(7) All wiring and fiber for the facility shall be concealed within the support structure. All conduit, wiring, and fiber shall be buried between structures and/or structures and ground-mounted cabinets. All service lines, including fiber optic and electric lines, to the support structure must also be buried, unless service lines in the area of the support structure are aerial. If the aerial service lines are located on the opposite side of the street or roadway, the service drop crossing would need to be bored and placed under the street or roadway. No aerial crossings or pavement cuts are permitted.

(8) If relocation of wireless support structures is necessary to accommodate vehicular and/or pedestrian transportation improvements, the wireless support structure is to be moved at the utility company's expense.

(9) Wireless support structures must be separated from existing underground utility facilities per industry standards. For larger diameter pipes (water, gas, sewer, and the like) the support structure must be offset the depth of the pipe, with a minimum of three feet separation.

(10) The wireless support structure and wireless facilities shall comply with the requirements of the Building Code of the State of Indiana, as amended, the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC), when applicable.

(11) All wireless facilities and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind-loading requirements of the Building Code of the State of Indiana, as amended, and the Electronics Industry Association.

(12) All wireless facilities and support structures shall be designed to conform to accepted electrical engineering methods and practices, and to comply with the provisions of the National Electrical Code, as amended.

(13) All wireless facilities and support structures shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).

(14) All wireless facilities and support structures shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.

(E) Continued Operation. A person receiving a permit for the construction of a new wireless support structure, substantial modification of a wireless support structure, or co-location of wireless facilities on an existing structure inherently agrees that, if the wireless support structure or wireless facilities are not used for a period of six consecutive months, they will be removed by the facility owner at their expense. Should the owner fail to remove the wireless support structure or wireless facilities after 30 business days from the date a notice of violation is issued by the city, the city may remove the structure or facilities and bill the owner for the costs of its removal and cleanup of the site.

(Ord. 01-01-17, passed 1-24-17)

OFF-STREET PARKING AND LOADING

§ 159.140 PURPOSE.

(A) The regulations of this section are designed to alleviate or prevent congestion of streets by establishing minimum requirements for on-site storage, loading, and/or unloading of motor vehicles in accordance with the use by which a property is occupied. Accessory off-street parking and loading facilities shall be provided and maintained for all buildings, structures, or premises used for purposes permitted by this chapter in accordance with the provisions of this subchapter, except for uses in the Core Central Business District (CCBD) which shall be exempt from the applicable parking ratio requirements as outlined in Ordinance 45-11-92 and any amendments thereto.

(B) These regulations also recognize that stormwater runoff from impervious areas, including off-street parking and loading areas, can result in increased flooding and property damage, degradation of streams, less groundwater recharge, impaired water quality, increased water temperatures in streams, loss of habitat, and decreased recreational opportunities. The impact of stormwater runoff from off-street parking and loading areas shall be addressed as part of this subchapter.

(C) It is a further purpose of this subchapter to ensure that parking is not excessive for the associated use, and that the design and construction of parking areas minimizes their impact on the city's water resources by utilizing "Low Impact Development (LID)" to manage stormwater and reduce the urban heat island effect.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 41-9-09, passed 10-13-09; Am. Ord. 22-06-13, passed 7-9-13) Penalty, see § 159.999

§ 159.141 SCOPE AND APPLICATION.

(A) Nonconforming Parking.

(1) No use previously lawfully established shall be required to provide and maintain the parking and loading requirements herein, provided, however, that off-street parking and loading spaces required by any previous ordinances adopted pursuant to the Indiana Planning Statutes shall be deemed conforming. (See §§ 159.220 et seq., Nonconforming Uses and Structures.)

(2) For any nonconforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, off-street parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation, provided, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses.

(B) Additional Parking Required.

(1) For Additions. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

(2) For Change in Use. Whenever the existing use of a building, structure, or premises shall hereafter be changed or converted to a new use permitted by this chapter, parking and loading facilities shall be provided as required for such new use.

(3) Accessory Parking Permitted. Nothing in this chapter shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

(4) On-Street Parking. On-street parking shall be permitted, but the Indiana Department of Transportation (INDOT) or the City of Noblesville may place restrictions on this use.

(5) Use of Accessory Parking by Other Uses is Limited. Accessory off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and no parking space or portion thereof shall serve as a required space for more than one use, unless otherwise authorized by the Board of Zoning Appeals as Shared or Mixed-Use Parking, pursuant to § 159.146.

(6) Distinction Between Parking and Loading Areas. Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.

(7) Limitations on Parking Areas.

(a) Use of Parking Areas Limited. Accessory off-street parking facilities shall be utilized solely for the parking of passenger automobiles or light trucks of less than one ton capacity, of patrons, occupants, or employees of specified uses. Said parking facilities shall not be used for the storage, display, sale, repair, dismantling, or wrecking of any vehicle, equipment, or material.

Further, no repair work, sales, or service of any kind shall be permitted in association with accessory off-street parking facilities, unless such facilities are enclosed in a building and such work or service is otherwise permitted in the district. No inoperable vehicles shall be stored in an off-street parking area for more than 24 hours.

(b) Drive-Through Stacking. A property owner proposing a drive-through facility shall provide a minimum of four stacking spaces for each drive-through station in addition to the parking required by this section. Each lane of stacking space must be at least nine feet wide and must be delineated with pavement markings. Each stacking space shall be 25-feet long; however, individual spaces within the lane shall not be delineated with pavement markings. Stacking lanes may not be located within required driveway, internal circulation, or parking aisle widths.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 12-3-98, passed 3-9-98; Am. Ord. 89-10-06, passed 11-14-06; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 10-03-13, passed 4-9-13) Penalty, see § 159.999

§ 159.142 REQUIRED OFF-STREET PARKING STANDARDS.

(A) Computing Number of Required Spaces. In determining the minimum required number of off-street parking or loading spaces, the following instructions shall be applicable in such computations:

(1) Determining Floor Area. Off-street parking requirements shall be calculated based on gross square footage of the use to which the parking is accessory, or as otherwise provided in Table 8.

(2) Fractions. If the calculation of required parking spaces results in a fraction, said fraction shall be considered as being the next unit and shall be counted as requiring one space.

(3) Public Assembly Seating. In sports arenas, churches, and other places of assembly in which patrons occupy benches, pews, or other similar seating facilities, each 24 inches of such seating shall be counted as one seat for the purpose of determining requirements thereunder.

(4) Calculating Required Parking For Bar and Restaurant Combinations. For bars and nightclubs which serve food and for restaurants which include a bar, required parking shall be calculated according to Table 8. Since bars and restaurants require different parking, this table allows parking to be calculated accurately based on how much of the use is a bar and how much is a restaurant. This table is based on the premise that a restaurant requires greater kitchen space than a bar.

Table 8

Calculating Parking for Bars and Restaurant Combinations

% of Gross Floor Area Devoted to Kitchen	*% of Public Floor Area Calculated as "Restaurant"*	*% of Public Floor Area Calculated as "Bar"*
40% or more	100%	0%
30 - 39%	75%	25%
20 - 29%	50%	50%
5 - 19%	25%	75%
less than 5%	0%	100%

To use the table determine the gross square footage of the kitchen area and divide that number by the gross square footage of the building in which it is located. The resulting number may be converted to a percentage. Reference that percentage in the first column of the table, and follow the row across. If, for example, the percentage of the kitchen area is 25%, then 50% of the public floor area in the building is calculated as a bar and 50% as a restaurant. Reference Table 9 to determine the required parking ratio for each use.

(5) Determining Parking Requirements for Unlisted Uses. For uses not specified in Table 9, the number of parking spaces shall be determined by the Director of Planning and Development, on the basis of requirements for similar uses, the gross square footage of the use, and the relationship between the size of the use and the number of persons served or employed.

(6) Additional Parking Spaces above the Required Number as per the following Tables. Additional parking above the required number shall be increased by a maximum of 10% and be constructed using pervious concrete, permeable pavers, or other similar materials. Plans shall also incorporate an additional 2% of interior parking lot landscaping above the required percentage per Table 12.0.5.C.1. entitled 'Interior Parking Lot Landscape Requirement'. Low Impact Development (LID) landscaping standards and techniques shall be implemented.

Table 9: Required Parking Spaces

Uses	*Required Parking Spaces*

Table 9: Required Parking Spaces

Uses	*Required Parking Spaces*
Residential Uses	
Bed and breakfast	2, plus 1 additional space per guest room.

Dwelling unit, multi-family	Spaces per unit • Studio units, 1.25 • 1 bedroom, 1.3 • 2 bedroom, 1.7 • 3 bedroom or more, 1.9
Dwelling unit, single- or two- family	2 per dwelling unit
Dwelling units, zero lot line	2 per unit, at least 1 of which shall be located in a required private garage.
Home occupation	1 (minimum and maximum) in addition to residence requirement.
Housing for elderly	• Specialized care: .5 space per bed • Minimal care: .7 space per bed • Multi-family: .5 space per unit
Mobile home park	2 per mobile home site, plus 1 per 300 sq. ft. of any office areas.
Institutional Uses	
Cemetery, crematory, or mausoleum	2 spaces and 1 per 4 seats provided for any place of assembly.
College or university	1 per 4 students, based on projected maximum enrollment; plus 1 per 4 seats in auditorium and/or gymnasium areas; plus 1 per 200 sq. ft. of office areas.
Fire Station	1 per bed in the living quarters.
Police Station	1 per 250 sq. ft., plus 1 per vehicle, or as determined by the Chief.
Hospital	1 per 3 beds plus 1 per each member of the medical staff plus 1 per each outpatient treatment room and .40 space per employee.
House of worship	1 per 4 seats in main auditorium.
Kindergarten, preschool or day nursery	1 space per 200 sq. ft.
Nursing home	1 per 2 beds
Penal or correctional institutions	1 per 10 inmates capacity
Post offices	1 space per 200 sq. ft.
Private club or lodge	1 per 250 sq. ft.
Library or museum	1 per 300 sq. ft.
Community or recreation buildings	1 per 200 sq. ft.
Civic offices	1 per 250 sq. ft.
School, Jr. High & High	1 per 6 students, based on projected maximum enrollment; plus 1 per 4 seats and/or gymnasium areas; plus 1 per 200 sq. ft. in office areas.
Trade or business school	1 per 200 sq. ft.
Commercial, Retail and Service Uses	
Automobile or trailer sales area	2.5 per 1,000 sq. ft. of gross floor area of interior sales space plus 1.5 per 1,000 sq. ft. of external display (does not include stock areas closed to public) plus 3 per service bay. Site plans submitted for automobile or trailer sales area shall illustrate the parking spaces allocated as per the above.
Automobile repair and fuel sales	3 spaces per service bay and 1 space per 250 sq. ft. of accessory retail sales area
Banks/Financial offices	1 space per 250 sq. ft. gross floor area
Office/Business/ Professional services	1 space per 300 sq. ft. gross floor area
Clinic, medical or dental, for humans	1 space per 250 sq. ft. gross floor area
Clinic, veterinary	2 spaces and 1 per 3 animal spaces (cages or kennels or pens)
Shopping centers	• 4 per 1,000 sq. ft. of gross floor area for centers up to 400,000 sq. ft. • 4.5 per 1,000 sq. ft. of gross leasable area for centers between 400,000 to 600,000 sq. ft. • 5.25 per 1,000 sq. ft. of gross leasable area for centers over 600,000 sq. ft.
Free-standing stores	One per 200 sq. ft. of gross floor area
Grocery or supermarket	1 per 300 sq. ft.
Plant nurseries, building material sales, equipment rental or sales yards and similar uses	1 per 300 sq. ft. of sales and display areas
Furniture and appliance stores	• Up to 15,000 sq. ft.: 1 space for each 500 sq. ft. • 15,000 sq. ft. or more: 1 space for each 500 sq. ft. for the first 15,000 sq. ft.; 1 space for each 800 sq. ft. thereafter
Bar, Lounge, Tavern or Nightclub	1 for each 35 sq. ft. of indoor public floor area, plus 1 for each 200 sq. ft. of outdoor public seating area, excluding the first 200 sq. ft. of outdoor public seating area
Restaurants	1 for each 50 sq. ft. of indoor floor area, plus 1 for each 200 sq. ft. of outdoor public seating area, excluding the first 200 sq. ft. of outdoor public seating area. See also "Drive Through Facilities."
Drive-through Facilities	• As Accessory Use: As required for the principal use, plus 5 stacking spaces for the first window and 2 stacking spaces for each additional window • As Principal Use: 5 stacking spaces for the first window and 2 stacking spaces for each additional window
Greenhouse (commercial), facilities for raising or breeding non-farm fowl or animals (commercial)	3 spaces plus 1 for each 125 sq. ft. of sales area
Mortuary	1 per 2 seats (capacity) plus 1 per 30 sq. ft. of public assembly area.

Parking as a primary use	Subject to a conditional use permit and the requirements of §159.143.
Health or fitness studio	• Less than 10,000 sq. ft.: 1 per 150 sq. ft. • 10,000 - 19,999 sq. ft.: 1 per 200 sq. ft. • 20,000 - 29,999 sq. ft.: 1 per 250 sq. ft. • 30,000 sq. ft. and over: 1 per 300 sq. ft.
Hotel/motel	2 plus one per guest room.
Marina	1 space per slip or berth.
Riding stable	1 per 2 horse stalls.
Stadium or coliseum	1 per 4 seats.
Swimming pools, skating rinks, tennis clubs, and similar facilities	1 per 5,000 sq. ft. of gross area or 5 per 100 sq. ft. of water or court area, whichever is greater.
Theater/cinema (indoor)	1 per 4 seats.
Dancing academy	1 per 200 sq. ft.
Billiard hall	2 per billiard table.
Bowling alley	3 per lane plus 1 per 6 spectator seats.
Campground	1 per campsite plus 1 per cabin.
Country club or golf course	1 parking space for each 200 sq. ft. of floor area in any main building plus 1 space for every 2 practice tees in the driving range, plus 4 parking spaces for each green in the playing area.
Game centers	1 per 100 sq. ft.
Industrial Uses	
Manufacturing and industrial establishments	1 per 500 sq. ft. of gross floor area.
Warehousing or wholesaling establishments	1 per 800 sq. ft. of gross floor area.
Junk yard	2 per acre
Self-service storage facility	1 per 50 storage spaces, plus 1 per 300 sq. ft. of any office spaces.
Energy, Communication, and Transportation Uses	
Radio or TV tower/studios	1 per 500 sq. ft.
Railway station or motor bus station	1 per 10 seats in waiting room, plus 1 per 250 sq. ft. retail area.
Sewage disposal plant	1 per 400 sq. ft. devoted to office use, plus 1 per 800 sq. ft. devoted to other uses.
Telephone exchange or public utility substation	1 space.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 33-6-04, passed 7-13-04; Am. Ord. 96-11-05, passed 12-13-05; Am. Ord. 13-3-08, passed 4-15-08; Am. Ord. 12-2-11, passed 3-15-11; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 30-08-13, passed 9-10-13) Penalty, see § 159.999

§ 159.143 DESIGN AND IMPROVEMENT STANDARDS FOR PARKING LOTS.

(A) Applicability. All off-street parking areas shall be developed in accordance with the standards of this section, except in the case of one-family, two-family, and agricultural uses, and storage of vehicular merchandise not counting toward the minimum requirements as set forth in this chapter. However, driveways for one-family, two-family and agricultural uses shall be limited to a width of 20 feet or 30 feet as provided in this section and one per street frontage.

(B) Dimensions and Layout. Each off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide or such additional width and design in accordance with Table 10, below, so as to provide safe and efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all time.

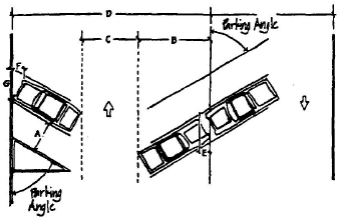


Table 10: Off-Street Dimensions (In Feet)

(dimensions are listed in Table on following page)

Table 10 ***Off-Street Parking Dimensions (In Feet)***							
Angle	***Stall Width (A)***	***Vehicle Projection (B)***	***Aisle (C)***	***Typical Module (D)***	***Interlock Reduction (E)***	***Overhang (F)***	***Curb Length (G)***
Table 10 ***Off-Street Parking Dimensions (In Feet)***							
Angle	***Stall Width (A)***	***Vehicle Projection (B)***	***Aisle (C)***	***Typical Module (D)***	***Interlock Reduction (E)***	***Overhang (F)***	***Curb Length (G)***
0°	9.0	9.0	12.0	30.0	0.0	0.0	20.0
45°	9.0	14.1	13.0	41.3	3.2	1.8	12.7
50°	9.0	15.3	13.7	44.3	2.8	1.9	11.7
55°	9.0	16.4	14.7	47.5	2.5	2.0	11.0
60°	9.0	17.3	16.0	50.6	2.2	2.2	10.4
65°	9.0	18.1	17.0	53.3	1.8	2.3	9.9
70°	9.0	18.8	18.3	55.9	1.5	2.3	9.6
75°	9.0	19.3	20.0	58.6	1.2	2.4	9.3
90°	9.0	19.3	20.0	58.6	1.2	2.4	9.3

NOTES: No two-way aisle shall be less than 24' in width.

All measurements are in feet.

(C) Location and Access of Off-street Parking and Loading Areas.

(1) Right-of-Way Access.

(a) All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

(b) Acceleration and deceleration lanes shall be provided along arterials and major collectors where necessary, as determined through site plan review. Such accel/decel lanes shall parallel and adjoin the improved part of the right-of-way and shall measure at least 11 feet in width. Accel/decel lanes shall be at least 100 feet in length, exclusive of the entrance way and taper area. However, if the lot frontage is too small to meet such requirement, the acce1/decel lane shall extend the entire width of the lot.

(c) Each use that fronts upon an arterial shall provide an easement for the purpose of a frontage lane to reduce the number of curbs cuts and traffic conflicts along said arterial. The applicant shall bear the cost of constructing the frontage road across his or her own property and such frontage road shall be constructed prior to the granting of a certificate of occupancy for the use, except as otherwise provided in § 159.045(C).

(2) Driveways.

(a) Non-residential driveway entrances or exits shall be at least 25 feet from an adjoining residential property line; ten feet from an adjoining non-residential property line; or 45 feet from an intersection.

(b) Owners of adjoining properties shall provide combined driveways wherever practical. In conjunction with approval of a development, the City may require a property owner to provide an access and circulation easement to an abutting owner where joint access is reasonable to serve future development. Such entrances or exits shall be designed in such a manner as to interfere least with traffic movement.

(c) No single non-residential or multi-family driveway shall exceed a width of 30 feet at the right-of-way line. However, a driveway 36 feet in width at the right-of-way line shall be permitted provided pavement markings indicate three separate lanes, one for ingress and two for egress. An entrance/exit divider not to exceed ten feet in width shall not be counted towards the width limit. Non-residential driveways are limited to one per street frontage and shall be approved by the Engineer having jurisdiction thereof.

(d) Driveways for single-family or two-family residential uses shall be subject to the minimum and maximum widths at the property line shown in Table 10(C)(2)(d) below. Such residential driveways shall be setback at least seven and a half feet from the property line. Residential driveways located on property fronting more than one public street, shall have the leading edge of the driveway at least 25 feet from the intersection, or in a location approved by the Engineer having jurisdiction thereof. Upon installation of the driveway, there shall be installed a "No Parking Here to Corner" sign between the driveway and the intersection.

Table 10(C)(2)(d)

Min. Width at R/W Line	*Max. Width at R/W Line*	*Max. Width at back of curb, including flare*	
12'	24'	30'	Single-car garage or building setback 40'+ from R/W
16'	24'	30'	Two- or three-car garage with lot width of less than 80'
24'	30'	30'	Three-car garage with a lot width of 80' or more

(3) Location of Accessory Parking and Loading on Same Lot. Accessory off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this chapter, and may be situated as one or more individual areas.

(4) Location of Parking and Loading Behind Required Setback. Accessory off-street parking and loading areas shall not be located in any required yard, except as specified otherwise by this chapter. When permitted within required yards, a landscape buffer shall be provided along the property-line of the yard in which it is located, pursuant to § 159.185.

(5) Design Requires Interior Circulation. Required off-street parking spaces shall be so designed, arranged, and regulated as to have individual spaces marked, be unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.

(D) Improvement Standards for Parking Lots.

(1) Paving Required. Parking and driveway areas shall be paved with asphalt or constructed of concrete or permeable pavement and be curbed with rigid or roll-type curb as per the Noblesville Standards. As an alternative to continuous curb, wheel stops or strategic breaks in the barrier curb shall be provided in order to allow for drainage into LID Stormwater BMP's.

(2) Drainage of Runoff. Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks. Any runoff generated by such improved areas shall be disposed of in appropriate drainage facilities as per the Noblesville Standards and the Stormwater Technical Standards.

(3) Marking of Parking. Such parking areas shall be so lined or designated as to ensure the most efficient use of the parking spaces and provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required yard on onto adjoining property.

(4) Parking Lot Lighting. A minimum of one foot-candle of illumination shall be provided throughout the parking lot. Illumination of off-street parking areas shall utilize fully-shielded lighting fixtures so as not to reflect direct rays of light onto adjacent properties or streets, and prevent excessive uplighting, pursuant to §§ 159.200 through 159.208.

(E) Landscaping. All off-street parking areas shall be landscaped pursuant to § 159.184.

(F) Special Regulations for Parking Garages and Attendant Buildings.

(1) Buildings Used for Parking Garages. Parking Garages, whether Principal or Accessory uses, shall be treated as any structure and shall be subject to all requirements thereof.

(2) Attendant Buildings. Parking areas may be provided with one one-story shelter or guard building which shall not exceed 100 square feet of gross floor area and which shall conform to all the standards of the district in which it is located.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 7-1-98, passed 2-9-98; Am. Ord. 12-3-98, passed 3-9-98; Am. Ord. 86-11-03, passed 12-9-03; Am. Ord. 33-6-04, passed 7-13-04; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 22-06-13, passed 7-9-13; Am. Ord. 53-10-15, passed 11-10-15; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 26-05-22, passed 5-24-22) Penalty, see § 159.999

§ 159.144 PARKING SPACES ACCESSIBLE TO THE DISABLED.

The City of Noblesville encourages all development which serves the public to provide facilities which are accessible to people with disabilities as defined by this chapter and the Americans with Disabilities Act (ADA) of 1990. In accordance with this goal and pursuant to the ADA, accessible parking shall be provided by any building or use initiated after the effective date of this chapter according to the following minimum requirements and any further requirements hereafter adopted by federal, state, or local law.

(A) Required Accessible Spaces. Accessible parking spaces shall be provided according to Table 11. In addition, accessible patient parking at outpatient facilities must equal no less than 10% of the total required parking spaces, and facilities which specialize in treatment or services for persons with mobility impairments must provide for patient use accessible parking equaling no less than 20% of the total required parking spaces.

Table 10.0.5

Accessible Parking Spaces Required by the Americans with Disabilities Act (ADA)

Total Spaces in Off-street Parking Area	*COLUMN A* *Total Minimum Accessible Spaces (Van Accessible + Accessible)*	*Minimum Van Accessible Spaces (96" wide access aisle)*	*Minimum Accessible Spaces*

Table 10.0.5

Accessible Parking Spaces Required by the Americans with Disabilities Act (ADA)

Total Spaces in Off-street Parking Area	*COLUMN A* *Total Minimum Accessible Spaces (Van Accessible + Accessible)*	*Minimum Van Accessible Spaces (96" wide access aisle)*	*Minimum Accessible Spaces*
1-25	1	1	0
26-50	2	1	1
51-75	3	1	2
76-100	4	1	3
101-150	5	1	4
151-200	6	1	5
201-300	7	1	6

301-400	8	1	7
401-500	9	2	7
501-1000	Two percent (2%) of total	1/8 of COLUMN A	7/8 of COLUMN A
1001 +	20, plus 1 for each 100 spaces over 1000	1/8 of COLUMN A	7/8 of COLUMN A

(B) Calculating Required Accessible Spaces. The required number of mobility impaired accessible parking spaces shall be calculated prior to any applied reduction in parking requirements otherwise approved by the Director of Planning and Development or provided pursuant to Table 9.

(C) Design and Layout of Accessible Parking Lots.

(1) Access Aisles. Access aisles shall be provided next to each accessible parking space and shall measure at least five feet in width when adjacent to an automobile accessible space and at least eight feet in width when adjacent to a van accessible space. For each access aisle which is eight feet or wider, bollards shall be placed at the driveway end of the aisle so as to prevent vehicles from parking in the aisle illegally.

(2) Accessible Routes. Each access aisle shall abut an accessible route to the building entrance. The minimum width of said accessible route shall be three feet.

(3) Maximum Slope. Accessible parking spaces, access aisles, and accessible routes shall not exceed a slope of 1:50, and the ramp from the access aisle to the sidewalk or other transition to the principal use shall not exceed a slope of 1:12.

(D) Signage And Marking. All accessible spaces shall be designated by the international access symbol. Van accessible spaces will be labeled by both the international access symbol and an additional sign indicating that the space is accessible for vans. Signs shall be placed a minimum of 5.5 feet above ground level so as not to be obscured by parked vehicles. The mobility impaired symbol shall also be painted on the ground to the rear of the parking space.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 10-03-13, passed 4-9-13) Penalty, see § 159.999

§ 159.145 PEDESTRIAN ACCESS.

Promoting an interconnected network of pedestrian routes is a priority for the city. Providing connections for pedestrians between buildings, walkways, adjacent properties, rights-of-way, and other uses help meet the objectives of the Noblesville Alternative Transportation Plan. The installation of pedestrian facilities increases the walkability of the city, thus reducing vehicle trips traveled and traffic congestion.

(A) Location. All new development containing 25 parking stalls or more, except detached single-family and duplex uses, shall comply with the following pedestrian access requirements pursuant to the standards in division (B)(1).

(1) Between Buildings on Subject Property. Provide pedestrian walkways between the primary entrances to all businesses, uses, and/or buildings on the subject property pursuant to the applicable standard in division (B)(1).

(2) Between Properties. Provide pedestrian walkways connecting to existing or future walkways on adjacent properties pursuant to the applicable standards in division (B)(1). Exceptions: Pedestrian connections to industrial uses are not required. The location for the access points at property edges and to adjacent lots shall be coordinated with existing and planned development to provide convenient pedestrian links between developments. Where there are topographic changes in elevation, stairs or ramps may be provided to make a pedestrian connection.

(3) Along Building Facades Not Adjacent to a Public Sidewalk.

For buildings that do not front on a public sidewalk, a pedestrian walkway shall be provided along the entire facade of all building facades containing a primary entrance. The walkways should meet the pedestrian walkway standards in division (B)(2). Exceptions may be approved as part of Site Plan Review in the following circumstances: where new development is less than 2,000 square feet of gross floor area, features a landscaped front yard area and parking is located to the side or rear, only direct pedestrian access shall be provided from the abutting sidewalk to the primary entrance to all buildings.

(4) Through Parking Areas. All parking lots must include pedestrian walkways through the parking lot to the main building entrance or a central location. The pedestrian walkway must connect the building entrance to the public sidewalk. The pedestrian walkway must meet the development standards pursuant to division (B)(3).

(B) Pedestrian Access- Required Improvements.

(1) Pedestrian Walkway Standards - Between Buildings on Subject Property and Between Properties. The applicant shall install pedestrian walkways between buildings and properties pursuant to the following standards:

(a) Must be at least five feet wide;

(b) Must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;

(c) Must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20 feet above the ground;

(d) Must be centrally located on the subject property;

(e) Must be accessible;

(f) Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted;

(g) Easements to provide rights of access between adjacent properties shall be recorded prior to occupancy.

(2) Pedestrian Walkway Standards - Along Facades Not Adjacent to Sidewalks. The applicant shall install pedestrian walkways along facades not adjacent to public sidewalks pursuant to the following standards:

(a) Must be provided along the entire facade of all building facades containing a primary entrance;

(b) Must have a minimum unobstructed width of eight feet, paved with decorative concrete. A minimum of five feet may be approved for residential uses;

(c) Trees placed at an average of 30 feet on-center between the pathway and any parking or vehicular access area. The required trees must be placed in planning strips at least 4.5 feet in width or within planting grates. Exceptions:

1. To increase business visibility and accessibility, the city may allow modifications in the required tree coverage adjacent to the primary building entries; however, no less than one tree per 60 lineal feet of required pathway shall be provided.

(d) Must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;

(e) Must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20 feet above the ground;

(f) Must be accessible.

(3) Pedestrian Walkway Standards - Through Parking Areas. The applicant shall install pedestrian walkways through parking areas, connecting the main building entrance to parking areas and public sidewalks pursuant to the following standards:

(a) All parking lots that contain more than 25,000 square feet of paved area, including access lanes and driveways, must include clearly identified pedestrian routes from the parking stalls to the main building entrance or central location. At a minimum, walkways must be provided for every three driving aisles or at a distance of not more than 150 foot intervals, whichever is less, and meet the standards of division (B)(1).

(b) Must have a minimum unobstructed pavement width of eight feet, paved with decorative concrete. A minimum of five feet may be approved for residential uses;

(c) Trees placed at an average of 30 feet on-center between the pathway and any parking or vehicular access area. The required trees must be placed in planting strips at least 4.5 feet in width or within planting grates. Exception:

1. To increase business visibility and accessibility, the city may allow modifications in the required treed coverage adjacent to the primary building entries; however, no less than one tree per 60 lineal feet of required pathway shall be provided.

(4) Walkway shall not use vehicle entrance or exit driveways from the public right-of-way;

(5) Must connect from the parking spaces and public sidewalks to the pedestrian entrance of the building served by the parking;

(6) Must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised elevation;

(7) Must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20 feet above the ground;

(8) Must be accessible.

(Ord. 30-08-13, passed 9-10-13)

§ 159.146 PARKING AS A PRINCIPAL USE.

The Board of Zoning Appeals is hereby authorized to grant conditional use permits for Parking as a Principal Use in accordance with the following conditions:

(A) Development Plan Required. A development plan for Parking as a Principal Use shall be filed with the Board of Zoning Appeals as a required exhibit accompanying the Conditional Use application and shall be made part of the conditions of any approval therefor. The development plan shall demonstrate compliance with all applicable standards of this chapter and shall indicate:

(1) Adjacent streets, alleys, and lots;

(2) All individual primary uses to be served, including the location, use, and number of parking spaces required for each such use;

(3) A layout drawn to scale of aisles and driveways, entrances, exits and turn-off lanes, parking spaces, setbacks, drainage facilities, and landscaping and buffer screening;

(4) Type of lighting, pavement, and signs proposed including location, size, and design thereof.

(B) Setbacks and Access. Parking as a Principal Use shall be provided with the setback requirements of the zoning district in which they are located, and ingress and egress points shall be limited to protect the function of adjoining streets.

(C) Parking as a Principal Use Requires Legal Encumbrance. Parking as a Principal Use shall be encumbered by any instrument duly executed and acknowledged, which links such parking facilities to the use(s) served. Said instrument shall specify and bind the time period to the anticipated life of the building or use which the parking facilities serve. Said instrument shall be filed in the applicable Improvement Location Permit files of the Department of Planning and Development, and placed on public record in the office of the Hamilton County Recorder.

(D) Design of Principal Use Parking Areas. Principal Use parking facilities shall be developed in accordance with all of the provisions of this subchapter. Further, said facilities shall be developed under such conditions imposed by the Board of Zoning Appeals as to protect residential districts and maintain at a minimum the disturbance to nearby residential uses.

(E) Changes to Development Plans for Parking as a Principal Use. Development Plans for Parking as a Primary Use shall be amended by the applicant to indicate any change or other modification of uses served, or number of parking spaces provided therefor. Such amended plans shall require re-approval by the Board.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 21-6-97, passed 7-28-97; Am. Ord. 30-08-13, passed 9-10-13) Penalty, see § 159.999

§ 159.147 PROGRAMS AND INCENTIVES TO REDUCE PARKING REQUIREMENTS.

The following programs and incentives are provided to permit reduced parking requirements in the locations and situations outlined herein where the basic parking requirements of this chapter would be excessive or detrimental to goals and policies of the city relating to traffic congestion and environmental protection.

(A) Credit For On-Street Parking. Wherever on-street parallel parking is provided in the improvement of a street, credit toward off- street parking requirements shall be granted at the rate of one off-street space per every 25 feet of frontage. However, parallel parking shall not be permitted in the following areas:

(1) Frontage on an expressway or arterial street.

(2) Frontage on a street that is less than 32 feet wide curb-to-curb or closest edge of the traveled lane.

(3) Frontage within 20 feet of a corner.

(4) Frontage within ten feet of each side of a driveway or alley.

(5) Frontage within a fire hydrant zone or other emergency access zone.

(B) Shared Parking.

(1) Purpose and Applicability. Generally, a group of non-residential uses may provide a joint parking area if the number of spaces in the area at least equals the aggregate of the spaces required for the several uses subject to the requirements for location of parking and off-site parking in this subject. However, uses that require parking areas at times when nearby uses do not need their parking facilities may, by agreement approved by the Director, use those facilities instead of providing their own.

(2) Requirements. The Director may approve shared parking facilities located on adjoining separate properties or on a single site according to the following requirements:

(a) Facilities located on adjoining separate properties must be within 600 feet of each other.

(b) A convenient pedestrian connection shall be provided between the properties.

(c) The availability of parking for all affected properties or uses is indicated by directional signs.

(d) The number of spaces proposed meets the following restriction:

1. Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide spaces equal to the total of the individual parking requirements for the uses served, reduced by 10% of that total number. The director may approve a further reduction of that number if the property owner(s) demonstrate to the satisfaction of the Director that the resulting provision of parking will be adequate for the proposed uses.

2. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners may provide parking stalls equal to the greater of the applicable individual parking requirements.

(3) Written Agreement Required. Prior to establishing shared use of parking, the property owner or owners shall file with the Department of Planning and Development a written agreement approved by the Director of Planning and Development providing for the shared parking use. The agreement shall also be recorded on the title records of each affected property.

(C) Mixed-Use Parking.

(1) Purpose.

(a) Mixed-use Parking Program is presented as an option to reduce the total required parking in large mixed-use facilities in which the uses operate at different times from one another throughout the day. The city recognizes that strict application of the required parking ratios may result in the provision of excessive numbers of parking spaces and, therefore, excessive pavement and impermeable surfaces. A Mixed-use Parking Program allows the property developer to use parking spaces more efficiently by allowing the same spaces to be "shared" by various land uses.

(2) Applicability. The Mixed-use Shared Parking Program may be applied for wherever mixed uses are proposed.

(3) Procedure.

(a) The Director of Planning and Development may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing on-site parking if the respective hours of operation of the uses do not overlap, as demonstrated by the application of Table 12.

(b) If one or more of the land uses proposing to use joint parking facilities do not conform to one of the general land use classifications in Table 12, the applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses. Such data may include information from a professional publication such as those published by the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI), or by a professionally prepared parking study.

(c) For changes of use in mixed-use projects the applicant must demonstrate that parking necessary for the new mix of uses does not exceed the amount which was required by the previous mix of uses.

(d) The total number of parking spaces required per Table 9 shall not be reduced by more than 20%.

Table 12

Schedule of Mixed Use Parking Calculations

General Land Use Classification	***Mid - 7 am (%)***	***M***
		7

Table 12

Schedule of Mixed Use Parking Calculations

General Land Use Classification	***Mid - 7 am (%)***	***M***
		7
Office/ Industrial	5	1
Retail	0	1
Residential	100	5
Restaurant	50	7
Hotel	100	6
Cinema/ Theater	0	7

How to Use the Schedule of Mixed Use Parking:

Calculate the number of spaces required for each use if it were free-standing (refer to the Schedule of Minimum On-site Parking Requirements). Applying the applicable general land use category to each proposed use, use the percentages to calculate the number of spaces required for each time period (six time periods per use). Add the number of spaces required for all applicable land uses to obtain a total parking requirement for each time period. Select the time period with the highest total parking requirement and use that total as your mixed use parking requirement.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 12-3-98, passed 3-9-98; Am. Ord. 22-06-13, passed 7-9-13; Am. Ord. 30-08-13, passed 9-10-13) Penalty, see § 159.999

§ 159.148 REQUIRED OFF-STREET LOADING.

(A) Purpose. On the same premises with every use involving the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley.

(B) Number of Loading Berths Required. The number of loading berths required shall conform to the requirements set forth in Table 13.

(C) Berth Size. Loading berths shall have a minimum width of ten feet, a minimum length of 50 feet, and a minimum height clearance of 14 feet.

(D) Access and Maneuverability. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and which will not restrict the access of surrounding uses, and shall be subject to approval by the Director of Planning and Development. At a minimum, the following areas for access and maneuvering shall be provided:

(1) Maneuvering Apron. A maneuvering apron of 55 feet shall be provided.

(2) Access Aisles. A width of at least 18 feet shall be provided for one way aisles and 24 feet for two way aisles.

(E) Design and Improvement Standards. Off-street loading areas shall be developed in accordance with the standards in § 159.144(C), except that paving of loading areas shall be capable of bearing a live load of 200 pounds per square foot.

(F) Central Loading. Central loading facilities may be substituted for loading berths on individual zoning lots provided the following conditions are fulfilled:

(1) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at-grade.

(2) No zoning lot served shall be more than 500 feet removed from the central loading area.

(3) Total area of off-street loading berths provided shall meet the minimum requirements herein specified, based on the sum requirements of the several types of uses served.

Table 13

Schedule of Off-Street Loading Requirements

Use	Gross Floor Area (square feet)	Number of Berths
Residential Uses		
Hotel, Motel, Assisted Living or Nursing Home	12,000 - 120,000	1
Multi-Family	40,000 - 120,000	1
	each additional 120,000	1 additional
Office and Institutional Uses		
Banks, Government Buildings, Offices, Business Services, Hospitals	12,000 - 120,000	1
	each additional 120,000	1 additional
Commercial Uses		
Personal Services	Under 12,000	1
	12,000 - 25,000	2
Restaurants	Under 25,000	1
	25,000 - 40,000	2
	40,000 - 120,000	3
	each additional 200,000	1 additional
Retail sales	5,000 - 15,000	1
	15,000 - 40,000	2
	40,000 - 100,000	3
	each additional 50,000	1 additional
Educational/Cultural/Entertainment Uses		
Primary or Secondary School, College or University, Theater or Assembly Hall, Amusement Establishment	12,000 - 120,000	1
	each additional 120,000	1 additional
Industrial Uses		
Assembly/Manufacturing/Packaging, Warehousing and Distribution Plants	5,000 - 12,000	1
	12,000 - 30,000	2
	30,000 - 120,000	3
	each additional 120,000	1 additional
Research and Development	30,000 - 120,000	2
	each additional 120,000	1 additional

NOTE: Gross Floor Area refer to all buildings and structures on premises.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 30-08-13, passed 9-10-13) Penalty, see § 159.999

SIGNS

§ 159.160 PURPOSE.

The purpose of this subchapter is to create the legal framework for a comprehensive and balanced system of signs, to promote and facilitate a simple and pleasant communication between people and their environment; protect the public health, safety, and general welfare; minimize hazards to pedestrians and motorists along thoroughfares, intersections: and public rights-of-way; enhance the aesthetic environment of the City of Noblesville's jurisdictional limits; and avoid visual clutter that may be harmful to property values, business opportunities and community appearance. It is a further goal to protect the residential character of neighborhoods by limiting the intrusion of non-residential signage into residential neighborhoods, and setting out strict standards to allow for limited intrusion of signs where appropriate. It is the intent of this subchapter to authorize the use of identification signs that are:

(A) Compatible with their surroundings;

(B) Appropriate to the activity that displays them;

(C) Expressive of the identity of individual and the community as a whole;

(D) Legible in the circumstances in which they are seen;

(E) Simple and concise;

(F) Cognizant of the need for adequate business identification while promoting an attractive appearance throughout the community through the use of sensible quality control, adequate maintenance and inspection, and by reasonable guidelines formulated to minimize clutter;

(G) Allow residents to conduct activities like garage sales that are considered customary and incidental to normal use of a residential home but temporary and limited in duration and scope of event;

(H) Allow certain signs that are small, safe, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter but without a requirement for permits;

(I) Provide for temporary signs in limited circumstances without regard to the communicative content of the sign;

(J) Establish comprehensive sign regulations which effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers, and visitors to the city;

(K) Establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent, and aesthetic characteristics of those districts;

(L) Regulate signage based on property use, location, and activities, in a content neutral manner;

(M) Promote public safety.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 23-4-07, passed 5-15-07; Am. Ord. 17-5-09, passed 6-9-09; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.161 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BALLAST." A heavy substance placed in such a way as to improve the stability and control of an object.

"BUILDING, SINGLE-TENANT." A building in which all space is occupied by one tenant and is not a part of a larger unified development.

"CANOPY." A roof-like structure extending from a building in order to provide protection from the elements, which is carried by a frame that is supported by the ground.

"CHANGEABLE COPY." Letters, numerals, or other copy that may be manually or mechanically affixed to and/or removed from a sign. "CHANGEABLE COPY" is only permitted when incorporated into a permanent sign structure as permitted by this subchapter.

"CHANNEL LETTERS." Three-dimensional individually cut letters or figures, illuminated or not illuminated, affixed to a structure. Open- face "CHANNEL LETTERS" are prohibited.

"CHANNEL LETTERS, OPEN-FACE." Three dimensional, individually cut letters or figures, illuminated having a clear plastic face allowing for raw neon or like materials to be seen and affixed to a structure. This type of channel letter is prohibited.

"COMMERCIAL MESSAGE." Any image, logo, or words that advertise a business conducted, service rendered, activity conducted, or goods produced and/or sold.

"COMMUNITY EVENT." An activity that is open to the general public and sponsored by a public, private not-for-profit, or religious organization that is educational, cultural, or recreational in function. Charitable events sponsored by for-profit organizations are also considered "COMMUNITY ACTIVITIES."

"COPY." The wording, logo, shapes, and object content of a sign in either permanent or removable letter media.

"CORE CENTRAL BUSINESS DISTRICT." The area beginning at the intersection of Clinton Street and 10th Street, running thence south along 10th Street to the intersection with Maple Avenue, running thence west along Maple Avenue to a point where Maple Avenue would intersect with White River, if Maple Avenue were continued upon its western course; running thence north along the meandering thread of White River to the intersection of a line which would represent the extension of Clinton Street to the west to its intersection with White River; thence east to Clinton Street and along Clinton Street to the point of beginning.

"DRIVEWAY, LEADING EDGE." The edge of the driveway located behind the street right-of-way.

"FACADE." The main exterior of a building usually characterized by elaboration of stylistic details and containing an entrance.

"FLAG." A rectangular piece of fabric of distinctive design that is or represents an official symbol of a nation, state, municipality, or the legal entity that occupies the property.

"FRONTAGE." Property connected directly with a street or highway. For the purpose of determining frontage, an alley is not considered to be a street or highway.

"GARAGE SALE (RUMMAGE, NEIGHBORHOOD, ESTATE AND OTHER SIMILAR ACTIVITIES)." The sale or offering for sale to the general public of personal property on any portion of a lot in any zoning district, either within or outside of a structure on a temporary basis. It includes a single-individual, a group of individuals, and/or a sale conducted by a religious, school, or not-for-profit organization.

"HEIGHT, SIGN." The vertical distance measured from the highest point of the sign to the finished grade of the ground immediately beneath the sign. For those instances when the sign is constructed on an artificially constructed earthen berm, the "SIGN HEIGHT" shall be measured from the highest point of the sign to the base of the earthen berm.

"ILLUMINATION." An artificial light source incorporated internally or externally for the purposes of illuminating the sign.

"ILLUMINATION, BARE-BULB." A light source which consists of light bulbs with a 20 watt maximum wattage for each bulb.

"ILLUMINATION, FLOOD." A light source which shines directly upon the object which it is intended to illuminate.

"ILLUMINATION, HALO-LIT." Individually mounted opaque, internally backlit letters that illuminate the wall or surface to which they are attached.

"ILLUMINATION, INDIRECT." A light source which does not directly shine upon the object which it is illuminating.

"ILLUMINATION, INTERNAL." A light source that is concealed or contained within the object which it is intended to illuminate and becomes visible in darkness through a translucent surface.

"INDIVIDUAL LETTERS." May include channel letters/figures, sandblasted letters/figures, wood-carved letters/figures or other types as determined by the Director of Planning and Development or his or her designee.

"INTEGRATED DEVELOPMENT." A development containing three or more stores, service establishments, offices or other permitted uses planned, organized, and managed to function as a unified whole and featuring all or some of the following features in common: (1) driveways, (2) parking, (3) signage plan, (4) landscaping plan, and /or platted as a subdivision that may include outlots for lease or for sale.

"ITEM OF INFORMATION." A word, an initial, a logo, an abbreviation, a number, a symbol, or a geometric shape.

"MULTI-TENANT BUILDING, EXTERNALLY ACCESSED." A single building occupied by two or more tenants in which individual business entrances are accessed externally on the ground floor.

"MULTI-TENANT BUILDING, INTERNALLY ACCESSED." A single building occupied by two or more tenants in which individual business entrances are accessed internally through a single exterior access point or limited exterior access points.

"MURAL, ART." Original works (i) created by an individual or team that are designed with the intent of producing a creative or aesthetic outcome, (ii) are not used for advertising a business, product, service, or commercial activity, and (iii) is painted, drawn, or similarly applied on the exterior of a structure for artistic expression. The only lettered or numeric messaging includes the artist's name and date of installation.

"RACEWAY." A long rectangular metal enclosure used to mount individual channel lettering and to conceal related electrical components onto a wall face. "RACEWAYS" may be internal or external to a building.

"RESIDENTIAL AREA." Any portion of the city in which residential uses are permitted or a legal non-conforming residential use is established.

"REVERSE CHANNEL LETTERS." See "ILLUMINATION, HALO-LIT."

"SIGN." Any name, identification, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building or other outdoor structure or parcel of land, and which directs attention to an object, product, place, activity, business, person, service, or interest. The following definitions shall be subsets of the definition of "SIGN:"

(1) "AWNING." A roof-like covering of cloth, plastic or other non-structural material that either is permanently extending from a building or can be raised or retracted to a position against a building when not in use.

(2) "BANNER." A sign with a message comprised of a logo, text, coloring, and/or design applied to a lightweight material such as cloth, paper, fabric, or plastics and secured or mounted to allow movement caused by the atmosphere or by artificial means of producing the movement of air. These do not include wing banners, feather banners, flying banners, towers, cylindrical banners, wind-up banners, and tear-drop banners.

(3) "BANNER, FEATHER." A sign with a rigid rib that forms a straight line, curve, or angle at the top on a single or two side and loose fabric on the other edges. Also known as wing banners, feather flags, flying banners, towers, cylindrical banners, wind-up banners, and tear-drop banners.

(4) "BLADE." A smaller version of a projecting sign oriented to be read from the sidewalk by a pedestrian. These signs shall be located on the ground floor of the buildings and shall be suspended from or supported by the building, an awning, canopy, or marquee.

(5) "CABINET/BOX." A sign with text and symbols printed on a single-piece of plastic, acrylic, wood, or metal made up of a single-face and back or two faces that are mounted in a cabinet or box that houses the lighting sources and equipment.

(6) "CONSTRUCTION." A sign located on a property or within a development or subdivision that is actively under construction. That includes property with active building permits or improvement location permits.

(7) "DESIGNATION." A type of ground sign that identifies an integrated development and may identify one or more establishments within the development.

(8) "DIRECTIONAL." A sign intending to direct the safe flow of pedestrian and vehicular traffic that includes "enter," "exit," "arrow signs" and other similar information.

(9) "DIRECTORY." A sign that provides a listing of uses or tenants within a particular building or complex of buildings, intended to facilitate circulation within the development and provide information to patrons by providing either directions to or locations of tenants.

(10) "ELECTRONIC." A sign capable of displaying words, symbols, figures, or images in a format such as LED (Light Emitting Diode) that can be electronically or mechanically changed by remote or automatic means.

(11) "GATEWAY." A permanent sign indicating entry into a neighborhood or special district located either on private property or within the right-of-way.

(12) "GROUND." A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structure features. If supported by poles, posts, or braces, the maximum clearance between the bottom of the sign and the grade is one foot. The external support structures shall be covered by natural flagstone, brick, rock, stone, and/or river rock with said sign design being of the same architectural style and materials as the main building on the site. Each support covering must be a minimum of 25% of the width of the sign face.

(13) "INCIDENTAL." A permanent sign which has a purpose that is secondary and incidental to the use of the lot on which it is located, such as "hours of operation," "loading zone only," "air," and "visitor parking" and other similar messages which carries no commercial message that is legible beyond the lot on which the sign is located.

(14) "LIGHTER-THAN-AIR." A nonporous bag of light material that can be inflated with heated air or gas so as to make it float in the atmosphere and give it shape and is properly anchored to the ground.

(15) "LOT IDENTIFICATION." A sign that includes the lot number, structure address number, and building permit all laminated and established on a two-foot by four-foot post(s), a minimum of five feet to a maximum of six and one-half feet in height above the ground level.

(16) "MARQUEE." A permanent structure other than a roof, attached to, supported by, and projecting from a building providing protection from the environment.

(17) "MENU BOARD." A cabinet sign listing the assortment of food items available and the price of such items offered.

(18) "MODEL HOME/SHOW HOME." A sign indicating that it is a "MODEL HOME" or "SHOW HOME" and may include the name of the builder/developer, telephone number of the builder/developer, hours open, cost, model/style, and other information relating to that particular home and located on the lot of the "model" or "show" home.

(19) "MURAL." A sign painted onto the side of a building, wall, ground, or structure. Murals without a commercial message are not regulated by this subchapter. (See also Mural, Art definition.)

(20) "NEIGHBORHOOD." A sign identifying a subsection of the overall subdivision or development.

(21) "NON-CONFORMING." A sign legally existing as of the effective date of this subchapter that is not in compliance with this subchapter or any subsequent amendments.

(22) "OFF-PREMISE" or "OFF-SITE." A sign directing attention to a business, product, service, entertainment and/or any other activity offered, sold or conducted elsewhere than upon the lot where the sign is displayed.

(23) "PARKING LOT IDENTIFICATION." A sign providing information for the convenience of the public to identify the location of a parking space or lot that only contains the venue name or symbol and the necessary information to identify the parking lot and row.

(24) "PLACARD." A sign that is attached directly to the face of a residential structure that has been converted into a business in the area shown in Appendix G of the Unified Development Ordinance also known as the Central Core Map.

(25) "POLE." A freestanding street graphic that is permanently supported in a fixed location by a structure of poles, posts, uprights, or braces from the ground and not supported by a building or base structure.

(26) "PORTABLE." Any sign that is not permanently attached to the ground or other permanent structure or a sign designed to be transported including but not limited to signs designed to be transported by wheels; balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles which are parked or positioned for the primary purpose of displaying the sign.

(27) "PORTABLE, HUMAN." Any sign or banner, made of any material which is carried, held, or displayed by any person or persons.

(28) "PROJECTING." Any double-sided sign suspended from or supported by a building, and extending outward perpendicular to the building face upon which it is attached.

(29) "REAL ESTATE AVAILABILITY." A sign displayed on property that is listed for sale, lease, or rent on a centralized listing service, website, newspaper advertisement, or other similar media.

(30) "ROOF." Any sign erected on or above the roof-line of a building.

(31) "SANDBLASTED." A sign created by placing a rubber stencil over letters and images and etching the background with a high-pressure mixture of sand and air on wood or glass materials.

(32) "SANDWICH BOARD." A sign constructed in such a manner as to form an "A" or a tent-like shape not permanently attached or secured to the ground or surface upon which it is located specifically for advertising that business.

(33) "SUSPENDED PORCH." A sign that is suspended from a porch or overhang. This type of sign shall be permitted on residential structures that have been converted to a business in the area shown in Appendix G of the Unified Development Ordinance also known as the Central Core Map.

(34) "TEMPORARY." A sign or advertising display that is to be displayed for a temporary designated period of time. The following signs are included but are not limited to contractor sign, garage sale sign, community garage sale sign, special event sign, real estate availability sign, lighter-than-air display, lot identification sign, model home/show home sign, open house directional sign, sandwich boards, banners, community pride sign and other signs as determined by the Director of Planning and Development or his or her designee.

(35) "WALL." A sign attached to or affixed directly to the wall of a building or structure, parallel to the plane of the building or structure and extending less than 12 inches from the building or structure.

(36) "WINDOW." A sign painted, etched, or attached either directly onto the inside or outside of a window.

(37) "YARD." A sign mounted on a stake or metal frame that is used for a limited time without regard to message. Examples include, but are not limited to, campaigns, sales, services, business identification, and promotions.

(38) "YARD CARD (SIGN BOARD)." A durable, double-sided, detailed design advertising a community garage sale event. The card/board may be constructed of PVC or pressure treated wood with a protective coating or other similar materials.

"SIGN AREA." The entire area of a single continuous perimeter enclosing all elements of the sign which forms an integral part of the sign and which are organized, related and composed to form a single unit. Where copy is displayed in a random manner without organized relationship of items of information or where there is reasonable doubt about the relationship of the items of information, each item of information shall be considered to be a single sign.

"SIGN AREA, GROUND AND PROJECTING SIGN (CALCULATION OF AREA)." The total area of the sign face which is used to display a sign, not including its supporting poles or structures. If a sign has two faces that are parallel and supported by the same poles or structures, the area of the sign shall be considered as one sign. If the sign has two or more faces that are supported by the same or different poles or structures and are not parallel, the sign shall be considered two signs.

"SIGN AREA, WALL SIGN (CALCULATION OF AREA)." The percentage of the signable area of a building or structure which may be used for the wall sign.

"SIGN BACKER." A background display that is attached to the building or a part of the sign which is typically a geometric shape and usually of a contrasting color to either the building and/or the sign face.

"SIGN PERMIT." A document signed by the Director of Planning and Development or his or her designee stating that the sign meets the general provisions of this subchapter and the Unified Development Ordinance.

"SIGNABLE WALL AREA." The total area of the building face on which the sign is located. Windows, doors, awnings and other architectural details such as decorative molding and secondary building materials are subtracted from the total area. For buildings divided into separate architectural planes, only the architectural plane on which the sign is located is used for calculating "SIGNABLE WALL AREA." All sign elements shall be located on the same architectural plane.

"SIGNATURE MONUMENT." An identifying mark, architectural feature, or water feature located at the entrance to a residential development on a roadway identified on the Noblesville Thoroughfare Plan. These include, but are not limited to, a fountain, clock tower, pergola, gazebo, outdoor plaza, ponds, spire, arbor, or waterfalls.

"SPECIAL EVENT." A noteworthy occasion or activity that is not a part of a regular service or occasion that is conducted by business, religious, civic, educational, community, governmental or similar organizations.

(Ord. 17-5-09, passed 6-9-09; Am. Ord. 23-6-09, passed 6-23-09; Am. Ord. 41-9-09, passed 10-13-09; Am. Ord. 25-7-10, passed 8-24-10; Am. Ord. 30-9-10, passed 9-28-10; Am. Ord. 31-9-10, passed 9-28-10; Am. Ord. 12-2-11, passed 3-15-11; Am. Ord. 22-06-13, passed 7-9-13; Am. Ord. 13-02-14, passed 3-11-14; Am. Ord. 17-04-14, passed 5-13-14; Am. Ord. 37-08-14, passed 9-9-14; Am. Ord. 25-07-17, passed 8-15-17; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.162 SIGN PERMITS.

(A) No person shall erect or display a sign unless the Director of Planning and Development or his or her designee has issued a permit for the sign or unless this section exempts the sign from the permit requirements.

(B) A person proposing to erect or display a sign shall file an application for a permit with the Department of Planning and Development. The application shall contain:

(1) Information concerning the location, height, and size of sign and the date on which it is to be erected or displayed.

(2) A drawing or photograph of the building elevation including identification of building materials and a site plan indicating the location of the proposed sign and all existing signs displayed by the activity.

(3) If the application is for a wall sign, a drawing to scale, showing the location of the sign within the signable area of the building, dimensions, and the percentage of the signable area covered by the wall sign is required.

(4) Specifications for the construction of the sign and for its illumination, if any, shall be provided.

(C) The Director of Planning and Development and/or his or her designee shall issue a permit for the sign if all of the following are met where applicable:

(1) It complies with the regulations for signs contained in this subchapter.

(2) It complies with a "Program of Signs."

(3) It has been authorized as a variance by the Board of Zoning Appeals.

(4) It complies with special regulations adopted for a designated "Area of Special Control."

(5) It has been approved as a sign package for a planned development.

(D) Signs listed as exempt in §159.169 do not require a permit.

(Ord. 17-5-09, passed 6-9-09; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 32-07-19, passed 7-23-19)

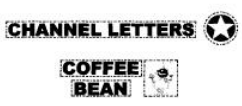
§ 159.163 SIGN CALCULATIONS STANDARDS.

(A) Sign Area.

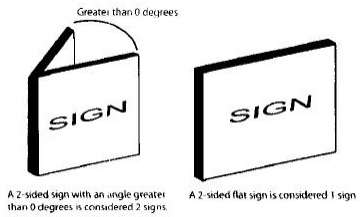
(1) The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related, and composed to form a single unit.

Signs included as an integral part of a landscape wall or fence shall have sign area measured by enclosing all elements of the sign which form an integral part of the site.

(2) Where the sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning, wall or window, the sign area shall be the area of the smallest, simplest geometric form which completely encompasses the individual words or symbols. In the case of an awning/canopy, which wraps around a building, only that portion fronting the public street shall be used in calculating the signable area.



(3) Ground signs which maintain a configuration of back to back faces shall be counted as one sign. In such case where the sign maintains an axis greater than zero degrees, the sign shall be considered two signs.

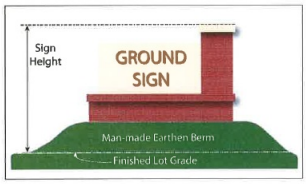


(4) Signable Wall Area. The signable wall area shall be the total area of the building face on which the sign will be located. Windows, doors, awnings and other architectural details, such as decorative molding and secondary building materials are subtracted from the total area. For buildings in which the building face is offset into multiple faces, only the face on which the sign will be located is used for calculating the signable wall area. All sign elements must be on the same architectural plane.

(5) In the case of an awning/canopy which wraps around a building, only that portion fronting the public street shall be used in calculating the signable area.

(B) Sign Height.

(1) The vertical distance measures from the highest point of the sign to the finished grade of the ground immediately beneath the sign, unless the sign is located on an artificially constructed earthen berm. In this instance, the sign height is measured from the highest point of the sign to the base of the earthen berm.



(C) Items of Information.

(1) An "ITEM OF INFORMATION" means any of the following: a word, an initial, a logo, an abbreviation; a number; a symbol; or a geometric shape.

(2) However, if the name of the proprietor occupying the building and its premises contains more than the permitted items of information, the name may be displayed once on each frontage as an allowable sign, provided no other sign is displayed on that frontage.

(D) Items of Information Allowance.

(1) Designation sign - Maximum 20 items of information not including the center name or planned development name.

(2) Changeable copy sign - Maximum 15 items.

(3) Window sign (second floor or above tenants in the Downtown Zoning District) - Six items.

(4) Any Sign (other than specified above) - Ten items.

(Ord. 17-5-09, passed 6-9-09; Am. Ord. 23-6-09, passed 6-23-09; Am. Ord. 12-2-11, passed 3-15-11; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.164 SIGN DESIGN, INSTALLATION, AND MAINTENANCE.

(A) Design.

(1) Wall signage shall be integrated with the facade design, and not obscure architectural details and not protrude more than 12 inches out from the face of the building.

(2) Logos and other graphics shall not exceed 30% of the maximum permitted area of the sign.

(3) Script text is permitted as one continuous channel letter.

(4) Designation signs and ground signs shall include the words "of Noblesville" following any designation of an industrial park, office park, apartment development, subdivision development or shopping center name as an integral part of the sign design. The size of the words "of Noblesville" shall be a minimum of 50% of the height of the largest group of letters in the development's name on the sign, and shall not be counted towards the maximum items of information allowed on the designation or ground sign. If the word "Noblesville" is already a part of the development's name on the sign, there shall be no requirement for the location of the words "of Noblesville" on the sign. In any case, where "of Noblesville" is required on the sign, the design, and material used to include this wording shall be appropriate and similar to the other lettering on the sign.

(5) Ground and designation signs shall meet the minimum setback requirement from the right-of-way as per this subchapter and the Unified Development Ordinance.

(6) No ground or designation signs shall be located in a vision corner clearance triangle. (See §159.120(A)(8).)

(7) Awnings may be constructed of canvas or cloth; however, no illuminated plastic or glossy or reflective materials shall be used.

(8) If a raceway is necessary, it shall not extend in width or height beyond the area of the sign. A raceway shall be finished to match the background surface to which it is attached or integrated into the overall design of the sign. Conduits and other electrical components shall be designed as an integral part of the overall sign structure and hidden from view to the extent technically feasible. Visible transformers are prohibited.

(B) Installation.

(1) All signs shall comply with the applicable provisions of the Indiana Building Code and the National Electrical Code.

(2) Illuminated signs shall not exceed the foot-candle standards of this subchapter.

(C) Maintenance.

(1) Permanent signs shall be kept and maintained in a good state of repair and in a safe condition at all times. Maintenance of the sign shall include but not limited to the replacement of defective parts, missing or damaged sign panels or supports; cleaning, cracked or peeling paint, and other similar acts required for maintenance of the sign. Weeds, grass, or vegetation that obscures the view of the sign message shall be subject to the provisions of Chapter 94 in the Code of Ordinances.

(2) When a sign is not maintained within the provisions of this subchapter or the Code of Ordinances or determined otherwise to be unsafe, the Director of Planning and Development or his or her designee, shall send written notice to the property owner of record on which the sign is located to remove, repair, or alter the sign within 60 calendar days. Failure to remove, repair or alter the sign as requested shall result in the Director of Planning and Development seeking alternative remedies as provided by law.

(Ord. 17-5-09, passed 6-9-09; Am. Ord. 23-6-09, passed 6-23-09; Am. Ord. 12-2-11, passed 3-15-11; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.165 OTHER SIGN PROVISIONS.

(A) Areas of Special Control.

(1) This subchapter and the Table of Permitted Permanent Signs cannot adequately regulate all desirable types and designs of signs in an area as diverse as Noblesville. The city may therefore, pursuant to § 159.044, designate certain real estate as "Areas of Special Control" including architectural, historic, or scenic areas.

(2) The City of Noblesville shall maintain and shall revise as required a zoning map of Noblesville indicating the boundaries of all designated "Areas of Special Control."

(3) The City of Noblesville shall adopt special regulations for signs in "Areas of Special Control" which shall be consistent with the character of the specific area.

(4) To the extent in conflict, special regulations for "Areas of Special Control" supersede and may be either more or less restrictive than the regulations for signs contained in this subchapter.

(B) Program of Signs.

(1) One or more adjacent activities not located in an "Area of Special Control" may submit a Program of Signs to the Plan Commission. The Program of Signs shall contain a visual representation of the lettering, illumination, color, area, height, placement, and location of the signs proposed for display. The items of information displayed on the signs proposed by an activity in the Program of Signs shall not exceed the items of information allowance.

(2) The Plan Commission may approve a Program of Signs if the signs visually represented in the Program are consistent with the purposes of this subchapter, are appropriate to the function and architectural character of the building(s) in which the activity is located, and are compatible with the existing adjacent activities.

(3) An activity whose Program of Signs has been approved by the Plan Commission may display only those signs that comply with the approved program.

(C) Substitute Provisions.

(1) Subject to the property owner's consent, any non-commercial copy may be substituted, in whole or in part, for any commercial copy on any sign permitted by this code. If non-commercial copy is substituted, the sign will continue to be treated as the original commercial sign under this code and will not be deemed or treated as an off-premise sign. The content of any non-commercial copy on any sign otherwise permitted by this subchapter may be changed without complying with any provisions of this subchapter normally required for sign copy or design approval.

(2) The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial copy over any other non-commercial copy.

(a) This provision does not create a right to increase the amount of permanent signage on a parcel, lot, or land use.

(b) This provision does not affect the requirement that a sign structure or mounting device be properly permitted.

(c) This provision does not allow a change in the physical structure of a sign or its mounting device.

(d) This provision does not allow the substitution of off- premises commercial copy in place of on-premises commercial copy or non-commercial copy.

(Ord. 17-5-09, passed 6-9-09; Am. Ord. 24-07-13, passed 8-13-13; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.166 PERMANENT SIGNS.

The following requirements shall apply to all permanent signs within the City of Noblesville's Planning jurisdiction. Refer to "Article 8 - Zoning Districts" (§§ 59.105 et seq.) for sign regulations specific to the Corporate Campus Planned Development District and the West Gateway Planned Development District.

(A) Home Occupation (Residential Zone Districts).

(1) Permit required: No.

(2) Type of sign permitted: Wall sign.

(3) Number: One wall sign shall be permitted.

(4) Maximum sign area: One square foot.

(5) Maximum ground sign height: N/A.

(6) Location: Attached flat against the wall of the residence.

(7) Permitted materials: Any.

(8) Illumination: Non-illuminated.

(9) Landscaping: N/A.

(10) Alternate signage: N/A.

(B) Single-Family, Two-Family or Multi-Family Subdivisions.

(1) Permit required: Yes.

(2) Type of sign permitted: Ground sign.

(3) Number: One ground sign shall be permitted at each entrance to a recorded, platted residential subdivision.

(4) Maximum sign area: 32 square feet.

(5) Maximum ground sign height: Six feet.

(6) Location: Shall be a minimum of ten feet from the street right-of-way and a minimum of ten feet from the leading edge of the driveway.

(7) Permitted materials: The sign materials shall be constructed of materials which blend with the residential character of the neighborhood including but not limited to wood, metal, or masonry.

(8) Illumination: Halo-lit or externally lit.

(9) Landscaping: An area equal to three times the area of the sign face shall be required for base landscaping around a ground sign. The landscape area will radiate out a minimum of five feet from the base of the sign shall be provided and shall be planted in such a way to substantially cover the area with landscape materials such as, but not limited to annuals, ground covers, perennials, shrubs, and ornamental trees. A mixture of plant types is required.

(10) Alternate signage:

(a) Neighborhood signs - masonry pillars marking the entrance into an individual neighborhood within a larger subdivision. There may be either a single pillar or a pillar on either side of the street at the entrance to the smaller neighborhood. The masonry pillar may not exceed five feet in height, shall have a sign face not exceeding four square feet in size. Any lighting must be external, and the lighting must be directed narrowly at the sign face, and may not shine onto any adjacent property or rights-of-way.

(b) The sign located along a thoroughfare road may include a signature monument that does not exceed a height of 12 feet. The signature monument shall be designed to enhance the identity of the community. All features on the signature monument above six feet in height shall be only architectural elements of the signature monument and shall not include any identification, description, display, or illustration of the sign.

(C) Institutional Uses.

(1) Permit required: Yes.

(2) Type of sign permitted: Ground sign and wall sign.

(3) Number: One wall sign on the primary building per street frontage. One ground sign per street frontage for lots with a minimum of 100 feet in width and the building or structure shall be setback a minimum of 35 feet from the adjacent street right-of-way.

(4) Maximum sign area.

(a) Ground sign: 32 square feet.

(b) Wall sign shall not exceed 20% of the signable wall area, unless windows, doors, awnings and other architectural details make up more than 50% of the building face in which the sign size may increase to 40% of the signable area.

(5) Maximum ground sign height: Six feet.

(6) Location: Shall be a minimum of ten feet from the street right-of-way and a minimum of ten feet from the leading edge of the driveway. The sign shall be separated from another ground sign located on the same side of the right-of-way, a minimum distance of 100 linear feet.

(7) Permitted Materials.

(a) Ground sign shall be constructed of materials that blend with the character of the building such as but not limited to wood, metal, or masonry.

(b) Wall sign requires individually mounted channel letters constructed of materials such as wood or metal.

(8) Illumination: Halo-lit or externally lit.

(9) Landscaping: An area equal to three times the area of the sign face shall be required for base landscaping around a ground sign. The landscape area will radiate out a minimum of five feet from the base of the sign shall be provided and shall be planted in such a way to substantially cover the area with landscape materials such as, but not limited to annuals, ground covers, perennials, shrubs, and ornamental trees. A mixture of plant types is required.

(10) Alternate signage: A maximum of 30% of the total ground sign area may be used for changeable copy.

(D) Single-Tenant Building or Property, Externally Accessed Multi-Tenant Building or Property (individual accesses and not part of an integrated Development).

(1) Permit required: Yes.

(2) Type of sign permitted: Ground sign, wall sign, suspended porch sign, placard sign.

(3) Number and Type.

(a) Single-Tenant Building. One sign per street frontage. One ground sign for lots having a minimum width of 100 feet and a minimum building setback of 35 feet from the adjacent street right-of-way or one wall sign. For structures that were formerly residential structures that have been converted to a business and are located in the "Central Core Map" illustrated in Appendix G of the Unified Development Ordinance; the owner may choose to install a suspended porch sign or a placard sign in lieu of a wall sign. The owner may transfer a permitted sign from one building elevation to another; however, no elevation is permitted two or more of the same sign types on the same frontage.

(b) Externally Accessed Multi-Tenant Building (individual accesses). One wall sign per tenant per street or one ground sign per each street frontage for lots having a minimum width of 100 feet and a minimum building setback of 35 feet from the adjacent street right-of-way with signage space for each tenants provided equally.

(4) Maximum Sign Area.

(a) Ground sign: 45 square feet.

(b) Wall sign shall not exceed 20% of the signable wall area, unless windows, doors, awnings and other architectural details make up more than 50% of the building face in which the sign size may increase to 40% of the signable area.

(c) Suspended Porch Sign: 16 square feet.

(d) Placard Sign: 16 square feet.

(5) Maximum ground sign height: 5 feet.

(6) Location: Shall be a minimum of ten feet from the street right-of-way and a minimum of ten feet from the leading edge of the driveway. The sign shall be separated from another ground sign located on the same side of the right-of-way, a minimum distance of 100 linear feet.

(7) Permitted Materials.

(a) Ground Sign. The sign shall be constructed of materials that blend with the character of the building such as but not limited to wood, metal, or masonry. The copy shall be individually mounted channel letters, sandblasted, or etched for the single tenant buildings. Multi-tenant buildings may have tenant identification as panel inserts of wood, plastic, or other similar materials constructed of a single background color for all tenant panels. If a building name is used on the sign, the copy shall be individually mounted channel letters, sandblasted, or etched.

(b) Wall sign requires individually mounted channel letters constructed of materials such as wood, plastic, or metal.

(c) Suspended Porch Sign. The sign shall be constructed of materials that blend with the character of the building such as but not limited to wood or metal.

(d) Placard Sign. The sign shall be constructed of materials that blend with the character of the building such as but not limited to wood or metal.

(8) Illumination: Halo-lit, internally or externally lit.

(9) Landscaping: An area equal to three times the area of the sign face shall be required for base landscaping around a ground sign. The landscape area will radiate out a minimum of five feet from the base of the sign, shall be provided and shall be planted in such a way to substantially cover the area with landscape materials such as, but not limited to, annuals, ground covers, perennials, shrubs, and ornamental trees. A mixture of plant types is required.

(10) Alternate signage: Awning or canopy signage may be used in lieu of wall signage. Signage shall be a maximum of 20% of the awning/canopy area. A projecting sign may be used in lieu of wall signage not exceeding 15 square feet in area. A maximum of 30% of the total ground sign area may be used for changeable copy.

(E) Internally Accessed Multi-Tenant Building.

(1) Permit required: Yes.

(2) Type of sign permitted: Ground sign and wall sign.

(3) Number and type: One wall sign per street frontage identifying the building and one ground sign per street frontage for lots with a minimum of 100 feet in width and a building setback of a minimum of 35 feet from the adjacent street right-of-way.

(4) Maximum Sign Area.

(a) Ground sign: See table.

(b) Wall sign shall not exceed 20% of the signable wall area, unless windows, doors, awnings and other architectural details make up more than 50% of the building face in which the sign size may increase to 40% of the signable area.

(5) Maximum ground sign height: See table.

(6) Location: Shall be a minimum of ten feet from the street right-of-way and a minimum of ten feet from the leading edge of the driveway. The sign shall be separated from another ground sign located on the same side of the right-of-way, a minimum distance of 100 linear feet.

(7) Permitted Materials.

(a) Ground Sign. The sign shall be constructed of materials that blend with the character of the building such as but not limited to wood, metal, or masonry. The copy shall be individually mounted channel letters, sandblasted, or etched for the identifying building name. Tenant identification may be panel inserts of plastic, wood, or other similar materials, constructed of a single background color and limited to one color for all copy. Logos are excluded from the color requirement.

(b) Wall sign requires individually mounted channel letters constructed of materials such as wood, plastic, or metal.

(8) Illumination: Halo-lit, internally or externally lit.

(9) Landscaping: An area equal to three times the area of the sign face shall be required for base landscaping around a ground sign. The landscape area will radiate out a minimum of five feet from the base of the sign shall be provided and shall be planted in such a way to substantially cover the area with landscape materials such as, but not limited to annuals, ground covers, perennials, shrubs, and ornamental trees. A mixture of plant types is required.

(10) Alternate signage: A maximum of 30% of the total sign area may be used for changeable copy.

(F) Integrated Development.

(1) Permit required: Yes (permits required for individual panel inserts in designation sign).

(2) Type of sign permitted: Designation sign and wall sign.

(3) Number and Type.

(a) One designation sign permitted per each street frontage external to the development including a minimum of 300 feet of frontage and an established building setback of a minimum of 60 feet.

(b) Single-Tenant Building, Externally Accessed Multi-Tenant Building (individual accesses). One wall sign per street frontage per tenant. The owner may transfer a permitted sign from one building elevation to another; however, no elevation is permitted two wall signs on the same frontage.

(c) Internally Accessed Multi-Tenant Building. One wall sign identifying the building per public/private street frontage. The owner may transfer a permitted sign from one building elevation to another; however, no elevation is permitted two wall signs on the same frontage.

(4) Maximum Sign Area.

(a) Designation sign: See table.

(b) Wall sign shall not exceed 20% of the signable wall area, unless windows, doors, awnings and other architectural details make up more than 50% of the building face in which the sign size may increase to 40% of the signable area.

(5) Maximum designation sign height: See table.

(6) Location: Shall be a minimum of ten feet from the street right-of-way and a minimum of ten feet from the leading edge of the driveway. The sign shall be separated from another designation sign a minimum of 300 feet on the same street frontage. Designation signs that have been split into two signs shall be separated a minimum of 700 feet including another development's designation sign.

(7) Permitted Materials.

(a) Designation Sign. The sign shall be constructed of materials that blend with the character of the building such as but not limited to wood, metal, or masonry. Panel inserts within the designation sign, displaying tenant names may be constructed of plastic. A single color for the background panel inserts must be maintained for the entire sign. The development name and the City of Noblesville's name shall be individually mounted channel letters, sandblasted, or etched.

(b) Wall sign requires individually mounted channel letters constructed of materials such as wood, plastic, or metal.

(8) Illumination: Halo-lit, internally or externally lit.

(9) Landscaping: An area equal to three times the area of the sign face shall be required for base landscaping around a ground sign. The landscape area will radiate out a minimum of five feet from the base of the sign, shall be provided and shall be planted in such a way to substantially cover the area with landscape materials such as, but not limited to, annuals, ground covers, perennials, shrubs, and ornamental trees. A mixture of plant types is required.

(10) Alternate signage: Awning or canopy signage may be used in lieu of wall signage. An awning/canopy sign is permitted a maximum of 20% of the signable area. Sites with more than two multi-tenant buildings may be permitted one directory sign per street frontage per building.

(G) Downtown Noblesville. This section applies to real estate located within the Downtown Zoning District as per the Zoning Map.

(1) Permit required: Yes. An encroachment permit is also required for projecting, awning, canopy, marquee, blade, and sandwich board signs, if encroaching over or into the right-of-way.

(2) Type of sign permitted: Wall, projecting, awning, canopy, marquee, blade, window and sandwich board signs.

(3) Number and Type.

(a) Single-Tenant Building.

(1) One wall, projecting, awning, canopy, window or marquee sign per street frontage or public parking lot and/or one blade sign per street frontage.

(2) One sandwich board sign.

(b) Multi-Tenant, Multi-Level Building.

(1) Ground Floor Tenant.

A. One wall, projecting, awning, canopy, window, or marquee sign per street frontage.

B. One blade sign per street frontage.

C. One sandwich board sign.

(2) Tenant Above the Ground Floor.

A. One blade sign at the ground floor entrance and/or one window sign in window above ground floor.

B. One wall sign per tenant located above the windows on the top floor and the below the roof line of the building.

1. All signage for tenants above the ground floor shall be grouped within the same one-third (1/3) of the area available above the windows on the top floor and below the roof line of the building.

2. Design of the sign(s) shall use consistent sign types, colors, and materials.

3. Such sign(s) shall be centered vertically in the area the sign is installed.

4. The owner of the building shall show locations for other possible future tenant signs upon submittal of the first sign permit.

(4) Maximum Sign Area.

(a) Awning sign: 20% of awning area.

(b) Canopy sign: 20% of canopy area.

(c) Marquee sign: 20% of signable wall area with a maximum of 200 square feet.

(d) Blade sign: Four square feet.

(e) Projecting sign: 15 square feet.

(f) Sandwich board: Six square feet. Two feet in width and three feet in height.

(g) Wall sign: Sign shall not exceed 20% of the signable wall area, unless windows, doors, awnings and other architectural details make up more than 50% of the building face in which the sign size may increase to 40% of the signable area.

(h) Window sign:

1. Ground floor tenants: 15% of the total window area.

2. Second floor and above tenants: 20% of the total window area on floor in which the use is located. For the tenant having an entrance to the use on the street/alley facade, a sign is permitted on the door not to exceed 20% of the total window area of the door.

(5) Maximum sandwich board sign height: Three feet.

(6) Location: Sign shall not obscure significant architectural features of the building.

(a) Awning sign: May extend to within one foot of the vertical plane of the curb and must maintain a minimum clearance of eight feet above the public right of way.

(b) Canopy sign: May extend to within one foot of the vertical plane of the curb and must maintain a minimum clearance of eight feet above the public right of way.

(c) Marquee sign: May extend to within one foot of the vertical plane of the curb and must maintain a minimum clearance of eight feet above the public right of way.

(d) Blade sign: Permitted at ground floor locations. May extend to within one foot of the vertical plane of the curb and must maintain a minimum clearance of eight feet above the public right of way.

(e) Projecting sign: Must maintain a minimum clearance of eight feet above the public right-of-way and may extend to within one foot of the vertical plane of the street curb. Must maintain a separation of at least 30 feet from another projecting sign.

(f) Sandwich board: Refer to City Code Chapter 94 and the “sandwich board” section of this subchapter.

(g) Wall sign. An activity on the first floor shall not construct the wall sign above the window sill of the second story. A wall sign may not exceed two-thirds of the distance between the top of the lower window and the sill of the upper window.

(h) Window sign: 15% of the total window area and are considered secondary signs.

(7) Permitted Materials.

(a) Awning sign: Canvas or cloth, no reflective or glossy materials or illuminated plastic.

(b) Canopy sign: Canvas or cloth, no reflective or glossy materials or illuminated plastic.

(c) Marquee sign: N/A.

(d) Blade sign: Wood or metal (matching architectural features of building).

(e) Projecting sign: Wood or metal (matching architectural features of building).

(f) Sandwich board: Wood, chalkboard, or finished metal.

(g) Wall sign: Wood, metal, or mural (matching architectural features of building).

(h) Window sign: Vinyl, gold leaf, or substantially similar materials.

(8) Illumination: Halo-lit or externally lit.

(9) Landscaping: N/A.

(10) Alternate signage: A directory wall sign.

(Ord. 23-4-07, passed 5-15-07; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 10-3-09, passed 4-14-09; Am. Ord. 17-5-09, passed 6-9-09; Am. Ord. 41-9-09, passed 10-13-09; Am. Ord. 25-7-10, passed 8-24-10; Am. Ord. 31-9-10, passed 9-28-10; Am. Ord. 12-2-11, passed 3-15-11; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 24-07-13, passed 8-13-13; Am. Ord. 13-02-14, passed 3-11-14; Am. Ord. 17-04-14, passed 5-13-14; Am. Ord. 37-08-14, passed 9-9-14; Am. Ord. 25-07-17, passed 8-15-17; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.167 TEMPORARY SIGNS.

(A) A sign permit is not required for the following:

(1) Real Estate Availability Signs.

(a) Permit required: No.

(b) One sign per each street frontage or public off-street parking area. Such signs may only be placed on the premises of the property for sale.

(c) For real estate under five acres, the sign must be set back at least five feet from the edge of the right-of-way, shall not exceed six square feet in size and four feet in height. These signs are located in all zone districts and on a local classified street.

(d) For real estate less than five acres located on a collector, arterial, highway, or expressway of classified streets, said street having a minimum speed limit of 45 m.p.h., the sign shall be setback ten feet from the right-of-way, shall not exceed 32 square feet in size, and a maximum height of eight feet. If the property is on a limited access highway, the setback of the sign shall be at the property line adjacent to the limited access highway; but not located in the right-of-way.

(e) For real estate more than five acres, the sign shall be set back a minimum of ten feet from the edge of the right-of-way, shall not exceed 32 square feet in size, and no more than eight feet in height. If the property is on a limited access highway, the setback of the sign shall be at the property line adjacent to the limited access highway, but not in the right-of-way.

(2) Yard signs (Residentially zoned property). Yard signs located on private property that meet the following requirements are permitted.

(a) Permit required: No.

(b) Shall not obstruct the line of sight of any operator of a vehicle.

(c) Shall not be located in public right-of-way.

(d) Shall be owned and maintain by the owner or tenant in possession of the real estate on which it is located.

(e) Shall not exceed six square feet in size.

(f) Shall be wall mounted or ground installed. Ground signs shall be a maximum of 42 inches in height.

(g) Shall be limited to no more than two on a property.

(h) For a period of time starting 60 days before an election and ending at the beginning of the sixth day after the election, the regulations of I.C. 36-1-3-11 shall apply relating to the maximum size of the sign. During this time period, no sign shall be taller than six feet in height, but the maximum number of signs per property shall not apply.

(3) Yard signs (non-residentially zoned property). Yard signs located on private property that meet the following requirements are permitted subject to the regulations listed below.

(a) Permit required: No.

(b) Shall not obstruct the line of sight of any operator of a vehicle.

(c) Shall not be located in public right-of-way.

(d) Shall be owned and maintain by the owner or tenant in possession of the real estate on which it is located.

(e) Shall not exceed six square feet in size.

(f) Shall be ground installed. Ground signs shall be a maximum of 42 inches in height.

(g) Shall be limited to no more than two on a property, and may be displayed on the property for a maximum of 60 days per calendar year.

(h) For a period of time starting 60 days before an election and ending at the beginning of the sixth day after the election, the regulations of I.C. 36-1-3-11 shall apply relating to the maximum size of the sign. During this time period, no sign shall be taller than six feet in height, but the maximum number of signs per property shall not apply.

(B) The following temporary signs require a sign permit:

(1) Human portable sign. (effective 12-10-10)

(a) Permit required: Yes.

(b) Maximum sign: Two feet width, three square feet total.

(c) Maximum Number: One per person at any one time. Shall not hold more than one portable sign contiguous to another portable sign to effectively increase the square footage of the sign.

(d) No person shall hold or extend the sign over or into a public street.

(e) No person while carrying or displaying a sign shall impede a sidewalk, multi-use path, driveway, or other access to public property that restricts the use of the walkway, or access point by the general public or a continuous landowner.

(f) No person shall display a portable sign in a “residential area” before 7:00 a.m. or sunrise, whichever is later; or after 7:00 p.m. or sunset, whichever is earlier, based on the time of sunrise or sunset as published by the National Weather Service at the Indianapolis International Airport.

(g) Applies to both commercial signs and signs containing political or other protected free speech information.

(h) Should the sign contain “commercial speech”, it may be displayed for a maximum of 28 days during a calendar year.

(2) Banners for Non-Residential Uses.

(a) Permit required: Yes.

(b) A temporary banner may be displayed for special events. Such banners shall be displayed a maximum of 30 days per special event. Each business may display a temporary banner for up to 60 days per calendar year, but there must be a minimum of 60 days separating the installation of the banners for the special events. The total allotted time may be subdivided into a banner four times a year for a minimum of seven days each.

(c) Such signs shall be limited to a maximum of 32 square feet in size and must be located on the premises of the business for which it advertises.

(d) An application for a permit must be submitted one week prior to the installation of the banner on the premises.

(e) Banners shall not be illuminated.

(f) Banners for multi-tenant buildings, multi-buildings on a single parcel, and integrated developments shall have a maximum of two banners for separate uses on the premises at any single time.

(g) Banners are prohibited in the Core Central Business District.

(h) No more than one temporary banner may be displayed at a time.

(3) Lighter-than-air Displays for Commercial Uses.

(a) Permit required: Yes.

(b) Lighter-than-air displays shall be affixed to the ground on the property of the business erecting the display and shall be permitted a maximum of 14 days during a calendar year.

(c) The display shall be limited to a maximum height of 18 feet from the ground to the top of the display.

(d) An application for a permit must be submitted one week prior to the display being installed on the premises of the business for which it advertises.

(e) Displays shall not be illuminated.

(f) Such displays shall not be permitted on building rooftops.

(g) Displays for multi-tenant buildings, multi-buildings on a single parcel, and integrated developments shall have a maximum of two displays for separate uses on the premises at any single time.

(4) Construction Signs.

(a) Permit required: Yes.

(b) Each construction site under construction shall be permitted one sign per street frontage. Each subdivision under construction shall be permitted one sign per subdivision entrance.

(c) Such sign(s) shall not exceed 64 square feet per street frontage, and shall not exceed ten feet in height.

(d) No two subdivision construction signs shall be placed within 1,000 linear feet of each other.

(e) Prior to the issuance of the Final Certificate of Occupancy, the construction sign shall be removed from the site.

(f) The sign(s) shall be placed on the site upon receipt of an Improvement Location Permit and the issuance of a Temporary Sign Permit.

(g) Minimum setback ten feet from the edge of right-of-way.

(5) Neighborhood Information Signs.

(a) Permit required: Yes. (no fee)

(b) Sign boards, yard cards, or banners placed on HOA property or sign easement shall not exceed 20 square feet in size and five feet in height. The sign shall be located in the subdivision or real estate where the event is to occur. If the sign is located in the median of the street at the entrance to the subdivision, an encroachment permit and fee are required prior to the placement of said sign.

(c) Sign boards, yard cards, yard signs, or banners shall be permitted a maximum of two times during a calendar year. The sign may be installed seven days prior to the event and removed the last day of the event, not exceeding a maximum of 20 days per calendar year.

(d) An application for a permit must be submitted one week prior to the installation of the sign on the premises including a site plan indicating the location(s) of the sign(s).

(e) No additional embellishments are allowed, including and not limited to balloons, flags, and pendants.

(f) Signs shall not be illuminated.

(g) Shall not be located in the public right-of-way.

(h) Single sign permit for all entrance locations within the subdivision.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 44-11-97, passed 12-8-97; Am. Ord. 55-11-01, passed 12-11-01; Am. Ord. 42-5-05, passed 6-14-05; Am. Ord. 48-6-05, passed 7-12-05; Am. Ord. 23-4-07, passed 5-15-07; Am. Ord. 17-5-09, passed 6-9-09; Am. Ord. 23-6-09, passed 6-23-09; Am. Ord. 41-9-09, passed 10-13-09; Am. Ord. 25-7-10, passed 8-24-10; Am. Ord. 30-9-10, passed 9-28-10; Am. Ord. 31-9-10, passed 9-28-10; Am. Ord. 12-2-11, passed 3-15-11; Am. Ord. 13-3-11, passed 3-15-11; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 24-07-13, passed 8-13-13; Am. Ord. 37-08-14, passed 9-9-14; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 53-10-15, passed 11-10-15; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 32-07-19, passed 7-23-19) Penalty, see § 159.999

§ 159.168 MISCELLANEOUS SIGNS.

(A) Accessory Signs.

(1) Permit required: No.

(2) Window signs located on the front glass of the building shall not exceed one square foot.

(3) Matter appearing on gasoline pumps including credit card information, fuel information, and/or other similar matter is permitted if less than three inches in height. A decal less than one square foot in size that includes the business name or business logo may be placed at each fueling station. All advertisement posters and paraphernalia are prohibited.

(4) Matter appearing on automatic teller machines (ATM), including credit card information, bank network information, business name, business logo and/or other similar matter is permitted if less than three inches in height. All advertisement posters and paraphernalia are prohibited. All free standing ATMs shall follow the permanent sign regulations applicable to the location of the machine.

(5) Newspaper vending boxes, DVD/CD vending boxes, soda machines, and other similar vending boxes.

(B) Model Home/Sales Office Signs.

(1) Permit required: Yes.

(2) Signs shall be located inside the subdivision under construction outside of the public right-of-way.

(3) Each sales office or model home may have one sign for each use not to exceed six square feet.

(4) Each subdivision's home builders shall be permitted a directional sign beyond that already allowed by this chapter. Said sign shall be both incidental and necessary for the sale, rental, or lease of real property in the zone district. This sign shall be a maximum of four square feet in size and shall be required to be located inside the subdivision under construction. The sign shall not be located within the right-of-way. If multiple builders are located within the same subdivision, and each has a model home(s) in different locations of the subdivision, each would be permitted a single directional sign. No company and/or business names or logos are permitted on the directional signs.

(5) No flags, banners, or other portable signs shall be permitted.

(C) Directory Signs.

(1) Permit required: Yes.

(2) As ground signs shall not exceed four feet in height and 16 square feet in size and shall be located internal to the site and not legible from adjacent real estate or streets.

(3) As wall signs shall not exceed eight square feet.

(4) As projecting signs shall clear the sidewalks by a minimum of eight feet in height and may project no more than four feet from the building or one-third the width of the sidewalk, whichever is more.

(D) Directional Signs.

(1) Permit required: Yes.

(2) Shall not exceed four square feet in size or four feet in height.

(3) Shall not contain any logos, business names, or other copy that denotes the business for which it serves.

(E) Electronic Signs.

(1) Permit required: Yes.

(2) Shall only be used as a permanent on-premise ground sign and shall maintain the same size, height, and items of information restrictions as a non-electronic sign.

(3) Shall not be located closer than 1,320 feet to any other electronic sign on the same street frontage as measured from the center of the sign structure.

(4) Any portion of the sign message shall remain stationary for a minimum of ten seconds. No portion of the message shall flash, scroll, twirl, change color, fade in or out, have transitional elements between copy changes, or in any manner imitate movement at any time.

(5) Shall display only those services to the site it is serving.

(6) The electronic portion of a designation or ground sign shall be limited to a maximum of 30% of the overall sign area.

(7) The sign shall be factory certified not to exceed a maximum illumination of 5,000 NITS (candelas per square meter) during daylight hours and must be dimmed automatically 30 minutes after sunset and before sunrise to maintain a maximum illumination of 5,000 NITS as measured from the sign's face at maximum brightness.

(8) A default mechanism shall freeze the sign in one portion or static message if a malfunction occurs.

(9) These signs are not permitted in the DT (Downtown Zoning District) except for time and temperature signs.

(10) These signs shall be full color (RGB electronic LED or Tri-color electronic LED excluding time and temperature signs.

(F) Sandwich Board Signs located in the "DT" Downtown Zoning District.

(1) Permit required: Yes. An encroachment permit is also required prior to the issuance of the sign permit if located in public right-of-way.

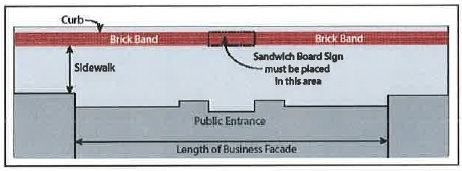
(2) Sign placement must meet all encroachment requirements as detailed in City CodeChapter 94.

(3) Signs shall be removed from the outside location at the end of each business day.

(4) A ballast weighing a minimum of ten pounds and colored solid black shall be installed at the base or hang internally from the A- Frame of the sandwich board sign to ensure stability in windy conditions.

(5) More than two violations of the provisions of the regulations governing these sign types in any one calendar year shall result in the termination of the sign permit for the sandwich board and require removal of the sandwich board. A new sandwich board sign shall not be permitted for the business for a minimum of 12 months from the date of the sign permit revocation.

Downtown Sandwich Board Sign Placement



(6) Maximum size: 24 inches by 36 inches.

(7) Maximum height: Three feet.

(8) Materials: Hardwood, chalk, or finished metal A-Frame.

(G) Sandwich Board Located in the "LB" Local Business, "GB" General Business, or "PB" Planned Business Zoning Districts.

(1) Permit required: Yes.

(2) Signs shall not located in the right-of-way.

(3) Signs shall be removed from the outside location at the end of each business day.

(4) A ballast weighing a minimum of ten pounds and colored solid black shall be installed at the base or hanging internally from the A- Frame of the sandwich board sign to ensure stability in windy conditions.

(5) Maximum size: 24 inches by 36 inches.

(6) Maximum height: Three feet.

(7) Permitted materials: Hardwood, steel, vinyl-clad, poly- plastic A-Frames and other similar materials.

(H) Canopy over stacking lane(s).

(1) Permit required: Yes

(2) One sign is permitted over each stacking lane.

(3) Each sign shall not exceed 75% of the height of the canopy and 25% of the width of the stacking lane.

(4) Signs may be internally illuminated or have LED components.

(I) Original Art Mural.

(1) Permit required: No. No permit is required, but the mural must be reviewed by the Department of Planning to ensure that it is not a mural sign. Once that sign off is received, the applicant will be given a form to take to Nickel Plate Arts. The Nickel Plate Arts Public Art Committee will then review the proposal and complete the form provided. A copy of the completed form will be returned to the Department of Planning upon completion. No sign permit is required as long as the mural meets the regulations below.

(2) Original art murals shall be permitted only with the Central Core illustrated inAppendix G.

(3) The original art mural shall be permitted only on the flat planes of walls.

(4) The original art mural shall not be painted on or affixed to obscure architectural features such as windows, doors, pilasters, cornices, or other building recessed or projecting features.

(5) The original art mural shall not include a commercial message.

(6) The dimensions of the original art mural shall stay within the original dimensions of the wall on which the mural is being painted or affixed.

(Ord. 17-5-09, passed 6-9-09; Am. Ord. 23-6-09, passed 6-9-09; Am. Ord. 41-9-09, passed 10-13-09; Am. Ord. 31-9-10, passed 9-28-10; Am. Ord. 12-2-11, passed 3-15-11; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.169 EXEMPT SIGNS.

The following signs are subject only to the regulations of this subchapter:

(A) Government signs and legal notices.

(B) Memorial plaques and cornerstones and governmental historical markers.

(C) Flags of any country state, unit of local government or not-for-profit organization.

(D) Flags - not to exceed a total of four flags on a property.

(E) Nameplates that do not exceed two square feet in size and are permanently affixed upon a building or structure.

(F) Address numbers.

(G) Public information signs identifying telephones, restrooms, and similar facilities. Advertising copy is not permitted on these signs.

(H) Menu sign.

(I) Traffic control and government information signs.

(J) Letters or numbers less than three inches in height, if a part of a wall sign or window sign.

(K) Letters less than 19 inches in height carved into or securely attached in such a manner that they are an architectural detail of a building, provided they are not illuminated apart from the building, are not made of reflective material, and are the same color as the building, and does not exceed one inch in thickness.

(L) Incidental signs.

(M) A sign that does not advertise or identify goods, a service, or an enterprise and which is provided solely for the convenience or education of the public. This type of sign may include a building's date of construction, a monument citation, commemorative inscription, or similar historic information.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 11-4-97, passed 5-12-97; Am. Ord. 5-2-02, passed 3-12-02; Am. Ord. 23-4-07, passed 5-15-07; Am. Ord. 17-5-09, passed 6-9-09; Am. Ord. 23-6-09, passed 6-23-09; Am. Ord. 37-08-14, passed 9-9-14; Am. Ord. 32-07-19, passed 7-23-19) Penalty, see § 159.999

§ 159.170 PROHIBITED SIGNS.

(A) Signs which by color, location, or design resemble or conflict with traffic control signs or signals, or obstruct the view of an intersection of a street or highway with a railroad crossing, or which are located upon, over or in any street right-of-way.

(B) Signs attached to light poles or standards.

(C) Portable signs.

(D) Signs which advertise activity, business, project, or service no longer conducted on the premises upon which the sign is located within six months of the end of the business activity. The Department of Planning and Development shall notify the property owner of this requirement approximately three months after the most recent business activity has ended.

(E) Signs that give the appearance of movement such as undulation, swinging, rotation, or oscillation by natural or artificial means including pennants, feather banners, streamers, strings of light bulbs, spinners, or other similar devices, except as permitted by this subchapter.

(F) Signs containing running lights give the illusion of movement or have moving parts except for barber poles. Electronic signs or lighting that flashes, scrolls, twirls, changes color, fades in or out, has transitional elements between copy changes, or in any manner imitates movement at any time.

(G) Roof signs.

(H) Off-premise signs, except as provided in this subchapter for temporary signs.

(I) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.

(J) Motor vehicles whose apparent primary purpose is to advertise business. Motor vehicles engaged in the cartage or goods or the transport of passengers are exempt form this restriction.

(K) Inflatable images such as balloons, beer cans, gorillas, bunny, etc., except as provided §159.167.

(L) Pole signs.

(M) Cabinet signs except as authorized elsewhere in this subchapter.

(N) External neon lighting or LED lighting either used as a part of a sign or distributed around a building or structure.

(O) Signs with decorative backers.

(P) Signs displayed for pay or other compensation.

(Q) Signs located within the public right-of-way (except traffic control and government information signs).

(R) Weekend directional signs.

(S) Window signs are prohibited except those areas located in the Downtown (DT) Zoning District.

(T) Signs more than 25 feet in height.

(U) Signs placed on private or public property without the consent of the owner, owner's representative, holder, lessee, trustee, or other party controlling the use of such property.

(V) Signs painted on, attached to, or maintained upon trees, rocks, or other natural features.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 5-2-02, passed 3-12-02; Am. Ord. 23-4-07, passed 5-15-07; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 17-5-09, passed 6-9-09; Am. Ord. 31-9-10, passed 9-28-10; Am. Ord. 37-08-14, passed 9-9-14; Am. Ord. 32-07-19, passed 7-23-19) Penalty, see § 159.999

§ 159.171 NON-CONFORMING SIGNS.

A legal non-conforming sign shall immediately lose its legal non-conforming status if:

(A) The sign is not kept in good repair and/or in safe condition for a period exceeding six months.

(B) The sign is relocated.

(C) The entire sign is replaced.

(D) The permit, variance, or condition under which the sign was allowed expires.

(E) The sign is altered to the following extent:

(1) Items of information are increased.

(2) The size of the sign is increased.

(3) Lights and/or other electronic features are added.

(4) The intensity of the lighting is increased.

(F) The use changes.

(G) The use is discontinued for six consecutive months.

(H) The building or other outdoor structure the sign is affixed upon is replaced or reconstructed.

(Ord. 23-4-07, passed 5-15-07; Am. Ord. 17-5-09, passed 6-9-09; Am. Ord. 41-9-09, passed 10-13-09; Am. Ord. 32-07-19, passed 7-23-19; Am. Ord. 41-11-20, 11-24-2020)

§ 159.172 DESIGNATION AND GROUND SIGN BULK REQUIREMENTS.

For Commercial and Industrial Districts Adjacent to or Across from Commercial or Industrial Districts						
LANES	***2 TO 4***			***4 DIVIDED***		
SPEED (MPH)	15 - 25	30 - 40	45 - 55+	15 - 25	30-40	45 - 55+
Ground sign	25 SF	45 SF	65 SF	30 SF	60 SF	120 SF
Designation sign (<500 foot frontage)	37.5 SF	67.5 SF	97.5 SF	45 SF	90 SF	180 SF
Designation sign (>500 foot frontage)	37.5 SF	67.5 SF	97.5 SF	180 SF	200 SF	300 SF*
HEIGHT						
Ground sign	5 feet	6 feet	6 feet	6 feet	6 feet	6 feet
Designation sign	10 feet	12 feet	16 feet	25 feet	25 feet	25 feet
* Designation signs of 300 square feet or greater shall be divided into two signs. The maximum area for any one of the two signs is 200 square feet.						
For Commercial and Industrial Districts Adjacent to or Across from Residential Districts						
LANES	2 TO 4			4 DIVIDED		
SPEED (MPH)	15 - 25	30 - 40	45 - 55+	15 - 25	30- 40	45 - 55+
Ground sign	20 SF	30 SF	40 SF	25 SF	45 SF	80 SF
Designation sign (<500 foot frontage)	30 SF	45 SF	60 SF	37.5 SF	67.5 SF	97.5 SF
Designation Sign (>500 foot frontage)	30 SF	45 SF	60 SF	180 SF	200 SF	300 SF+
HEIGHT						
Ground sign	5 feet	6 feet	6 feet	6 feet	6 feet	6 feet
Designation sign	5 feet	6 feet	12 feet	25 feet	25 feet	25 feet
* Designation signs of 300 square feet or greater shall be divided into two signs. The maximum area for any one of the two signs is 200 square feet.						

(Ord. 17-5-09, passed 6-9-09; Am. Ord. 23-6-09,passed 6-23-09; Am. Ord. 12-2-11, passed 3-15-11; Am. Ord. 32-07-19, passed 7-23-19)

LANDSCAPING AND SCREENING

§ 159.180 PURPOSE.

(A) The purpose of these regulations is to ensure environmentally sensitive site planning which further is intended to foster aesthetically pleasing developments by enhancing the biodiversity, reducing the atmospheric carbon, improving water quality, filtering the air and reducing toxic chemicals in the environment and increasing the compatibility of adjacent land uses so as to minimize the harmful impacts of noise, dust, headlight glare, artificial light intrusions, and other objectionable activities. These regulations are intended to promote the prudent use of water, energy resources, and sustainability through habitat preservation areas, wetlands, stream bank buffers, wooded areas, waterfront yards, and existing native vegetation and trees.

(B) Broader objectives include:

(1) Prohibit clear-cutting of property.

(2) Protect and increase the value of residential and non- residential properties within the city.

(3) Maintain and enhance a positive image for the attraction of new residential and nonresidential land uses to the city.

(4) Protect healthy quality trees and promote the natural, ecological, environmental, and aesthetic qualities of the city.

(5) Emphasize the importance of trees and vegetation as both physical and visual barriers.

(6) Maintain the moisture levels in the area of lands with natural tree cover.

(7) Prevent soil erosion.

(8) Minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters by facilitating natural drainage systems and amelioration of storm water drainage problems.

(9) Provide shade.

(10) Conserve natural resources.

(11) Enhance the habitat and food source for birds and other wildlife, which in turn controls the insect populations and maintains the balance of natural ecosystems.

(Ord. 64-11-08, passed 12-9-08; Am. Ord. 32-10-11, passed 11-15-11)

§ 159.181 APPLICATION.

(A) Any application or an improvement location permit and certificate of occupancy shall require a landscape plan as described herein. No improvement location permit shall be issued without city approval of such landscape plan. Prior to the issuance of the FINAL certificate of occupancy, a certificate of compliance shall be issued for the landscaping including residential planned development's overall and individual lots, and all non-residential uses and structures as per this subchapter. All landscaping materials are to be guaranteed for a minimum of one year after the issuance of the certificate of compliance.

(B) Division (A) above, notwithstanding construction of individual single- and two-family dwelling units, shall comply with the following:

(1) Sections 159.075 through 159.087.

(a) Section 159.083.

(b) Section 159.085.

(c) Section 159.087.

(d) Requires sod in lawn areas

(2) Section 159.183.

(C) Failure to implement the landscape plan as approved, or failure to comply with requirements for single- and two-family lots shall be cause for revocation of the certificate of occupancy.

(D) Low Impact Development (LID) Stormwater BMP's may be incorporated into required landscaping (i.e. Bioretention, Rain Gardens, Bioswales, etc.) provided the site conditions make LID feasible and that the intent of the required landscaping is not compromised.

(E) Landscaping plans shall include provisions for the following types of landscaping, as applicable:

(1) Parking Lot Landscaping.

(a) Interior Parking Lot Landscaping.

(b) Perimeter Parking Lot Landscaping.

(2) Building Base Landscaping.

(3) Landscape Buffer Yard.

(4) Screening.

(F) All landscape plans shall contain the following information, unless specifically waived by the Director of Planning and Development.

(1) The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, curbs, bicycle paths, ground signs, trash receptacle enclosures and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, recreational facilities, power lines (identify type of line such as transmission), transformers, irrigation systems, and other freestanding structural features including structural Stormwater BMP's as determined necessary by the Director of Planning and Development.

(2) On the adjacent properties within 20-feet of the site, include the location of existing buildings, structures and plant materials, unless waived by the Director of Planning and Development. Include location, type, quantity, size, and name of plant materials.

(3) The location, type, quantity, size and name (both botanical and common), of all existing plant materials. The notation of all trees with a diameter of six inches or greater at a point four feet above grade, as well as details of the estimated canopy size, health, and whether the tree is to be retained or removed.

(4) The location, type, quantity, size and name (both botanical and common), of all proposed plant materials including but not limited to trees, shrubs, groundcover, annuals/perennials, and turf. The canopy spread shall be denoted on the plans for all trees.

(5) Existing and proposed grading of the site indicating contours at two foot intervals. Proposed berming shall be indicated using one foot contour intervals.

(6) Elevations of all fences and retaining walls proposed for location on the site.

(7) Elevations, cross-sections, and other details as determined necessary by the Director of Planning and Development.

(8) Summary data indicating the area of the site in the following conditions:

(a) Total area and percentage of the site in landscaped area.

(b) Total area and percentage of the site in domestic turf grasses.

(G) Where the required landscape area exceeds 1,000 square feet in aggregate, the landscape plan shall be prepared by a licensed landscape architect. A landscape contractor may prepare the landscape plan for either a ground sign application or a designation size application only.

(H) Landscaping shall not be located within drainage and/or utility easements. However, when landscaping is used as a Stormwater Best Management Practice (BMP), the BMP must be in an exclusive "BMP Easement" to prevent damage from other utility work or encroachments and/or from the space becoming reallocated for other purposes and to ensure perpetuity of the BMP. These BMPs are regulated under the Rule 13 Stormwater Program and required to be inventoried and inspected for compliance of maintenance and proper function. Drainage easements will usually adjoin a major LID practice to allow for overflow/high flow events and/or a 100-year flood event.

(I) The Director of Planning or his/her designee may allow required plant materials to be moved to alternate locations both on- and off-site, but only if there are site features or constraints that prevent installation of such materials in the required locations or it is determined that there is no appreciable improvement to the site by installing the landscape materials in the required locations. This may include the substitution of a particular type of plant material to another type of plant material. (Example: one ornamental grass as a substitute for one deciduous shrub). It should not include a shrub for a tree.

(J) Best Management Practice (BMP) can refer to structural measures (wetlands, ponds, sand filters, etc.) or non-structural measures (restrictive zoning, reduced impervious area, etc.). BMPs are designed for the benefit of water quality and quantity. All new construction under the Stormwater Rule 13 must provide Post- Construction BMPs. The BMPs that meet the required pollutant removal rate and are regulated under the Stormwater Rule 13 require MS4 review and approval, special easements, maintenance agreements, physical maintenance and inspections to ensure proper performance in perpetuity. Post-Construction BMPs are required to be inventoried and subject to inspections and maintenance.

(Ord. 64-11-08, passed 12-9-08; Am. Ord. 31-9-10, passed 9-28-10; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 09-03-12, passed 3-27-12; Am. Ord. 22-06-13, passed 7-9-13)

§ 159.182 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ANNUALS." A plant that dies at the end of the growing season both above and below ground.

"BERM (MOUND)." A man-made landscape feature used for screening in which earth is piled up in irregular, round, oblong shapes. Berms do not have consistent crest elevations but are irregular, creating a more natural landscape feature.

"BIORETENTION FACILITIES (RAIN GARDENS)." A stormwater management system that uses soil and plants to absorb stormwater runoff and to capture pollutants. These are small landscaped basins intended to provide water quality management by filtering stormwater runoff before release into a storm drain system. (See Appendix H-3 "Stormwater Technical Standards Manual".)

"BIOSWALE." A bioswale is a shallow depression created in the earth to accept and convey stormwater runoff. A bioswale uses natural means, including vegetation and soil, to treat stormwater by filtering out contaminants being conveyed in the water. (See Appendix H-3 "Stormwater Technical Standards Manual".)

"BRANCH." An outgrowing shoot, stem or twig that grows from the main stem or trunk.

"BUFFERING." Any means of protecting an area of land from the adverse visual and suitable effects of another area, which may include trees, shrubs, walls, fences, berms/mounds, space or related landscaping features required under the UDO for buffering lots, parcels, etc., from adjacent properties or public rights-of-way for the purpose of increasing visual shielding or other aspects of privacy or aesthetics.

"CALIPER." The American Association of Nurserymen Standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground for up to and including four-inch caliper sizes, and 12 inches above the ground for larger trees.

"CANE." A primary stem which starts at a point not higher than 1/4 the height of the plant.

"CANOPY COVER." The percent of a fixed area covered by the crown of an individual plant species or delimited by the vertical projection of its outermost perimeter. Small openings in the crown are included.

"CONIFER." Cone-bearing tree.

"CONSERVATION." Protection, improvement, and wise use of natural resources according to principles that will assure utilization of the resource to obtain the highest economic and social benefits.

"CRITICAL ROOT ZONE." The area of undisturbed natural soil around a tree defined by a horizontal circle drawn at grade with the center being the center of the trunk of the tree and a radius equal to the distance from the trunk to the outermost portion of the drip line.

"CROWN." The portion of the tree comprising the branches.

"CROWN FORM (SHAPE)." The configuration crown of a standing tree or shrub - circle, triangle, parabola, rectangle, or horizontal ellipse.

"CROWN WIDTH (DIAMETER)." The span of the crown of a tree or shrub.

"CURB." A concrete boundary marking the edge of a street or other paved area and providing for a change in grade between the street surface and the adjacent unpaved portions of the street right-of-way. To promote the use of LID, a continuous curb shall be avoided and curb breaks strategically placed to allow stormwater to flow into the Stormwater BMP.

"DECIDUOUS." Plants that shed their leaves annually.

"DRIP LINE." The vertical line encompassing the outermost portions of the tree canopy extending to the ground.

"EVERGREEN." A plant having green leaves or needles throughout the entire year.

"FENCE." A structure including entrance and exit gates or openings designed and constructed for enclosure or screening.

"GROUNDCOVER." A species of low-growing plant used for the purpose of growing over an area of ground.

"GROWTH HABIT." The mode or rate of growth, general shape, mature size, and branching structure of a plant including the changes that take place seasonally during its life cycle.

"INVASIVE PLANT SPECIES." An alien species that is not native to the ecosystem under consideration and whose introduction does or is likely to cause economic or environmental harm or harm to human, animal, or plant health.

"LANDSCAPE AREA." Areas on or adjacent to a lot or right-of-way or the perimeter of a development that are identified for application of landscaping regulations. Landscape areas include street tree plantings, parking lots including islands and perimeter, foundation planting areas, building base landscaping areas, peripheral buffer yard areas, LID Stormwater BMPs, and retention/detention pond areas.

"LANDSCAPE BUFFER YARD." An area adjacent to the front, side, and rear property lines of a development, measured perpendicularly from and parallel to adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent properties and rights-of-way, or to maintain natural features, or as required by the UDO. Buffers help to maintain existing trees and natural vegetation, to block or reduce noise, glare, or other emissions and to maintain privacy. Landscape buffer yards are in addition to and separate from front, side, and rear yard setbacks and such landscape buffer yards are not contained within any lots. This area is common area to be maintained by the property owners, homeowners association, developer(s) and/or another entity approved by the Director of Planning and Development.

"LANDSCAPE ISLAND." A landscape area defined by a curb or edge of pavement and surrounded on all sides by pavement. To function as a LID Stormwater BMP, the landscape island shall be at a lower grade than the surrounding pavement and strategic breaks in the curbing shall allow drainage from pavement to enter into the recessed landscaping area.

"LANDSCAPE MATERIALS." Trees, shrubs, grasses, plants, decorative fences, walls, berms, irrigation systems, flowerbeds, groundcover, and edging. Xeriscaping landscape materials are encouraged to function as LID Stormwater BMPs. Artificial trees, shrubs, grasses, plants, flowers, and groundcover are not considered landscape materials.

"LANDSCAPE PENINSULA." A landscaped area defined by a curb or edge of pavement and surrounded by paving on three sides. To function as a LID Stormwater BMP, the landscape peninsula shall be at a lower grade than the surrounding pavement and strategic breaks in the curbing shall allow drainage from pavement to enter into recessed landscape area.

"LANDSCAPE PLAN." A scaled drawing, prepared and signed by a licensed landscape architect or a landscape contractor, showing all plant materials including locations, sizes, species (botanical and common names) at the time of planting. The mature tree canopy size shall be included.

"LANDSCAPE, STRUCTURE (HARDSCAPE)." Decorative fence; walls; retaining walls; decorative rocks or pavers; fountains or like materials.

"LANDSCAPING." The improvements of an area with trees, shrubs, grasses and other vegetation and/or ornamental objects. "LANDSCAPING" may include flowerbeds, berms, depressions for LID stormwater BMP's, fountains, and other similar and man-made objects designed and arranged to create an aesthetically pleasing effect.

"LOW IMPACT DEVELOPMENT (LID)." A land planning and engineering design approach with a goal of replicating the pre-development hydrologic regime of urban and developing watersheds. The primary goal of LID is to mimic a site's predevelopment hydrology by reducing the impervious surface, infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

"NATIVE PRAIRIE GRASSES." A mixture of perennial grasses that historically populated the prairie ecosystem of the United States that contain no trees. The prairie grasses may vary by region.

"NATURAL AREAS." Any critical area such as floodplains, wetlands, high tree concentrations, critical habitats that contain rare, threatened or endangered species, wooded slopes, wooded or partially wooded streams, woodlands, and riparian areas.

"PERENNIAL." A plant that has a life-cycle lasting more than two years and survives during the winter by an underground root system.

"PLANT MATERIALS." Trees, shrubs, native grasses, groundcover, perennials, and the like. Xeriscaping landscape materials are encouraged to function as LID Stormwater BMPs.

"PLANTING SEASON." The spring and fall time periods during which new plant materials that are installed are most likely to survive the planting process. Generally, these periods are from April 15 to June 15 (spring) and October 15 to November 15 (fall). This does not prohibit the installation of plant materials during other times of the year.

"PERMEABLE PAVERS." Any kind of pavement constructed of material that allows water to penetrate and drain into underlying soils.

"RAIN BARRELS." A container that collects rainwater, managing rooftop runoff for residential structures.

"RAIN GARDEN." See "BIORETENTION FACILITY".

"REGISTERED LANDSCAPE ARCHITECT." An architect, specializing in landscaping, properly licensed and registered in the State of Indiana or through reciprocity permitted to practice in the State of Indiana.

"ROOT PROTECTION ZONE." Generally an area 18 to 24 inches deep and a distance from the trunk of a tree equal to one half its height or its drip line, whichever is greater.

"SCREENING." A structure erected or vegetation planted which eventually is of sufficient height and density for concealing an area from view.

"SHRUB." A woody plant of relatively low height having several stems arising from the base and lacking a single trunk.

"SPREAD." A term used to indicate the horizontal width of a shrub or the crown of a tree.

"STREET TREES." Trees growing on public rights-of-way except for alleys and for medians contained within subdivisions.

"TREE." A perennial woody plant with one main trunk and a rather distinct and elevated head, ordinarily growing to definite heights and usually developing branches at some distance from the ground.

"LARGE SHADE." Any tree the height of which is 35 feet or greater at maturity and has a limb spread of 30 feet or more at maturity and has a spreading canopy which screens the sun.

"MEDIAN SHADE." Any tree which has a mature height of 25 to 40 feet and has a spreading canopy which screens the sun.

"ORNAMENTAL." Any tree grown for decorative purposes, typically small with multi-seasonal interest.

"SMALL SHADE." Any tree which has a mature height of less than 25 feet and has a spreading canopy which screens the sun.

"TRUNK." The portion of a stem or stems of a tree before branching occurs.

"VEGETATIVE SCREEN." A visual barrier of vegetation with dense foliage used to block aesthetically intrusive land uses from view.

"WILDLIFE HABITAT (SIGNIFICANT)." A place or environment where a plant, insect, or animal naturally or normally lives and grows including shelter, food, nesting sites, and protection.

"WOODLAND." Land covered with a dense growth of trees usually greater in extent than a grove and smaller than a forest.

"WOODY PLANTS." A plant that has a hard stem and has buds that survive above ground in the winter.

"XERISCAPING." An approach to landscaping that minimizes outdoor water use while maintaining soil integrity through the use of native, drought-tolerant plants.

(Ord. 64-11-08, passed 12-9-08; Am. Ord. 25-7-10, passed 8-24-10; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 22-06-13, passed 7-9-13)

§ 159.183 DESIGN STANDARDS AND GUIDELINES.

Landscape plans described above shall be prepared and reviewed based on the following design standards and guidelines. Design standards are objectively measurable design requirements that can be definitively evaluated for compliance. Design guidelines are not precisely measurable but compliance can be determined through the evaluation process of site plan review.

(A) Design Guidelines.

(1) Plant Materials. Plant materials used in conformance with the provisions of this section shall be of good quality, disease and pest free at planting, and of a species normally grown in Central Indiana, and capable of withstanding the extremes of individual site microclimates. Plant material shall be selected for interest in its structure, texture, color, and for its ultimate growth. A variety of compatible species should be included in the planting plan for a specific site or development. The use of drought-tolerant plant material is preferred. The use of salt-tolerant plant material is preferred for landscaping in or near the rights-of-way.

(a) The primary landscaping materials used in and around private parking areas shall be trees that provide shade at maturity. Shrubs, groundcover, and other planting materials may be used to compliment tree landscaping, as described above but shall not be the sole contribution to the landscaping.

(b) The primary landscaping materials used in the landscape buffer yards and adjacent to the buildings shall be shade trees, ornamental trees, shrubs, and groundcovers and other planting materials.

(c) The primary landscaping materials used in LID Stormwater BMP's shall be trees, shrubs, and herbaceous vegetation that are able to tolerate and thrive at various depths and lengths of inundation. Refer to Appendix H-3 "Stormwater Technical Standards Manual".

(2) Softening of Walls and Fences. Plant materials should be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.

(3) Clearance. Trees shall be planted so that when they reach maturity, there will be a minimum of ten feet of clearance between the tree trunks and structures, buildings, overhangs, walls, fences, and/or other trees.

(4) Scale and Nature of Landscaping Material. The scale and nature of landscaping materials shall be appropriate to the size of the structures. Large scaled buildings, for example, should generally be complemented by larger scaled plants. Form, texture, color, pattern of growth, and adaptability to local conditions shall be considered when selecting plant materials.

(5) Evergreens. Evergreens should be incorporated into the landscape treatment of a site, particularly in those areas where screening and buffering are required.

(6) Planting Beds. Planting beds should be mulched but mulch shall not be used as a substitute for plant materials.

(7) Preservation of Existing Plant Materials. Existing plant material should be incorporated into the landscaping treatment of a site. The preservation of natural features and landscaping is a criterion for subdivision and planned development review. (See § 159.191 for additional requirements).

(8) Protection of Plant Materials.

(a) The interior dimensions, specifications, and design of any planting area or planting median proposed to be constructed shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth.

(b) Clearance of trees and vegetation during the land development process shall be limited to that necessary for and directly related to the construction of improvements specifically authorized by the improvement location permit.

(c) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards or other devices.

(d) Landscaping installed adjacent to parking areas shall require that all plant materials are set back from the edge of the pavement/concrete a sufficient distance so that parked vehicles do not overhang the landscape area and destroy or damage the plant materials.

(9) Designing for Safety. Landscaping shall not be approved which would inhibit or make more difficult the use of emergency vehicles, and all approved landscaping plans will give consideration to safety precautions which will protect both vehicular and the pedestrian public. Landscaping modifications will also be considered for public buildings, including schools, to allow for greater visibility and allow for natural surveillance around the building structure. Plantings in landscaping areas shall not obstruct line-of-sight or vision corner clearance areas. To maintain site lines trees shall be planted a minimum of 20 feet from the curb of intersecting streets, five feet from a driveway, and ten feet from a street light or street regulatory or warning signs. Adequate provisions for snow storage shall be considered by the Director of Planning and Development or his or her designee.

(10) Detention/Retention Basins and Ponds. Detention/ retention basins and ponds shall be landscaped. Such landscaping should include shade and ornamental trees, evergreens, shrubs, hedges, turf, groundcover, and other plant materials. To enhance the stormwater quality benefits of detention/retention basins and ponds, native plants shall be used to filter and trap harmful sediments and pollutants before they reach the basin or pond. Refer to Appendix H-3 "Stormwater Technical Standards Manual".

(11) LID Stormwater BMP's. LID Stormwater BMP's shall be landscaped. Areas included in rain gardens or vegetated sites including features created to meet Stormwater Management Requirements Ordinance No. 24-5-06 and any amendments thereto shall be counted toward any interior site or parking lot landscaping, and if vegetated to meet the requirements for landscaped buffers shall count towards those buffer requirements.

(12) Domestic Turf Grasses. Domestic turf grasses should be used in areas with little or no slope to prevent the runoff or irrigation water.

(13) Energy Conservation. Plant material placement will be designed to reduce the energy consumption needs of the development.

(a) Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.

(b) Evergreen and other plant materials should be concentrated on the north side of buildings to dissipate the effect of winter winds.

(14) Height of Landscaping.

(a) Where proposed landscaping or screening is to abut a public road or parking area, the measured height of materials used shall be based on the grade of the abutting road or parking area and the top of the material used.

(b) Where a proposed landscape or screening area is to abut an adjoining neighbor's property line, the measured height of materials used shall be based on the grade of the abutting property line and the top the material used.

(15) Noise Reduction. Properties adjacent to highly traveled roads, and/or commercial or industrial uses shall arrange landscaping to reduce the intensity of noise by reflecting, deflecting, or absorbing sound. Earth berms, walls, fences and/or plantings providing physical separation are examples of techniques to reduce or absorb noise.

(B) Design Standards.

(1) Selection. Permitted plant materials are outlined in Table 12.0.4.E and the following: All plants shall conform to the American Standard for Nursery Stock (ANSI Z60.1) size and width specifications.

(a) Trees.

1. Canopy Trees. Unless otherwise noted, all canopy trees proposed to be used in accordance with this classification shall be a minimum of 12 feet in height and have a minimum trunk caliper of two and one-half inches at the time of planting 12 inches above the grade. The trees should be of a variety which will attain an average mature spread greater than 35 feet. Canopy trees that are multi-stemmed must be a minimum of 12 feet in height, and have a minimum of three stems at the time of planting.

2. Understory Trees. All understory trees proposed to be used in accordance with this classification shall be a minimum of eight feet in height and have a minimum trunk caliper of one and one-half inches at the time of planting. They should be of a variety that will attain an average mature height of greater than 15 feet. Understory trees that are multi-stemmed must be a minimum of eight feet in height and have a minimum of three stems at the time of planting.

3. Evergreen Trees. All evergreen trees proposed to be used in accordance with this classification shall be a minimum of six feet in height at the time of planting. They should be of a variety that will attain an average mature height of greater than 15 feet.

4. Evergreen Understory Trees. All evergreen understory trees proposed to be used in accordance with this classification shall be a minimum of six feet in height at the time of planting. They should be of a variety that will attain an average mature height of equal to or less than 15 feet.

(b) Shrubs and Grasses.

1. Evergreen Shrubs. Unless otherwise noted, all shrubs to be used in accordance with this classification shall have a minimum height of 18 inches at the time of planting and a maximum height of four feet at maturity. Shrubs used to form hedges shall be of a non-deciduous species and shall be spaced not more than 36 inches apart so as to form a continuous visual screen and a minimum of 36 inches in height above grade.

2. Deciduous Shrubs. Unless otherwise noted, all shrubs to be used in accordance with this classification shall have a minimum height of 18 inches at the time of planting and a maximum height of four feet at maturity.

3. Ornamental Grasses. All ornamental grasses used in accordance with this classification shall be a minimum height of 24 inches at the time of planting and a maximum height of four feet at maturity. Ornamental grasses may be used to supplement shrub plantings within perimeter parking landscape areas and interior parking islands but shall not constitute more than 20% of the plantings in these areas. Normal maintenance of ornamental grasses constitutes trimming back the grasses to no more than four inches in height in the spring of each year.

(c) Native Prairie Grasses and/or Wildflowers. Due to circumstances where maintaining large areas of turf grasses is impractical or difficult, establishing an area of native prairie grasses or wildflowers, may be permitted at the discretion of the Director of Planning and Development, under the following conditions:

1. Must be set back from the property lines by a minimum of five feet. The setback is not required where the defined landscape area abuts another similar private or public landscape area.

2. Must be a minimum of 15 feet from any building foundation.

3. Must be maintained at least once per year through mowing or, burning if appropriate, and permits are obtained through the Indiana Department of Environmental Management (IDEM) and the Noblesville Fire Department.

Table 12.0.4.B. Additional Permitted Landscape Materials	
Trees	Permitted — See § 159.183(B)(1)(a)
Shrubs and Grasses	Permitted — See § 159.183(B)(1)(b)
Evergreen Groundcover	Permitted if less than 30 inches in height at maturity
Flowers	Permitted but cannot exceed 50% of planting area and shall not exceed 36 inches in height at maturity
Turf	Permitted

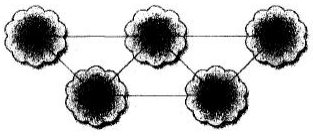
Table 12.0.4.B. Additional Permitted Landscape Materials	
Bark and Mulch	Permitted but cannot exceed 75% of the planting area and in combination with vegetation
Rocks, Stone, and Gravel	Permitted for building base landscaping material only. Landscaping rock and stone are permitted provided it meets a 3/4 inch or 1-1/2 inch in size and shall meet INDOT course aggregate sizes five through 8.
Other Impervious Materials (brick pavers, concrete pavers, decorative concrete)	Permitted in planting areas under 24 inches wide in lieu of plants. Asphalt is prohibited.

(d) Prohibited Landscape Materials. Prohibited landscape materials include rock, gravel, stone used in internal and perimeter parking lot areas and landscape buffer yards; asphalt, thorn-bearing plant species and the 'Juniper' plant species. Flowering species such as roses may be authorized by the Director of Planning and Development.

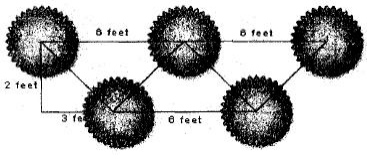
(2) Clustering of Trees. Where trees are required based on a linear footage calculation, it may be possible for these trees to be planted in clusters as opposed to being evenly spaced in a line. In the case where clustering is used, no tree shall be located any closer than ten feet, or any further than 50 feet from the next closest required tree. Any such clustering plan must be approved by the Director of Planning and Development prior to installation of the landscaping.

(3) Staggering Requirement for Trees and Shrubs. When required for perimeter parking landscaping and buffering, trees and shrubs may be required to be planted in staggered rows to provide the effective diagonal planting of the plants.

(a) Tree Staggering. These rows should be planted in a manner to provide for equal spacing both in width and depth between each plant.



(b) Shrub Staggering. Shrubs should be planted in an alternating pattern formed by two rows, two feet apart on center, each of which is made up of shrubs six feet on center.



(4) Undulating Planting Beds. Where applicable, it is desirable to create undulating planting beds to provide more landscape interest, as opposed to trees and shrubs being evenly spaced in a straight line.

(5) Mixing Plant Species. When more than 20 shrubs and ten trees are required on a site to meet these regulations, a mix of species shall be provided. The following table indicates the maximum quantity of trees and shrubs of the same species and genus that may be planted. In addition, shrubs should generally be divided equally between deciduous and evergreen varieties.

Table 12.0.B.4.6
Mixing Plant Species

Total Trees Planted on Site	Total Shrubs Planted on Site	Minimum Number of Species Required	Maximum Percentage of any Single Species
10 to 30	20 to 200	2	70%
30 to 100	200 to 400	3	50%
> 100	> 400	4	30%

(6) Berms. Berms shall maintain a maximum height of six feet and a minimum height of three feet. The berm shall be required to maintain a 3 to 1 slope. The top of such berms shall be located as closely as possible to the property line of the use. The landscaping required in this case shall be equal in number to the landscaping number otherwise required for buffering of the use. In terms of height, the landscaping plus the berm shall be required to meet the height standard that would otherwise be required for the buffering of the use.

(7) Fences or Walls. Decorative fences or walls shall be permitted, in addition to required landscaping, between a nonresidential development and adjacent residential structures or along the frontage of residential subdivisions. This standard does not apply to individual single-family or two-family residences. Fences or walls shall comply with the following:

(a) Fences and walls shall be solid, opaque, and constructed of wood or masonry.

(b) No fence shall be located inside of any required front yard setback unless granted a variance from the Board of Zoning Appeals or a waiver from the Plan Commission and/or Council.

(c) In order to break the visual monotony of a masonry or wood fence or wall, at least one shrub or vine shall be planted abutting the wall for every ten feet of wall length, but not necessarily evenly spaced ten feet apart.

(d) The required shrubs/vines shall be installed outside of the fence/wall, and the fence/wall shall be erected a minimum of four feet inside the property line to allow for the planting and maintenance of the shrubs/vines.

(e) In lieu of the vine or shrubbery requirements above, the Director of Planning and Development shall be authorized to approve a masonry wall having significant design variation evenly spaced at internals of not more than 20 feet.

(8) Duplicate Planting Requirements. It is not the intent of this chapter to generate multiple rows of trees and shrubs resulting from implementation of this chapter together with street tree requirements and/or other landscaping treatments. In these instances, the most restrictive standard shall be used. In some instances, where the building or parking lot setback from the right-of-way is greater than 20 feet, street trees may still be required in addition to other landscaping requirements, per the discretion of the Director of Planning and Development.

(9) Application Variations.

(a) Central Core Map (Appendix G). Due to the more compact layout of the Central Core Map, normal landscaping requirements may be impractical, therefore modified parking lot and landscaping buffer requirements are outlined in the associated tables in §§ 159.184 and 159.185.

(b) Corporate Campus Planned Development District (CCPD). See § 159.107 for landscaping requirements.

(c) Federal Hill Planned Development District (FeHiPD). See § 159.109 for landscaping requirements.

(d) Village Center Planned Development District (VCPD). See § 159.109 for landscaping requirements.

(e) All Other Areas. Landscaping standards as set forth within this chapter, apply to all areas within the Noblesville Planning Jurisdiction outside of the Central Core Map, Corporate Campus Planned Development District, Federal Hill Planned Development District, and the Village Center Planned Development District as described above.

(10) Installation Prior to Certificate of Occupancy. All landscaping required by the approved landscaping plan shall be installed prior to issuance of the final certificate of occupancy unless approved by the Director of Planning and Development for weather related reasons or unique circumstances. Where landscaping cannot be installed, a surety bond must be posted with the city covering 110% of the estimated installation costs including the plant materials.

(Ord. 64-11-08, passed 12-9-08; Am. Ord. 31-9-10, passed 9-28-10; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 22-06-13, passed 7-9-13; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 25-07-17, passed 8-15-17)

§ 159.184 PARKING LOT LANDSCAPING.

(A) Intent. Parking lot landscaping required by this section is intended to promote attractive, safe, off-street parking lots by providing minimum requirements for installation and maintenance of landscaped areas. This section places a high priority on the safe flow of pedestrians and vehicles within a parking lot. It also requires adequate safe emergency lanes for fire trucks and other emergency vehicles.

(B) Application.

(1) Required parking lot landscaping shall consist of two types: 1) Interior Parking Lot Landscaping, and 2) Perimeter Parking Lot Landscaping as described below. The standards required for these two types of landscaping shall be determined by the "class" of parking lot proposed on the site. The parking lot "class" shall be determined by the total number of proposed parking spaces for a given use.

(a) Class A 0 to 20 spaces

(b) Class B 21 to 50 spaces

(c) Class C 51 to 200 spaces

(d) Class D >200 spaces

(2) Where parking lots and/or parking lot landscaping were legally existing as of the effective date of this chapter, but do not conform to the provisions of this chapter, such parking lots shall be considered legally non-conforming. Upon any expansion to such non-conforming parking lots and/or parking lot landscaping, or the expansion or alternation of a structure associated with that parking lot and/or parking lot landscaping, the entire parking lot existing and expanded shall be subject to the requirements of this subchapter.

(C) Interior Parking Lot Landscaping.

(1) Planting Islands. In some cases where parking is required for a use, a certain percentage of the paved area must be maintained as landscape areas which include landscape islands and peninsulas. To function as an "LID Stormwater BMP", the landscape island or peninsula shall be at a lower grade than the surrounding pavement and curbing shall allow drainage from pavement to enter into recessed landscape areas. For the purposes of calculating this requirement the following table shall be employed.

Table 12.0.5.C.1.
INTERIOR PARKING LOT LANDSCAPE REQUIREMENTS

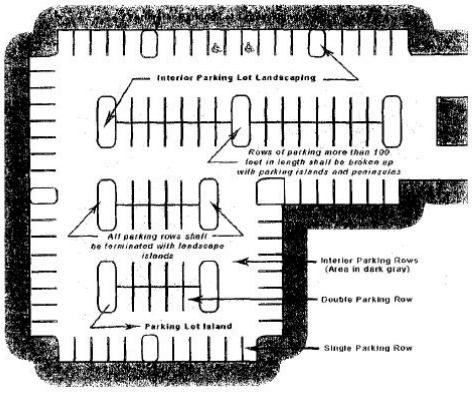
	Percent of Required Landscaping in Parking Lot	Maximum Parking Lot Island Size (Square Feet)
Class A	1%	180
Class B	5%	750
Class C	8%	1,000
Class D	11%	No Maximum

(a) All single row parking landscape islands and peninsulas shall be a minimum of 180 square feet in area with a minimum width of nine feet measured from back of curb to back of curb or edge of pavement. Each island and peninsula shall contain a minimum of one canopy tree and five evergreen or deciduous shrubs, or ornamental grasses. If the landscape island is intended to function as an

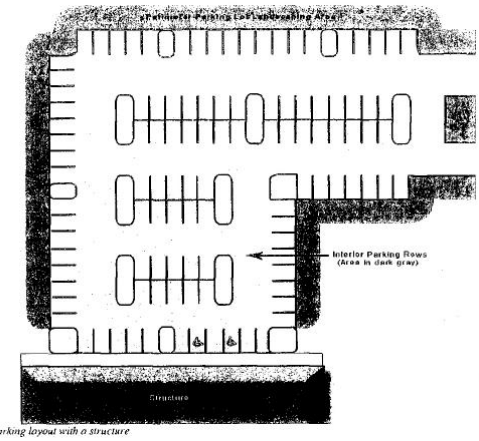
"LID Stormwater BMP", then the plant material should be able to tolerate and thrive at various depths and lengths of inundation. Refer to Appendix H-3 "Stormwater Technical Standards Manual."

(b) All double row parking landscape islands shall be a minimum of 240 square feet in area with a minimum width of nine feet measured from back of curb to back of curb or edge of pavement. Each island and peninsula shall contain a minimum of two canopy trees and ten evergreen or deciduous shrubs, or ornamental grasses.

(c) All interior parking rows shall be terminated at both ends with landscape islands. The exterior parking rows abutting the perimeter parking lot landscaping area, which are not adjacent to a structure, shall require the installation of one additional canopy tree at both ends of the exterior row. All parking islands shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of 100 feet in length. For calculating purposes, handicapped parking spaces shall count as one parking space. (See illustrations below.)



Parking layout without a structure.



Parking layout with a structure

(d) One hundred percent of every parking lot island or peninsula outside of shrub masses shall be planted in turf or other approved groundcover in the appropriate density to achieve complete cover within two years as determined by the approved landscape plan.

(e) If the specific application of the interior landscape requirements will seriously limit functions of the building site, the Director of Planning and Development shall have the authority to permit consolidation and relocation of these landscaped areas on the building site.

(f) The primary plant materials used in parking lots shall be canopy tree species, in conformance with applicable provisions of §159.183(A) and (B) above. Understory trees, shrubbery, hedges, and other plant materials may be used to supplement the canopy tree plantings, but shall not be the sole contribution to such landscaping.

(D) Perimeter Parking Lot Landscaping.

(1) Intent and Application. The landscape requirements identified below provide for the enhancement of all parking lots by recognizing two distinct conditions. The first condition is where parking lots are located within front and corner side yards, where a uniform scheme of landscaping is required to protect the aesthetics along public streets. The second condition is where parking lots are located within rear and interior side yards and minimum requirements for beautification of both residential and nonresidential uses are desired. The intent is to require a higher level of landscaping abutting or adjacent to residential uses (principally multi-family uses) than for non-residential uses. It should be noted that the issue of reducing impacts between dissimilar uses is addressed in § 159.186.

(2) Area and Configuration.

Table 12.0.5.D.2.
PERIMETER PARKING LOT LANDSCAPING REQUIREMENTS

Parking lots adjacent to, abutting, or by yard type	Central Core Map	All Other Areas	Required Trees (per 100 linear feet)	Required Shrubs (per 100 linear feet) (Minimum height 24-inches at time of planting)
Public street, private street, front yards abutting residential uses/ zone district	10 feet (Perimeter landscape width)	20 feet (Perimeter landscape width)	2 staggered canopy	33 staggered deciduous or evergreen shrubs
Rear and interior side yards abutting or across from a residential use/ zone district	10 feet (Perimeter landscape width)	10 feet (Perimeter landscape width)	3 staggered canopy trees and 2 under- story	33 staggered deciduous or evergreen shrubs
Rear and interior side yards abutting a non-residential use/ zone district	5 feet (Perimeter landscape width)	10 feet (Perimeter landscape Width)	2 staggered canopy	33 staggered deciduous or evergreen shrubs

1. For calculation purposes, plant quantities are rounded up to the nearest whole number when the calculation is .5 or greater.
2. Refer to tree and shrub staggering diagrams.
3. Setbacks are the minimum required unless specified elsewhere in this chapter.

(a) These requirements may be altered by the Director of Planning and Development, Plan Commission, or the Board of Zoning Appeals to protect vehicular or pedestrian traffic or to facilitate free movement of emergency vehicles.

(b) All trees shall be planted within ten feet of the parking lot edge.

(c) All shrubs shall be planted within five feet of the parking lot edge.

(3) Shared Parking Facilities. All paved areas that encroach upon the required ten foot perimeter parking lot landscape areas, except those abutting a public right-of-way shall conform to the following.

(a) The total area that is removed must be provided as interior parking lot landscaping on those parcels. This area shall not be counted towards the overall required interior parking lot landscaping as stated above.

(b) Plantings in these areas shall comply with the standards stated in this section.

(E) Parking Garages. All parking garages shall be required to meet the following landscape and urban design requirements:

(1) Perimeter Landscaping. Parking structures shall provide along any street frontage pedestrian-related amenities such as sitting areas, planters, and visually interesting wall surfaces at the street level. There shall be such amenities provided so that 20% of the building facade will contain such spaces. Such amenities shall be evaluated through Site Plan Review. In all cases, there shall be a minimum sidewalk width along the street of eight feet that shall not be impeded by such pedestrian-related amenities.

(2) Interior Landscaping. Interior landscaping requirements for parking garages may be met by providing hanging baskets, landscape planters, and/or flower boxes around the exterior of the first three levels of the parking garage structure.

(Ord. 64-11-08, passed 12-9-08; Am. Ord. 23-06-10, passed 7-13-10; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 22-06-13, passed 7-9-13)

§ 159.185 BUILDING BASE LANDSCAPING.

The entire base of each commercial/industrial/institutional and multi-family building shall be surrounded by a landscape strip as prescribed in the table below. Such landscaping shall not be counted toward the overall required plantings for the interior parking lot. These landscape strips may be broken by pedestrian access ways; however, these access ways may not constitute more than 10% of the total area of the required landscape strip. No more than 40% of the required building base landscape area shall be located on any one side of the building. Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two feet and eight feet, respectively. In certain circumstances additional standards shall be required as follows:

Table 12.0.6.

BUILDING BASE LANDSCAPING REQUIREMENTS

	Central Core Map[1]	***All Other Areas***	***Required Trees (per 100 linear feet)***	***Required Shrubs (per 100 linear feet)***
Buildings adjacent to or across from parking area, public road or residential use/ zone district	10 feet (landscape width)	10 feet (landscape width)	3 understory trees	33 deciduous or evergreen shrubs, or ornamental grasses
Building adjacent to or across from a similar use, commercial or industrial uses, or private road	5 feet (landscape width)	10 feet (landscape width)	2 understory trees	15 deciduous or evergreen shrubs, or ornamental grasses

1. Where zero front yard setbacks are permitted and utilized, building base landscaping requirements are waived. If the front yard setback utilized is less than the building base landscaping requirement, the building base landscaping requirement may be reduced by the difference of the two.

2. For calculation purposes, plant quantities are rounded up to the nearest whole number when the calculation is .5 or greater.

(A) Loading Areas. Where a drive-thru or loading area is permitted or required for a use, and where it is necessary to locate this drive-thru or loading area inside of the building base landscaping, the affected landscape areas may be moved. In these cases, an area of landscaping equal to the amount removed must be added to other areas of the building's base landscaping.

(Ord. 64-11-08, passed 12-9-08; Am. Ord. 23-06-10, passed 7-13-10; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 25-07-17, passed 8-15-17)

§ 159.186 LANDSCAPE BUFFER YARDS.

(A) Applicability. The regulations of this section shall establish the dimensions and improvement requirements of landscape buffer yards as required for transitions between uses and along the city's corridors.

(B) Changes in Landscape Buffer Yards for Planned Developments. Landscape buffer yards may be established, increased, or decreased by the Plan Commission and Common Council as part of the zoning approval of any planned development.

(C) General Restrictions. Landscape buffers around an entire land use shall be reserved for the planting of material and installation of other buffering materials as required within this section. No parking, sidewalks, stormwater detention facilities, regulated drains, fences, walls, accessory buildings, structures, easements or other impervious surfaces shall be permitted to be located inside any required landscape buffer yard. Allowable encroachments include landscaping and earthen berms. Consideration may be given to driveways and sidewalks needed to service a use or building and can be administratively approved by the Director of Planning and Development, or decorative walls/fences approved by the Plan Commission and Council for a planned development. All landscape buffer yards shall include a variety of landscape plants per development. Buffering requirements, when applicable, shall be used to supplement all other required landscaping and shall not be used in lieu of other required landscaping, unless otherwise stated in this subchapter.

(D) Maintenance of Landscape Buffer Yards. Landscape buffer yards are designated as Common Area/Landscape Buffer Yard and shall be maintained by the homeowner's association and/or developer as per the declaration of covenants for the subdivision and/or planned development. Other acceptable recordable documentation for the maintenance of the landscape buffer yards may be approved by the Director of Planning and Development on a case-by-case basis.

(E) Size and Improvement of Landscape Buffer Yards. The size and improvement of the landscape buffer yards for various situations shall be as per the table below.

Table 12.0.7.E.

LANDSCAPE BUFFER YARD REQUIREMENTS

Proposed Use or Zoning District	***Landscape Buffer Yard Width***	***Required Trees (per 100 linear feet)***	***Required Shrubs (per 100 linear feet) (Minimum 24-inches at the time of planting)***	***Other Requirements***

Table 12.0.7.E.

LANDSCAPE BUFFER YARD REQUIREMENTS

Proposed Use or Zoning District	***Landscape Buffer Yard Width***	***Required Trees (per 100 linear feet)***	***Required Shrubs (per 100 linear feet) (Minimum 24-inches at the time of planting)***	***Other Requirements***
Downtown as per adopted map per Appendix G	Exempt	Exempt	Exempt	Exempt
GB, PB, LB, VC Adjacent to or abutting a residential use/zone	30 feet	2 staggered evergreen canopy trees and 1 deciduous canopy tree	33 staggered deciduous or evergreen shrubs	Fences or walls may be used in combination with landscaping. A berm may be used to supplement the required landscaping.

I1, I2, I3 Adjacent to or abutting a residential use/zone	40 feet	2 staggered evergreen canopy trees and 1 deciduous canopy tree	33 staggered deciduous or evergreen shrubs	Fences or walls may be used in combination with landscaping. A berm may be used to supplement the required landscaping.
Park, Recreation, Institution al Uses Adjacent to or abutting a residential use/zone	25 feet	2 staggered canopy trees	16 staggered deciduous or evergreen shrubs	Fences or walls may be used in combination with the required landscaping. {'{'}A berm may be used to supplement the required landscaping. {'}'}
R5, RMH, ZLL, Land Use Variance Adjacent to or abutting a residential use/zone	15 feet	2 staggered evergreen under-story trees and 1 deciduous under-story tree	16 staggered deciduous or evergreen shrubs	Fences or walls may be used in combination with the required landscaping. {'{'}A berm may be used to supplement the required landscaping. {'}'}
Downtown as per adopted map per Appendix G	Exempt	Exempt	Exempt	Exempt
GB, PB, LB, VC Adjacent to or abutting a residentia l use/zone	30 feet	2 staggered evergreen canopy trees and 1 deciduous canopy tree	33 staggered deciduous or evergreen shrubs	Fences or walls may be used in combination with landscaping. A berm may be used to supplement the required landscaping.
I1, I2, I3 Adjacent to or abutting a residentia l use/zone	40 feet	2 staggered evergreen canopy trees and 1 deciduous canopy tree	33 staggered deciduous or evergreen shrubs	Fences or walls may be used in combination with landscaping. A berm may be used to supplement the required landscaping.
Park, Recreation , Institutio nal Uses Adjacent to or abutting a residentia l use/zone	25 feet	2 staggered canopy trees	16 staggered deciduous or evergreen shrubs	Fences or walls may be used in combination with the required landscaping. A berm may be used to supplement the required landscaping.
R5, RMH, ZLL, Land Use Variance Adjacent to or abutting a residentia l use/zone	15 feet	2 staggered evergreen understory trees and 1 deciduous understory tree	16 staggered deciduous or evergreen shrubs	Fences or walls may be used in combination with the required landscaping. A berm may be used to supplement the required landscaping.
Adjacent to or abutting an Arterial or Expressway	40 feet	3 staggered canopy trees of a minimum 3.5-inches caliper	33 staggered deciduous or evergreen shrubs	Fences or walls may be used in combination with landscaping. A berm may be used to supplement the required landscaping.
CCPD	See § 159.109(G), landscaping requirements	See § 159.109G), landscaping requirements	See § 159.109(G), landscaping requirements	See § 159.109(G), landscaping requirements
Planned Development s	50 feet	3 staggered canopy trees or evergreen trees	33 total staggered deciduous and evergreen shrubs	Fences or walls may be used in combination with landscaping. A berm may be used to supplement the required landscaping.
Adjacent to or abutting an Arterial or Expressway	40 feet	3 staggered canopy trees of a minimum 3.5-inches caliper	33 staggered deciduous or evergreen shrubs	Fences or walls may be used in combination with landscaping. A berm may be used to supplement the required landscaping.
CCPD	See § 159.107(F)(8)(b)6. Perimeter Site Buffering. For specifics not addressed in this noted section, refer to “Planned Developments” (see below).			

Planned Development s	50 feet	3 staggered canopy trees or evergreen trees	33 total staggered deciduous and evergreen shrubs	Fences or walls may be used in combination with landscaping. A berm may be used to supplement the required landscaping.

1. Areas not planted with trees or shrubs shall be maintained as turf or other groundcover approved by the Director of Planning and Development.
2. Ornamental grass may be substituted for shrubs up to a maximum of 20%.
3. For calculation purposes, plant quantities are rounded up to the nearest whole number when the calculation is 0.5 or greater.
4. Refer to tree and shrub staggering diagrams.

(Ord. 64-11-08, passed 12-9-08; Am. Ord. 23-06-10, passed 7-13-10; Am. Ord. 25-7-10, passed 8-24-10; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 31-09-13, passed 9-24-13; Am. Ord. 12-04-17, passed 4-25-17)

§ 159.187 SCREENING.

(A) Standards. Standards for screening shall be established below. When the following standards differ from standards otherwise outlined by this chapter, the most restrictive standard shall apply.

(B) Applicability. This section shall apply to the following:

(1) Trash Receptacle Enclosures. All trash receptacles shall be completely screened by a wall on three sides matching the materials, colors, and architecture of the principal building located on the parcel. The fourth side shall consist of a metal gate or other similar materials completely hiding the trash receptacle. The enclosure must measure a minimum of six feet in height or two feet above the height of the trash receptacle, whichever is greater. Trash receptacle enclosures shall not be located in front of any building, adjacent to a collector, arterial, or expressway, or adjacent to any residential use.

(a) Landscaping is required on three sides of the enclosure and shall include evergreen understory trees at three feet on center or evergreen canopy trees five feet on center, and a minimum height of six feet.

(2) Service/Material Yard and Storage Areas. All service yards shall be completely screened by a fence, split faced block wall, continuous evergreen screen, or combination of the three. The screen must measure a minimum of seven feet in height. All non-vegetative screen methods shall as closely as possible match the architecture of the building which the service yard is serving.

(a) Landscaping shall include evergreen understory trees at three feet on center or evergreen canopy trees five feet on center, and a minimum height of seven feet.

(3) Display Areas. All display areas which front on a public or private street shall be required to plant three deciduous trees per 100 linear feet of frontage of display area onto the public or private street or any fraction thereof.

(4) Heating and Cooling Facilities. Ground mounted heating and cooling units for non-residential and multi-family structures shall be completely screened.

(Ord. 64-11-08, passed 12-9-08; Am. Ord. 25-7-10, passed 8-24-10; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 53-10-15, passed 11-10-15)

§ 159.188 STREET TREES.

Street trees shall be installed within any new subdivision pursuant to §159.087.

(Ord. 64-11-08, passed 12-9-08)

§ 159.189 INSPECTION.

The Director of Planning, or a duly appointed representative, shall have the authority to visit any lot to inspect the landscaping and check it against the approved plan on file. Upon completion of the required landscaping, as per the approved plan, it shall require an inspection to determine that the landscaping complies with the approved plan and shall be completed prior to the issuance of a FINAL certificate of occupancy for the structure. A certificate of compliance shall be issued for those landscaping areas that comply with the approved landscaping design plans. For those landscaping areas, which are not one- or two-family structures, the posting of a three-year maintenance bond is required for 110% of the cost of installation and plant materials. The cost of installation shall be certified by landscape contractor or licensed landscape architect.

(Ord. 64-11-08, passed 12-9-08)

§ 159.190 CHANGE TO AN APPROVED LANDSCAPE PLAN.

Any change or deviation to an approved landscape plan shall require the approval of the Director of Planning and Development. Changes which do not conform to this subchapter shall be subject to the procedures for a variance as established in §§ 159.040 through 159.045 or §§ 159.105 through 159.108 for planned developments, a part of this chapter. Landscape improvements made to a lot that are not in conformance with an approved landscape plan shall be a violation of this chapter, and subject to the fines and penalties established in §§ 159.220 through 159.226 and Appendix A of the Unified Development Ordinance.

(Ord. 64-11-08, passed 12-9-08)

§ 159.191 INSTALLATION AND MAINTENANCE.

(A) Plant Installation. All landscaping materials shall be installed in accordance with the current planting procedures established by the American Nursery and Landscape Association as “American Standards for Nursery Stock” and the “Noblesville Arboriculture Specifications Manual” for street trees.

(B) Maintenance.

(1) The owner/developer of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials and structures in accordance with these standards and as indicated on the landscaping plan certified by the Director of Planning and Development. All landscaping materials shall be maintained in good condition so as to present a healthy, neat, and orderly appearance, and plant materials not in this condition shall be replaced when necessary and shall be kept free of weeds, refuse, and debris.

(2) If any planting material dies or is removed, it shall be the responsibility of the property owner/developer to replace the materials immediately. The replacement landscaping must match the existing landscaping being replaced in height, size, number, and bulk. In cases where a practical difficulty exists in the adherence to this standard, the Director of Planning and Development may authorize replacement landscaping different than that required above. Such alternative landscaping must meet the intent and objectives outlined in this subchapter and such authorization must be received prior to the removal of the original landscaping.

(3) Fences, walls, and other barriers shall be maintained in good repair. Irrigation systems shall be maintained in good operating condition to promote the health of the plant materials and the conservation of water. The enforcement of the above shall be stated in covenants adopted as part of this approval process when applicable.

(Ord. 10-03-13, passed 4-9-13)

§ 159.192 NATURAL AREA PROTECTION.

The purpose and intent of this section establishes regulations for the preservation of natural areas to prevent the unnecessary cutting, removal, or killing of trees, and/or native vegetation; to provide protection for these critical areas including woodlands or high tree concentrations; critical habitats that contain rare, threatened or endangered species; wooded 100-year floodplains; wooded wetlands; wooded slopes; wooded or partially wooded stream corridors with drainage areas greater than 50 acres; and riparian areas. The intent is to promote the health, attractiveness, and safety of the community; to foster aesthetically pleasing and environmentally sensitive development that protects and preserves the appearance and character of the city, and encourages preservation of natural areas such as mature tree stands and stream corridors. These regulations promote important physical and psychological benefits through the use of preservation and protection of the natural areas reducing noise and light pollution; promoting innovative and cost conscious approaches to design, installation, and maintenance of said areas, and establishes procedures for the administration and enforcement. These regulations apply to both new site development and any redevelopment of a site.

(A) Natural Area Tree Preservation Plans.

(1) Tree preservation plans shall be submitted prior to any site development including redevelopment of a site, grading, excavating, construction of a new building or structure, new site development and/or any other use or permit as deemed appropriate by the Director of Planning or his or her designee.

(2) Evaluation of the tract’s natural areas shall be undertaken by an arborist, landscape architect, or horticulturalist.

(3) All trees which possess a diameter requirement of a minimum of six inches shall be inventoried and included on the tree preservation plan.

(4) Tree preservation plans shall detail locations, sizes, and common name of preserved trees, individual shrubs, areas of dense tree or shrub concentrations, and other natural features that are to be preserved or removed.

(5) Existing trees that are preserved shall be credited toward required landscaping requirements based on the sizes and locations of such preserved trees.

(6) Fencing, barriers, or other materials shall be specified on the tree preservation plan. All tree preservation plans shall be approved by the Director of Planning and Development or his/her

designee.

(B) Tree Preservation.

(1) Trees must have a life expectancy of greater than ten years.

(2) Trees/vegetation shall be in good condition.

(3) Trees shall have a relative sound and solid trunk with no extensive decay.

(4) Trees shall have no more than one major dead limb or several minor dead limbs.

(5) Trees shall have no major insect or pathological problems.

(C) Tree Preservation Efforts.

(1) The practicality of arranging the site plan components around existing natural areas shall adhere to the following:

(a) Plans for groups of structures should be designed to preserve areas of high tree concentrations, desirable individual tree specimens, and desirable stands of trees and shrubs.

(b) The condition of the vegetation with respect to its continued vitality.

(c) The possibility of preserving vegetation through pruning rather than removal.

(d) The desirability of a particular tree or species by reason of its appearance, historic or ecological significance, botanical characteristics, and the function that the vegetation would fulfill as a site plan component.

(e) The practicality and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation.

(f) The potential for interference with utility services along the use of the roads and walkways.

(D) Credits for Saving Mature Trees. Where it is possible to save older and/or larger trees, each tree determined to qualify and designated on the landscape plan subsequently shall be saved and credited toward other required tree plantings. The location of the trees to be saved shall be used to determine the areas where landscaping requirements can be redirected. The diameter of the trees that qualify under this section, and the respective credits that they merit, are listed in the table below:

Table 12.0.12.D. TREE PRESERVATION CREDITS	
Diameter of Tree (measured at a point four feet above grade)	Credit
Less than 2.5 inches	No Credit
2.6 inches to 5.9 inches	1 to 1
6 to 17.9 inches	2 to 1
18 inches or greater	3 to 1

(E) Protection Practices.

(1) Protecting the root zone is the most critical factor in tree preservation throughout the development process. Disturbances within this area directly affect tree survival. To protect the root zones, the following standards apply:

(a) When earthwork, grading, or construction activities are planned adjacent to a natural area, a limit of disturbance line shall be shown on the construction plans and tree preservation plans. All such areas shall be protected through installation of temporary fencing, barriers, or other measures approved by the Director of Planning. Such fencing, barriers, or other materials shall be installed and identified through signage as a “TREE PRESERVATION ZONE” (multiple signs) prior to commencing land disturbance, and shall remain throughout the period of construction.

(b) Barriers shall be used to protect trees during site development. The root zone of trees shall include no less than the total area beneath the tree(s) canopy as defined by the farthest canopy of the tree(s) plus a five-foot wide protective buffer.

(c) Disturbed areas adjacent to tree preservation zones shall be mulched to provide additional protection to tree roots.

(d) Grading measures or protective devices, such as tree wells, tree walls, or specialized fill and pavement designs, shall be installed when necessary to preserve identified tree specimens.

(e) Grade changes adjacent to tree preservation zones shall not result in alteration to soil or drainage conditions that would adversely affect existing vegetation. These areas shall be evaluated for flood tolerance and stormwater routed around these areas deemed intolerant of an increase of additional flow from urbanization.

(f) Construction site activities such as parking, material storage, burry pits, concrete washout, etc., shall not be allowed within the tree preservation zone.

(g) The determination of sight-distance clearances along roadways shall be completed graphically and submitted to the Department of Planning and Development for review and approval.

(h) No disturbance shall be permitted within the tree preservation zone including trenching, backfilling, driving or parking equipment, and/or dumping of trash, oil, paint, or other materials detrimental to plant health. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. No notices or other objects shall be nailed or stapled to preserved trees.

(i) Mature trees shall not be topped. The trees shall be pruned according to procedures established by the American National Standards Institute A300 Pruning Standards.

(j) Should any tree designated for preservation die within five years of project completion, the owner/developer/ association shall replace such tree with a tree of equal tree preservation value within 180 days based on the following calculations:

Table 12.0.12.E.j. TREE PRESERVATION REPLACEMENT REQUIREMENT	
Diameter of Tree Removed	Calculation for required number of replacement trees at 2.5 inches caliper
Less than 8 inches	Diameter of tree removed divided by 2.5
8 to 16 inches	2 times diameter of tree removed divided by 2.5
Greater than 16 inches	4 times diameter of tree removed divided by 2.5

(k) Trees, vegetation, and shrub removal shall not be permitted prior to the issuance of an improvement location permit.

(l) Plantings, landscaping, and removal of existing natural areas shall be subject to inspections to verify compliance.

(Ord. 64-11-08, passed 12-9-08; Am. Ord. 32-10-11, passed 11-15-11; Am. Ord. 10-03-13, passed 4-9-13)

ENVIRONMENTAL PERFORMANCE STANDARDS

§ 159.200 PERFORMANCE STANDARDS (GENERAL).

The standards contained in this subchapter shall apply to all uses in all zoning districts unless otherwise stated.

(Ord. 09-03-12, passed 3-27-12)

§ 159.201 LIGHTING.

All on-site lighting of buildings, lawns, and parking areas shall be designed so as not to shine or cause glare in excess of 0.5 footcandle onto any adjacent building or property, or onto any public street or vehicle thereon. Regulations relating to minimum parking lot lighting may be found in §§ 159.140 et seq. - Off-Street Parking and Loading.

(Ord. 09-03-12, passed 3-27-12; Am. Ord. 10-03-13, passed 4-9-13) Penalty, see § 159.999

§ 159.202 GLARE AND HEAT.

No use on a property shall produce any glare or heat that is detectable, without the aid of instruments, at the property lines of the lot on which the use is located.

(Ord. 09-03-12, passed 3-27-12) Penalty, see § 159.999

§ 159.203 NOISE.

(A) Excessive noise shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume.

Table 13.4 Sound Limits		
Sound Pressure Level Limits Measured in dB(A)'s		
Districts	***Day***	***Night***
Industrial	65	60
Commercial	60	50
Residential and all other districts	55	45

(1) Where the emitting and receiving premises are in different districts, the limits governing the more restrictive district shall apply to any regulated noise entering that district.

(2) The levels specified may be exceeded by l0 dB for a single period, no longer than 15 minutes in any one day.

(B) Noises shall be measured with a sound level meter meeting the standards of the American National Standards Institute. The instrument shall be set to the A-weighted response scale and the meter to slow response.

(C) Exempt activities:

(1) Home maintenance activities;

(2) Noise created by chainsaws, construction, and maintenance activities, other than home maintenance, between 7:00 a.m. and 10:00 p.m.;

(3) The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity;

(4) Traffic noise on existing roads;

(5) Emergency construction or repair work by public/private utilities, at any hour; and

(6) Noise created by any recreational activities which are permitted by law including but not limited to parades, sporting events, concerts, and firework displays.

(Ord. 09-03-12, passed 3-27-12; Am. Ord. 10-03-13, passed 4-9-13) Penalty, see § 159.999

§ 159.204 ODORS.

No use on a property shall emit any objectionable odor, or combination of odors that is detectable, without the aid of instruments, at the property lines of the lot on which the use is located.

(Ord. 09-03-12, passed 3-27-12) Penalty, see § 159.999

§ 159.205 SMOKE AND PARTICULATE MATTER.

No use on a property shall release fly ash, dust, smoke, or any other type of particulate matter that violates air quality requirements. All activities shall comply with the applicable regulations of the city, county, state, and/or federal authorities having jurisdiction.

(Ord. 09-03-12, passed 3-27-12) Penalty, see § 159.999

§ 159.206 VIBRATION.

No use on a property shall cause any objectionable vibrations or concussions that are detectable, without the aid of instruments, beyond the boundary lines on which the use is located.

(Ord. 09-03-12, passed 3-27-12) Penalty, see § 159.999

§ 159.207 NOXIOUS OR TOXIC MATERIALS.

No use on a property shall accumulate or discharge outside of any building, materials generally known to be toxic or noxious. Such uses shall comply with the applicable regulations of all city, county, state, and/or federal authorities having jurisdiction.

(Ord. 09-03-12, passed 3-27-12) Penalty, see § 159.999

§ 159.208 FIRE AND EXPLOSIVE HAZARDS.

The storage, use and/or manufacture of combustible, flammable and/or explosive materials shall comply with the current regulations of the Fire Prevention and Building Safety Commission.

(Ord. 09-03-12, passed 3-27-12) Penalty, see § 159.999

§ 159.209 SOLID WASTE AND WATER MATERIALS.

(A) No use on a property shall accumulate on the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable regulations of the city, county, state, and/or federal authorities having jurisdiction.

(B) No authorization of a use under this Unified Development Ordinance includes the authority to discharge liquid or solid wastes into public waters unless approved by city, county, state, and/or federal authorities having jurisdiction.

(C) No use shall produce erosion or pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards, in violation of the applicable regulations of the city, county, state, and/or federal authorities having jurisdiction.

(Ord. 09-03-12, passed 3-27-12) Penalty, see § 159.999

§ 159.210 ELECTRICAL DISTURBANCE.

No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.

(Ord. 09-03-12, passed 3-27-12) Penalty, see § 159.999

NON-CONFORMING USES AND STRUCTURES

§ 159.220 GENERAL REGULATIONS.

(A) Purpose and Scope. Within the districts established by this chapter or by amendments that may later be adopted, there exist the following:

(1) Non-conforming lots;

(2) Non-conforming uses of land;

(3) Non-conforming structures;

(4) Non-conforming uses of land and structures in combination; and

(5) Non-conforming characteristics of use; which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments hereto. It is the intent of this chapter to permit these non-conforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that non-conforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.

(B) Illegal Uses. Illegal uses existing at the time this ordinance is enacted shall not be validated by virtue of its enactment.

(C) Burden of Owner to Establish Legality of Non-conformity. The burden of establishing the legality of a non-conformity that is lawfully existing under the provisions of this chapter is upon the property owner of the non-conformity and not upon the City.

(Ord. 62-12-95, passed 1-22-96)

§ 159.221 GENERAL STANDARDS OF APPLICABILITY.

(A) Avoidance of Undue Hardship. Nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building or development on which construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing building has been substantially begun prior to rebuilding, such demolition or removal shall be deemed to be construction, provided that the work shall be carried on diligently.

(B) Uses Under Conditional Use Provisions are Not Non-conforming Uses. Any use which is permitted as a conditional use in a district under the terms of this chapter shall be deemed a conforming

use in such district without further action.

(C) Ordinary Repair and Maintenance. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10% of the current replacement cost of the non-conforming structure and market value of real estate, or non-conforming portion of the structure, whichever the case may be, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

(Ord. 62-12-95, passed 1-22-96)

§ 159.222 NON-CONFORMING LOTS.

(A) Single Non-conforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption or amendment of this chapter notwithstanding limitation imposed by other provisions of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

Note: This section shall apply only to single-family residences.

(B) Lots in Combination. If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter; and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

(Ord. 62-12-95, passed 1-22-96)

§ 159.223 NON-CONFORMING USES OF LAND.

(A) Authority to Continue. Where, at the time of adoption of this chapter, lawful uses of land exist which would not be permitted by the regulations imposed by this chapter, the uses may be continued so long as they remain otherwise lawful, subject to the following provisions.

(B) Enlargement of Structure. No such non-conforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

(C) Moving. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this chapter.

(D) Termination by Discontinuance or Abandonment. If any such non-conforming uses of land are discontinued or abandoned for more than one year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(E) New Construction. No additional or accessory structure not conforming to the requirements of this chapter shall be erected in connection with such non-conforming use of land.

(Ord. 62-12-95, passed 1-22-96) Penalty, see § 159.999

§ 159.224 NON-CONFORMING STRUCTURES.

(A) Authority to Continue. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not now be built under the terms of this chapter by reason of restrictions on area, lot, coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful.

(B) Structural Alteration or Enlargement. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(C) Extension of Use. A non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

(D) Moving. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(E) Damage or Destruction. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to the extent of more than 50% of the fair market value of the building immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this chapter.

(Ord. 62-12-95, passed 1-22-96) Penalty, see § 159.999

§ 159.225 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

If a lawful use involving individual structures, or a structure and land in combination, exists at the effective date of adoption or amendment of this chapter that would not now be allowed in the district under the terms of this chapter, the lawful uses may be continued so long as it remains otherwise lawful, except as otherwise provided below.

(A) Structural Alteration or Enlargement. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(B) Substitution of Non-conforming Use. If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this chapter.

(C) Change in Use. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

(D) Termination by Discontinuance or Abandonment. When a non-conforming use of a structure, or structure and land combination, is discontinued or abandoned for more than one year (except when government action impedes access to the premises), the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(Ord. 62-12-95, passed 1-22-96) Penalty, see § 159.999

§ 159.226 NONCONFORMING CHARACTERISTICS OF USE.

(A) Authority to Continue. If a characteristic of development or use lawfully exists at the effective date of adoption or amendment of this chapter that would not now be allowed in the district under the terms of this chapter, the lawful characteristic of development or use may be continued so long as it remains otherwise lawful, except as otherwise provided below. Such characteristics of development or use shall include, but not be limited to, items such as landscaping, lighting, parking lots, refuse containers, driveway surfacing, and screening.

(B) Alterations to the Site Requiring Compliance. Any additions to the building or the site that increase the area by more than 40% will require that any nonconforming characteristics of development or use shall comply with the standards of this chapter.

(Ord. 10-03-13, passed 4-9-13)

§ 159.227 NON-CONFORMING USES IN THE FLOOD HAZARD (FH) DISTRICT.

(A) Non-conforming Status for Flood Hazard (FH) District. Any building, structure, or other use in the Flood Hazard (FH) District which is not in conformance with this chapter constitutes a non-conforming use.

(B) Structural Alteration or Enlargement in a Floodway. In a floodway, no non-conforming use may be expanded or enlarged nor can a building undergo substantial modification without a permit for construction in floodway from the Indiana Department of Natural Resources.

(C) Structural Modification in a Floodway Fringe or Flood Plain. In a floodway fringe or flood plain, a building which constitutes a non-conforming use may undergo substantial modification provided such modification is on a one-time-only basis and further provided that such modification does not increase the value of the building by more than 40% of its pre-improvement market value (excluding the value of land), unless such building is permanently changed to a conforming use.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 10-03-13, passed 4-9-13) Penalty, see § 159.999

§ 159.228 NONCONFORMING SIGNS.

Regulations relating to non-conforming signs may be found in §159.171.

(Ord. 10-03-13, passed 4-9-13)

§ 159.229 NON-CONFORMING STATUS FOR R1 AND R1/PD SUBDIVISIONS.

(A) Any building, structure, or use located in an approved R1 or R1/PD zoning district shall adhere to the standards and requirements adopted for the PD (Planned Development), Primary and/or

Secondary Subdivision Plats, and/or the Rl Bulk Standards as listed in Table 5, Summary of Residential Bulk Requirements (see § 159.106).

(B) Any existing structure or proposed structure meeting the requirements of the adopted planned development, primary or secondary plat, and/or the requirements above, shall be allowed to construct a new structure or modify an existing structure without having to seek a variance from the Board of Zoning Appeals.

(Ord. 18-5-11, passed 6-14-11; Am. Ord. 10-03-13, passed 4-9-13)

ENFORCEMENT

§ 159.240 AUTHORITY.

The Director of Planning and Development or his authorized representatives are hereby designated to enforce this chapter.

(Ord. 62-12-95, passed 1-22-96)

§ 159.241 COMPLAINTS REGARDING VIOLATIONS.

Whenever the Director of Planning and Development receives a complaint alleging a violation of this chapter, he shall investigate the complaint and shall take whatever action is warranted in accordance with this subchapter.

(Ord. 62-12-95, passed 1-22-96)

§ 159.242 PERSONS LIABLE.

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation, suffer the penalties, and be subject to the remedies herein provided.

(Ord. 62-12-95, passed 1-22-96)

§ 159.243 RIGHT OF ENTRY.

The Director of Planning and Development or his authorized representatives pursuant to this subchapter, may make inspections of all buildings, structures and premises located within the jurisdiction of this chapter to determine their compliance with the provisions of this chapter. Such inspections shall be made between the hours of 8:00 a.m. and 8:00 p.m. on any day except Sunday. All inspections shall be subject to the following standards and conditions.

(A) An inspection may take place only if a complaint has been received by the Director of Planning and Development pursuant to this subchapter, and such complaint, in the opinion of the Director of Planning and Development, provides reasonable grounds for the belief that a violation exists, or such inspection is undertaken as part of a regular inspection program whereby certain areas of the City are being inspected in their entirety by the direction of the Director of Planning and Development.

(B) The Director of Planning and Development or his authorized representative shall furnish to the owner, tenant, or occupant of the building, structure, or premises sought to be inspected, sufficient identification and information to enable the owner, tenant, or occupant to determine the purpose of the inspection, and that the person is a representative of the City.

(C) The Director of Planning and Development or his authorized representative may apply to any court of competent jurisdiction for a search warrant or other legal process for the purpose of securing entry to any premises if the owner, tenant, or occupant shall refuse to grant entry.

(Ord. 62-12-95, passed 1-22-96)

§ 159.244 PROCEDURES UPON DISCOVERY OF VIOLATIONS.

If the Director of Planning and Development (Director) finds that any provision of this chapter is being violated, he or she shall provide written notice to the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The notice shall also state what further action the Director may anticipate taking to enforce this chapter (which shall not be a limit on the enforcement authority of the Director) and that an appeal of his or her decision may be taken. Additional written notice(s) may be provided at the Director's discretion.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.245 STOP WORK ORDERS.

Notwithstanding the foregoing, in cases where delay would threaten the effective enforcement of this chapter, pose a danger to the public health, safety, or welfare, or the Director otherwise determines that it is appropriate under the circumstances, the Director may enforce this chapter without prior written notice by invoking any penalties or remedies authorized in this subchapter, and/or may impose a stop work order as follows:

(A) The Director may issue an order requiring suspension of the pertinent construction or other activity (stop work order) if: construction or activity of proceeding in violation of any standard set forth in building codes adopted by the city, violation of state law pertaining to safety during construction, violation of this chapter, or violations of orders or directives of the Director;

(1) Construction is proceeding in such a manner that, if allowed to continue, there is a reasonable probability that it will be substantially difficult to correct the violation; or

(2) Construction, for which a building permit is required, is proceeding without a building permit being in force.

(B) The stop work order shall:

(1) Be in writing;

(2) State the construction or activity to which it is applicable and the relevant violation(s);

(3) Be posted on the property on which the pertinent construction or activity is occurring;

(4) State the contact information for a representative of the city that may be contacted with information concerning the condition(s) under which the construction or activity may be resumed;

(5) Where available, be provided to the contractor or property owner.

(C) The issuance of a stop work order shall in no way limit the enforcement authority or application of penalties provided elsewhere in this chapter.

(Ord. 32-07-19, passed 7-23-19)

§ 159.246 REVOCATION OF DEVELOPMENT APPROVALS.

An improvement location permit, certificate of occupancy, building permit, or any other development approval may be revoked by the Director of Planning and Development in accordance with this subchapter if the recipient of the approval fails to develop or maintain the property in accordance with the plans submitted, the requirements of this chapter, or any additional requirements lawfully imposed in connection with the issuance of the approval. Before a development approval can be revoked, the Director of Planning and Development shall undertake the following procedures:

(A) Notice and Opportunity to Comment. The Director of Planning and Development shall cause a written notice of intent to revoke the development approval to be delivered to the recipient of the approval at least ten working days prior to the date of the proposed revocation. The notice of intent to revoke the approval shall inform the recipient of the alleged reasons for the revocation and of his right to obtain a hearing on the allegations. The notice shall also inform the approval holder of the alleged grounds for the revocation.

(B) Hearing. If the development approval holder desires a hearing, the Director of Planning and Development shall set a date for a public hearing.

(C) The Director of Planning and Development Decision. After the expiration of the ten working day notice and comment period, or within ten working days of the close of the public hearing, the Director of Planning and Development shall, by written order, render his decision on the proposed revocation. The written order shall contain a statement of the specific reasons and findings of fact that support his decision.

(D) Notification of Decision. The Director of Planning and Development shall send his decision within five working days to the approval holder and any other person(s) previously requesting notification.

(E) Evidence. The burden of presenting sufficient evidence to the Director of Planning and Development to conclude a development approval should be revoked for any of the reasons set forth in this subchapter shall be upon the party proposing the revocation.

(F) Result of Revocation. No person may continue to make use of land or buildings in the manner authorized by any development approval after the approval has been revoked in accordance with the provisions of this subchapter.

(G) Records. A record of all written notices of the intent to revoke a development approval shall be kept on file in the office of the Director of Planning and Development. At least once a year, the Director of Planning and Development shall make public a listing of his decisions, by address, regarding the written notices of the intent to revoke a development approval.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.247 APPEALS.

A decision of the Director of Planning and Development or his authorized representatives may be appealed to the Board of Zoning Appeals pursuant to §59.043(B).

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.248 PRIVATE REMEDIES RESERVED.

Nothing in this subchapter shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this chapter from bringing an appropriate action to secure relief.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 32-07-19, passed 7-23-19)

§ 159.999 PENALTY.

(A) Violations of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, conditional uses, or planned developments shall constitute a common nuisance. Any person convicted of violating this chapter may be fined in accordance with Appendix A - Schedule of Fees, Charges, and Expenses. In addition, any person convicted of violating this chapter shall be required to pay all costs and expenses, including the city and Department's attorneys' fees, related to adjudicating the offense.

(B) Separate Offense. Each day a violation of this chapter continues after receipt of a notice of violation pursuant to this subchapter shall be considered a separate offense.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 32-07-19, passed 7-23-19)

APPENDIX A: SCHEDULE OF FEES, CHARGES, AND EXPENSES

Section

1. Application and Filing Fees
2. Charge for Ordinance Violations
3. Other Expenses

The Common Council shall, by ordinance or resolution, establish a schedule of fees, charges, and expenses and a collection procedure for improvement location permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this chapter requiring investigations, legal, advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Director of Planning and Development and may be altered or amended only by the Common Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

§ 1. APPLICATION AND FILING FEES.

(A) Board of Zoning Appeals.

(1) Conditional Use.

(a) General: $600.

(b) Change of Development Plan: $350 (previously approved under conditional use procedure).

(2) Appeal: $200.

(3) Variances.

(a) Developmental Standards:

1. Single-family: $320 plus $50 per each additional variance.
2. All others: $600 plus $50 per each additional variance.

(b) Land Use Variance: $800 plus $35 per acre.

(c) Fence Variance ONLY (Single-Family or Two Family Dwellings): $150.

(B) Plan Commission.

(1) Change of Zoning Classification:

(a) Residential: $800 plus $35 per lot.

(b) Non-residential: $900 plus $65 per lot.

(c) Modification to zoning commitments:$500.

(2) Subdivision:

(a) Primary Plat:

1. Residential: $800 plus $35 per lot.
2. Non-residential: $1,000 plus $65 per lot.

(b) Secondary Plat:

1. Residential: $400 plus $35 per lot.
2. Non-residential: $500 plus $65 per lot.

(c) Plat Vacation: $300 plus $35 per lot.

(d) Amended plat or replat:

1. Residential: $300 plus $35 per lot.
2. Non-residential:$450 plus $65 per lot.

(e) Waiver from subdivision standards:$500 per waiver.

(3) Planned Unit Development:

(a) Preliminary Development Plan:

1. Residential: $1,200 plus $35 per acre.
2. Non-residential: $1,200 plus $65 per acre.

(b) Detailed Development Plan:

1. Residential: $750 plus $35 per acre.
2. Non-residential: $950 plus $65 per acre.

(c) Amended Development Plan (Previously Approved):

1. $550 (text only).
2. $550 plus $65 per acre.

(d) Special Consideration: $1,000.

(4) Program of Signs (Amendments, and/or Waivers): $500.

(5) Architectural Review Board: $600.

(a) Architectural Review by Staff (for building elevations previously approved by the Architectural Review Board where minor modifications have been made to the building elevation. The elevations shall meet the adopted Planned Development Ordinance regulations): $50 per model elevation.

(6) Modification to Zoning Commitments: $425.

(C) Improvement Location Permit.

(1) Per structure: Included in Building Permit fee.

(2) Land Disturbance/Grading/Infrastructure/Use Lacking a Permanent Structure such as a parking lot and miscellaneous uses and/or items: $150 plus $65 per acre.

(D) Plan Review Fees (Technical Advisory Committee).

(1) Fees calculated based on number of sheets in construction plans minus the Noblesville Standard Sheets.

Number of Sheets	***Review Fees***
Number of Sheets	***Review Fees***
5 or less	$500
6	$765
7	$930
8	$1,085
9	$1,260
10 to 20	$1,325
21 to 40	$1,590
41 to 60	$1,855
61 to 80	$2,120

(2) An additional charge for each revision beyond the second submitted revision (see Technical Advisory Plan Resubmittal Fee) e.g. the initial TAC review, first resubmittal and second resubmittal are included as part of the original fee.

(E) General Construction Inspection Fees (monies are invoiced and collected prior to the issuance of an Improvement Location Permit or Building Permit).

Infrastructure Type	***Unit Rate***	***Minimum Fee***
Streets (includes curbs, signs, trees, trails & sidewalks)	$0.50 per ft. (centerline)	$250
Sanitary sewer (includes daily observations and testing)	$1.00 per ft.	$500
Storm sewer (RCP >= 12" diameter and includes daily observations and testing	$0.50 per ft.	$250
Erosion control	$25 per acre	$100

(F) Building Permits and Certificates of Occupancy.

(1) Residential (road impact fees, park impact fees and sanitary sewer fees, if applicable are collected wit the issuance of the building permit).

(a) Single-Family Residential: $780 plus $.11/sq. ft. (

(b) Two-Family Dwellings: $780 plus $.11/sq. ft.

(c) Multi-Family Dwelling:

1. Apartments: $780 plus $.11/sq. ft. plus $100 per unit plus C of O per building.
2. Condominiums or Townhomes: $780 plus $.11/sq. ft. plus C of O per unit.

(d) Mobile Homes (approved mobile home parks) - $200 per mobile home.

(e) Addition to Existing Building:

1. Single-family or two-family: $150 plus $.10/ sq. ft.
2. Multi-family: $200 plus $.15/sq. ft.

(f) Accessory structures including detached garages, pole barns, mini-barns, open decks:

1. Single-family or two-family: $75 plus $.06/sq. ft.
2. Multi-family: $100 plus $.06/sq. ft.

(g) Remodeling*: $125 plus $.10/sq. ft.

* Fee is for installation or renovation, including installation of central heating and air conditioning system, rewiring, plumbing, and replacement of windows. Application for an improvement location permit is not required.

(h) Basement Finish: $200 plus $25 C of O.

(i) Foundation only: $200.

(j) Electrical Upgrade or Change of Service (increase of service size, phasing on existing service, panel replacement): $75.

(k) New service (electrical): $150

(2) Non-residential Buildings (Industrial, Institutional, and Commercial) (Road Impact Fees and Sanitary Sewer Fees, if applicable, are collected with the issuance of the Building Permit).

(a) Each structure: $800 plus $.20/sq. ft. total floor area.

(b) Addition to existing structure: $300 plus $.15/sq. ft. of total floor area.

(c) Remodeling*: $300 plus $.20/sq. ft.

* Fee is for installation or renovation, including installation of central heating and air conditioning system, rewiring, plumbing, and replacement of windows. Application for an improvement location permit is not required.

(d) Tenant finish: $200 plus $.15/sq. ft.

(e) Foundation only release: $400.

(f) Commercial Accessory Structure not used for storage of supplies or inventory having a maximum size of 200 sq. ft.: $100 plus $40 certificate of occupancy.

(g) Electrical Upgrade or Change of Service (increase of service size, phasing on existing service, panel replacement): $100.

(h) New service (electrical): $200

(3) Miscellaneous permits and fees.

(a) Cell Towers, underground vaults, hoods, underground or above-ground tanks and similar uses: $200 plus $40 C of C.

(b) Demolition: $150 plus $50 for each additional structure on the same parcel/lot.

(c) Moving or changing the location of a Building:

1. Principal Building: $120 + $60 certificate of occupancy.
2. Accessory Building: $48 + $60 certificate of occupancy.
3. Any building moved to a location outside the jurisdictional limits of the city: $60.

(d) Amendment to an Approved Building Permit: $125. (A 20% or less increase in the square footage of the original building per submitted plan. If the square footage percent is greater than the 20%, the fee is calculated as $125 plus the square footage fee for the construction type.)

(e) Incorrect posting of permit and/or address cards: $100.

(f) Building Permit Replacement Cards: $25.

(g) Removal of “Do Not Occupy”* Sticker: $100.

* This sticker is placed in a conspicuous location by the building inspector upon the failure of a rough-in inspection.

(h) Permanent Swimming Pool: $175 plus $.10/sq. ft. plus $25 certificate of occupancy.

(i) Off-Street Parking Lots (Operated by private enterprise for revenue purposes. Excludes local, state, federal government units.): $5/space.

(j) Fence Permit: $25.

(k) Zoning Verification Letter: $85.

(l) Technical Advisory Committee Plan Re-submittal:$500 (Paid prior to TAC review).

(m) Certificate of Compliance (landscaping only): $75.

(n) Home Occupation (annually): $40.

(o) Temporary Use (annually): $300.

(p) Sales Trailers: $500.

(q) Mobile Food Vehicles (annually): $1,000.

(r) Change of Use (building) e.g. office to commercial or commercial to apartment(s): $50.

(4) Inspection Fees (per each re-inspection of construction and/or site phase(s)).

(a) Re-inspection.

1. Residential:

A. First inspection: $75.

B. Each re-inspection: $200.

2. Non-residential:

A. First inspection: $100.

B. Each re-inspection: $300.

(b) Missed Inspection.

1. Residential: $500.

2. Non-residential (commercial, industrial, institutional): $1,000.

(c) Timed Inspection*: $75.

* The payment of this fee allows a specific time to be scheduled with the Department of Planning for a required building inspection. The inspection will then be conducted within 20 minutes of the scheduled time. Notification to the Planning Department shall be, at a minimum, the business day prior to the inspection day.

(d) Same Day Inspections: $200.

(e) *Saturday/After Regular Business Hours: $250 per hour with minimum of 2 hours.

* 48 hours notice prior to the requested Saturday or After Business Hour inspection time. Inspection will be as per availability of inspector(s).

(5) Certificates of Occupancy.

(a) Residential.

1. Single-Family, Multi-Family (Apartments): $100 per building.

2. Two-Family, Multi-Family (Condominiums, Townhomes): $100 per unit.

3. Mobile Home in Approved MH Park: $100 per unit.

4. Accessory Building: $25.

5. Temporary: $75.

(b) Industrial, Commercial, Institutional.

1. Temporary: $125.

2. Final*: $125.

* Notification to the Planning Department shall be a minimum of 48 hours prior to the requested inspection for a Final Certificate of Occupancy.

(c) Occupying a Structure without a Certificate of Occupancy.

1. Residential: $1,100.

2. Commercial: $3,000.

(6) Sign Permits.

(a) Permanent: $150 plus $1/sq. ft. plus $25 C of C.

(b) Construction Sign: $75.

(c) Temporary Signs: $50.

(d) Panel Change Only: $75.

(e) Secondary Window Sign: $50 plus $25 certificate of occupancy.

(f) Signs with approved variances granted by the Board of Zoning Appeals: no fee.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 64-12-96; Am. Ord. 47-12-99, passed 1-10-00; Am. Ord. 25-5-01, passed 6-12-01; Am. Ord. 36-08-02, passed 9-10-02; Am. Ord. 12-02-03, passed 3-11-03; Am. Ord. 29-4-05, passed 5-10-05; Am. Ord. 48-6-05, passed 7-12-05; Am. Ord. 76-9-05, passed 10-11-05; Am. Ord. 89-10-06, passed 11-14-06; Am. Ord. 1-1-07, passed 1-9-07; Am. Ord. 22-4-07, passed 4-10-07; Am. Ord. 13-3-08, passed 4-15-08; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 11-3-09, passed 4-28-09; Am. Ord. 22-6-09, passed 6-23-09; Am. Ord. 26-7-09, passed 8-11-09; Am. Ord. 31-9-10, passed 9-28-10; Am. Ord. 33-10-11, passed 10-25-11; Am. Ord. 24-07-13, passed 8-13-13; Am. Ord. 13-02-14, passed 3-11-14; Am. Ord. 17-04-14, passed 5-13-14; Am. Ord. 37-08-14, passed 9-9-14; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 61-12-15, passed 1-12-16; Am. Ord. 33-07-19, passed 7-23-19)

§ 2. CHARGE FOR ORDINANCE VIOLATIONS.

(A) Zoning and Subdivision. Violations of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, conditional uses, or planned developments shall constitute a common nuisance. Any person convicted of violating this chapter shall be fined $300 and not more than $2,500 for a first violation, and not less than $500 and not more than $7,500 for subsequent violations. Each day of any violation or non-compliance shall constitute a separate and distinct violation of this chapter. In addition, any person receiving a “judgement” for violating this chapter shall be required to pay all costs and expenses, including the city and Department’s attorneys’ fees, related to adjudicating the offense.

(B) Building. Any person or corporation who shall violate any of the provisions of this chapter of the Code or fail to comply therewith or with any of the requirements thereof, or who shall build, reconstruct, or structurally alter any building in violation of any detailed statement or plan submitted and approved there under shall, for each and every violation or non-compliance, be guilty of a misdemeanor and, upon conviction, shall be fined not less than $300 and not more than $2,500 for a first violation, and not less than $500 and not more than $7,500 for subsequent violations. Each day of any violation or non-compliance shall constitute a separate and distinct violation of this chapter. In addition, any person receiving a “judgement” for violating this chapter shall be required to pay all costs and expenses, including the city and Department’s attorneys’ fees, related to adjudicating the offense.

(C) Human Portable Signs (Commercial Signs and Signs containing political or other protected free-speech information). (Effective 12-10-10) Any person or corporation who shall violate any of the provisions of this section of the Unified Development (Code of Ordinances) or fail to comply therewith or with any of the requirements thereof, shall be guilty of a Class C Infraction for the first time offense in a calendar year and may be fined up to $2,500. For second time offenses within a calendar year, it shall be considered a Class B Infraction and may be fined up to $7,500; and the third or subsequent offenses within a calendar year shall be a Class A Infraction and may be fined up to $7,500. In addition, any person receiving a “judgement” for violating this chapter shall be required to pay all costs and expenses, including the city and Department's attorneys' fees, related to adjudicating this offense.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 64-12-97; Am. Ord. 21-6-97, passed 7-28-97; Am. Ord. 47-12-99, passed 1-10-00; Am. Ord. 36-08-02, passed 9-10-02; Am. Ord. 12-02-03, passed 3-11-03; Am. Ord. 76-9-05, passed 10-11-05; Am. Ord. 89-10-06, passed 11-14-06; Am. Ord. 1-1-07, passed 1-9-07; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 31-9-10, passed 9-28-10; Am. Ord. 61-12-

15, passed 1-12-16; Am. Ord. 33-07-19, passed 7-23-19)

§ 3. OTHER EXPENSES.

(A) Performance Bond (also Certified Check, Certificate of Deposit, or Irrevocable Letter of Credit). 110% of the estimated cost of completion of the required public improvements or other site improvements, including landscaping, as may be required by the Planning Department or Engineering Department.

(B) Maintenance Bond.

(1) 15% of the total cost of the required public improvements or other site improvements, including landscaping, as may be required by the Planning Department or Engineering Department.

(C) Reports.

(1) Comprehensive Plan: $15.

(2) Unified Development Ordinance: $25.

(3) Planning Department Annual Report: no charge.

(4) Final Benchmarking Report: $15.

(5) Interim Benchmarking Reports: $15.

(D) Photocopy Prices.

(1) Price per side of page (black & white).

(a) 81/2 x 11: 10¢.

(b) 81/2 x 14: 10¢.

(c) 11 x 17: 20¢.

(2) Price per side of page (color).

(a) 81/2 x 11: $1.

(b) 81/2 x 14: $1.50.

(c) 1l x 17: $1.50.

(E) Map Prices.

(1) 24 x 36 inches (black & white): $10.

(2) 34 x 44 inches (black & white): $15.

(3) 24 x 36 inches (color): $25.

(4) 34 x 44 inches (color): $35.

(5) 11 x 17 inches (color): $3.

(F) Quick Pay Account (QPA). The QPA account is a non-interest bearing account into which building contractors can deposit money from which fee payments can be debited. Fees will be debited from this account at the builder's request to pay fees associated with their construction projects. This program is voluntary and individual accounts can be closed with written notification from the builder.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 25-5-01, passed 6-12-01; Am. Ord. 36-08-02, passed 9-10-02; Am. Ord. 12-02-03, passed 3–11-03; Am. Ord. 76-9-05, passed 10-11-05; Am. Ord. 89-10-06, passed 11-14-06; Am. Ord. 1-1-07, passed 1-9-07; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 61-12-15, passed 1-12-16)

APPENDIX B: APPLICATIONS AND FORMS

Section

1. Applications
2. Forms

§ 1. APPLICATIONS.

PART A. BASIC FILING REQUIREMENTS FOR ALL APPLICATIONS

All applications must meet the following basic criteria along with the requirements specific to the type of application being filed in Part B of this appendix.

A. Prefiling meeting for any application identified in §159.046.

B. A completed application on a form prescribed by the Department of Planning or digital submittal of an application using the Department's online permitting portal when the application type is available on the portal with the required signatures per the application type.

C. Payment of filing fees pursuant to the invoice that you will receive upon the acceptance/docketing of your application. The fee must be paid within ten (10) business days of receipt.

D. All submittals must be made via file share site, flash drive or other similar media. All documents must be in Portable Document Format (PDF).

E. Each drawing type (i.e. construction plans, landscaping plans, architectural plans, etc.) must be submitted in a single file by type. Individual sheets as separate files from drawing sets will not be accepted, but each required submittal must be a separate file - DO NOT FILE as one total document. Refer to the Unified Development Ordinance, Noblesville Standards, and Stormwater Technical Standards for additional guidance and requirements.

F. All construction plans shall include the name and address, telephone number, email address, and registration number of the professional engineer, architect, landscape architect, and surveyor responsible for the design, public improvement, and surveys.

G. All plans shall be clearly legible and readable.

H. All sheets shall be numbered in sequence.

I. All plans shall be appropriately scaled based upon the level of detail required on the drawings.

J. All drawings shall include graphic scale, north arrow, date, revisions dates including reason for revision, and by whom the revision was made.

PART B. REQUIREMENTS BY APPLICATION TYPE

Section 1. Site Plan Review. Applications for site plan review shall contain the information listed under §159.041, for the Site Plan Review as required, and the following additional application materials:

A. Completed application on forms supplied by the Department of Planning and Development for all required processes that may include Technical Advisory Committee review, Secondary Plat, or any other process deemed necessary by staff and identified at the Pre-Filing Conference.

B. Legal description of the property.

C. Drainage Reports. Shall include a statement signed by an Indiana Registered Professional Engineer stating that:

1. The site plan shall conform to any applicable standards for site drainage;
2. Except where a specific variation is stated, the design of all improvements is in accordance with applicable city regulations as well as standard and good engineering practice;
3. The site plan will not overload existing storm or sanitary sewers.

D. Post Water Quality (BMP) report.

E. Certifications, seals, and signatures required for the dedication of land and recording of the document.

F. Construction Schedule.

G. Contents of drawings. The applicant shall prepare and submit Civil Drawings prepared by a licensed engineer or architect subject to the following:

1. Scaled drawings at 1"= 20', 1"= 30', or 1"= 40'.

2. An accurate legal description and survey of the entire area being developed.

3. A development plan indicating all uses, parcels, lots lines, building location pads, recreational areas (residential), vehicular access ways, pedestrian ways (sidewalks/trails) (if trails denote if it is part of the Noblesville Alternative Transportation Plan), floodplains and wetlands (adopted community and panel numbers of FIRMS; delineation and type of wetlands) and watercourses by location and name including drainage swales. All items dimensioned.

4. The location, width, and type of use of any existing roads, rights-of-way, railroad rights-of-ways, burial grounds, watercourses, easements or other special purpose areas within the property, or immediately adjacent thereto, and the location of towers, poles, or other structures in connection with electric transmission lines. Clearly identify all easements and existing and proposed rights-of-way. Identify any woodland areas. Identify any trees existing on the property greater than 7-inches in diameter by species, caliper, and condition, and any native vegetation. All items dimensioned.

5. A landscaping plan drawn by a landscape architect or a landscape contractor including company name, address, telephone number and email address. Scale 1" = 20' or 1" = 30'. The plan should include the location of trees, shrubs, and ground cover. Identification of the plant species (botanical and common names), sizes at the time of planting by caliper, height, and/or container size. Identify all trees to be used as Street Trees on a separate plan including species, caliper, and location and include on the overall plan. (Street Trees shall be approved by the Urban Forester).

6. The location of any existing underground utilities, such as sewers, water mains, storm drains, gas or oil transmission lines, etc., within the property or immediately adjacent thereto, with approximate pipe size and directions of slope.

7. Parcel identification numbers as per Hamilton County Tax Mapping to be include on plan.

8. Non-residential developments shall include 360° Color Elevations for all buildings denoting materials used, location of materials on building, percentage of different types of materials on building, height, and colors. Include floorplans, and include a materials board.

9. Lighting Plan including type of fixtures proposed (perspective or elevation drawings). The lighting plan shall denote the locations providing a photometric plan of the foot-candles to the property lines.

10. Development Summary Table including gross and net acreage for the entire project, open space area, building coverage, floodplain and wetland areas, rights-of-way, and detention/retention areas. Indicate locations of the above on the plans.

11. Grading plan. Topographic contours shown at five (5) foot intervals in rolling or hilly terrain and two (2) foot intervals in level terrain, as referenced to sea level datum and an established benchmark.

12. Location map indicating the Section, Township, and Range.

13. A vicinity map showing the location of the parcel to be developed, identified by streets, block, and adjacent subdivisions (with block and lot numbers) as applicable, or in the case of un-subdivided properties, location by township, range, and section (metes and bounds). Include the names of the adjoining developments, uses, and the names of adjoining streets.

H. In addition, all development activities located wholly within, partially within, or in contact with an identified special flood hazard area shall be required to submit additional information. Such application shall be made prior to the actual commencement of such construction. Such applications shall include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities; and the location of the foregoing. Specifically, the following information is required, where applicable:

1. A site development plan showing existing and proposed development locations and existing and proposed land grades.

2. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures with plumbing including, but not limited to, a restroom, kitchen or other facilities requiring disposal of wastewater.

3. Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AE. Elevation should be in NAVD 88.

4. Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed.

5. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in this ordinance.

6. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade.

7. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant.

8. Plans showing how any proposed structure will be anchored to resist flotation or collapse.

9. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities are designed and/or located to be above flood protection grade. Elevation should be in NAVD 88.

10. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required, and any watercourse changes submitted to IDNR for approval. Once IDNR approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction.

11. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the nature of a proposed development or structure with respect to the requirements of this ordinance.

12. Indiana Department of Natural Resources approval for any construction in a floodway.

Section 2. Conditional Uses. An application for a Conditional Use permit shall be filed with the Director of Planning and Development with the consent of the owner of property for which such Conditional Use is proposed. At a minimum, the application materials shall contain the following information/documents:

A. Description of existing use;

B. Zoning district;

C. Description of proposed Conditional Use;

D. A narrative statement evaluating the effects of such elements as noise, glare, odor, fumes, and vibration upon adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan;

E. A legal description of the real estate involved;

F. Location and size of all existing and proposed buildings and structures;

G. Location and dimensions of building lines, right-of-way lines, setbacks, regulated drains and public and private easements (existing and proposed);

H. Elevation contours and spot elevations sufficient to determine drainage both existing and proposed;

I. Drainage calculations sufficient for sizing drainage structures based on a 10-year storm along with retention/detention for a 100-year storm with developed site condition and a release rate of a 10-year storm under undeveloped site conditions;

J. Details of drainage structures including cover details for all structures under paved areas;

K. Layout of drives and other traffic and drainage features on opposite side of street or adjacent properties;

L. Location of septic facilities, sanitary sewer lines and all utilities existing and proposed and connection plans for sanitary sewer facilities including details if necessary;

M. Location of parking and loading areas, traffic access and circulation, open space, landscaping, refuse and service areas, signs, turning radii, and proposed vehicle and projected turning paths from turning radius templates;

N. Vicinity map showing all property boundaries and zone districts within a 1/4-mile radius of the property; and

O. Any other information the Board of Zoning Appeals or the Director of Planning and Development may require to determine if the proposed conditional use meets the intent and requirements of the zoning ordinance and is appropriate for the location for which it is proposed.

Section 3. Variances. An application for a variance from the terms of this ordinance shall be filed with the Director of Planning and Development with the consent of the owner of property for which the Variance is proposed. At a minimum, the application material shall contain the following information/documents:

A. Legal description of property;

B. Description of nature of variance requested;

C. Site plan depicting all information necessary for the Board’s decision;

D. Technical information as determined by the Director of Planning and Development and the Technical Advisory Committee;

E. A narrative statement demonstrating that the requested variance conforms to the standards of § 159.043(C)(5).

Section 4. Amendments. Applications for Change of Zoning or Planned Development amendments to the zoning ordinance/map shall contain at least the following information:

A. Present use;

B. Present zoning district;

C. Proposed zoning district;

D. A vicinity map at a scale approved by the Director of Planning and Development showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Director of Planning and Development may require;

E. A statement on how the proposed amendment relates to the Comprehensive Plan;

F. Draft ordinance; and

G. Any other information or drawings which may be necessary to determine conformance with and provide for the enforcement of this ordinance, as determined by the Director of Planning and Development or representative.

Section 9. Planned Developments

B. Preliminary Development Plan

1. Application Materials

a. Completed application for all required processes that may include Preliminary Development Plan, Rezoning, Technical Advisory Committee review, Architectural Review Board, or any other process deemed necessary by staff and identified at the Pre-Filing Conference.

b. A PD Ordinance shall be submitted for consideration by the Plan Commission and Common Council which outlines all standards and uses requested, bulk standards, and variations. The ordinance shall include as appendices and commitments all drawings and renderings used in presentation of the application. The ordinance shall include a sunset clause for obtaining individual building permit and the initial construction should the Planned Development (PD) not be developed after it is adopted and recorded.

c. A Preliminary Development Plan - see below for specific information to be included.

d. Each application shall be accompanied by a written description of the project. The length of the description will vary with the size of the project. The following information should be included:

1. The design concept.

2. The rationale for the design.

3. The project proposal in written language.

4. The relation of the existing conditions on

site.

5. The existing and proposed uses.

6. Proposed maximum site development intensity and demonstration that it is in keeping with the comprehensive plan and will not exceed 100 of the base zone.

7. A list of any requested exceptions including justification from the requirements of the base zone.

8. Explanation of the character of the Planned Development and the reasons why it has been planned to take advantage of the flexibility of these regulations. This item shall include a specific explanation of how the proposed Planned Development meets the objectives of all adopted land use policies that affect the land in question.

9. Statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.

10. Statement of the stages proposed for the development indicating the sequencing and phasing.

e. Feasibility statements concerning the infrastructure such as sanitary sewer, storm sewer, water, electricity, and other similar utilities.

f. A traffic study shall be required for developments expected to generate 1000+ new trips per day. This is approximately equivalent to 100 new single-family homes, 135 apartments/duplexes/quads, or 40,000 square feet of retail space. Study intersections shall include all upstream and downstream thoroughfare intersections and new access points. Study shall consider level of service for existing traffic, traffic at horizon year, and traffic at development at the horizon year. Study shall make recommendations to mitigate any concerns or issues.

g. Proposed covenants.

h. Legal description of the property.

i. Any additional materials, information, documentation, or data deemed necessary to support a thorough review of the proposed development requested by the Planning or Engineering Department in writing.

2. Contents/Requirements of Preliminary Development Plan.

a. The words “Preliminary Development Plan” and the name of the proposed development shall appear on the Title Page.

b. Scaled drawings prepared by a land surveyor, engineer, and/or architect. Scale of drawings l"=20', l"=30', or l"=40'. All sheets shall be numbered in sequence. All construction drawings shall include the name and address, telephone number, email address, and registration number of the professional engineer, architect, landscape architect, and surveyor responsible for the design, public improvements, and for surveys.

c. A site (development) plan indicating the location and configuration of the proposed development including parcels, lot lines, uses, building locations, and recreational areas (residential), vehicular access ways, pedestrian ways (sidewalks/trails) (denote if trails are a part of the Noblesville Alternative Transportation Plan), floodplains and wetlands (adopted community and panel numbers of FIRMS, delineation, and type of wetlands), and watercourses by location and name, including drainage swales. Plans shall show right-of-way improvements including drainage improvements, clearing, pavement widening and resurfacing of roadway frontage, and relocation of existing overhead utilities to the back of the right-of-way, All items shall be dimensioned, and drawings shall be scaled.

d. The location, width, and type of use of any existing roads, rights-of-way, railroad rights-of-ways, burial grounds, watercourses, easements or other special purpose areas within the property, or immediately adjacent thereto, and the location of towers, poles, or other structures in connection with electric transmission lines. Clearly identify all easements and existing and proposed rights-of-way. Identify any woodland areas. Identify any trees existing on the property greater than 7-inches in diameter by species, caliper, and condition, as well as any native vegetation. All items shall be dimensioned.

e. A landscaping plan drawn by a landscape architect or a landscape contractor including company name, address, telephone number, and email address. Scale shall be 1" = 20' or 1" = 30'. The plan should include the location of trees, shrubs, and ground cover and identification of the plant species (botanical and common names), sizes at the time of planting by caliper, height, and/or container size.

f. Identify all trees to be used as Street Trees on a separate plan including species, caliper, and location and include on the overall plan. (Street Trees shall be approved by the Urban Forester). This plan shall be provided on a separate sheet from the other landscaping elements.

g. The approximate location of any existing underground utilities, such as sewers, water mains, storm drains, gas or oil transmission lines, etc., within the property or immediately adjacent thereto, with approximate pipe size and directions of slope.

h. General indications of how the development is to be provided with water service, sanitary sewers, and storm drainage, gas, electricity, etc. Indicate location, size, invert elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and existing permanent buildings and utility poles on the tract. Critical grades of proposed system shall be shown for gravity service for storm sewer and sanitary sewer.

i. Parcel identification numbers as per the Hamilton County Tax Mapping to be include on the plan. Parcel numbers shall be Hamilton County parcel numbers, not state parcel numbers.

j. Non-residential development shall include 360-degree color elevations for all buildings denoting materials used, location of materials on building, percentage of different types of materials on the building, height, and colors. Floor plans shall also be provided.

k. Lighting Plan including type of fixtures proposed (perspective or elevation drawings). The lighting plan shall denote the general locations. Include cut-sheets for fixture types. Single Sheet and digital submission. Who will be providing lighting and paying costs for installation and operation/maintenance.

l. Development Summary Table including gross and net acreage for the entire project, open space area, building coverage, floodplain and wetland areas, right of ways, and detention/retention areas. These shall be indicated on the plans.

m. Grading plan including topographic contours shown at five (5) foot intervals in rolling or hilly terrain and two (2) foot intervals in level terrain, as referenced to sea level datum and an established benchmark.

n. Soils map and data. Two (2) copies of a preliminary geological soils report prepared by a qualified soils geologist registered in the State of Indiana addressing slope stability, ground water seepage, erosion hazards, expansive soils, fault related hazards, and conclusions and recommendations on the proposed soils regarding the development.

o. Preliminary drainage report showing onsite and offsite drainage sheds, narrative of design process, calculations with input and outputs including hydrographs confirming the ponds on the plans are conceptually sized correctly. Reports intent is proof of concept that the site's drainage plan considers the requirements of the Stormwater Technical Standards requirements.

p. Traffic impact study for projects which will create one thousand (1,000+) or more new trips. Study intersections shall include all upstream and downstream thoroughfare intersections and new access points. Study shall consider level of service for existing traffic, traffic at horizon year, and traffic at development at the horizon year. Study shall make recommendation to mitigate any concerns or issues.

q. Location map indicating the Section, Township, and Range.

r. Proposed zoning classification of real property being developed and surrounding zoning classifications.

s. A Vicinity Map showing the location of the parcel to be developed, identified by street, block, and adjacent subdivisions (with block and lot numbers) as applicable, or in the case of un-

subdivided properties, location by township, range, and section (metes and bounds). Include the names of the adjoining property owners of record, the names of the adjoining developments, uses, and the names of adjoining streets. Include school district lines and identify.

3. Additional Required Information for Residential Planned Developments.

a. 360-degree architectural elevations of all proposed buildings including accessory buildings, clubhouses/pool structures, and residential houses. Include heights, color names, and location of materials on buildings and swatch colors.

b. Floor plans.

c. A completed Architectural Review Board Application.

d. Seven (7) paper sets and a digital submission of the elevations including any deviations from the adopted standards for Architectural Review. Include the proposed and/or adopted standards. The elevations and supporting documentation may be submitted in a booklet form provided the drawings are to a scale and scalable.

C. Detailed Development Plan.

1. Application Materials.

a. Completed application on forms supplied by the Department of Planning and Development for all required processes that may include Technical Advisory Committee review, Secondary Plat, or any other process deemed necessary by staff and identified at the Pre-Filing Conference.

b. Legal description of the property.

c. Drainage Reports. Shall include a statement signed by an Indiana Registered Professional Engineer stating that:

1. The Detailed Site Plan shall conform to any applicable standards for site drainage;

2. Except where a specific variation is stated, the design of all improvements is in accordance with applicable city regulations as well as standard and good engineering practice;

3. The Detailed Site Plan will not overload existing storm or sanitary sewers.

d. Final draft of covenants.

e. Post Water Quality (BMP) report.

f. Certifications, seals, and signatures required for the dedication of land and recording of the document.

g. Construction Schedule.

h. Common Open Space documents: All common open space, at the election of the City may be:

1. Conveyed to a municipal or public corporation; or

2. Conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Development or adjoining property owners or any one or more of them. All lands conveyed thereunder shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common open space; or

3. Guaranteed by a restrictive covenant describing the open space and its maintenance and improvements, running with the land for the benefit of residents of the Planned Development or adjoining property owners and/or both.

2. Contents of Detailed Development Plan drawings. The applicant shall prepare and submit a final Detailed Development Plan prepared by a licensed engineer or architect including Civil Drawings subject to the following:

a. Scaled drawings prepared by a land surveyor, engineer, and/or architect. Scale of drawings 1" = 20', 1" = 30' or 1" = 40'. All sheets shall be numbered in sequence. All drawings shall include the name and address, telephone number, email address and registration number of the professional engineer, architect, landscape architect and surveyor responsible for the design, public improvements, and for surveys. IF the area is part of the Corporate Campus Planned Development District or a phase of an overall detailed development plan, include all information pertinent to the development of the individual parcel.

b. An accurate legal description and survey of the entire area being developed as the Planned Development.

c. A development plan indicating all uses, parcels, lot lines, building location pads, recreational areas (residential), vehicular access ways, pedestrian ways (sidewalks/trails) (if trails denote if it is part of the Noblesville Alternative Transportation Plan), floodplains and wetlands (adopted community and panel numbers of FIRMS; delineation and type of wetlands) and watercourses by location and name including drainage swales. All items dimensioned.

d. The location, width, and type of use of any existing roads, rights-of-way, railroad rights-of-ways, burial grounds, watercourses, easements or other special purpose areas within the property, or immediately adjacent thereto, and the location of towers, poles, or other structures in connection with electric transmission lines. Clearly identify all easements and existing and proposed rights-of-way. Identify any woodland areas. Identify any trees existing on the property greater than 7-inches in diameter by species, caliper, and condition, and any native vegetation. All items dimensioned.

e. A landscaping plan drawn by a landscape architect or a landscape contractor including company name, address, telephone number and email address. Scale 1" = 20' or 1" = 30'. The plan should include the location of trees, shrubs, and ground cover. Identification of the plant species (botanical and common names), sizes at the time of planting by caliper, height, and/or container size. Identify all trees to be used as Street Trees on a separate plan including species, caliper, and location and include on the overall plan. (Street Trees shall be approved by the Urban Forester).

f. The location of any existing underground utilities, such as sewers, water mains, storm drains, gas or oil transmission lines, etc., within the property or immediately adjacent thereto, with approximate pipe size and directions of slope.

g. Parcel identification numbers as per Hamilton County Tax Mapping to be include on plan.

h. Non-residential Planned Developments shall include 360° Color Elevations for all buildings denoting materials used, location of materials on building, percentage of different types of materials on building, height, and colors.

1. Include floor plans.

2. Include a materials board. (Provide one board.)

i. Lighting Plan including type of fixtures proposed (perspective or elevation drawings). The lighting plan shall denote the locations providing a photometric plan of the foot-candles to the property lines.

j. Development Summary Table including gross and net acreage for the entire project, open space area, building coverage, floodplain and wetland areas, right of ways, and detention/retention areas. Indicate locations of the above on the plans.

k. Grading plan. Topographic contours shown at five (5) foot intervals in rolling or hilly terrain and two (2) foot intervals in level terrain, as referenced to sea level datum and an established benchmark.

l. Location map indicating the Section, Township, and Range.

m. A Vicinity Map showing the location of the parcel to be developed, identified by streets, block, and adjacent subdivisions (with block and lot numbers) as applicable, or in the case of un-subdivided properties, location by township, range, and section (metes and bounds). Include the names of the adjoining developments, uses, and the names of adjoining streets.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 49-10-14, passed 10-28-14; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 12-04-17, passed 4-25-17; Am. Ord. 68-11-22, passed 11-9-22; Am. Ord. 44-10-23, passed 11-14-23)

§ 2. FORMS.

PRELIMINARY DEVELOPMENT PLAN CHECKLIST

A PRE-FILING MEETING is required prior to submittal of documentation. Contact the Department of Planning and Development, 14701 Cumberland Road, Suite 300, Noblesville, IN 46060, 317-776-6325.

Complete the list below and submit it along with the application, filing fee and other required documentation by the deadline.

FAILURE TO SUBMIT ALL THE ITEMS LISTED BELOW ON OR BEFORE THE FILING DEADLINE WILL RESULT IN THE APPLICATION NOT BEING DOCKETED ON THE PLAN COMMISSION AGENDA. STAFF WILL REVIEW THE TOTAL SUBMISSION WITHIN FIVE (5) DAYS AFTER SUBMITTAL AND NOTIFY THE APPLICANT OF THE NOTICE TO PROCEED WITH THE APPLICATION'S HEARING DATE.

Two (2) complete copies of proposed plans must be submitted with application.

APPLICANT STAFF

_____ _____ 1. Completed application including notarized signatures of owner(s) and applicant(s)

_____ _____ 2. A check in the amount of $700 plus $25 per acre (MAXIMUM FEE: $5,000)

_____ _____ 3. A separate check in the amount of $50 as surety for sign placement on property

_____ _____ 4. Attach legal description of the property involved in the planned development

_____ _____ 5. Sketch plan showing the location of planned development, ownership, use, and zoning of adjacent properties

_____ _____ 6. Site plans indicating proposed streets, all buildings with their yards and use, common open space, recreational facilities, parking areas, buffer areas, service areas and other facilities that indicate the CHARACTER of the planned development (Minimum size: 24" by 36")

_____ _____ 7. Preliminary development plans and feasibility statements for (1) roads including the classification, right of way widths, pavement widths, (2) sidewalks or pathways (3) sanitary sewers; (4) storm drainage; (5) water supply system; (6) street lighting; (7) any proposed signage; and (8) other public utilities (Minimum size: 24" by 36")

_____ _____ 8. Landscape Concept Plan showing the landscape intent, types of plant materials to be provided, intensity and scale of landscape with site details to fully explain the concept

_____ _____ 9. General Information on all service facilities, driveways, private streets, paths and ofd street parking facilities

_____ _____ 10. Statement listing the exceptions from the requirements of the base zone and reasons for the zoning change explaining why the existing zoning would not accommodate the proposed development

_____ _____ 11. Explanation of the proposed Planned Development including how the proposed Planned Development meets the objectives of all adopted land use policies

_____ _____ 12. Statement of present and proposed ownership of all land within the project

_____ _____ 13. Development schedule Indicating the stages in which the project will be constructed. Emphasizing the area, density, use and public facilities to be developed with each stage and approximate time line

_____ _____ 14. Proposed ordinance and covenants of the Planned Development District

ADDITIONAL DOCUMENTATION MAY BE REQUIRED PRIOR TO THE PLAN COMMISSION MEETING

ADDITIONAL REQUIREMENTS

_____ _____ 14 SETS OF PLANS MUST BE SUBMITTED FOR REVIEW BY THE TECHNICAL ADVISORY COMMITTEE

RESIDENTIAL PLANNED DEVELOPMENTS

_____ _____ ARCHITECTURAL PLANS FOR ALL PROPOSED DWELLINGS AND OTHER BUILDINGS INDICATING 360-DEGREE BUILDING ELEVATIONS WITH SUFFICIENT DETAIL TO UNDERSTAND THE STYLE AND DESIGN OF ALL BUILDINGS INDCLUDING BUT NOT LIMITED TO THE NUMBER, SIZE, AND TYPE OF DWELLING UNITS. A NARRATIVE MAY BE ATTACHED TO DESCRIBE ANY COMMITMENTS FOR THE ARCHITECTURAL DESIGN. EIGHT (8) SETS ARE TO BE SUBMITTED ON PAPER NO LARGER THAN 11" BY 17"

NON-RESIDENTIAL PLANNED DEVELOPMENTS

_____ _____ A COMPLETE SET OF 360-DEGREE COLOR BUILDING ELEVATIONS FOR EACH PROPOSED STRUCTURE IN SUFFICIENT DETAIL TO DETERMINE THE MATERIALS USED, COLORS, AND OTHER BUILDING ELEMENTS ARE PROPOSED. LEGEND DETAILING MATERIALS/COLORS. TWO (2) SETS ON 11" BY 17" PAPER

PRELIMINARY PLANNED DEVELOPMENT

DISTRICT APPLICATION

APPLICATION # _____ FILING DATE _____

THIS APPLICATION MUST BE COMPLETED AND ACCOMPANIED BY THE REQUIRED INFORMATION (SEE ATTACHED LIST). IT MUST BE FILED AT LEAST 42 DAYS PRIOR TO THE PLAN COMMISSION PUBLIC HEARING DATE BY THE LEGAL OWNERS OF FIFTY PERCENT (50%) OR MORE OF THE REAL ESTATE INVOLVED IN THIS PETITION. THE UNDERSIGNED OWNER(S) OF THE PROPERTY HEREBY REQUESTS THE CONSIDERATION OF A CHANGE OF ZONING TO A PRELIMINARY PLANNED DEVELOPMENT DISTRICT.

APPLICANT'S NAME _____ TELEPHONE # _____

APPLICANTS ADDRESS _____

PROPERTY OWNER'S NAME _____ TELEPHONE # _____

PROPERTY OWNER'S MAILING ADDRESS _____

ATTORNEY'S NAME _____ TELEPHONE #_____

ARCHITECT'S NAME _____ TELEPHONE # _____

ENGINEER'S NAME _____ TELEPHONE # _____

SURVEYOR'S NAME _____ TELEPHONE # _____

EXISTING PRESENT ZONE PROPOSED ZONE

USE _____ DISTRICT _____ DISTRICT _____

16-DIGIT PARCEL ID #(s) _____

PROPOSED NAME OF PLANNED DEVELOPMENT _____

The undersigned, having been duly sworn, upon oath says that above information is true and correct as he/she is informed and believes.

_____ _____

Signature of Applicant Signature of Owner***

_____ _____

Printed or Typewritten Name Printed or Typewritten Name

Subscribed and sworn to before me, Subscribed and sworn to before

this ____ day of _____, 200__ me, this ____ day of _____, 200__

_____ _____

Notary Public Notary Public

_____ _____

Printed/Typewritten Name Printed/typewritten Name

My Commission expires _____ My Commission expires _____

***If the owner is not available to sign the application, a notarized statement acknowledging that the owner is aware of the Planned Development proceedings is required.

DETAILED DEVELOPMENT PLAN CHECKLIST

Department of Planning and Development, 14701 Cumberland Road, Suite 300, Noblesville, IN 46060 317-776-6325

Complete the list below and submit it along with the application, filing fee and other required documentation by the deadline.

FAILURE TO SUBMIT ALL THE ITEMS LISTED BELOW ON OR BEFORE THE FILING DEADLINE WILL RESULT IN THE APPLICATION NOT BEING DOCKETED ON THE PLAN COMMISSION AGENDA. STAFF WILL REVIEW THE TOTAL SUBMISSION.

APPLICANT STAFF

_____ _____ 1. Completed application including notarized signatures of owner(s) and applicant(s)

_____ _____ 2. A check in the amount of $250 plus $20 per acre (MAXIMUM FEE: $5,000)

_____ _____ 3. A survey of the entire area with accurate legal descriptions for both all subdivided lands and un-subdivided lands

_____ _____ 4. A Secondary Plat for (name of subdivision) then followed by the words "A detailed development plan"

_____ _____ 5. Final Detailed Site Plan designating the following:

a. the land divided into conventional lots, open space areas, and building areas

b. infrastructure improvements Including construction details

c. detailed landscaping plan induding common and botanical names, sizes at the time of installation as well as at maturity, quantities of plants

d. permanent signage, lighting, and street fixtures

e. any additional information as may have been required by the Plan Commission or Common Council

_____ _____ 6. Certifications, seals, and signatures requirement for the dedication of land and the recording of the document as required by the Unified Development Ordinance

_____ _____ 7. Tabulations on each separate subdivided use area, including land area, number of buildings and number of dwelling units per acre

_____ _____ 8. Common Open Space Documents

a. conveyed to a municipal or public corporation

b. conveyed to a not-for-profit corporation or entity established for the purposes of benefiting the owners and tenants of the Planned Development or adjoining property owners

c. guarantee by restrictive covenants describing the open space and its maintenance and improvements

_____ _____ 9. IMPROVEMENTS - A guarantee of performance. The owner or developer shall guarantee the completion of all required improvements and facilities by either completing the improvements and having them accepted by the City Engineer in advance of the Detailed Plan Approval or submitted an -irrevocable letter of credit or other surety deemed sufficient by the City Engineer in an amount equal to a minimum of 125% of the construction cost estimate

_____ _____ 10. Construction schedule

_____ _____ 11. Proposed deed restrictions and or covenants of the subdivision

_____ _____ 12. Fourteen (14) sets of plans must be submitted for review by the Technical Advisory Committee (TAC)

ADDITIONAL DOCUMENTATION MAY BE REQUIRED

DETAILED DEVELOPMENT PLAN APPLICATION

Department of Planning and Development

APPLICATION # _____ FILING DATE _____

THIS APPLICATION MUST BE COMPLETED AND ACCOMPANIED BY THE REQUIRED INFORMATION (SEE ATTACHED LIST). IT MUST BE FILED ON THE PLAN COMMISSION FILING DEADLINES. THE UNDERSIGNED OWNER(S) OF THE PROPERTY HEREBY REQUEST THE CONSIDERATION OF A DETAILED DEVELOPMENT PLAN.

APPLICANT'S NAME _____ TELEPHONE # _____

APPLICANT'S ADDRESS _____

PROPERTY OWNER'S NAME _____ TELEPHONE # _____

PROPERTY OWNER'S MAILING ADDRESS _____

ATTORNEY'S NAME _____ TELEPHONE #_____

ARCHITECT'S NAME _____ TELEPHONE # _____

ADDRESS _____

ENGINEER'S NAME _____ TELEPHONE # _____

ADDRESS _____

EXISTING ZONING DISTRICT _____ TOTAL ACREAGE _____

16-DIGIT PARCEL ID #(s) _____

NAME OF PLANNED DEVELOPMENT AND SECTION _____

MILES OF NEW STREETS DEDICATED FOR PUBLIC USE _____

ACREAGE FOR OPEN SPACE _____ DENSITY PER ACRE _____

The undersigned, having been duly sworn, upon oath says that above information is true and correct as he/she is informed and believes.

_____ _____

Signature of Applicant Signature of Owner***

_____ _____

Printed or Typewritten Name Printed or Typewritten Name

Subscribed and sworn to before me, Subscribed and sworn to before

this ____ day of _____, 200__ me, this ____ day of _____, 200__

_____ _____

Notary Public Notary Public

_____ _____

Printed/Typewritten Name Printed/typewritten Name

My Commission expires _____ My Commission expires _____

***If the owner is not available to sign the application, a notarized statement acknowledging that the owner is aware of the Planned Development proceedings is required.

A CHANGE OF ZONING CHECKLIST

A PRE-FILING MEETING is required prior to submittal of documentation. Contact the Department of Planning and Development, 14701 Cumberland Road, Suite 300, Noblesville, IN 46060, 317-776-6325.

Complete the list below and submit it along with the application, filing fee and other required documentation by the deadline.

FAILURE TO SUBMIT ALL THE ITEMS LISTED BELOW ON OR BEFORE THE FILING DEADLINE WILL RESULT IN THE APPLICATION NOT BEING DOCKETED ON THE PLAN COMMISSION AGENDA. STAFF WILL REVIEW THE TOTAL SUBMISSION AND NOTIFY THE APPLICANT OF THE NOTICE TO PROCEED WITH THE APPLICATION'S HEARING DATE.

APPLICANT STAFF

_____ _____ 1. Completed application including notarized signatures of owner(s) and applicant(s)

_____ _____ 2. A check in the amount of $550 plus $20 per acre (MAXIMUM FEE: $5,000)

_____ _____ 3. A separate check in the amount of $50 as surety for the sign placement

_____ _____ 4. The proposed change of zoning amendment submitted in ordinance form (three originals unbound)

_____ _____ 5. A statement of how the proposed change of zoning relates to the adopted Comprehensive Master Plan for the City of Noblesville's zoning jurisdiction

_____ _____ 6. A vicinity map showing the location of the property including parcel lines, all existing improvements, proposed improvements, and existing zoning districts within one-quarter mile of the area for the zone map change

ADDITIONAL DOCUMENTATION MAY BE REQUIRED

A CHANGE OF ZONING APPLICATION

(ZONE MAP AMENDMENT)

Department of Planning and Development

APPLICATION # _____ FILING DATE _____

THIS APPLICATION MUST BE COMPLETED AND ACCOMPANIED BY THE REQUIRED INFORMATION (SEE ATTACHED LIST). IT MUST BE FILED AT LEAST 42 DAYS PRIOR TO THE PLAN COMMISSION PUBLIC HEARING DATE BY THE LEGAL OWNERS OF FIFTY PERCENT (50%) OR MORE OF THE REAL ESTATE INVOLVED IN THIS PETITION. THE UNDERSIGNED OWNER(S) OF THE PROPERTY HEREBY REQUEST THE CONSIDERATION OF A CHANGE OF ZONING.

APPLICANT'S NAME _____ TELEPHONE # _____

APPLICANT'S ADDRESS _____

PROPERTY OWNER'S NAME _____ TELEPHONE # _____

PROPERTY OWNER'S MAILING ADDRESS _____

ATTORNEY'S NAME _____ TELEPHONE #_____

ADDRESS _____

TOWNSHIP NAME _____ SECTION ____ TWP _____ RANGE ____

16-DIGIT PARCEL ID #(s) _____

EXISTING PRESENT ZONE PROPOSED ZONE

USE _____ DISTRICT _____ DISTRICT _____

ATTACHED LEGAL DESCRIPTION OF THE PROPERTY FOR THE CHANGE OF ZONING.

The undersigned, having been duly sworn, upon oath says that above information is true and correct as he/she is informed and believes.

_____ _____

Signature of Applicant Signature of Owner***

_____ _____

Printed or Typewritten Name Printed or Typewritten Name

Subscribed and sworn to before me, Subscribed and sworn to before

this ____ day of _____, 200__ me, this ____ day of _____, 200__

_____ _____

Notary Public Notary Public

_____ _____

Printed/Typewritten Name Printed/typewritten Name

My Commission expires _____ My Commission expires _____

***If the owner is not available to sign the application, a notarized statement acknowledging that the owner is aware of the change of zoning (zone map amendment) proceedings is required.

PRIMARY PLAT CHECKLIST

A PRE-FILING MEETING is required prior to submittal of documentation. Contact the Department of Planning and Development, 14701 Cumberland Road, Suite 300, Noblesville, IN 46060, 317-776-6325.

Complete the list below and submit it along with the application, filing fee and other required documentation by the deadline.

FAILURE TO SUBMIT ALL THE ITEMS LISTED BELOW ON OR BEFORE THE FILING DEADLINE WILL RESULT IN THE APPLICATION NOT BEING DOCKETED ON THE PLAN COMMISSION AGENDA. STAFF WILL REVIEW THE TOTAL SUBMISSION WITHIN FIVE (5) DAYS AFTER SUBMITTAL AND NOTIFY THE APPLICANT OF THE NOTICE TO PROCEED WITH THE APPLICATION'S HEARING DATE.

Two (2) complete copies of proposed plans must be submitted with application.

APPLICANT STAFF

_____ _____ 1. Completed application including notarized signatures of owner(s) and applicant(s)

_____ _____ 2. A check in the amount of $500 plus $10 per lot (MAXIMUM FEE: $5,000)

_____ _____ 3. A separate check in the amount of $50 as surety for sign placement on property

_____ _____ 4. Attach legal description of the property

_____ _____ 5. Sheet size not to exceed 24" by 36"; scale 1"= 50'; north arrow and date

_____ _____ 6. Sketch plan showing the location, ownership, use, zoning of adjacent properties and property to be subdivided

_____ _____ 7. Vicinity Map indicating the location of property in relation to highways, county roads, legal drains, flood hazard areas, and other physical features in the area

_____ _____ 8. Location, width, names, dimensions of existing and proposed streets; including rights-of-way and dedications; and easements, drainage ways, etc.

_____ _____ 9. Landscape Concept Plan showing the landscape intent, types of plant materials to be provided, intensity and scale of landscape with site details to fully explain the concept

_____ _____ 10. Location and dimensions of existing parts, buildings, and open spaces

_____ _____ 11. Location of existing utilities including sewers, water lines, communication lines and poles

_____ _____ 12. Contours at vertical intervals of two (2) feet or less, if the general slope of the site is less than 10%. At vertical intervals of five (5) feet or less, if the general slope of the land is 10% or greater

_____ _____ 13. Tract boundary lines showing dimensions, bearings, angles, and references to corporation, section, township, and range lines

_____ _____ 14. The layout of lots showing dimensions, square footage of each lot, yard setbacks of building setback lines, distances, radii and chords

_____ _____ 15. Preliminary plans and feasibility statements for (1) roads including the classification, right of way widths, pavement widths; (2) sidewalks or pathways; (3) sanitary sewers; (4) storm drainage; (5) water supply system; (6) street lighting; (7) any proposed signage for identification of subdivision; (8) flood hazard areas; and (9) other public utilities

_____ _____ 16. Provide drawing indicating the proposed sanitary sewers with connections to main sewer system, lift stations, and other appurtenances, if any. If private sewage system provide a drawing locating the system in relation to a well, residential structure and adjacent lot systems. Private sewage systems shall be installed according to the Hamilton County Health Department standards

_____ _____ 17. A statement of the proposed use of the lots, stating the type of housing (single-family, two-family, multi-family) with number of proposed units. If it is a commercial or industrial plat, identify type of use so as to reveal the affect of the development on traffic, fire hazards, or congestion of population

_____ _____ 18. Proposed covenants and restrictions of subdivision

_____ _____ 19. Fourteen (14) sets of plans must be submitted for review by the Technical Advisory Committee (TAC)

ADDITIONAL DOCUMENTATION MAY BE REQUIRED PRIOR TO THE PLAN COMMISSION MEETING

PRIMARY PLAT APPLICATION

Department of Planning and Development

APPLICATION # _____ FILING DATE _____

THIS APPLICATION MUST BE COMPLETED AND ACCOMPANIED BY THE REQUIRED INFORMATION (SEE ATTACHED LIST). IT MUST BE FILED AT LEAST 42 DAYS PRIOR TO THE PLAN COMMISSION PUBLIC HEARING DATE BY THE LEGAL OWNERS OF FIFTY PERCENT (50%) OR MORE OF THE REAL ESTATE INVOLVED IN THIS PETITION. THE UNDERSIGNED OWNER(S) OF THE PROPERTY HEREBY REQUEST THE CONSIDERATION OF A PRIMARY PLAT.

APPLICANT'S NAME _____ TELEPHONE # _____

APPLICANT'S ADDRESS _____

PROPERTY OWNER'S NAME _____ TELEPHONE # _____

PROPERTY OWNER'S MAILING ADDRESS _____

ATTORNEY'S NAME _____ TELEPHONE # _____

ENGINEER'S NAME _____ TELEPHONE # _____

SURVEYOR'S NAME _____ TELEPHONE # _____

TOWNSHIP NAME _____ SECTION ____ TWP _____ RANGE _____

DIMENSIONS OF SUBDIVISION _____ TOTAL ACREAGE _____

16-DIGIT PARCEL ID #(s) _____

PROPOSED NAME FOR PRIMARY PLAT _____

The undersigned, having been duly sworn, upon oath says that above information is true and correct as he/she is informed and believes.

_____ _____

Signature of Applicant Signature of Owner***

_____ _____

Printed or Typewritten Name Printed or Typewritten Name

Subscribed and sworn to before me, Subscribed and sworn to before

this ____ day of _____, 200__ me, this ____ day of _____, 200__

_____ _____

Notary Public Notary Public

_____ _____

Printed/Typewritten Name Printed/typewritten Name

My Commission expires _____ My Commission expires _____

***If the owner is not available to sign the application, a notarized statement acknowledging that the owner is aware of the Primary Plat proceedings is required.

SECONDARY PLAT CHECKLIST

Department of Planning and Development, 14701 Cumberland Road, Suite 300, Noblesville, IN 46060, 317-776-6325

Complete the list below and submit it along with the application, filing fee and other required documentation by the deadline.

FAILURE TO SUBMIT ALL THE ITEMS LISTED BELOW ON OR BEFORE THE FILING DEADLINE WILL RESULT IN THE APPLICATION NOT BEING DOCKETED ON THE PLAN COMMISSION AGENDA.

APPLICANT STAFF

_____ _____ 1. Completed application including notarized signatures of owner(s) and applicant(s)

_____ _____ 2. A check In the amount of $250 plus $10 per lot (MAXIMUM FEE: $5,000)

_____ _____ 3. Name of subdivision followed by the words "Secondary Plat"

_____ _____ 4. Scale 1"= 50'; north arrow and date

_____ _____ 5. The secondary plat should have incorporated all modifications required by the Plan Commission or members of the Technical Advisory Committee; otherwise it shall conform to the primary plat and may constitute only that portion of the overall approved primary plat which the sub-divider proposes to record and develop at this time, provided that such portion conforms to the Unified Development Ordinance and meets the approval of the Plan Commission

_____ _____ 6. Accurate boundary lines with dimensions and angles, which provide a survey of the tract of land and closing with an error of not more than one foot in five thousand feet

_____ _____ 7. Accurate dimensions of easements for utilities and any limitations on such easements

_____ _____ 8. Accurate dimensions of any property to be dedicated or reserved for public, semi-public or community use

_____ _____ 9. Lot numbers and dimensions

_____ _____ 10. Building setback lines and dimensions

_____ _____ 11. Location of, type, material of monuments shall meet the Noblesville Standards or those of the County depending on jurisdiction

_____ _____ 12. Plans and specifications for all public improvements required in the Unified Development Ordinance as well as any other applicable standards

_____ _____ 13. Restrictions of all types which will run with the land and become covenants in the deeds to the lots

_____ _____ 14. Profiles, typical cross-sections, locations, specifications and other explanatory data for the installation of sanitary and storm sewers or private well and septic systems, roads, and water distribution

_____ _____ 15. Certification seals and signatures as required for the dedication of land and recording of the plat as set forth in the Unified Development Ordinance, Noblesville Standards or as required by the County as per jurisdiction

_____ _____ 16. A certified statement by a registered professional engineer or as required by the City Engineer as to the estimated cost for all public improvements

_____ _____ 17. Three (3) copies on reproducible mylar or KC5 no larger than 15.5" by 17" for recording purposes

_____ _____ 18. Fourteen (14) sets of construction plans must be submitted for review by the Technical Advisory Committee (TAC)

ADDITIONAL DOCUMENTATION MAY BE REQUIRED

SECONDARY PLAT APPLICATION

Department of Planning and Development

APPLICATION # _____ FILING DATE _____

THIS APPLICATION MUST BE COMPLETED AND ACCOMPANIED BY THE REQUIRED INFORMATION (SEE ATTACHED LIST). IT MUST BE FILED AT LEAST 42 DAYS PRIOR TO THE PLAN COMMISSION PUBLIC HEARING DATE BY THE LEGAL OWNERS OF FIFTY PERCENT (50%) OR MORE OF THE REAL ESTATE INVOLVED IN THIS PETITION. THE UNDERSIGNED OWNER(S) OF THE PROPERTY HEREBY REQUEST THE CONSIDERATION OF A SECONDARY PLAT.

APPLICANT'S NAME _____ TELEPHONE # _____

APPLICANT'S ADDRESS _____

PROPERTY OWNER'S NAME _____ TELEPHONE # _____

PROPERTY OWNER'S MAILING ADDRESS _____

ENGINEER'S NAME _____ TELEPHONE # _____

ENGINEER'S ADDRESS _____

SURVEYOR'S NAME _____ TELEPHONE # _____

SURVEYOR'S ADDRESS _____

TOWNSHIP NAME _____ SECTION ____ TWP _____ RANGE _____

DIMENSIONS OF SUBDIVISION _____ TOTAL ACREAGE _____

16-DIGIT PARCEL ID #(s) _____

SECONDARY PLAT NAME AND SECTION _____

MILES OF NEW STREETS TO BE DEDICATED FOR PUBLIC USE _____

The undersigned, having been duly sworn, upon oath says that above information is true and correct as he/she is informed and believes.

_____ _____

Signature of Applicant Signature of Owner***

_____ _____

Printed or Typewritten Name Printed or Typewritten Name

Subscribed and sworn to before me, Subscribed and sworn to before

this ____ day of _____, 200__ me, this ____ day of _____, 200__

_____ _____

Notary Public Notary Public

_____ _____

Printed/Typewritten Name Printed/typewritten Name

My Commission expires _____ My Commission expires _____

***If the owner is not available to sign the application, a notarized statement acknowledging that the owner is aware of the Secondary Plat proceedings is required.

(Ord. 04-01-03, passed 2-11-03; Am. Ord. 12-04-17, passed 4-25-17)

APPENDIX C: OFFICIAL SCHEDULE OF USES

Note: This table is best viewed in PDF. ClickAPPENDIX C: SCHEDULE to view in PDF.

Official Schedule of Uses															
P=Permitted C=Conditional A=Accessory =Prohibited	***Residential***							***Commercial***				***Industrial***			***Flood Hazard***
TYPE OF USE	***SR***	***R-1***	***R-2***	***R-3***	***R-4***	***R-5***	***RMH***	***LB***	***GB***	***DT***	***PB***	***I-1***	***I-2***	***I-3***	***FH***
Official Schedule of Uses															
P=Permitted C=Conditional A=Accessory =Prohibited	***Residential***							***Commercial***				***Industrial***			***Flood Hazard***
TYPE OF USE	***SR***	***R-1***	***R-2***	***R-3***	***R-4***	***R-5***	***RMH***	***LB***	***GB***	***DT***	***PB***	***I-1***	***I-2***	***I-3***	***FH***
RESIDENTIAL USES *Permitted in area indicated in Appendix G															
Accessory dwelling unit	A	A	A	A	A										
Bed & breakfast establishment	C	C	C	C	C	C		C	C	C					
Board or lodging house			C	C	C			C	C						
Downtown mixed-use residential									P	P					
Dwelling, single-family detached	P	P	P	P	P	P*		P		P					
Dwelling, two-family					P			P							
Dwelling, multi-family of 3 or more dwelling units						P									
Home occupation	A	A	A	A	A	A	A								
Manufactured homes, individual	P	P	P	P	P	P	P								
Mobile home parks/subdivisions							P								
Nursing/retirement/convalescent facility						C			C		P				
Residential care homes	P	P	P	P	P	P									
Temporary shelters[1]				C	C	C			C	C	C				
Townhouse					C	P		P	P	C					
EDUCATIONAL USES															
Care centers, child & adult care services								P	P	P	P				
Colleges and universities[1]	C	C							P	P					
Montessori schools	C	C	C	C	C	C		C							
Preschool/nursery school	A	A	A	A	A	A		P	P	P	P	A			
Schools, (business and trade)									P	P	P				
Schools, (primary and secondary)[1]	C	C	C	C	C	C		C							
INSTITUTIONAL USES															
Church, temple, place of worship	C	C	C	C	C	C		C	C	C	C	C			
Fire and/or police station[1]	P	P	P	P	P	P		P	P	P	P	P	P	P	
Government office	P	P	P	P	P	P		P	P	P	P				

Other governmental facilities (including but not limited to storage)	Conditional in all zoning districts														
Hospital[1]											C				
Library[1]	C	C	C	C	C	C		C	C	P	P				
Penal or correctional facility[1]											P	P			
Post office	P	P	P	P	P	P		P	P	P	P	P			
Public service facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
CULTURAL/ENTERTAINMENT USES															
Amphitheater											C				
Campground	C						C								C
Club or lodge (private)								P	P	P	P	P			
Clubhouse (accessory to a residential development)	P	P	P	P	P	P	P								
Drive-in theater											C	C			
Fairgrounds												C			
Gallery and/or museum									P	P	P				
Hotel or motel									P	P	P				
Indoor cinema or theater										P	P				
Meeting or party hall									C	P	P				
Stadium or arena											P				
MISCELLANEOUS USES															
Cemetery[1]	P	P	P	P	P	P		P	P	P	P				
Parking garage[1]								C	C	C	C	C	C		
TRANSPORTATION AND COMMUNICATION USES															
Airport[1]	C	C										C	C		
Bus or rail passenger terminal[1]									C	C	C				
Helipad or heliport												C	C		
Marina															C
Parking as a primary use (private or public)[1]								C	C	C	C	C	C	C	
Wireless telecommunication service facility											C	P	P	P	
SEXUALLY ORIENTED BUSINESS (Subject to buffers from protected areas)															
Adult cabaret											P				
Adult media store									P		P				
Adult motion picture theater											P				
Lingerie modeling studio															
Massage studio															
Nude model studio															
Sex shop									P		P				
Video viewing or arcade booth															
RECREATIONAL USES															
Amusements (outdoor)									C		C				
Commercial recreation (indoor)									C		P				
Commercial recreation (outdoor)									C		C	C			
Disc golf courses[1]	C	C	C	C	C	C									
Driving range (primary use)									C		C	P			
Golf courses[1]	C	C	C	C	C	C									
Health/fitness facility									P	P	P				
Public parks and playgrounds[1]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sports parks (outdoor)											C	C			
Shooting gallery (indoor)												C	P		
COMMERCIAL/RETAIL/SERVICE USES															
Animal hospitals & veterinarian offices (with commercial kennels)											C	C	P		
Animal hospitals & veterinarian offices (without commercial kennels)									P		P	P	P		
Ambulance service											P	C	P		
Automated teller machine (ATM) (stand alone structure)								P	P	P	P				
Automobile fuel station								C	P	C	P				
Automobile rental								C	C	C	C	C			

Automobile repair/body shop												P	P			
Automobile sales including service and storage								C	C	C	C	C				
Automobile service and repair (indoor)									C	C	C	C	C			
Bar, tavern, lounge, night club or brewpub									C	P	P					
Car washes								A	P	A	P	P				
Commercial kennel											P	C	P			
Drinking place									P	P	P					
Financial, insurance & real estate services								P	P	P	P					
Laundry/dry cleaners with on-site plant									P		P	P				
Laundry/dry cleaners without on-site plant								P	P	P	P					
Manufactured home/recreational vehicle/mobile home sales													P			
Marine craft sales, repair, and service									C	C	C	C	P			
Mortuary or funeral home									C	C	P					
Offices								P	P	P	P	P				
Office & clinics of physicians, dentists, or other health care practitioners								P	P	P	P					
Outdoor sales and/or display											C	C				
Personal care establishment								P	P	P	P					
Professional and technical services								P	P	P	P	A				
Restaurant (with drive-thru)								C	P	P	P					
Restaurant (without drive-thru)								P	P	P	P					
Restaurant drive-in or drive-thru (as a primary use)									P		P					
Retail nursery or greenhouse											P	C				
Retail sales								P	P	P	P	A				
INDUSTRIAL USES																
Assembly of finished goods												P	P			
Automobile impound lot												C	P			
Beverage bottling												P	P			
Borrow pit/top soil removal and storage													C	P		
Chemical processing													C			
Confined feeding operation													C			
Contractor's office with outdoor equipment and material storage												P	P			
Distribution facility												P	P			
Equipment repair and service (indoor)											P	P				
Food production, except animal processing												P	P			
Grain elevator													P			
Junk and/or salvage yard													P	P		
Laboratory											P	P	P			
Machinery and equipment repair												P	P			
Manufacturing (general)												C	P			
Manufacturing (light)												P	P			
Mineral/sand/gravel extraction													C	P		
Nursery/greenhouse for production purposes ONLY												P	P			
Packaging of finished goods												P	P			
Petrochemical facilities													C			
Printing and publishing									C	C	C	P	P			
Recycling center													C			
Research facility											C	P	P			
Sanitary landfill														P		
Stone processing activities													P	P		
Supply yard											C	P	P			
Towing and recovery yard													C	P		
Training facility												C	P			
Truck terminal													P			

Warehousing									C	C	C	P	P		
Warehousing, mini-storage									C		C	C			
Wholesale trade (indoor)									C	C	C	P	P		
Wholesale trade (outdoor)													P		
AGRICULTURAL USES	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

[1] Any use that meets the definition of a government use shall be subject to the requirements for Government Use Overlay in Article 8.H.5.

(Ord. 62-12-95, passed 1-22-96; Am. Ord. 5-2-97, passed 3-10-97; Am. Ord. 15-3-00, passed 4-10-00; Am. Ord. 21-4-00, passed 5-8-00; Am. Ord. 04-01-03, passed 2-11-03; Am. Ord. 33-6-04, passed 7-13-04; Am. Ord. 57-9-04, passed 9-28-04; Am. Ord. 64-11-08, passed 12-9-08; Am. Ord. 23-06-10, passed 7-13-10; Am. Ord. 24-7-10, passed 8-10-10; Am. Ord. 18-5-11, passed 6-14-11; Am. Ord. 29-9-11, passed 10-11-11; Am. Ord. 31-09-13, passed 9-24-13; Am. Ord. 17-04-14, passed 5-13-14; Am. Ord. 48-10-14, passed 11-10-14; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 53-10-15, passed 11-10-15; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 12-04-17, passed 4-25-17; Am. Ord. 27-07-05, passed 7-29-25)

Official Schedule of Uses

Corporate Campus Planned Development District

P=Permitted

SC=Special Consideration

A=Accessory

[]=Prohibited

TYPE OF USES	***Single Family***	***Multi-Family***	***Office***	***Office/ Flex Uses***	***Comm.***	***Comm./ Office***	***Indust./ Office***	***Community***	***Regional Rec. & Enter-tainment***	***Agricultural/ I-O***
Official Schedule of Uses										
Corporate Campus Planned Development District										
P=Permitted										
SC=Special Consideration										
A=Accessory										
[]=Prohibited										
TYPE OF USES	***Single Family***	***Multi-Family***	***Office***	***Office/ Flex Uses***	***Comm.***	***Comm./ Office***	***Indust./ Office***	***Community***	***Regional Rec. & Enter-tainment***	***Agricultural/ I-O***
RESIDENTIAL USES										
Accessory dwelling unit	A									
Dwellings, single family detached	P									
Dwellings, two-family	P									
Dwellings, multi-family of 3 or more dwelling units		P								
Dwelling units located on 2nd floor or above on non- residential buildings					P	P				
Garages, community		A								
Garages, private	A	A								
Home occupations	A	A								
Manufactured homes, individual (double section)	P	P								
Manufactured home parks or subdivisions (double section)	SC									
Mobile homes										
OFFICE AND INSTITUTIONAL USES										
Animal hospitals and veterinarian's offices			P	P	P		P			
Fire and police stations	P	P	P	P	P	P	P	P	P	P
Government offices	P	P	P	P	P	P	P	P	P	P
Hospitals			SC	SC	P	P			P	
Library	P	P	P	P	P	P	P	P	P	P
Mortuary or funeral home					P	P				
Offices			P	P	P	P	P	SC	SC	SC
Offices and clinics of medical doctors, physicians, dentists or other health care practitioners			P	P	P	P	P	P	SC	
Post office			P	P	P	P	P	p	P	P
EDUCATIONAL USES										
Nursery school/preschool	SC	SC	P	P	P	P	A	P		A
Schools, primary and secondary	SC	SC						SC		
Colleges and universities	SC	SC		SC	SC	SC		SC		
Schools, business and trade			SC	SC	SC	SC		SC		
MISCELLANEOUS USES										

Cemetery	P	P	P	P	P	P	P		P	P
Parking garages (public or commercial)			P	P	P	P	P		P	P
AGRICULTURAL USES	P	P	P	P	P	P	P	P	P	P
CULTURAL/ ENTERTAINMENT USES										
Ampitheater									P	
Entertainment related facilities and uses	P								A	
Galleries and museums					P	P		SC		
Clubhouse, accessory to a residential development	P	P								
Cinemas and theaters, except drive-in theaters					P	P				
Disc golf course								SC	P	SC
Drive-in theater									SC	
Driving range								SC	P	SC
Expositions, indoor or outdoor									P	
Festivals									P	
Golf courses	SC	SC							P	
Hotels				P	P	P			P	
Parks and playgrounds, non-commercial	P	P	P	P	P	P	P	P	P	P
Places of public assembly				A	P	P		SC	P	
Places of worship	P	P					SC	SC		SC
Recreation, indoor/commercial						SC	SC	SC	P	SC
Sports parks, indoor								SC	P	
Sports parks, outdoor									P	
Stadium or arena									P	
COMMERCIAL USES (RETAIL SERVICE)										
Automobile fuel station					SC	SC				
Automobile service					SC					
Automobile repair/body shop										
Automobile sales, including service and storage										
Automobile rental					SC	SC				
Bar, tavern, lounge or brewpub					P	P				
Car wash					SC					
Drinking places					P	P				
Marine craft sales, repair, and service										
Restaurant, sit-down				SC	P	P				
Restaurant, carry-out only					P	P				
Restaurant (drive-in/drive- through facility), primary use					P	P				
Restaurant (drive-in/drive- through), accessory use					P	P				
Nursery, plant materials, primary							SC			SC
Nursery, plant materials, accessory					P					
Retail sales			A	A	P	P			A	
Services, except for laundries/dry cleaners on-site			SC	SC	P	P				
Laundries/dry cleaners with on-site plant					P		P			
INDUSTRIAL USES										
Agricultural processing, primary										
Agricultural processing, accessory										P
Assembly of finished goods				SC	SC	SC	P			
Chemical processing							SC			SC

Confinement feeding operations										
Contractor's office							SC			
Distribution facilities				SC			P			
Food production, except canning factories and/or animal processing							P			P
Laboratory				P			P			P
Machine and equipment repair										
Manufacturing, general							P			P
Manufacturing, light				SC			P			P
Newspaper and/or job printing							P			
Packaging of finished goods				SC			P			
Petrochemical facilities							SC			
Processing of raw goods							SC			SC
Quarries and other excavation activities							SC			SC
Research facilities				P	P		P			P
Recycling centers										
Supply yard										
Stone processing activities							SC			SC
Warehousing				SC			SC			SC
Mini-storage warehousing							SC			SC
Wholesale trade, indoor				SC	P	SC	P		P	P
Wholesale trade, outdoor										
TRANSPORTATION AND COMMUNICATION USES										
Airports	SC	SC					SC		SC	
Heliports and/or helipad									SC	
Public service facilities	P	P	P	P	P	P	P	P	P	P
Wireless communication service facilities			SC	SC	SC	SC	P	SC	P	P

(Ord. 26-06-02, passed 7-9-02; Am. Ord. 12-02-03, passed 3-11-03; Am. Ord. 26-4-03, passed 5-13-03; Am. Ord. 53-9-04, passed 10-12-04; Am. Ord. 82-10-05, passed 11-15-05; Am. Ord. 56-11-07, passed 12-11-07; Am. Ord. 10-03-13, passed 4-9-13; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 12-04-17, passed 4-25-17)

APPENDIX C-1 OFFICIAL SCHEDULE OF USES

Federal Hill Planned Development Use Matrix for Land Use Subdistricts

Official Schedule of Uses

Federal Hill Planned Development

P = Permitted Use

SC = Special Consideration

A = Accessory Use

[] = Prohibited

TYPE OF USE	***Riverwalk***	***West Logan Street***	***Professional Office***	***Hospital***	***Mixed Residential***

Official Schedule of Uses

Federal Hill Planned Development

P = Permitted Use

SC = Special Consideration

A = Accessory Use

[] = Prohibited

TYPE OF USE	***Riverwalk***	***West Logan Street***	***Professional Office***	***Hospital***	***Mixed Residential***
RESIDENTIAL USES					
Dwelling, Single-Family Detached					SC
Dwelling, Two-Family					SC
Dwelling, Multi-Family of 3 or more dwelling units					SC
Dwelling Unit located on 2nd floor of or above a non-residential building		P			SC

Dwelling Unit located on ground floor of non-residential building					
Accessory Dwelling Unit					
Bed & Breakfast Establishment					
Board or Lodging House					
Home Occupation					A
Manufactured Homes, Individual					
Mobile Home Parks/Subdivisions					
Nursing/Retirement/Convalescent Facility					
Residential Care Homes					SC
Temporary Shelters					
Townhouse					SC
EDUCATIONAL USES					
Care Centers, Child & Adult Care Services					
Colleges and Universities		P	P		
Montessori Schools					
Preschool/Nursery School					
Schools, (Business and Trade)		P	P		
Schools, (Primary and Secondary)					
INSTITUTIONAL USES					
Church, Temple, Place of Worship					
Fire and/or Police Station		P	P		
Government Office		P	P		
Hospital				P	
Library		P	P		
Penal or Correctional Facility					
Post Office		P	P		
Public Service Facility		P	P	P	P
CULTURAL/ENTERTAINMENT USES					
Amphitheater	SC	SC	SC		
Campground					
Club or Lodge (Private)		SC	SC		
Clubhouse (Accessory to a Residential Development)					SC
Drive-In Theater					
Fairgrounds					
Gallery and/or Museum					
Hotel or Motel		P	P		
Indoor Cinema or Theater		P			
Meeting or Party Hall		P	P		
Stadium or Arena					
MISCELLANEOUS USES					
Cemetery					
Parking Garage		P	P	P	
TRANSPORTATION AND COMMUNICATION USES					
Airport					
Bus or Rail Passenger Terminal					
Helipad or Heliport				P	
Marina					
Parking as a Primary Use (Private or Public)		P	P	P	
Wireless Telecommunication Service Facility					
SEXUALLY ORIENTED BUSINESS					
Adult Cabaret					
Adult Media Store					
Adult Motion Picture Theater					
Lingerie Modeling Studio					
Massage Studio					
Nude Model Studio					
Sex Shop					
Video Viewing or Arcade Booth					
RECREATIONAL USES					
Amusements (Outdoor)					

Commercial Recreation (Indoor)		SC	SC		
Commercial Recreation (Outdoor)	SC				
Golf Courses including Disc Golf					
Health/Fitness Facility		P	P	P	
Public Parks and Playgrounds	P	P	P	P	P
Sports Parks (Outdoor)					
Shooting Gallery (Indoor)					
COMMERCIAL/RETAIL/SERVICE USES					
Animal Hospitals & Veterinarian Offices (With Commercial Kennel)					
Animal Hospitals & Veterinarian Offices (Without Commercial Kennel)					
Ambulance Service				P	
Automated Teller Machine (ATM) (Stand Alone Structure)					
Automobile Fuel Station					
Automobile Rental					
Automobile Repair/Body Shop					
Automobile Sales including service and storage					
Automobile Service and Repair (Indoor)					
Bar, Tavern, Lounge, Night Club or Brewpub	P	P	P		
Car Washes					
Commercial Kennel					
Drinking Place	P	P	P		
Financial, Insurance & Real Estate Services	P	P	P		
Laundry/Dry Cleaners With On-Site Plant					
Laundry/Dry Cleaners Without On-Site Plant					
Manufactured Home/Recreational Vehicle/Mobile Home Sales					
Marine Craft Sales, Repair, and Service					
Mortuary or Funeral Home					
Offices	P	P	P	P	
Offices & Clinics of Physicians, Dentists, or other Health Care Practitioners		P	P	P	
Outdoor Sales and/or Display					
Personal Care Establishment		P	P		
Professional and Technical Services		P	P		
Restaurant (With Drive-Thru)					
Restaurant (Without Drive-Thru)	P	P	P		
Restaurant Drive-In or Drive Thru (As a Primary Use)					
Retail Nursery or Greenhouse					
Retail Sales	P	P			
INDUSTRIAL USES					
Assembly of Finished Goods					
Automobile Impound Lot					
Beverage Bottling					
Borrow Pit/Top Soil Removal and Storage					
Chemical Processing					
Confined Feeding Operation					
Contractor's Office with Outdoor Equipment and Material Storage					
Distribution Facility					
Equipment Repair and Service (Indoor)					
Food Production, Except Animal Processing					
Grain Elevator					
Junk and/or Salvage Yard					
Laboratory					
Machinery and Equipment Repair					
Manufacturing (General)					

Manufacturing (Light)					
Mineral/Sand/Gravel Extraction					
Nursery/Greenhouse for Production Purposes ONLY					
Packaging of Finished Goods					
Petrochemical Facilities					
Printing and Publishing					
Recycling Center					
Research Facility					
Sanitary Landfill					
Stone Processing Activities					
Supply Yard					
Towing and Recovery Yard					
Training Facility					
Truck Terminal					
Warehousing					
Warehousing, Mini-Storage					
Wholesale Trade (Indoor)					
Wholesale Trade (Outdoor)					
AGRICULTURAL USES	P	P	P	P	P

(Ord. 20-7-11, passed 8-9-11; Am. Ord. 20-03-15, passed 4-14-15; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 46-07-16, passed 8-9-6; Am. Ord. 12-04-17, passed 4-25-17)

APPENDIX C-2: OFFICIAL SCHEDULE OF USES

Innovation Mile District

Official Schedule of Uses

Innovation Mile District

P = Permitted Use

SC = Special Consideration

A = Accessory Use

[] = Prohibited

TYPE OF USE	***Campus Type 1 (C1) Innovation Core***	***Campus Type 2 (C2) Innovation Gateway***	***Campus Type 3 (C3) Innovation I-69***	***Residential Type 1 (R1) Mixed- Use Residential***	***Residential Type 2 (R2) Uses - Multi- Family Residential***	***Light Industrial/ Manufactur ing Uses (LIM)***	***Community / Institutional Uses (CI)***
Official Schedule of Uses ***Innovation Mile District*** ***P = Permitted Use*** ***SC = Special Consideration*** ***A = Accessory Use*** **[] = Prohibited**							
TYPE OF USE	***Campus Type 1 (C1) Innovation Core***	***Campus Type 2 (C2) Innovation Gateway***	***Campus Type 3 (C3) Innovation I-69***	***Residential Type 1 (R1) Mixed- Use Residential***	***Residential Type 2 (R2) Uses - Multi- Family Residential***	***Light Industrial/ Manufactur ing Uses (LIM)***	***Community / Institutional Uses (CI)***
Residential Uses							
Accessory dwelling unit					P		
Common Spaces (with multi- family)				SC	P		
Dwelling, multi-family of 3 or more dwelling units				P	P		
Dwelling unit located on 2nd floor or above for non- residential building	SC	SC		P			
Garages, community				SC	SC		
Garages, private				P	P		
Other residential uses				SC	SC		
Office and Institutional Uses							
Animal hospitals and veterinarian offices		SC	SC			P	
Fire and police stations		SC	SC				SC
Common, creative, and collaborative spaces	SC	P	P				
Government offices		SC	SC				SC
Headquarters	P	P	P			P	
Hospitals		SC	SC				
Innovation	P	P	P			P	
Library	SC	SC	SC				SC
Offices	SC	P	P	SC		SC	SC
Offices and clinics of medical doctors, physicians, dentists or other health care practitioners	SC	P	P	SC			SC
Post office		SC	SC				SC
Other office and institutional uses	SC	SC	SC	SC			SC
Educational Uses							
Nursery school/preschool		SC	SC				SC

Schools (primary and secondary)		SC	SC				SC
Colleges and universities		P	P				SC
Schools (business and trade)	SC	P	P				SC
Other educational uses	SC	SC	SC				SC
Miscellaneous Uses							
Cemetery							
Parking garages (public or commercial)	SC	P	P	P		P	
Other miscellaneous uses	SC	SC	SC	SC			
Cultural/Entertainment Uses							
Amphitheater							SC
Entertainment related facilities and uses	SC	SC	SC	SC			SC
Galleries and museums	P	P	P	SC			SC
Clubhouse, accessory to a residential development					SC		
Cinemas and theaters, except drive-in theaters	SC	SC	SC				
Disc golf course							SC
Driving range							SC
Expositions (indoor and outdoor)		SC	SC				
Festivals		SC	SC				SC
Golf courses							SC
Hotels	P	P	P	P			
Parks and playgrounds (non-commercial)					P		P
Places of public assembly		SC	SC				P
Places of worship		SC	SC		P		SC
Recreation (indoor/commercial)		P	P				P
Sports park (indoor)		SC	SC				
Sports park (outdoor)							SC
Stadium or arena		SC	SC				SC
Other cultural/entertainment uses	SC	SC	SC				SC
Commercial Uses (Retail/Service)							
Automobile fuel station						SC	
Automobile service						SC	
Automobile repair/body shop						SC	
Car share	A	A	A			SC	
Automobile rental						SC	
Car wash						SC	
Marine craft sales, repair and service						SC	
Restaurant (sit-down)	P	P	P	P			
Restaurant (carry-out ONLY)	P	P	P	P			
Restaurant (drive-in/drive- thru facility) primary use		SC	SC	SC			
Restaurant (drive-in/drive thru facility) accessory use							
Drinking places	P	P	P	P			
Bar, tavern, or lounge, brewpub	P	P	P	P			
Nursery - plant materials primary		SC	SC			SC	
Nursery - plant materials accessory		SC	SC			SC	
Retail sales	P	P	P	P			SC
Services except for laundries/dry cleaners on-site		P	P	P			
Laundries/dry cleaners with on-site plant		SC	SC			P	
Other commercial uses (retail/services)	SC	SC	SC	SC		SC	SC
Industrial Uses							
Assembly of finished goods						P	
Chemical processing						P	
Confinement feeding operations							
Contractor's office		SC	SC			P	
Distribution facilities			SC			P	
Food production except canning factories and/or animal processing						P	
Laboratory	P	P	P			P	
Machine and equipment repair						SC	
Manufacturing, general		SC	SC			P	
Manufacturing, light		A	A			P	
Newspaper and/or job printing						P	
Packaging of finished goods						P	
Research facilities	SC	P	P			P	
Recycling centers						SC	
Supply yard						SC	
Warehousing		SC	P			P	
Mini-storage warehousing		SC	SC			SC	
Wholesale trade (indoor)		SC	P			P	
Wholesale trade (outdoor)						P	
Other industrial uses	SC	SC	SC			SC	
Transportation and Communication Uses							
Airports							
Heliports and/or helipad		SC	SC				
Public service facilities		SC	SC		SC	P	SC
Wireless communication service facilities		SC	SC	SC		SC	SC

Other transportation and communication uses	SC	SC	SC	SC		SC	

(Ord. 20-7-11, passed 8-9-11; Am. Ord. 20-03-15, passed 4-14-15; Am. Ord. 25-04-15, passed 5-12-15; Am. Ord. 46-07-16, passed 8-9-16; Am. Ord. 12-04-17, passed 4-25-17; Am. Ord. 28-07-24, passed 7-9-24)

APPENDIX D: PROCEDURES FOR APPLICATION

Adobe Reader is required to view appendix.

[Click here to view appendix]

APPENDIX E: FIRE DEPARTMENT ACCESS AND WATER SUPPLY AND FIRE HYDRANT SPECIFICATIONS

Section

1. Fire Department access and water supply
2. Fire hydrant specifications

§ 1. FIRE DEPARTMENT ACCESS AND WATER SUPPLY.

(A) Fire Apparatus Access. Plans for fire apparatus access roads shall be submitted to the fire department for review.

(B) Fire Hydrant Systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review.

(C) Timing of Installation. Required fire hydrants and temporary surfaced access roads within the site shall be installed and made serviceable prior to construction of a building or structure and such hydrants and roads shall be maintained during construction.

(D) Required Access. Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. EXCEPTION: Buildings protected throughout by a supervised automatic fire sprinkler system and not used for high-piled combustible storage in excess of 12,000-SF.

(E) Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet and six inches. The required width of a fire apparatus access road shall not be obstructed in any manner including parking of vehicles.

(F) Surface. Fire apparatus access roads shall be designed and constructed to support the imposed live loads of the heaviest piece of fire department apparatus available to the servicing fire department and shall be provided with a surface so as to provide all-weather driving capabilities.

(G) Turning Radius. The turning radius of a fire apparatus access road shall be determined after construction with the servicing fire department and shall be at least equal to the minimum required radius for the fire apparatus. The roads shall be designed and constructed to permit turning of the longest piece of fire apparatus available to the servicing fire department.

(H) Dead-Ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be designed and constructed so as to allow the turning around of the longest piece of fire apparatus available to the servicing department.

(I) Bridges. When a bridge is required to be used as part of a fire apparatus access road, it shall be constructed and maintained in accordance with nationally recognized standards.

(J) Key Boxes. Whenever the servicing Fire Department has instituted a key box emergency access system, a key box compatible with that system shall be installed in an accessible location if:

(1) The building is protected with an automatic sprinkler system equipped with a local or transmitted water-flow alarm; or

(2) The building is provided with any fire alarm system equipped with an outside audible/visual signaling device.

(3) The building is provided with any fire system where the alarm is transmitted to an off-site location or to the fire alarm center for the servicing Fire Department.

(K) Responsibility for Key Box. Key boxes are to be provided by the building owner and shall contain the keys necessary to access all protected areas of the building.

(L) Required Water Supply for Fire Protection. A water supply capable of supplying the required fire flow for firefighting purposes as determined by local ordinance.

(Ord. 55-12-02, passed 1-14-03)

§ 2. FIRE HYDRANT SPECIFICATIONS.

(A) The location of fire hydrants within the city shall be reviewed and approved by the Fire Inspector for the Noblesville Fire Department before the start of construction. Blueprints with fire hydrant placement must be reviewed and approved by the Fire Inspector.

(B) The installation of fire hydrants shall be the following specifications:

(1) Mechanical joint connection for 6 inch service pipe.

(2) A minimum of 5-1/4 inch diameter main valve opening.

(3) Two 2-1/2 inch hose nozzles with threads being National Standard.

(4) A streamer nozzle of four threads per inch, a pitch of 4.946, a major diameter of 5.110-IN and a minor diameter of 4.751-IN.

(5) A main valve seat provided with bronze to bronze threads.

(6) All nozzles shall have a cap covering the opening.

(7) A "break-a-way" hydrant that allows the barrel to break with a minimum of water escaping.

(8) Four drain holes in the bottom to prevent freezing.

(9) The base should be surrounded by at least six cubic feet of coarse gravel or crushed rock for draining.

(10) All hydrants shall be painted with two coats of paint in the color "traffic yellow".

(C) In 1978, an ordinance was adopted to enforce the National Fire Codes. NFPA 24 is the standard for fire hydrant placement, installation and maintenance. The number, size arrangement of outlets, the size of the main valve opening and the size of the barrel shall be suitable for the protection to be provided and shall be approved by the Noblesville Fire Department.

(Ord. 55-12-02, passed 1-14-03)

APPENDIX F: NOBLESVILLE STANDARDS

Section

1. Noblesville Standards

§ 1. NOBLESVILLE STANDARDS.

[To view a PDF of the following images, click here.]

NOBLESVILLE, INDIANA

CITY STANDARDS

NOBLESVILLE COMMON COUNCIL

BRIAN AYER — MEMBER

MARK BENGE — MEMBER

MICHAEL A. DAVIS — MEMBER

WIL HAMPTON — MEMBER

GREGORY P. O'CONNOR — MEMBER

DARREN PITTENGER — MEMBER

PETE SCHWARTZ — MEMBER

AARON SMITH — MEMBER

MEGAN G. WILES — MEMBER

NOBLESVILLE MAYOR

CHRIS JENSEN — MAYOR

BOARD OF PUBLIC WORKS AND SAFETY

JACK MARTIN — PRESIDENT

JOHN BITNEGAR — MEMBER

LAURIE DYER — MEMBER

ROBERT J. HAMER — MEMBER

RICK L. TAYLOR — MEMBER

NOBLESVILLE CLERK-TREASURER

EVELYN L. LEES — CLERK

NOBLESVILLE CITY ATTORNEY

LINDSEY BENNETT — CITY ATTORNEY

NOBLESVILLE PLANNING COMMISSION

GRETCHEN A. HANES — PRESIDENT

DIRECTIONS FOR USE

1. The entire set of signed, full size standards shall be attached to the construction drawings and shall be considered part thereto. Partial sets may be used for small projects when approved by the City of Noblesville Planning Director and/or City Engineer.
2. Details prepared by outside sources shall not be included in the construction drawings when said details cover work which is contained in the Noblesville Standards. Details covering work which is not covered by Noblesville Standards are the sole responsibility of the design engineer and shall be placed on sheets other than the Noblesville Standards sheets.
3. Individual Noblesville Standards that do not apply shall be crossed-out by the design engineer through the placement of a single large "X" over the detail. Minor reference notations may be placed adjacent to individual standard titles for coordination. However, the Standards themselves shall not be modified in any way.
4. For details, specifications, and design guidelines not covered in these Standards, refer to the documents stated below. In the event that these Standards are used, referenced, or incorporated into any publicly or privately funded project and a conflicting standard(s) and/or specification(s) exist, the following order shall govern:
   - 4.1. Noblesville Standards
   - 4.2. Unified Development Ordinance
   - 4.3. Noblesville Stormwater Technical Standards
   - 4.4. Noblesville Roundabout Standards
   - 4.5. Noblesville Traffic Calming Standards
   - 4.6. Noblesville Arterial/Future Specifications Manual and Street Tree Ordinance
   - 4.7. Noblesville Standards: Pervious Concrete Pavement Design Requirements
   - 4.8. Noblesville Traffic Signal Ordinance
   - 4.9. Noblesville Forms With Standards
   - 4.10. INDOT Standards and Specifications / Indiana Design Manual / Indiana Manual on Uniform Traffic Control Devices / INDOT Work Zone Safety Manual
   - 4.11. "Ten State Standards" prepared by Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers and Sanitary Engineers
   - 4.12. ASTM and/or AWWA Standards and Specifications
   - 4.13. Project's Written Specifications
   - 4.14. Project's Plans
5. Design professional certifying the plans for the project acknowledges their professional responsibility for ensuring that all work is correct, accurate, and complies with all appropriate laws, standards, regulations, and ordinances. If such an error and/or omission is found, the design professional accepts full responsibility and shall determine a solution that complies with all appropriate laws, standards, regulations, and ordinances. If such an error or omission is found, the developer is not relieved to comply with all appropriate laws, standards, regulations, and ordinances.
6. All requests for interpretations and/or clarification with the standards shall be done in writing to the City Engineer. All official responses by the City Engineer will be done in writing. All requests for deviations with the standards shall be done in writing to the City Engineer. All official responses by the City Engineer will be done in writing.

GENERAL PROJECT AND CITY STANDARDS NOTES

1. Contractor shall verify the exact location of all existing utilities at least 48 hours prior to any construction or excavation. During construction, all utilities shall be adequately supported to minimize damage. The contractor shall be responsible for repairing or replacing damaged utilities to the satisfaction of the Noblesville Department of Engineering and the owner of the affected utility.
2. At the pre-construction conference, all construction drawings shall be submitted to the Noblesville Department of Engineering in paper and electronic format. Acceptable forms of electronic format include: AutoCAD 2007, or most current format. In addition, a full size PDF version shall be submitted. All coordinate data shall be compliant with the State Plane coordinate system with units provided in U.S. Survey Feet. All benchmarks and elevations shall be from the NAD 1983 datum. Reference "Digital Record Drawing Submittal Requirements" from the Noblesville Engineering Department for additional guidelines for electronic submittals.
3. Whenever proprietary equipment is specified, all proposals for substitution shall be submitted in writing to the Noblesville Department of Engineering and shall be subject to the findings thereto.
4. Plan and profile drawings and individual details prepared by outside sources shall be provided for review by the Technical Advisory Committee (T.A.C.). Any project with public works infrastructure improvements or deductions shall receive T.A.C. approval within 6 months of initial T.A.C. meeting for detailed construction plans and shall commence with construction no later than 6 months from T.A.C. approval, or shall be subject to a subsequent T.A.C. approval.
5. Electronic drawings submitted for both construction drawings and as-builts shall comply with guidelines set by City's GIS Coordinator. Electronic construction drawing submittal shall be submitted and approved after T.A.C. approval prior to pre-construction conference. As-built drawing submittal shall be submitted and approved after infrastructure has been inspected and approved by the Noblesville Department of Engineering.
6. As-built record drawings, prepared by outside sources, shall be accompanied with a detailed inventory of all fixed assets. Electronic as-built drawings in ACAD & PDF formats shall be submitted to the Noblesville Department of Engineering and shall comply with the City's GIS Coordinator's guidelines. A certified letter of attestment shall accompany the drawings. The letter of attestment shall be certified by a registered Land Surveyor. As-builts are required for sanitary sewer system, storm sewer system, BMP's, ditches/swales, roadways, trails, sidewalks, final site grading, controller cabinets, conduits, lights, signs, and all other infrastructure within Public Rights-of-Way and/or easements.
7. The contractor is responsible for maintaining a safe construction site and for keeping surrounding streets neat and clean. The contractor shall provide all traffic control, in accordance with most recent version of INDOT Work Zone Safety Manual, required at public ways near the project.
8. Geotech report and traffic impact studies may be required. Coordinate with Department of Engineering.
9. Any deviation from these Standards requires a design exception letter.
10. All sites shall have an accessible route from the building to the R/W, following the shortest route possible, and following PROWAG guidelines while within public R/W and ADA Guidelines while in private development.

TABLE OF CONTENTS

Sheet	Description
1	Directions For Use and General Note
2	Typical Sections, Right-of-Way, & General Notes
3	Pavement Details and Notes
4	Miscellaneous Roadway Details
5	Drive and Entrance Details and Notes
6	Sidewalk and Curb Ramp Details and Notes
7	Storm Sewer Bedding Details and Detention Notes & Details
8	Storm Inlet Details and Notes
9	Storm Manhole Details and Notes
10–11	Sanitary Sewer General Notes and Specifications
12	Sanitary Sewer Pipe and Bedding Details
12–14	Sanitary Sewer Structures and Connection Details
15	Sanitary Sewer Oil/Grease Trap Specifications
16	Backfill and Patching Details
17	Monumentation Guidelines and Fire Department Notes & Details
18	Street Sign Details and Notes
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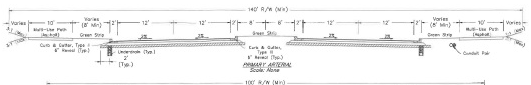
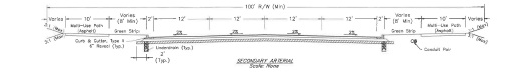
20–24	FHWA Timber Guardrail Details
25	Landscape and Planting Details and Notes
26–28	SWPPP Details
29	Stormwater BMP – Pond Details

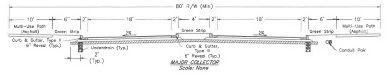
	CITY OF NOBLESVILLE	SHEET 1 OF 29
	Directions for Use and General Notes	

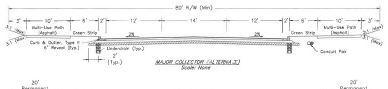
GENERAL NOTES

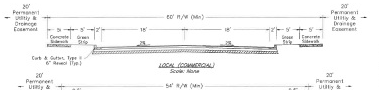
1. The Right-of-Way widths, pavement widths, and easement widths indicated on the Noblesville Thoroughfare Plan are minimums. Right-of-Way and Greater widths may be provided or required. Additional Right-of-Way width will be required in proximity of all intersections with thoroughfare roads. The contractor shall review the plat and the plans to confirm the various widths indicated on this sheet and shall report any discrepancy to the City Engineer and Noblesville Planning Department prior to proceeding with construction.
2. Where new sidewalk connects to existing sidewalk, the width of new sidewalk shall match width of existing sidewalk or be a minimum of 5 feet, whichever is greater.
3. Standard pavement markings shall be placed in accordance with the most recent Indiana Manual on Uniform Traffic Control Devices. For asphalt pavements, all pavement markings shall be thermoplastic. For concrete pavements, all pavement markings shall be multi-component.
4. Snowplowable raised pavement markers (SPMs) shall be placed on all thoroughfare roads, in accordance with the most recent Indiana Manual on Uniform Traffic Control Devices. Blue RPMs shall be used when adjacent to a fire hydrant. Contact Fire Marshal and City Engineer for placement location of blue RPMs on roadways with more than two lanes.
5. Curb reveals are to terminate with 12:1 slope.
6. Acceleration/deceleration lanes and passing blisters shall be constructed for all new development entrances which connect to a primary arterial, secondary arterial, major collector, or INDOT Right-of-Way. See Subdivision Entrance from a Thoroughfare Detail.
7. For any development which directly adjoins a primary arterial, secondary arterial, or major collector, as depicted on the Noblesville Thoroughfare Plan, the developer shall conduct the following for said roadway(s):
   - 7.1. Hire an independent testing laboratory to collect pavement core samples every 400 feet, but no less than two samples per roadway. A written summary, which illustrates the aggregate sub-base thickness and pavement thickness shall be submitted to the Noblesville Department of Engineering.
   - 7.2. Developer shall repair all pavement failures, as determined by the Noblesville Department of Engineering.
   - 7.3. Developer shall widen existing culverts and bridge structures within the limits of the development.
   - 7.4. Developer shall only be responsible for improving existing thoroughfare roadways, between the limits of the development. See Widening Without Curb and Gutter detail, Sheet 3.
   - 7.5. Roadside and drainage improvements shall be included with the pavement widening, such as re-grading of drainage swales, removal of all obstructions in the Right-of-Way, including but not limited to trees, fence, stumps, etc., and/or installation of roadway pipe culverts.
   - 7.6. Developer shall provide intersection sight distance study for all entrances on roadways shown on the Noblesville Thoroughfare Plan or as required by City Engineer.
   - 7.7. Contractor to clear Right-of-Way as necessary to achieve line of sight requirements within five days of start of construction.
8. Material tickets shall be provided to the Noblesville Department of Engineering within seven calendar days of placement. All concrete, asphalt, and aggregate materials must be produced and/or supplied from an INDOT approved source and meet INDOT specifications.
9. City is not responsible for maintaining, repairing, or replacing non-public infrastructure within Right-of-Way, including but not limited to, pavement, but is not limited to, landscaping, irrigation systems, and/or yard containment. Any proposed non-public improvements in the Right-of-Way requires written approval by the City, typically, a Right-of-Way encroachment permit.
10. Any guardrail required for thoroughfare roads shall conform to INDOT Standard Drawings and Specifications. Any guardrail required for local roads shall be steel-backed timber guardrail, see Sheets 20 – 24.

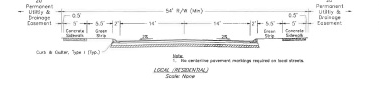


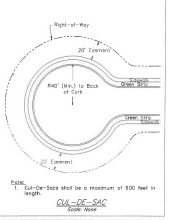








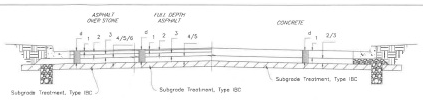




	CITY OF NOBLESVILLE	SHEET 2 OF 29
	Typical Sections, Right-of-Way, & General Notes	

GENERAL NOTES

1. Asphalt pavement shall be in accordance with the most current INDOT Standard Specifications Section 401. For all local (non-Federal Aid) projects, all HMA acceptance and testing requirements shall be in accordance with Section 402. Patching and Widening shall be in accordance with Section 304.
2. PCCP pavement shall be in accordance with the most current INDOT Standard Specifications Section 502.
3. The Arterial pavement section thickness shown are minimums. California Bearing Ratio (CBR) tests shall be performed to verify pavement thickness designs. CBR tests shall be submitted to the Noblesville Department of Engineering as part of the T.A.C. submittal.
4. Compacted Aggregate shall be in accordance with the most current INDOT Standard Specifications Section 301. Compaction tests shall be at the contractor's expense and shall be performed by an independent testing laboratory. Compaction test results shall be submitted to Noblesville Dept. of Engineering for consideration of acceptance of maintenance bonds. One in-place density test shall be completed for each lift for every 400 linear feet per traffic lane.
5. Subgrade Treatment for all roadway sections shall be Type IBC in accordance with the most current INDOT Standard Specifications, Section 307. The mix design and construction procedure shall be submitted to the Noblesville Department of Engineering for approval. Upon completion and prior to placement of underdrains, the subgrade shall be proof rolled in accordance with INDOT Standard Specifications Section 203.28 and shall be inspected by the Noblesville Department of Engineering. Areas in which failures occur during proof rolling shall be undercut to the depth directed by the Noblesville Department and shall be corrected and retested until passing the City's inspection.
6. Wherever concrete pavement is to be used, the contractor shall submit a joint layout plan to the Noblesville Department of Engineering. The joint layout plan shall include a joint layout indicating location and type of joints and shall meet the requirements of the most recent INDOT Standard Drawings and Specifications.
7. For cold-weather concrete placement, the contractor shall comply with provisions of ACI 306R for protection from physical damage or reduced strength. For hot weather concrete placement, the contractor shall comply with provisions of ACI 305R for protection from physical damage or reduced strength associated with rapid moisture loss.
8. The roadway pavement areas section shall be completed within 60 calendar days from the start of the Subgrade Treatment. The surface asphalt course may be placed more than 60 calendar days after Subgrade Treatment, but shall be placed within one calendar year of placing the asphalt intermediate course.
9. Temporary asphalt pavement (hot or cold mix) shall be placed and compacted at the milled joints to smooth the transition between the surfaces. Milling operations and milled pavement areas are considered construction zones and shall be signed accordingly. Milled surfaces shall be covered within 14 calendar days of start of pavement milling operations.
10. Alternate paving material requests shall be made to the Noblesville Department of Engineering.



ASPHALT OVER STONE — Scale: None

- d= 10.0"
  1. 1.5" – 165#/SYD. QC/QA–HMA, 2, 64, Surface, 9.5 mm on
  2. 2.5" – 275#/SYD. QC/QA–HMA, 2, 64, Intermediate, 19.0 mm on
  3. 2.5" – 275#/SYD. QC/QA–HMA, 2, 64, Base, 25.0 mm on
  4. 6" – Compacted Aggregate, No. 53

LOCAL (RESIDENTIAL)

- d= 14"
  1. 1.5" – 165#/SYD. QC/QA–HMA, 3, 70, Surface, 9.5 mm on
  2. 2.5" – 275#/SYD. QC/QA–HMA, 3, 64, Intermediate, 19.0 mm on
  3. 4.5" – 440#/SYD. QC/QA–HMA, 3, 64, Base, 25.0 mm on
  4. 5" – 200#/SYD. QC/QA–HMA, 3, 76, Intermediate, 00 19.0 mm on
  5. 6" – Compacted Aggregate, No. 53

COLLECTOR

- d= 16"
  1. 1.5" – 165#/SYD. QC/QA–HMA, 3, 70, Surface, 9.5 mm on
  2. 2.5" – 275#/SYD. QC/QA–HMA, 3, 64, Intermediate, 19.0 mm on
  3. 4" – 440#/SYD. QC/QA–HMA, 3, 64, Base, 25.0 mm on
  4. 2" – 200#/SYD. QC/QA–HMA, 3, 76, Intermediate, 00 19.0 mm on
  5. 3" – 330#/SYD. QC/QA–HMA, 3, 64, Base, 25.0 mm on
  6. 6" – Compacted Aggregate, No. 53

ARTERIAL / LOCAL (COMMERCIAL)

FULL DEPTH ASPHALT — Scale: None

- d= 10.0"
  1. 1.5" – 165#/SYD. QC/QA–HMA, 2, 64, Surface, 9.5 mm on
  2. 2.5" – 275#/SYD. QC/QA–HMA, 2, 64, Intermediate, 19.0 mm on
  3. 2.5" – 275#/SYD. QC/QA–HMA, 2, 64, Base, 25.0 mm on
  4. 4" – 440#/SYD. QC/QA–HMA, 2, 64, Base, 25.0 mm on

LOCAL (RESIDENTIAL)

- d= 14"
  1. 1.5" – 165#/SYD. QC/QA–HMA, 3, 70, Surface, 9.5 mm on
  2. 2.5" – 275#/SYD. QC/QA–HMA, 3, 64, Intermediate, 19.0 mm on
  3. 4.5" – 440#/SYD. QC/QA–HMA, 3, 64, Base, 25.0 mm on
  4. 5" – 200#/SYD. QC/QA–HMA, 3, 76, Intermediate, 00 19.0 mm on
  5. 5" – 330#/SYD. QC/QA–HMA, 3, 64, Base, 25.0 mm on

COLLECTOR

- d= 16"
  1. 1.5" – 165#/SYD. QC/QA–HMA, 3, 70, Surface, 9.5 mm on
  2. 2.5" – 275#/SYD. QC/QA–HMA, 3, 64, Intermediate, 19.0 mm on
  3. 4" – 440#/SYD. QC/QA–HMA, 3, 64, Base, 25.0 mm on
  4. 3" – 200#/SYD. QC/QA–HMA, 3, 76, Intermediate, 00 19.0 mm on
  5. 6" – 660#/SYD. QC/QA–HMA, 3, 64, Base, 25.0 mm on

ARTERIAL / LOCAL (COMMERCIAL)

CONCRETE — Scale: None

- d= 12"
  1. 6" – PCCP on
  2. 6" – Compacted Aggregate, No. 53

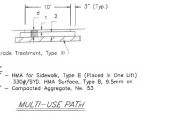
LOCAL (RESIDENTIAL)

- d= 18"
  1. 9" – PCCP on
  2. 9" – Compacted Aggregate, No. 8 on
  3. 6" – Compacted Aggregate, No. 53

COLLECTOR

- d= 28"
  1. 10" – PCCP on
  2. 3" – Compacted Aggregate, No. 8 on
  3. 6" – Compacted Aggregate, No. 53

ARTERIAL / LOCAL (COMMERCIAL)



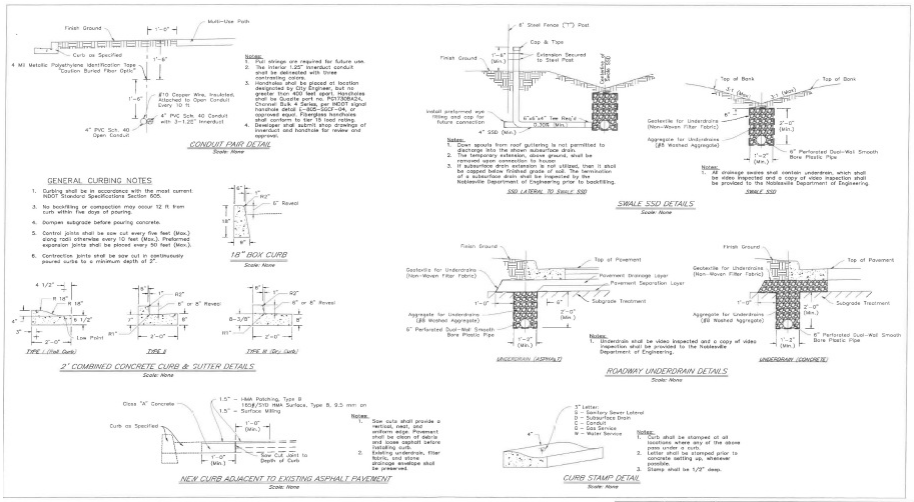
MULTI-USE PATH — Scale: None

- d= 3"
  1. 3" – HMA for Sidewalk, Type E (Placed in One Lift) 330#/SYD. HMA Surface, Type B, 9.5mm on
  2. 6" – Compacted Aggregate, No. 53

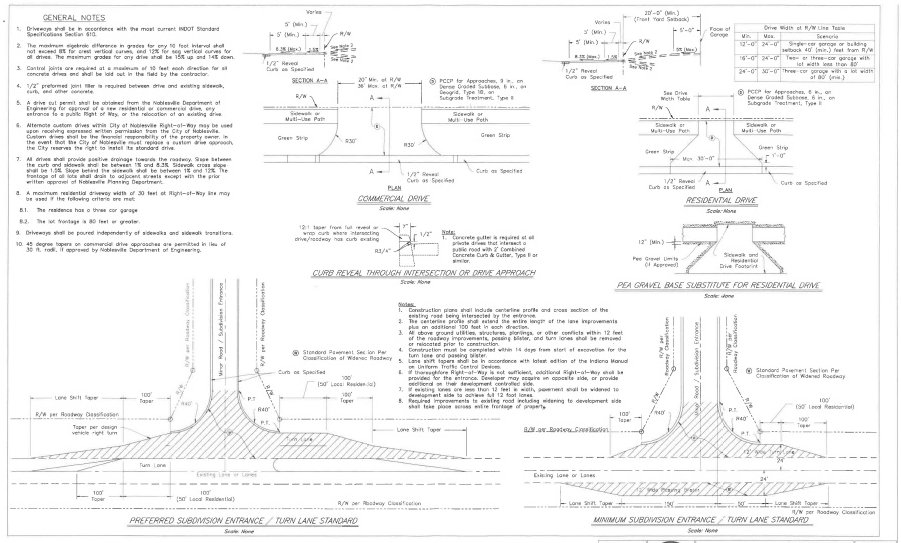
Notes:
1. Where any pavement improvement is to occur without curb and gutter, the existing roadway shall be widened with minimum 2 ft wide HMA or city approved material to achieve 14.5 ft. (Min.) from centerline to edge of pavement.
2. Existing culverts and bridge structures shall be widened within the limits of the pavement improvements.
3. The full roadway width within the project limits shall receive an 1.5" overlay of HMA Surface according to its classification after completion of the required widening.

WIDENING WITHOUT CURB AND GUTTER — Scale: None

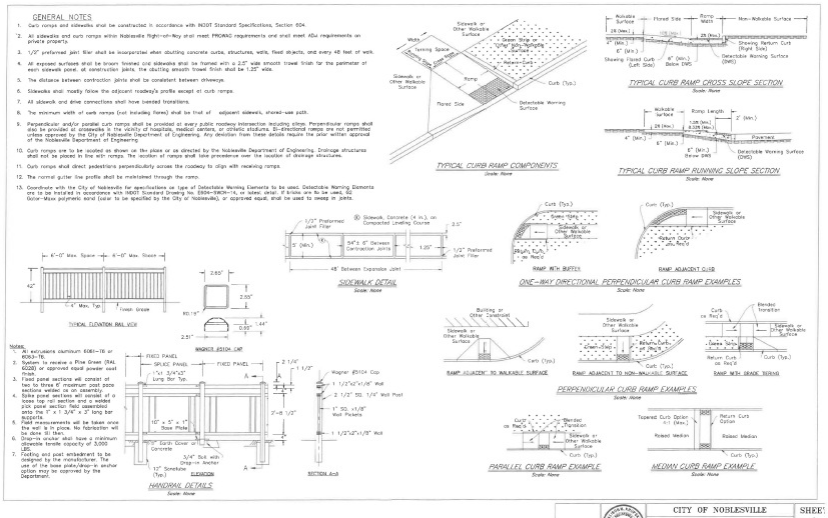
	CITY OF NOBLESVILLE	SHEET 3 OF 29
	Pavement Details and Notes	



	CITY OF NOBLESVILLE	SHEET 4 OF 29
	Miscellaneous Roadway Details	



	CITY OF NOBLESVILLE	SHEET 5 OF 29
	Drive and Entrance Details and Notes	



	CITY OF NOBLESVILLE	SHEET 6 OF 29
	Sidewalk and Curb Ramp Details and Notes	

UTILITY GENERAL NOTES

1. The design engineer shall design, configure, and coordinate all utilities public or private, in a manner to:
   - 1.1. Accommodate service connections (existing, proposed, or future).
   - 1.2. Maintain access to, and provide sufficient room for, maintenance activities.
   - 1.3. Not conflict with or damage other utilities during construction or maintenance.
2. Abandoned utility infrastructure shall be completely removed after newly constructed, upgraded, or relocated facilities are accepted and in service. Abandoned facilities are not permitted to remain in place, regardless if it is above ground or below ground. Below ground conveyance pipe can be capped and filled with concrete or flowable fill. Trenches of below ground facilities shall be properly backfilled as noted in these standards.
3. Additional easement or Right-of-Way widths may be required beyond the typical minimum width or area to accommodate utility infrastructure if determined by a master plan, special study, or unique situation. It is the responsibility of the design engineer to contact the utilities to determine if this is necessary.
4. An Encroachment Permit shall be obtained for any planned work within public Right-of-Way or easement from the Noblesville Planning Department, subject to review by any and all applicable City departments.

STORM SEWER GENERAL NOTES

1. The City of Noblesville Stormwater Technical Standards Manual (STSM) shall be referenced for all storm sewer design standards. These standards shall include, but are not limited to, the following:
   - 1.1. Storm sewer pipe material shall be in accordance with Ch. 400 of the STSM. Storm sewer pipe in public Right-of-Way and/or public easements, of other material not meeting these specifications shall require the prior written approval of the Noblesville Department of Engineering.
   - 1.2. The minimum diameter of all storm sewer pipe shall be 12 inches with the exception of subsurface underdrain pipe.
2. Upon request, the contractor shall submit all necessary information to the Noblesville Department of Engineering to illustrate conformance with all STSM specifications.
3. Prior to earthwork, pipe construction, or other activity that may affect or alter stormwater runoff, the downstream receiving and all stormwater shall be secured and stabilized to accommodate all upstream runoff. Failure to do so may require the contractor to perform, at their own expense, ditch improvements, culvert improvements, or constructing positive outlet for detention facility.
4. Pipe end sections will not be permitted for use as an inlet when inlet/manhole structures can serve the property for stormwater collection.
5. Pre-fabricated galvanized animal and debris guard shall be installed on the upstream end of all pond outfalls. Debris guards shall meet the minimum standards of the Hamilton County Surveyor's Office, Detail D-112.
   Underdrain table may be required by the City Engineer. Table shall be in the format required by the Indiana Department of Transportation (INDOT).

STORM SEWER REINFORCED CONCRETE PIPE

1. Reinforced Concrete Pipe (RCP) shall be Class III, IV, or V as specified in ASTM C-76.

DEPTH OF FILL OVER PIPE	CLASS
Between 2 Feet And 10 Feet	III
Between 10 Feet And 15 Feet	IV
16 Feet Or Greater	V

2. Reinforced Elliptical Concrete Pipe shall be Class HE-II or HE-III as specified in ASTM C-507.

DEPTH OF FILL OVER PIPE	CLASS
Less Than 2 Feet	HE-II
Between 2 Feet And 6 Feet	HE-III

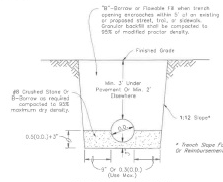
3. Lift holes are not allowed for pipe less than 24 inches in diameter. A maximum of two lift holes are allowed for pipe 24 inches in diameter or larger. Lift holes shall be repaired in accordance with INDOT Standard Specifications, latest edition.
4. Pipe joint specifications shall be in accordance with the specifications for the type of pipe material being used.
5. The outside of each pipe section shall be legibly marked with the date of manufacture, class of pipe, specification designation, name or trademark of manufacturer and identification of plant/location. The interior of the pipe shall also be marked with same information as the exterior of the pipe in a location that can be seen during the CCTV inspection.
6. Pipe sections shall be manufactured with a bell on one end of a unit of pipe and a spigot or tongue on the opposite end of the adjoining pipe. All joints shall have a groove on the spigot for placement of a rubber "O"-ring or profile gasket in accordance with ASTM C-443. The gasket shall be a continuous ring which fits snugly into the annular space between the overlapping surfaces of the assembled pipe joint.
7. Pipe size and material classification shall be called out in plan and profile of construction drawings.
8. Rip-rap outlet protection, energy dissipation, and scour protection shall be designed for all pipe end sections with precast toe walls and rip-rap outlet protection/energy dissipation. Specifications and bedding of toe-walls shall be determined by the design engineer based on the velocity of discharge and soil type. Specifications for the rip-rap outlet protection/energy dissipation shall be in accordance with the SWPPP Specifications included herein, and sizing shall be specific to each application. Headwalls shall also be considered if the previously stated items are not sufficient and conditions warrant.
9. Storm sewer pipe shall have a minimum horizontal separation of 10 feet from sanitary sewer pipe or water main pipe. All pipe crossings shall be at angles greater than 45° with a minimum vertical separation of 1.0 feet. Dimensions are measured from the outside of pipe to outside of pipe.

STORM SEWER PIPE TELEVISING AND AS-BUILT DRAWINGS

1. Closed circuit television (CCTV) inspection shall be performed in compliance with NASSCO's Pipeline Assessment Certification Program (PACP) standards on all publicly owned pipe installed within the City of Noblesville to be used for the purposes of conveying storm water runoff.
2. The contractor installing the storm sewer pipe shall employ/hire the contractor responsible for the television inspection services. The developer shall contact the Noblesville Department of Engineering to schedule the CCTV inspection immediately following the thorough cleaning of all segments.
3. If any pipe end/or joint is found to be faulty, the contractor shall repair that portion of the work to the satisfaction and approval of the Noblesville Department of Engineering.
4. The contractor shall bear all costs of the segment cleaning, debris removal and disposal, and CCTV inspection. Contractor shall perform cleaning and CCTV inspection after the final lift of pavement.
5. Contractor shall submit as-built drawings, electronic and hardcopy, within 30 days of successful completion of all testing and CCTV requirements. Electronic as-built drawings submittal shall be submitted to the Noblesville Department of Engineering and comply with the City's GIS Coordinator's guidelines.
6. Contractor shall supply digital video to the City of Noblesville Engineering Department that is compatible with Windows Media Viewer with indexed chapters to allow instant access to points of observation.

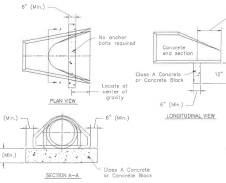
DETENTION BASIN GENERAL NOTES

1. All detention basins and outlet structures shall be designed in accordance with Chapter 300 of the City of Noblesville Stormwater Technical Standards Manual (STSM).
2. Dry bottom detention basins shall be subject to the maximum of 3:1 slope above the 100 Year elevation. The interior slopes shall be subject to the slope requirements as set out on Sheet 4. The traverse grade shall be 2% minimum.
3. The Noblesville Department of Engineering or Stormwater/MS4 may approve alternate detention pond/basin sections. Wet ponds being design as post-construction water quality measures shall be designed in accordance with Chapter 700 of the STSM and the Stormwater BMP — Pond Details, Sheet 29).
4. Outlet structures for all detention basins shall be Inlet Type 'C' with Neenah Casting R-4215-C, East Jordan No. 6810, or approved equal by the Noblesville Department of Engineering. Outlet control orifice shall be pre-cast into the face of the structure, or fabricated from steel plate and welded to the pipe. The design of the outlet structure shall be in accordance with the outlet structure detail, this sheet.
5. The design of all wet-bottom detention facilities shall include an aeration facility. Design calculations shall be provided to substantiate the effectiveness of the proposed aeration facility. The aeration facility shall be able to, at a minimum, turn the volume of the detention facility over 26 times per year. See Section 302.06.4 of the City of Noblesville Stormwater Technical Standards Manual.
6. All detention facilities shall be separated from road Right-of-Way by a minimum of fifty (50) feet, measured from the top of bank, or peak 100-yr. Elevation if no defined top of bank is present. Use of guardrails, berms, or other structural measures may be considered in lieu of the noted setbacks. See guardrail details, Sheets 20-24.



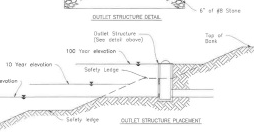
* Trench Slope For Unit Price Pay Item Or Reinforcement Quantity Calculation

RCP PIPE BEDDING DETAIL
Scale: None



CONCRETE END SECTION TOE ANCHOR DETAIL
Scale: None

TYPICAL DETENTION POND SECTION
Scale: None



OUTLET STRUCTURE DETAIL

TYPICAL OUTLET STRUCTURE DETAILS
Scale: None

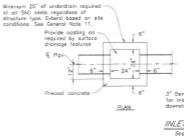
GENERAL NOTES

1. Curb castings shall be checked to meet requirement of inlet design and ensure compatibility with curb specified, swales, ponds, etc.
2. All inlet castings shall be in accordance with the Compatibility of Inlet Structures and Castings table on this sheet, unless otherwise approved by the Noblesville Department of Engineering.
3. Castings shall not be buried and shall be flush with the adjacent finished grade. Castings which are surrounded by asphalt or concrete shall be constructed within a tolerance of ± 0.1' of the designed elevation. All other castings shall be constructed within a tolerance of ± 0.2' of the designed elevation. Elevations will be checked with the as-built drawings.
4. An Inlet Type C/F shall be used to drain all drainage swales and as the outlet structure on all wet/dry detention basins, unless otherwise approved by the Noblesville Department of Engineering.
5. The contractor shall remove soils under a precast bottom, which in its natural state, have good bearing strength and which have had its characteristics adversely changed by the contractor's operations and replace with 6 inches of #2 stone.
6. Storm sewer pipe which connects to either a catch basin or an inlet shall enter and exit perpendicular to precast concrete walls. In cases where a perpendicular connection cannot be made, a manhole structure shall be used with an appropriate cap to accommodate required casting type.
7. If coring is required, core shall not be made at joint between structure sections. Coring into structure for curb underdrain tie-in shall be prohibited. If precast structure was fabricated with underdrain tie-ins, if core required, core shall not be made at joint between structure sections.
8. If a catch basin is used, sump shall be 24" below lowest pipe invert elevation within catch basin.
9. Site grading as-builts shall be provided in electronic formats (CAD & PDF) upon acceptance by Department of Engineering. Engineer shall refer to GIS coordinator for as-built standards and format.
10. There shall be a minimum of 0.1 feet of fall between the upstream Invert(s) and the downstream invert in the structure for pipe with the same diameter. For pipes of differing diameters, the crown of the upstream pipe shall match the crown of the downstream pipe.
11. Final adjustment in elevation of the frame, cover, or casting shall be accomplished by the use of a four inch maximum thickness adjusting ring or collar. Brick or block shall not be used in the construction of a structure or to adjust the elevation of frame or casting. Contractor may use HDPE risers and composite materials as approved by the Noblesville Department of Engineering.
12. Minimum 10 feet of underdrain pipe shall be installed at all sag inlets under the curb or pavement which drains to the structure. Minimum of two underdrain lines per structure. Open ends of underdrains shall be capped. See underdrain detail.
13. Pipe and sections will not be permitted for use as an inlet when inlet/manhole structures can serve the property for stormwater collection.
14. Inlet structures shall not exceed a maximum depth of 42-inches for Type A inlets and 60-inches for Type M/J inlets from top of casting to the outlet pipe invert. Any depths greater than these dimensions shall use a manhole structure.
15. The use of INDOT Type B and C inlets is prohibited unless approved by the Noblesville Department of Engineering.

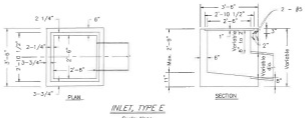
INLET STORM CASTING DETAIL
Scale: None

COMPATIBILITY OF INLET STRUCTURES AND CASTINGS

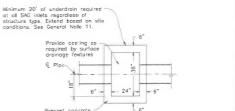
INLET TYPE	INDOT CASTING TYPES					NEENAH CASTING TYPES					EAST JORDAN IRON WORKS CASTING TYPES				
	2	3	7	8	10	R-2561-QR1	R-3405-A	R-3501-TR	R-3501-TR	R-4213-C	5250	6810	7030 w/ M2 Grate & 11 Bars	7452MT	7457MQ	7459MA
A	X	X	X				X				X	X				
E				X						X		X				
F				X						X		X				
I					X	X		X	X				X	X	X	X
M					X	X		X	X				X	X	X	X



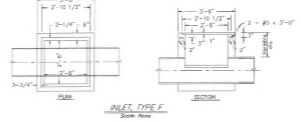
INLET, TYPE A
Scale: None



INLET, TYPE C
Scale: None



INLET, TYPE M/J
Scale: None



INLET, TYPE F
Scale: None

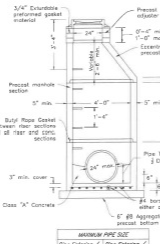
GENERAL NOTES

1. Storm manholes require a minimum depth, as detailed herein. If the depth of the storm sewer is not sufficient to meet the minimum depth required for the barrel sections of Type J, K, L, M and N manholes, "I" diameter manhole sections may be used for the entire depth of the manhole.
2. Manholes shall conform to ASTM C-478. Joints shall conform to ASTM C-443. The use of cast-in-place concrete structures shall require the prior written approval of the Noblesville Department of Engineering. Castings shall be centered over the manhole steps.
3. Manholes shall be installed at distances not greater than 400 feet.
4. Manhole steps shall be Neenah R-1981-J, East Jordan No. 8513, M.A. Industries PS-1-PF, or as approved by the Noblesville Department of Engineering.
5. Castings which drain open pavement areas without curbing shall be flat top open grate types listed, or as approved by the Noblesville Department of Engineering.
6. Castings which drain swales shall be beehive types listed, or as approved by the Noblesville Department of Engineering.
7. Castings which do not drain surface runoff shall be flat top without grate types listed, or as approved by the Noblesville Department of Engineering and shall be stamped according to the Manhole Lid Casting Detail.
8. Castings shall not be buried and shall be flush with the adjacent finished grade. Castings in asphalt or concrete shall be constructed with a tolerance of ± 0.1' of finish grade. All other castings shall be constructed with a tolerance of ± 0.2' of finish grade. Elevations will be checked with the as-built drawings.
9. Manholes shall be placed on a bedding of 6 inches of No. 8 Aggregate. If poor soils are encountered, or if contractor's operations have adversely changed the condition of the soils, the existing soil shall be removed and replaced with 6 inches on No. 2 Aggregate.
10. For Type C Manholes, the base and first riser section of the precast concrete manhole shall be integrally cast on one complete unit.
11. Storm sewer pipe which connects to either a catch basin or inlet shall enter and exit perpendicular to pre-cast concrete walls. In cases where a perpendicular connection cannot be made, a manhole structure shall be used with an appropriate cap to accommodate required casting type.
12. Inlets structures shall not exceed a maximum depth of five (5) feet from top of casting to the outlet pipe invert. Any depths greater than five (5) feet shall use a manhole structure.
13. If coring is required, core shall not be made at joints between structure sections. Coring into structure for underdrain tie-in shall be prohibited if precast structure was fabricated with underdrain tie-ins.
14. Site grading as-builts shall be provided in electronic formats (CAD & PDF) upon acceptance by the Department of Engineering. Engineer shall refer to GIS Coordinator for as-built standards and format.
15. There shall be a minimum of 0.1 feet of fall between the upstream invert(s) and the downstream invert in the structure for pipe with the same diameter. For pipes of differing diameters, the crown of the upstream pipe shall match the crown of the downstream pipe.
16. Final adjustment in elevation of the frame, cover, or casting shall be accomplished by the use of a four inch maximum thickness adjusting ring or collar. Brick or block shall not be used in the construction of a structure or to adjust the elevation of frame or casting. The contractor may use HDPE risers and composite materials as approved by the Noblesville Department of Engineering.

MANHOLE LID CASTING DETAIL
Scale: None

COMPATIBILITY OF MANHOLE STRUCTURES AND CASTINGS

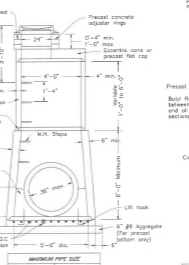
MANHOLE TYPE	INDOT CASTING TYPES			NEENAH CASTING TYPES			EAST JORDAN IRON WORKS CASTING TYPES		
	2	4	8	R-2560-A1	R-3342	R-1772	1022 w/ Mf or M2 Grate	1022 w/ Mf or M2 Grate	6403
C	X	X	X	X	X	X	X		X
H	X	X	X	X	X	X	X		X
J	X	X	X	X	X	X	X		X
K	X	X	X	X	X	X	X		X
L	X	X	X	X	X	X	X		X
M	X	X	X	X	X	X	X		X
N	X	X	X	X	X	X	X		X



MAXIMUM PIPE SIZE

Pipe Entering / Pipe Exiting at 0°-45° Bend	Pipe Entering / Pipe Exiting at 45°-90° Bend
24"	21"

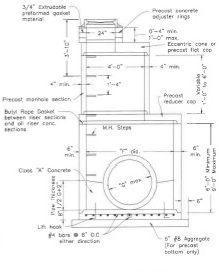
MANHOLE, TYPE C
Scale: None



MAXIMUM PIPE SIZE

Pipe Entering / Pipe Exiting at 0°-45° Bend	Pipe Entering / Pipe Exiting at 45°-90° Bend
36"	30"

MANHOLE, TYPE H
Scale: None



MAXIMUM PIPE SIZE "D"

Manhole Type	Manhole Diameter "I"	Pipe Entering / Pipe Exiting At 0°-45° Bend	Pipe Entering / Pipe Exiting At 45°-90° Bend
J	60"	36"	33"
K	72"	48"	39"
L	96"	54"	48"
M	102"	72"	66"
N	108"	84"	72"

MANHOLE, TYPE J, K, L, M & N
Scale: None

GENERAL SANITARY NOTES

1. Service To Adjoining Parcels: Sanitary sewer facilities shall be designed to accommodate the connection of all future subdivision sections and/or unsewered parcels within the service area. The design of the development project shall include a sanitary sewer extension across the parcel boundary to the upstream end of the subject property to be extended by future developers. Sanitary sewer facilities shall be constructed to a depth of at least six (6) feet below the lowest grade of the property's frontage or alignment of the sewer masterplan. Any requested increase in the required depth of any sanitary extension that is part of a sewer masterplan may be reimbursable.
2. All couplers used for repairs to existing sanitary infrastructure shall be completed by using Fernco Shielded Non-Shear Couplings, or approved equal.
3. All developments shall comply with the requirements of Ordinance No. 23-14-05, City of Noblesville Storm Water and Construction Stormwater Quality Control Ordinance Section 501.08. Connection to the storm sewer system of the City of Noblesville Stormwater Technical Standards Manual. Any source of non-stormwater runoff shall be prohibited from connecting to the City's separate storm water system; rather, shall be connected to the City's sanitary sewer system, unless exempted by Section 7- Discharge Prohibitions of Ordinance No. 23-14-05 or approved by the City of Noblesville. Typical non-stormwater runoff sources prohibited by this ordinance include: uncovered dumpster enclosure drains, non-exterior parking garage floor drains, garage and basement floor drains and water softener discharge, and swimming pool drains that have not been de-chlorinated. Non-stormwater runoff shall be pre-treated by an appropriate grease/grit interceptor, or other acceptable method, prior to discharge to the sanitary system, unless otherwise approved. The grease/grit interceptor shall be sized by the design engineer and approved by the City of Noblesville, and shall be in accordance with the City/Erosion Trap requirements, Sheet 15.
4. The use of a low pressure sewer system shall be approved by the Noblesville Department of Engineering. All components of the low pressure sewer system including, but not limited to: grinder pump, tank capacity, and force main size shall be designed and certified by a professional engineer and approved by the City. Each grinder pump shall be a Hydromatic Model SEG40HC50-3 or E/One Extreme Series SYG71 Grinder Pump Station, or approved equal, with 70 gal./700 GPD capacity.

SANITARY SEWER LATERAL PIPE AND FITTINGS

1. Service laterals shall be SDR-26 pipe from the sewer main to the building. One (1) lateral shall be installed per building. All laterals shall be inspected by the Noblesville Department of Engineering prior to backfilling.
2. Joints shall be flexible gasket push-on-compression type conforming to ASTM D-3212 and ASTM F-477 for elastomeric seals (gaskets).
3. Lateral shall be a minimum of 6-inches in diameter between mainline sewer and clean-out closest to building. Lateral size shall be a minimum of 4-inches in diameter between building and first downstream clean-out.
4. A minimum of one (1) exterior clean-out shall be installed for each lateral. Where the length of a lateral exceeds 100 feet, then one clean-out shall be installed for every 100 feet of lateral length. An additional clean-out shall be placed at the property line. Additionally, a clean-out at the footing drain is clean-out shall be located no farther than four (4) feet from the building in residential developments.
5. In accordance with Sanitary Sewer Connection Policy No. 85-92, approval consideration of a lateral connection requires the owner of the residence or business to fill out a sewer connection permit. This permit requires the property owner, address, telephone numbers of both property owner and contractor, depth and position of lateral between mainline sewer to the building, location of connection point referenced to any permanent object, length and size of pipe to be installed, pipe material, slope of pipe, bedding and backfill material, and a plot plan sketch.
6. Connection construction shall be available anytime in a 24-hour high by 1/8-inch deep "S" on the curb directly above each service lateral. Where curbs are not available, contractor shall notch the sidewalk directly above each service lateral. See Curb Stamp Detail, Sheet 4.
7. A removable, extendable backwater prevention valve shall be provided for each sanitary sewer lateral. The backwater prevention valve shall be housed in a 12-inch diameter, SDR-35 PVC pipe riser with a screw-on cap. The backwater prevention valve shall be readily accessible at all times, and seated in the first sanitary clean-out immediately downstream of the building.
8. For service laterals, contractor shall install 10-gauge insulated, solid copper tracer wire from the mainline sewer to the building. The wire shall be taped to all risers, joints and other destructive points found in soil. The 10-gauge tracer wire shall be attached directly to the outside of the PVC service lateral every 10 feet. The polyethylene identification tape shall have a minimum thickness of 4 mils and shall be placed directly over pipe, 1'-6" above top of pipe.
9. The approval of a new sanitary sewer service lateral or the inspection of an existing service lateral requires an approved City of Noblesville permit.
10. In accordance with ASTM D-3034, the outside of each pipe section shall be legibly marked with the date of manufacture, class of pipe, specification designation, name or trademark of manufacturer and identification of plant/location. Pipe shall be rotated in such a manner that the markings are easily readable during sanitary lateral inspection.

SANITARY SEWER POLYVINYL CHLORIDE (P.V.C.) PIPE

1. P.V.C. Pipe diameters of 4-inches through 15-inches shall meet or exceed all the requirements of ASTM D-3034, and shall have a Cell Classification of 12454-B, 12454-C, 12364-C, or 13364-B. Reference should be made to ASTM D-1784 for a summarization of Cell Classification properties. P.V.C. Pipe diameters greater than 15-inches shall meet or exceed all the requirements of ASTM F-679, and shall have a minimum Cell Classification of 12454-C or 12364-C.
2. When depth of soil cover over the pipe is less than 12 Feet the minimum Wall Thickness of P.V.C. Pipe, 8-inches through 15-inches in diameter, shall conform to SDR-35, Type PSM, as specified in ASTM D-3034. When depth of soil cover over the pipe is 12 Feet or greater, the minimum Wall Thickness of P.V.C. Pipe, 8-inches through 15-inches in diameter, shall conform to SDR-26, Type PSM, as specified in ASTM D-3034. The minimum Wall Thickness for P.V.C. Pipe greater than 15-inches shall conform to T-1 Or T-2, as specified in ASTM F-679.
3. P.V.C. SDR-35 Pipe shall have a minimum Pipe Stiffness of 46 Pounds Per Square Inch for each diameter when measured at 5% percent deflection, in accordance with ASTM D-2412. P.V.C. SDR-26 Pipe shall have a minimum Pipe Stiffness of 115 Pounds Per Square Inch for each diameter when measured at five percent deflection and tested in accordance with Section 7- ASTM D-2412.
3. The assembly of joints shall be in accordance with pipe manufacturers' recommendations. Lubricants, per ASTM D-3212, based on Cement clients shall not be allowed for mainline pipe.
4. Pipe fittings shall be SDR-26 manufactured fittings made of P.V.C. Plastic having a Cell Classification of 12454-B, 12454-C, or 13343-C, as defined in ASTM D-1784. Saddle connections shall not be allowed for new construction. Lateral connections shall occur at SDR-26 Tee-Wyes.
5. In accordance with ASTM D-3034, the outside of each pipe section shall be legibly marked with the date of manufacture, class of pipe, specification designation, name or trademark of manufacturer and identification of plant/location. When possible, the interior of the pipe shall also be marked with some information on the exterior of the pipe in a location that can be seen during the Closed Circuit Television (CCTV) inspection.
6. Installation shall be in accordance with ASTM recommended practice D-2321.
7. Pipe size and classification shall be called out in Plan and Profile of Construction Drawings.
8. Sanitary sewer mains shall have a minimum horizontal separation of 10 Feet from storm sewer pipe or water main pipe. All pipe crossings shall be at angles greater than 45° with a minimum vertical separation of 1.5 Feet. Dimensions are measured from the outside of pipe to outside of pipe.

SANITARY SEWER TELEVISING AND AS-BUILT DRAWINGS

1. Closed circuit television inspection shall be performed in compliance with NASSCO's Pipeline Assessment Certification Program (PACP) standards on all pipe to be used for the purposes of conveying sanitary sewer. Televising shall be completed after leakage and deflection testing is accepted.
2. The contractor installing pipe shall employ/hire the contractor responsible for televising the sanitary sewer. The contractor/developer shall contact the Noblesville Department of Engineering to schedule the CCTV inspection immediately following the thorough cleaning of all new segments.
3. If any pipe and/or joint is found to be leaking, the contractor shall repair that portion of the work to the satisfaction and approval of the Noblesville Department of Engineering.
4. Pipe shall be tested to verify the segment cleaning, debris removed and disposed, and, the CCTV inspection.
5. Contractor shall submit as-built drawings, electronic and hardcopy, and all leakage and deflection certification at attestment within 30 days of successful completion of all testing requirements.
6. Contractor shall submit all documentation to be transmitted to the Noblesville Department of Engineering and comply with the City's GIS Coordinator's guidelines.
7. Contractor shall supply digital video to the City of Noblesville Engineering Department that is compatible with Windows Media Viewer with indexed chapters to allow instant access to points of observation.

SANITARY SEWER DEFLECTION TESTING

1. An in-place deflection test shall be performed on all flexible pipe to be used for the purposes of conveying sanitary sewage. Testing for an allowable deflection of 5 percent internal pipe diameter (ID) shall not commence until after all backfilling has been in place for 30 days. A nine-point, "go-no-go" mandrel shall be used for the deflection test. A proving ring shall be provided for each mandrel.
2. All pipe exhibiting deflection in excess of the limitation as required, A repeat test shall be conducted 30 days after the attainment. The Contractor shall bear all costs for testing and testing equipment. The "go-no-go" mandrel shall be manually pulled without the use of any winching or other mechanical device. Should corrective measures be conducted, the entire segment shall be tested again for leakage, as stated above.
3. The deflection test shall be performed after the installed first each manhole segment was tested for deflection, with successful results in compliance with stated deflection testing requirements.

SANITARY SEWER LEAKAGE TESTING

1. A leakage test shall be performed for all manhole segments. Low pressure air shall be slowly introduced into the sealed line until the internal air pressure reaches 4 PSIG. Testing for leakage shall not commence until after all backfill has been in place for 30 days.
2. At a stable internal air pressure within 0.5 PSIG of the initial internal air pressure, timing shall commence with a stopwatch or similar device of the time required for a decrease in the initial internal air pressure drops 1 PSIG below the stable internal air pressure.
3. The line shall be accepted if the time shown in Table 1 for the designated pipe size and length elapses before the air pressure drops 1 PSIG below the stable internal air pressure at which time the test can be discontinued for the accepted time.
4. The contractor/or excavate pipe for the purpose of repairing a leak, then the entire manhole segment shall be retested for both leakage and deflection.
5. The design engineer or his/her representative shall attest that each manhole segment was tested for leakage with successful results, in compliance with stated leakage testing requirements.

TABLE 1
SPECIFICATION TIME REQUIRED FOR A 1.0 PSIG PRESSURE DROP FOR SIZE AND LENGTH OF PIPE INDICATED FOR Q=0.0015

1 Pipe Diameter (In.)	2 Minimum Time (Min:Sec)	3 Length For Minimum Time (Ft.)	4 Time For Longer Length (Sec.)	Specification Time For Length (L) Shown (Min:Sec.)							
				100 Ft	150 Ft	200 Ft	250 Ft	300 Ft	350 Ft	400 Ft	450 Ft
4	3:40	298	.074L	3:40	3:40	3:40	3:40	3:40	3:40	3:42	3:46
6	5:26	298	1.822L	5:26	5:26	5:26	5:26	5:26	5:26	5:26	5:26
8	7:07	223	3.242L	7:07	7:07	7:07	7:07	7:07	7:07	7:07	7:07
10	11:06	182	5.064L	11:06	11:06	11:06	11:06	11:06	11:06	11:06	11:06
12	14:10	159	5.342L	14:10	14:10	14:10	14:10	14:10	14:10	14:10	14:10
15	17:10	133	7.898L	17:10	17:10	17:10	17:10	17:10	17:10	17:10	17:10
21	19:50	114	10.27L	19:50	20:10	20:30	20:50	21:10	21:30	21:48	22:08
24	22:40	100	13.61L	22:40	23:00	23:20	23:40	24:00	24:20	24:40	25:00
27	25:30	88	17.32L	25:30	25:50	26:10	26:30	26:50	27:10	27:30	27:50
30	28:20	80	21.36L	28:20	28:40	29:00	29:20	29:40	30:00	30:20	30:40
33	31:10	72	25.67L	31:10	31:30	31:50	32:10	32:30	32:50	33:10	33:30
36	34:00	68	30.16L	34:00	34:20	34:40	35:00	35:20	35:40	36:00	36:20

NOTE:
For more efficient testing of long test sections and/or sections of larger diameter pipes, a timed pressure drop of 0.5 PSIG may be used in lieu of the 1.0 PSIG timed pressure drop. If a 0.5 PSIG pressure drop is used, the required test time shall be exactly half as long as those shown above.

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HIGH DENSITY POLYETHYLENE (HDPE) PIPE

1. See related specifications for Horizontal Directional Drilling Specifications.
2. HDPE pipe shall have a minimum wall thickness Dimension Ratio (DR) of 11. Pipe shall be made from PE4710 or PE4708 HDPE. Manufacturer of the HDPE standard code PE3408, all HDPE pipe shall have the equivalent outside diameter as Ductile Iron (DI) pipe for the nominal size indicated. The Working Pressure Rating (WPR) of all HDPE pipe shall have a Wall Thickness Dimension Ratio of 11.
3. HDPE sections proposed to be fused together shall be a minimum of 20 feet in length unless otherwise approved by the City of Noblesville Engineering Department.
4. A minimum of three (3) 10-gauge tracer wires shall be pulled with all HDPE pipe. Tracer wire must have 4 minimum break load of 1,150lbs and a minimum HDPE insulation of 45 mil.
5. HDPE Fittings shall be made from the same resins and material designations, cell classifications, and dimensions as the HDPE pipe.
6. Pipe And Fitting Jointing/Connection Methods:
   6.1. Pipe Fusion Jointing – Butt fusion technique shall be used to join all HDPE pipe sections and connect HDPE fittings to the HDPE pipe. The joints shall conform to ASTM D2657 and shall be performed in strict accordance with the pipe manufacturer's recommendations. The sidewall fusion technique shall be used for making all fusions recommended for butt fusion, electrofusion including but not limited to, temperature requirements at 400 to 450 degrees Fahrenheit), alignment, and a minimum interfacial fusion pressure of 75 psi. The fusion joining shall produce a joint weld strength equal to or greater than the tensile strength of the pipe itself.
   6.2. Electrofusion Jointing – Electrofusion technique shall be used to join and connect HDPE fittings to the HDPE pipe. The joints shall conform to ASTM D2657 and shall be performed in strict accordance with the pipe manufacturer's recommendations. The sidewall fusion heating irons shall have an inside diameter equal to the outside diameter of the HDPE pipe and shall be 9-inch wider than the outside diameter of the pipe being joined. The fusion joining shall produce a joint weld strength equal to or greater than the tensile strength of the pipe itself.
   6.3. Pipe Mechanical Joining – Mechanical joining shall be used to make connections to PVC fittings and/or non-HDPE pipe. The permitted method of HDPE joining is listed below:
      6.3.1. Adapter to Non-HDPE pipe – Mega Lug Restrainers (manufactured for use with PVC pipes) combined with a Mj Transition adapter and mechanical joint end short sleeves. The HDPE side of the connection shall also be restrained by a serrated thrust anchor as per the plans. The non-HDPE pipe shall be reinforced with joint restrainers a minimum of three (3) joints beyond each side of the connection, as per the plans and specifications.
   6.7. HDPE pipe shall be installed using the horizontal directional drilling method as per City Of Noblesville Department Of Engineering And City Of Noblesville Utilities Department. Locations where pipe material transitions are required, i.e. HDPE/PVC, may be installed by open cut.
8. Shop drawings and manufacturer's literature for all contractor supplied materials shall be promptly submitted to the City of Noblesville Engineering for approval. The following items shall be submitted before delivery of HDPE pipe, tubing, or fittings:
   8.1. Pipe: Certification by the manufacturer that the HDPE material and pipe was manufactured and tested in accordance with all applicable specifications and requirements.
   8.2. Manufacturer's installation instruction and literature to the contractor so that manufacturer's recommended procedure and practice of installing pipe and fittings are followed.
9. Pipe Joining:
   9.1. The HDPE pipe shall be assembled and joined at the site using the butt-fusion method to provide a leak proof joint. Threaded or solvent-cement joints and connections are not permitted. All equipment and procedures used shall be used in strict compliance with the manufacturer's recommendations. Fusing shall be performed by a technician who has been trained by a manufacturer of polyethylene pipe and/or tubing equipment.
   9.2. Square the pipe ends by using the fusion machine facing tool, in the fusion machine, pipe ends shall meet squarely so that the entire area to be fused is covered. The pipe ends shall then make firm contact without applying pressure to the heater plate. The pipe ends shall be heated to the melt point as per the manufacturer's recommendations. The melt bead shall be rounding by pipe diameter and as recommended by the pipe manufacturer. Pipe ends shall be carefully moved away from heat plate once the appropriate melt bead is achieved. The pipe ends shall be joined quickly without stamming. The butt-fused joint shall be held in position and allowed to cool sufficiently before releasing it from the jaws of proper temperature and pressure. The joint shall be allowed adequate cooling time before removal of pressure. The fused joint shall be watertight and shall have an appearance of a uniform, double rolled bead. Joints shall be subject to acceptance by the City Of Noblesville prior to insertion.
   9.3. All defective joints shall be cut out and replaced at no cost to the City of Noblesville. Any section of the pipe with a gash, blister, abrasion, nick, tear, or other deleterious fault greater in depth than ten percent (10%) of the wall thickness of the pipe shall be considered defective. Any section containing a defective area of the pipe may be cut out and the joint fused in accordance with procedures stated above. In addition, any section of pipe having other defects such as overinflated ridges, discoloration, excessive tool roughness, jutting, variable wall thickness or any other effect of manufacturing or handling as determined by the City Of Noblesville Engineer shall be rejected.
10. Contractor or subcontractor performing any fusion (heat or electrofusion) on the HDPE pipe shall be able to provide evidence and references for satisfactory service in at least 3 projects of similar pipe diameter and with similar service life.
11. The Contractor shall perform any and all testing on the HDPE pipe as directed and required by the City of Noblesville. A representative of the City of Noblesville shall be present for all testing associated with the HDPE pipe.

HORIZONTAL DIRECTIONAL DRILLING SPECIFICATIONS

1. See Related Specifications for High Density Polyethylene (HDPE) Pipe.
3. The contractor or sub-contractor performing any HDD installations shall have performed at least five (5) HDD projects of similar pipe diameter and length in the last three (3) years. The contractor shall ensure that appropriate equipment is available for the project. The contractor shall be responsible for sizing the size of pipe being installed and shall have appropriate torque and thrust/pushback capacity for the diameter and length of the intended drilling sections. The contractor will ensure that the drill rod can meet the bend radius required for the proposed installation.
   3.1. Drilling Fluid:
      3.1.1. A mixture of bentonite clay or other approved slurry and potable water shall be used as the cutting and soil stabilization fluid. The viscosity shall be varied to best fit the soil conditions encountered. Water shall be clean and fresh. No other chemicals or polymer sufficient is to be used in the drilling fluid unless approved by the City of Noblesville. The bentonite and other additives used shall be those intended to be added are not harmful or corrosive to the facility and are environmentally safe.
   3.2. The contractor shall identify the source of fresh water for mixing the drilling mud. The contractor shall be responsible for approvals and permits required for such sources as streams, rivers, ponds, or fire hydrants. Any water source other than potable water may require a soil boring note, pressures, viscosity, and density is required during the pilot bore, back reaming, and pipe installation stages, to ensure adequate removal of soil cuttings and the stability of the bore hole. Relief holes may be used as necessary to relieve excess pressure down hole, to minimize heaving during pullback, the pull back of the product pipeline shall be continuous from one end to the other without building excess down hole pressure. Excess drilling fluids shall be contained at entry and exit points until they are recycled or removed from the site. Entry and exit pits shall be of sufficient size to contain the expected return of drilling fluids and soil cuttings.
   3.4. Excavation for entry, recovery pits, slurry sump pits, or any other excavation required in a manner acceptable to the appropriate local, state, or federal regulatory agencies. When drilling in suspected contaminated ground, the drilling fluid shall be tested for contamination and disposed of appropriately. Any excess material shall be removed upon completion of the bore.
   3.5. Disposal of excess drilling fluids and contaminated soils at a transportation facility caused by heaving, settlement, escaping drilling fluid (frac-out) or the directional drilling operation, is the responsibility of the contractor. Any pavement heaving or settlement damage requires restoration/replacement of the pavement per applicable City Of Noblesville standards.
4. General Construction Requirements:
   4.1. The pipe shall be installed in the location and to the line and grade established by the Engineer.
   4.2. Provide for cleaning and cleanup as soon as practicable, as these operations do not lag far behind pipe installation. Perform preliminary cleanup and grading operations immediately after backfilling.
   4.3. All surfaces shall be finish graded to original contours and ground cover. Surplus excavated material shall be disposed of off-site in a legal manner by the contractor. Any excess material, which is not removed from the immediate work site, shall be stockpiled so as to cause as little inconvenience to the property owners as possible. Driveways and street crossings must be kept clear.
   4.5. Excavation for entry, recovery pits, slurry sump pits, or any other excavation required in a manner acceptable to the appropriate local, state, or federal regulatory agencies. When drilling in suspected contaminated ground, the drilling fluid shall be tested for contamination and disposed of appropriately. Any excess material shall be removed upon completion of the bore.
   4.6. After completing installation of the product the work site shall be restored. The work site shall be cleared of all excess slurry left on the ground. Restoration of the site shall include replacement of any items disturbed or introduced shall be the responsibility of the contractor.
   4.7. Excavated areas shall be restored in accordance with the City Of Noblesville Specifications. The cost of restoring damaged pavement, curb, sidewalks, driveways, lawns, storm drains, landscape, and other facilities is the responsibility of the contractor.
   4.8. If underground utilities and/or structures not shown on the Drawings are encountered, notify the City of Noblesville and do not proceed until instructions are obtained. Notify the City Of Noblesville if springs or running water are encountered.
5. Specific Requirements:
   5.1. Utility Verification (Potholing):
      5.1.1. The contractor shall prior to the start of sanitary main construction the exploration of all underground utilities (potholing) that may conflict with Sanitary Force Main construction.

HORIZONTAL DIRECTIONAL DRILLING SPECIFICATIONS (CONT.)

   5.1.2. Potholing results shall be presented to the City Of Noblesville on a full set of drawings showing accurate locations of utilities. Information presented shall be accurate horizontal tie distances as well as depths related to USGS elevation.
   5.1.3. Alignment of the proposed sanitary force main (horizontal and vertical) may be adjusted in the field upon review of potholing results by the Engineer/City Of Noblesville.
   5.2. Bore Reamer Hole Diameter – The back ream hole diameter shall be no greater than the sum of the maximum product outside diameter (OD) plus 6 inches.
   5.3. Testing – Where there is any indication a pipe has sustained damage and may leak, the work is to be stopped and the damage investigated. The City Of Noblesville may require a pressure test. The testing may consist of one of the following methods but shall always meet or exceed City Of Noblesville's testing requirements.
      5.3.1. Manufacturer's pressure testing recommendations for the type of pipe. Prior to conducting any tests, the City Of Noblesville shall be notified and be present during the test for review of the test results for compliance. The pressure test shall be performed within twenty-four (24) hours. A copy of the test results shall be furnished to the The City Of Noblesville. If the pipe is not in compliance with specifications, the City may require it to be filled with concrete at the Contractor's cost.
      5.3.2. Product carrier pipes installed without a casing must meet pressure requirements set by the City Of Noblesville. A copy of the test results shall be furnished to The The City Of Noblesville. If the pipe is not in compliance with specifications the City may require it to be filled with concrete.
   5.4. Locating and Tracking – The contractor shall describe the method of locating and tracking the drill head during the pilot bore. The City Of Noblesville recognizes walkover, wire line, and wire line with surface grid verification, or any other system as approved by the City Of Noblesville, as the minimum standard. The contractor shall verify the tracking and locating system shall be capable of ensuring that the proposed installation is installed as intended. The locating and tracking system shall provide information on:
      5.4.1. Clock and Pitch information.
      5.4.2. Roll.
      5.4.3. Battery Status.
      5.4.4. Position (xyz).
      5.4.5. Azimuth, where direct overhead readings (walkover) are not possible (i.e. subsequences or limited access transportation facility.)
      5.4.6. Alignment readings or pot points shall be taken and recorded every five (5) feet.
      5.4.7. Before commencement of a directional drilling operation, proper calibration of the equipment (if required) shall be undertaken.
   5.5. All buried utilities shall be located and their depth of cover shall be easily determined by electronic designation after installation. For non-conductive installations this shall be accomplished by attachment of three (3) 10-gauge tracing wires, as per these City Of Noblesville Standards.
6. Disposal:
   6.1. A representative of the contractor must be in control of the operation at all times. The representative must have a thorough knowledge or the equipment and the procedures to be performed, and must be present at the job site during the installation.
   6.2. The City Of Noblesville must be notified forty-eight (48) hours in advance of starting work. The installation shall not begin until the City Of Noblesville engineer at the job site and agrees that proper preparations have been made.
7. Testing and Cleanup:
   7.1. Provide for testing and cleanup as soon as practicable, as these operations as not lag far behind pipe installation. Perform preliminary cleanup and grading operations immediately after backfilling.
   7.2. All surfaces shall be finish graded to original contours and ground cover. All surplus excavated material shall be disposed of off-site in a legal manner by the contractor.

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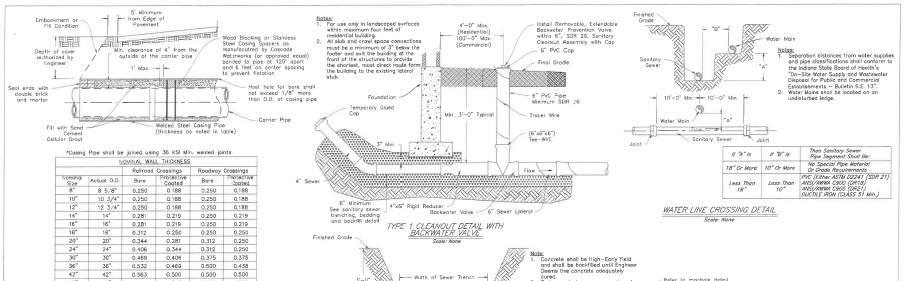
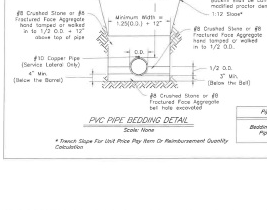


*Casing Pipe shall be joined using 36 KSI Min. welded joints

		NOMINAL WALL THICKNESS			
		Railroad Crossings		Roadway Crossings	
Nominal Size	Actual O.D.	Bare	Protective Coated	Bare	Protective Coated
8"	8 5/8"	0.250	0.188	0.250	0.188
10"	10 3/4"	0.250	0.188	0.250	0.188
12"	12 3/4"	0.250	0.188	0.250	0.188
14"	14"	0.281	0.219	0.250	0.219
16"	16"	0.281	0.219	0.250	0.219
18"	18"	0.312	0.250	0.250	0.250
20"	20"	0.344	0.281	0.312	0.250
24"	24"	0.406	0.344	0.312	0.250
30"	30"	0.469	0.408	0.375	0.375
36"	36"	0.532	0.469	0.500	0.438
42"	42"	0.563	0.500	0.500	0.500
48"	48"	0.625	0.563	0.625	0.563
54"	54"	0.688	0.625	0.625	0.625
60"	60"	0.750	0.688	0.625	0.625
66"	66"	0.813	0.750	0.625	0.625
72"	72"	0.875	0.813	0.750	0.750

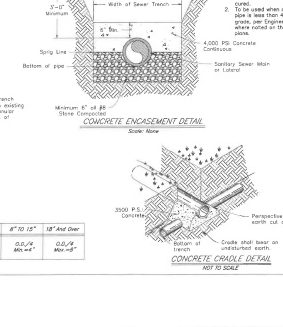


PVC PIPE BEDDING DETAIL
Scale: None

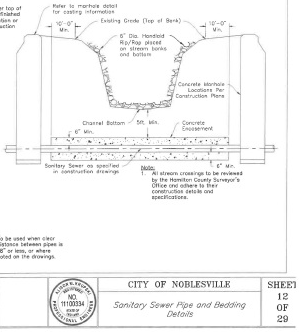
Pipe Size	8" TO 15"	18" And Over
Bedding Below The Pipe Barrel	0.0/4 Min.=4"	0.0/4 Min.=6"

* Trench Slope For Unit Price Pay Item Or Reimbursement Quantity Calculation

TYPE 1 CLEANOUT DETAIL WITH BACKWATER VALVE
Scale: None



CONCRETE ENCASEMENT DETAIL
Scale: None



Notes:
1. Corporation distances from water supplies and pipe classifications shall conform to the Indiana State Board of Health's "Ten-State Water Supply and Wastewater Disposal for Public and Commercial Establishments – Bulletin S.E. 13".
2. Water Mains shall be located on an undisturbed ledge.

"B" is"	"A" is	Then Sanitary Sewer Pipe Segment Shall Be:
18" Or More	10'-0" Or More	No Special Pipe Material Or Grade Requirements
Less Than 18"	Less Than 10"	PVC (Either ASTM D2241 (SDR 21) ANSI/AWWA C900 (DR14) ANSI/AWWA C905 (DR21) DUCTILE IRON (CLASS 51 Min.)

WATER LINE CROSSING DETAIL
Scale: None

Note:
All stream crossings to be reviewed by the Hamilton County Surveyor's Office and adhere to their construction details and specifications.

CONCRETE CRADLE DETAIL
NOT TO SCALE

Note:
To be used when clear distance between pipes is 18" or less, or where noted on the drawings.

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Sanitary Sewer Pipe and Bedding Details
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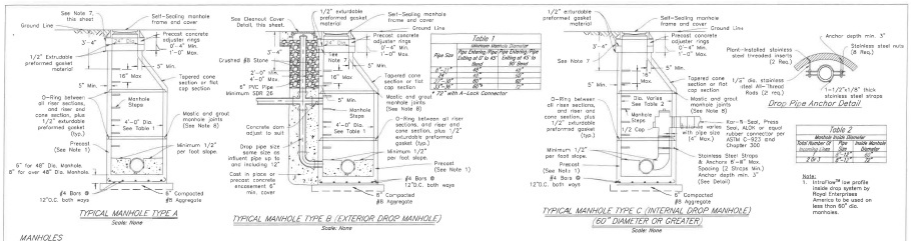
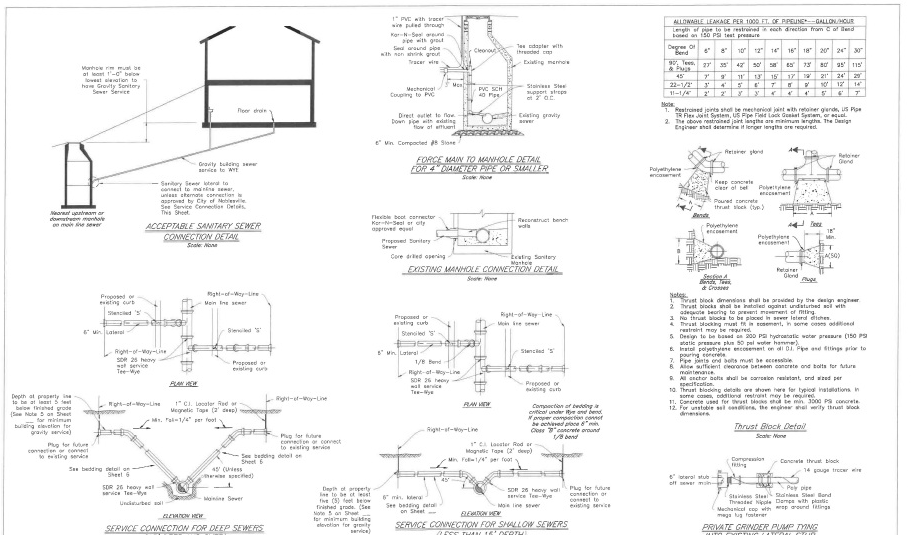


MANHOLES

1. Precast concrete manholes shall conform to ASTM C-478, with rubber type gaskets equal to ASTM C-443. Monolithic cast-in-place manholes shall only be used with the prior written approval of the City of Noblesville. The base and first riser section of the precast concrete manhole shall be integrally cast as one complete unit. Precast concrete cones shall be of the eccentric cone type. No "tee through" lift holes will be allowed. Manholes shall be provided in 48 inches in diameter or less. In addition to the rubber type gaskets, all joints shall receive a 1/2 inch diameter non-asphaltic mastic (Kent-Seal or City approved equal) conforming to AASHTO M-198 and federal specifications SS-S-210A. Manhole/sewer connection shall be made with a flexible watertight connection.
2. Final adjustment in elevation of the frame and cover shall be accomplished by the use of a 4 inch minimum thickness of concrete grade rings. Never to a maximum combined thickness of 12 inches. Brick or block shall not be used in the construction of a manhole or to adjust the elevation of the frame and cover.
3. Manhole ladder rungs shall be Neenah No. R-1981-I, East Jordan No. 1350Z0001, or Campbell Foundry Co. 1350 or as approved by the Noblesville Department of Engineering.
4. Manhole frame and cover shall be Neenah R-1772 with gasketed lid, East Jordan 1022-Z1 with gasketed lid, or as approved by the Noblesville Department of Engineering. When watertight frame and cover is required by the Noblesville Department of Engineering, Neenah R-1772 with locking lid, East Jordan 1022-Z1 with gasketed lid, or as approved by the Noblesville Department of Engineering, shall be provided. All covers shall be stamped "Sanitary Sewer" with 2" raised letters.
5. The lowest internal plumbing elevation to receive gravity sanitary service must be one (1) foot above the top of manhole casting elevation of either the first upstream or downstream manhole in the main line sewer to which connection is to be made. Those portions of the building not meeting the stated gravity sanitary service requirement shall be provided and maintained by the property owner with a grinder pump system or the Noblesville Department of Engineering approved equal discharging to the gravity building connection outside of the Public Right-of-Way. (see Noblesville Standard Sheet for Grinder Pump)
6. Manholes shall be installed at distances not greater than 400 feet.
7. Contractor shall install an external manhole sleeve sealing system wrapped over the flange of the manhole frame to 2 inches below the bottom of the lowest adjusting ring. The external rubber sealing sleeve shall have a minimum thickness of 60 mils and meet the requirements of ASTM D-823, ASTM D-443 and ASTM F-477. The rubber sleeve shall be Infi-Shield external manhole seal, or as approved by the Noblesville Department of Engineering.
8. Apply bituminous coating, Hydroside 700 Mastic, on the external face of all manhole section joints. Hydroside mastic shall be applied to 6" above and below each joint.
9. Prior to manhole installation, submit shop drawings to the Noblesville Department of Engineering, the proposed location of an industrial monitoring/sampling station. Said submittal shall also address the station's size and material of construction.
10. After manhole assembly and backfilling, a city representative will visually inspect each structure for leakage or evidence of poorly made joints. Visual inspection shall be made after vacuum testing in accordance with ASTM C1244-93. If any manhole shows leakage or signs thereof, said manhole shall be repaired to the satisfaction of the Noblesville department of engineering and retested. The design engineer or his/her representative shall certify that all manholes were vacuum tested, with successful results, in accordance with ASTM C1244-93.
11. Any excessive testing and equipment shall be provided by the contractor. Any repairs shall be the responsibility of the contractor.
12. Contractor shall permanently secure casting to eccentric cone or flat cap section by installation of four (4) equally spaced 3/8" diameter Stainless Steel All-Thread Dowel Rods or 3/8" Hilti Expansion Anchor. Sika Epoxy or Noblesville Department of Engineering approved equal, shall be used with the Hilti Expansion Anchor. (See Detail)
13. Castings shall not be buried and shall be flush with the adjacent finished grade. Castings which are surrounded by asphalt or concrete shall be constructed within a tolerance of ± 0.1' of the designed elevation. All other castings shall be constructed within a tolerance of ± 0.2' of the designed elevation. Elevations will be checked with the as-built drawings.
14. There shall be a minimum of 0.1 feet of fall between the upstream invert(s) and the downstream invert in the structure for pipes of the same diameter. For pipes of differing diameters, the crown of the upstream pipe shall match the crown of the downstream pipe. An outside drop manhole is required for upstream inverts which are two feet (2') or more above the downstream invert.
15. Any permitted internal drop manholes that are less than 60" diameter structures shall use IntraFlow™ low-profile inside drop system by Royal Enterprises America, or as approved by Noblesville Department of Engineering.



ALLOWABLE LEAKAGE PER 1000 FT. OF PIPELINE*---GALLON/HOUR
Length of pipe to be restrained in each direction from C of Bend based on 150 PSI test pressure

Degree Of Bend	6"	8"	10"	12"	14"	16"	18"	20"	24"	30"
90°, Tees, & Plugs	27'	35'	42'	50'	58'	65'	73'	80'	95'	115'
45°	7'	9'	11'	13'	15'	17'	19'	21'	24'	29'
22-1/2°	3'	4'	5'	6'	7'	8'	9'	10'	12'	14'
11-1/4°	2'	2'	3'	3'	4'	4'	4'	5'	6'	7'

Note:
1. Restrained joints shall be mechanical joint with retainer glands, US Pipe TR Flex Joint System, US Pipe Field Lock Gasket System, or equal.
2. The above restrained joint lengths are minimum lengths. The Design Engineer shall determine if longer lengths are required.

Notes:
1. Thrust block dimensions shall be provided by the design engineer.
2. Thrust blocks shall be installed against undisturbed soil with adequate bearing to prevent movement of fitting.
3. No thrust blocks to be placed in sewer lateral stubes.
4. Thrust blocking must be in easement, in some cases additional easement may be required.
5. Design, to be based on 200 PSI hydrostatic water pressure (150 PSI static pressure plus 50 psi water hammer).
6. Install polyethylene encasement on all D.I. Pipe and fittings prior to pouring concrete.
7. Pipe joints and bolts must be accessible.
8. Allow sufficient clearance between concrete and bolts for future removal of nuts.
9. All exterior bolts shall be corrosion resistant, and sized per specification.
10. Thrust blocking details are shown here for typical installations in some cases, additional restraint may be required.
11. Concrete used for thrust blocks shall be min. 3000 PSI concrete.
12. For unstable soil conditions, the engineer shall verify thrust block dimensions.

Thrust Block Detail
Scale: None

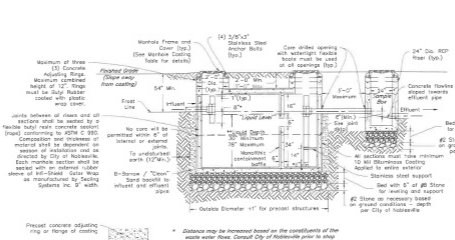
OIL / GREASE TRAP REQUIREMENTS

1. All new commercial or industrial entities, which either generate and/or waste oil, grease or the by-products thereto, shall construct a 1,000-gallon (minimum) grease trap. The design engineer shall submit detailed calculations for size justification of grease trap, including all pertinent assumptions and references, specifically detailing origin of sizing/calculation method.
2. Toilets, urinals and other similar fixtures shall not discharge waste through the grease trap. All other waste shall enter through the grease trap, through the inlet pipe only.
3. The grease trap and sampling box shall be designed such that it is easily accessible, for inspection/sampling and cleaning, at all times. Grease traps shall be provided with two (2) compartments. Fittings designed for grease interception, and a downstream sampling box.
4. The oil/grease trap shall be located outside the building and at a distance far enough to allow acidic grease/oil to become treatable.
5. A backwater prevention valve shall be located downstream of the grease trap.
6. Shop drawings shall be submitted to City of Noblesville for review and approval of all Grease Traps prior to installation.
7. Grease Traps installed during remodels are required to be sized for a minimum of 20 gpm flow rate. Detailed sizing calculations in accordance with Note #1 of this section shall be completed by the design engineer and submitted for approval by the City of Noblesville.

GENERAL NOTES

1. All Grease Traps must be sized according to the Indiana State Department of Health Bulletin S.E.1.3. The sizing method must be approved by the City of Noblesville.
2. Shop drawings must be submitted to the City of Noblesville for review and approval.
3. Grease Traps and Sample Box are property of Owner and will not be maintained by the City of Noblesville.
4. Top of casting shall extend 0.20 feet minimum above finished grade. Unless approved by City of Noblesville, castings must not be within one (1) foot horizontal distance of any curb or concrete surfaces.
5. Grease Trap shall meet ASTM C-478 strength of 4,000 PSI concrete.
6. All connections must be concrete or cast iron. Steel intersection/separators shall be only installed inside the building.

Manhole Coating Table	
Location	Cover
Model	
18" or more above 100 year flood elevation of waterways	Neenah R-1772 or East Jordan 1022-Z1	Heavy duty solid
Less than 18" above 100 year flood elevation of waterways	Neenah R-1916-F or East Jordan 1040-1MT (GREASE TRAP)	Heavy duty solid
Ownership	Lettering
Private	"Grease"

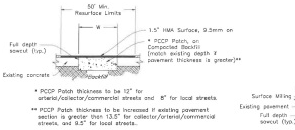


GENERAL NOTES

1. Any excavation and/or trench within five feet of existing or proposed roadway, alley, or sidewalk/trail shall be Type I or Type II as shown.
2. Type II backfill may be used when the trench has adequate space to allow entrance of proper equipment and materials to achieve the required 95% compaction of modified proctor density.
3. The Noblesville Board of Public Works and Safety or the City Engineer shall have the authority to require Type I trench backfill when, in their opinion, minimum compaction cannot be obtained.
4. The contractor shall notify the City of Noblesville permitting agency at least 24 hours prior to beginning backfill of excavation. If the permanent patch placement is to be a separate operation, the contractor shall also notify the City of Noblesville permitting agency 24 hours prior to placement of patch.
5. The contractor shall be responsible for maintaining and repairing any and all open cuts permitted within the City of Noblesville Right-of-Way for a period of one year upon final acceptance by the permitting agency.
6. Trench backfill and pavement restoration shall be conducted in an expedient manner.
7. Surface patch shall extend from face of curb to face of curb unless otherwise approved by City of Noblesville Board of Public Works.
8. Prior to conducting any work within City of Noblesville Right-of-Way caused by, or related to, new construction, contractor shall secure a Utility Coordination Permit from the Noblesville Department of Engineering.
9. Prior to conducting any work within City of Noblesville Right-of-Way on existing facilities, contractor shall secure an Encroachment Permit from the Noblesville Street Department.

PAVEMENT RESTORATION TABLE	
UTILITY DEPTH RANGE (FEET)	MAXIMUM TRENCH WIDTH AT FINISHED GRADE, W (FEET)
0 to 5	I.D. +5
5 to 8	I.D. +8
8 to 10	I.D. +10
10 to 12	I.D. +12
12 to 14	I.D. +14
14 to 16	I.D. +16
16 to 18	I.D. +18
18 to 20	I.D. +20

I.D. = Pipe or Conduit Inside Diameter

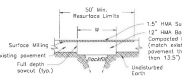


* PCCP Patch thickness to be 12" for arterial/collector/commercial streets and 8" for local streets.

** PCCP Patch thickness to be increased if existing pavement section is greater than 13.5" for collector/arterial/commercial streets, and 9.5" for local streets.

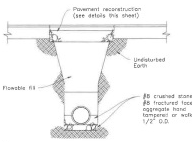
Notes:
1. Saw cuts shall provide a vertical, neat and uniform edge.
2. All materials shall comply with specifications as required by the Noblesville Department of Engineering.
3. Concrete surface shall be broom finish at right angles to traffic flow.
4. All concrete shall be air entrained (5% ±1.5%)–6 bags per cubic yard minimum 4000 PSI compressive strength concrete. Prior to exposing concrete patch to vehicular traffic, compressive strength test results of cylindrical concrete specimens shall be supplied to the Noblesville Department of Engineering. Compressive strength tests shall be conducted in accordance with ASTM C39.
5. Surface of repair shall be broom finished at right angles to traffic flow. Edge of pavement are to be lock coated prior to the placement of new asphalt. The new surface pavement grade shall match the existing surface pavement grade.
6. A two (2) inch wide band of crack sealant is to be applied along the joint between the existing and new asphalt surface. Sealant is to be applied in accordance with INDOT Standard Specifications, Section 906.
7. Contractor shall surface mill (1.5") existing pavement 25' in each direction from trench centerline, replace with 1.5" HMA surface, and appropriate pavement markings.
8. Refer to Pavement Restoration Table for W. See general notes for additional details.

CONCRETE W/BITUMINOUS SURFACE PATCH
Scale: None



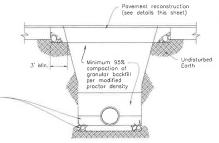
Notes:
1. Saw cuts shall provide a vertical, neat, and uniform edge.
2. All materials shall comply with specifications as required by the Noblesville Department of Engineering.
3. Contractor shall surface mill (1.5") existing pavement 25 ft. in each direction from trench centerline from face-of-curb to face-of-curb or edge-of-roadway, replace with 1.5" HMA surface, 9.5mm, and appropriate pavement markings.
4. The existing milled surface and concrete patch is to be lock coated prior to the placement of new asphalt. The new surface pavement grade shall match the existing surface pavement grade.
5. A two (2) inch wide band of crack sealant is to be applied along the joint between the existing and new asphalt surface. Sealant is to be applied in accordance with INDOT Standard Specifications, Section 906.
6. Refer to Pavement Restoration Table for W. See general notes for additional details.

BITUMINOUS PATCH (PREFERRED)
Scale: None



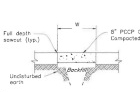
Notes:
1. Trench spoil is to be removed from the work site and disposed of out of the Right-of-Way.
2. Flowable Fill is to be poured into the trench to serve as backfill, to the dimensions and specifications listed in this detail.
3. The Flowable Fill mix design shall have been previously reviewed and approved by the Noblesville Street Department or Department of Engineering.
4. The compressive strength of the Flowable Fill shall not be less than 50 PSI nor greater than 100 PSI at 28 days.
5. When Type I Trench Backfill is used, the existing paved surface shall be saw cut a minimum of 3' on each side. Saw cut existing pavement so that cut provides a vertical, neat and uniform edge.
6. Flowable Fill shall be mixed and placed as specified in the latest INDOT Standard Specifications, Section 213.

TRENCH BACKFILL – TYPE I
FLOWABLE FILL DETAIL
Scale: None



Notes:
1. Saw cut existing pavement so that cut provides a vertical, neat and uniform edge.
2. Trench spoil is to be removed from the work site and disposed of out of the Right-of-Way.
3. Trench backfill – Type II granular fill is permitted when conducted under the presence of an independent testing laboratory. Proctor tests and field density (composition) tests shall be conducted at the sole expense of the contractor. All test results shall be submitted to the Noblesville Street Department or Department of Engineering within 30 days of backfill completion.

TRENCH BACKFILL – TYPE II
GRANULAR FILL DETAIL
Scale: None



Notes:
1. Saw cuts shall provide a vertical, neat, and uniform edge.
2. All materials shall comply with specifications as required by the Noblesville Department of Engineering.
3. Temporary concrete patch to be poured flush with existing pavement grade.
4. Refer to Pavement Restoration Table for W. See general notes for additional details.
5. Temporary repair patch is required when restoration work occurs between November 15 and April 15.
6. Contractor shall refer to the Noblesville Encroachment Ordinance #13-3-01, for maintenance of repair of temporary patch.

FOR TEMPORARY REPAIR PATCH
Scale: None

Notes:
1. Saw cuts shall provide a vertical, neat, and uniform edge.
2. All materials shall comply with specifications as required by the Noblesville Department of Engineering.
3. Surface of repair shall be broom finished at right angles to traffic flow.
4. All concrete shall be air entrained (5% ± 1.5%)–6 bags per cubic yard minimum 4000 psi compressive strength concrete. Prior to exposing concrete patch to vehicular traffic, compressive strength test results of cylindrical concrete specimens shall be supplied to the Noblesville Department of Engineering. Compressive strength tests shall be conducted in accordance with ASTM C39.
5. Refer to Pavement Restoration Table for W. See general notes for additional details.

CONCRETE PATCH WITHIN CONCRETE STREETS
Scale: None

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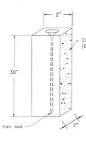
MONUMENTATION GUIDELINES

INDIVIDUAL LOT BOUNDARIES

1. Each property corner and internal angle point shall be monumented by the installation of a 2'-6" long iron rod, capped flush at final grade, with a durable plastic cover.
2. Monuments shall be installed within one season of acceptance of secondary plat.
3. A land surveyor, registered in the State of Indiana, shall attest to the accuracy of the installed monuments. Certified statements of attestment shall be submitted to the Department of Engineering for consideration of acceptance of the roadway by the Noblesville Board of Public Works and Safety.
4. Monuments which are damaged, destroyed and/or no reset by party responsible for damage/alteration. If a responsible party can not be readily determined, developer shall bear the costs of having monument reset.
5. If any plat monuments are unable to be set due to subdivision improvements a reference monument shall be set. If a reference monument not shown on the recorded plat, a Monument Affidavit shall be recorded and cross referenced to the recorded plat.

EXTERNAL BOUNDARIES/ROADWAY MONUMENTATION

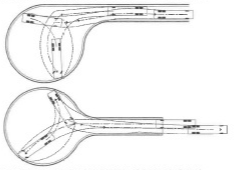
1. Monuments shall be placed for the purpose of accurately denoting the center of each roadway. Monuments shall be a steel rod with minimum of one inch (1") diameter by five inches (5") long. As a minimum, monuments shall be placed at points where the roadway changes direction, including beginning and ending points of subdivision. monuments shall be placed no less than 1,320 feet apart in any straight line. Roadway monumentation shall be placed within three (3) months of placement of pavement surface.
2. A land surveyor, registered in the State of Indiana, shall attest to the accuracy of the installed monuments. Certified statements of attestment shall be submitted to the Department of Engineering for consideration of acceptance of the roadway by the Noblesville Board of Public Works and Safety.
3. Prior to the sale of any subdivision lot, the external boundary of the development shall be monumented. A land surveyor, registered in the State of Indiana, shall attest to the accuracy of the installed monuments. Certified statements of attestment shall be submitted to the Noblesville Department of Engineering for consideration of acceptance of said plat by the Noblesville Board of Public Works and Safety.
4. Monuments which are damaged, destroyed and/or no reset by responsible for damage/alteration. If a responsible party can not be readily determined, developer shall bear the costs of having monument(s) reset.
5. If any plat monuments are unable to be set due to subdivision improvements a reference monument shall be set. If a reference monument not shown on the recorded plat, a Monument Affidavit shall be recorded and cross references to the recorded plat.



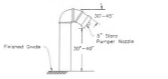
MONUMENT DETAIL – EXTERNAL BOUNDARIES /ROADWAY
Scale: None

GENERAL NOTES

1. Fire apparatus access road shall be constructed and made serviceable prior to issuance of a building permit.
2. Fire hydrants shall be installed, functional, and approved by the fire marshal prior to issuance of a building permit.
3. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The apparatus roads shall have an unobstructed width of 20 feet at all times.
4. Commercial and apartment buildings with a fire alarm system or sprinkler system shall install an emergency access key box that shall contain the necessary keys to access the building as directed by the fire marshal.
5. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access roads shall extend to within 50' of all portions of the facility or any portion of the exterior wall of the first story of the building.
6. Fire apparatus access roads shall support the imposed load of fire apparatus and shall be designed to allow the turning around of the longest piece of fire apparatus.
7. Refer to the fire Marshal for any hydrant specifications and fire lane details.
8. All fire hydrant locations and installations shall be in accordance with the most recent adopted edition of the Indiana Fire Code.
9. As-built electronic submittals shall be submitted for all fire department connections and fire hydrants to GIS coordinator in compliance with electronic submittal guidelines.

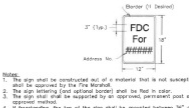


FIRE ENGINE DESIGN VEHICLE TURN-AROUND SCHEMATIC
Scale: None



Notes:
1. The FDC shall meet or exceed the requirements of the most recent State of Indiana adopted edition of NFPA 13 and NFPA 14.
2. The FDC shall be located off the building in a location approved by the City of Noblesville Fire Marshal.
3. The FDC shall be provided with a single 5" Storz connection that shall face towards the nearest point of the department access.
4. A minimum of a 4" FDC service pipe shall be utilized on a fire service line that is 6" or larger.
5. Any fire pipe that is not located within the fire service vault shall be painted with Sherwin-Williams "Safety Red (SW 4587)" or equivalent approved by the Noblesville Fire Department.
6. The FDC shall be constructed of a material not susceptible to degradation.
7. The FDC shall not be located more than 100 feet from the nearest fire hydrant.

FIRE DEPARTMENT CONNECTION (FDC)
Scale: None

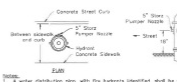


Notes:
1. The sign shall be constructed out of a material that is not susceptible to degradation. The sign material shall be approved by the Fire Marshall.
2. The sign lettering (and optional border) shall be Red in color.
3. The sign shall shall be supported by an approved, permanent post or attached to the FDC pipe by an approved method.
4. If freestanding, the top of the sign shall be mounted between 36" and 48" from finished grade.

FDC SIGN
Scale: None

Notes:
1. The "NO PARKING FIRE LANE" message shall be six feet in depth from edge of pavement or curb.
2. The letters shall be two feet in height and a minimum of four inches wide.
3. The "NO PARKING FIRE LANE" message shall be placed every 50 feet.
4. The striping shall be a minimum of four inches wide at a 45 degree angle and five feet on center.
5. All markings shall be Yellow.

FIRE LANE PARKING DETAIL
Scale: None



Notes:
1. A water distribution plan, with fire hydrants identified, shall be submitted and approved by the Fire Marshal of the City of Noblesville prior issuance of an Improvement Location Permit.
2. All on-site fire hydrants shall be located between the curb and sidewalk in the Right-of-Way. The 5" Storz connection shall face the street.
3. The number, size, and arrangement of outlets, the size of the main valve opening and the size of the barrel shall be suitable for the required fire protection.
4. All fire hydrant spacing shall comply with the following requirements
   - Residential: 500' (250' maximum distance hydrant and a structure.)
   - Industrial: 300'
   - Commercial: most recent edition of the Indiana Fire Code
5. Fire hydrants shall have a motor/shed three foot radial clear space at all times.
6. All fire hydrants installed on public hydrants shall be approved by the respective water utility. Fire hydrants shall meet the following criteria
   - 6.1. Mechanical joint connection for 6" service pipe.
   - 6.2. Minimum 5-1/4" diameter main valve opening.
   - 6.3. Two 2-1/2" main outlets with threads being national standard.
   - 6.4. Steamer outlet shall be a 5" Storz connection with a 5" Storz cap and chain.
   - 6.5. Main valve seat shall be provided with bronze to bronze threads.
   - 6.6. Safety flange or other device shall be provided above ground to break with minimal water escaping.
   - 6.7. Four drain holes in the bottom to prevent freezing.
   - 6.8. The base shall be surrounded by at least six cubic feet of coarse gravel or crushed rock for drinking.
   - 6.9. Public hydrants shall be painted "Safety Yellow", Sherwin-Williams – SW 4024 or equivalent approved by the Noblesville Fire Department, with two coats of paint. (do not paint Storz connection.)
   - 6.10. Private hydrants shall be painted "Safety Red", Sherwin-Williams – SW 4581 or equivalent approved by the Noblesville Fire Department, with two coats of paint. (do not paint Storz connection.)
   - 6.11. Hydrant shall be operated by a National Standard Pentagon operating nut (1-1/2 inch)

FIRE HYDRANT DETAIL
Scale: None

	CITY OF NOBLESVILLE	SHEET
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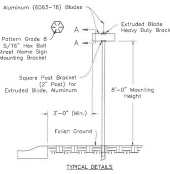
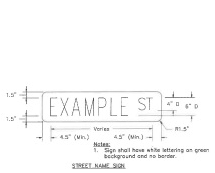
GENERAL NOTES

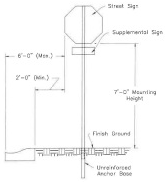
1. All signs shall be in accordance with the latest Manual on Uniform Traffic Control Devices and Standard Highway Signs and Markings.
2. Shop drawings shall be submitted for all non-standard signs and all street name signs.
3. All sign posts shall be 2" x 2" (Type 2) posts and shall be in accordance with INDOT Std. Dwgs. E-802-SNGS-06 thru E-802-SNGS-09.
4. All signs shall be placed within five days of placement of traversable pavement, such as HMA intermediate, HMA Base, or concrete pavement.
5. All signs shall be attached to posts with two bolts per sign per post (min.). For signs over 8" in height, galvanized or aluminum bolts are acceptable.
6. Signs shall be tagged on the rear of the sign with an adhesive label with the month and year that the signs were installed. Remaining required traffic control shall be in place prior to the release of the first occupancy permit.
7. Streets shall be signed at all intersections with two street name sign assemblies on opposite corners.
8. Street name signs shall be mounted on post top with a cast aluminum 2SXQ bracket with all hex bolts required. All double/cross mounted street name signs shall be mounted using a cast aluminum RATA bracket and secured with all hex bolts required per sign.
9. Stop sign shall be 36" in size for roads classified as Arterials or Collectors and 30" in size for roads classified as local.
9. An all way stop intersection requires an "ALL WAY" supplementary sign. A two way stop controlled intersection requires a "CROSS TRAFFIC DOES NOT STOP" supplementary sign.
10. 25 mph signs shall be located at each subdivision entrance. A "FOR ALL STREETS" supplementary sign shall be located below each.
11. Alternate custom posts may be used upon receiving expressed written permission from the City of Noblesville. Custom posts shall be the financial responsibility of subdivision's homeowner's association. In the event that the City of Noblesville must replace custom sign posts, the City reserves the right to install its standard steel post.



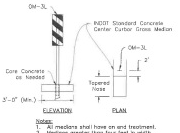
TYPICAL STREET NAME SIGN
Scale: None



Notes:
1. Sign shall have white lettering on green background and no border.



TYPICAL STREET SIGN
Scale: None



Notes:
1. All medians shall have an end treatment.
2. Medians greater than four feet in width may contain approved landscaping or grass.

MEDIAN END TREATMENT
Scale: None

	CITY OF NOBLESVILLE	SHEET
NO. 11100334 STATE OF INDIANA	Street Sign Details and Notes	18 OF 29

GENERAL STREET LIGHTING NOTES

1. Street lighting is required on new Local and Collector streets being constructed with a plat and shall be shown on the lighting plan. Lighting is required at entrances and intersections, within cul-de-sacs and at specified locations requiring additional lighting. Lighting plans shall be submitted to the Noblesville Department of Engineering for approval.

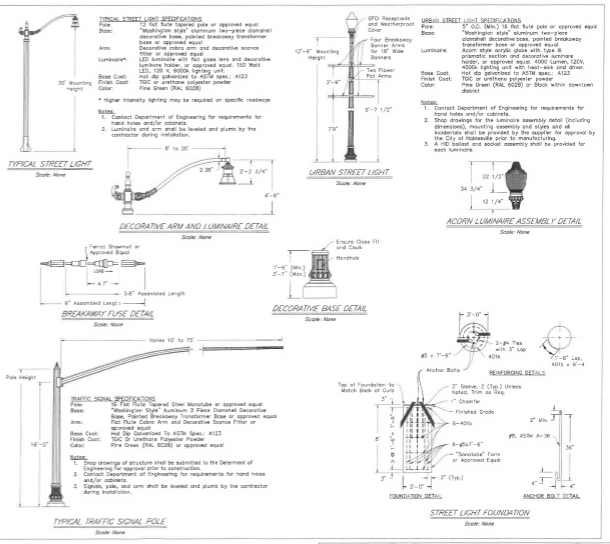
2. Street lighting shall be considered at any of the following locations:
   2.1. Pedestrian crosswalks
   2.2. Roadway intersections
   2.3. Changes in horizontal alignment
   2.4. Commercial Drives
   2.5. As directed by the City Engineer

3. It shall be the responsibility of the developer to provide and install all street lighting.
   3.1. The developer shall submit a lighting plan for approval showing the type of luminaire and pole used, with illumination information should be included on the plans or by separate submittal prior to construction.
   3.2. The Homeowners' Association covenants shall clearly indicate that the cost of maintenance and the order of any new lights will be the responsibility of the Homeowners' Responsibility as the owner and customer for the lighting.
   3.3. Billing and the work order information shall be in the Homeowners' Association name and address.
   3.4. Encroachment permits shall be obtained for all work associated with installation. Lighting plans should match or amend those submitted. A copy of the work order should accompany the permit.
   3.5. All other applicable City Standards shall be observed during the planning and construction phases.
   3.6. At the time work commences, requests for inspection of work shall be directed to the Engineering Department in a manner that is commensurate with the process for the inspection of other elements of subdivision work.

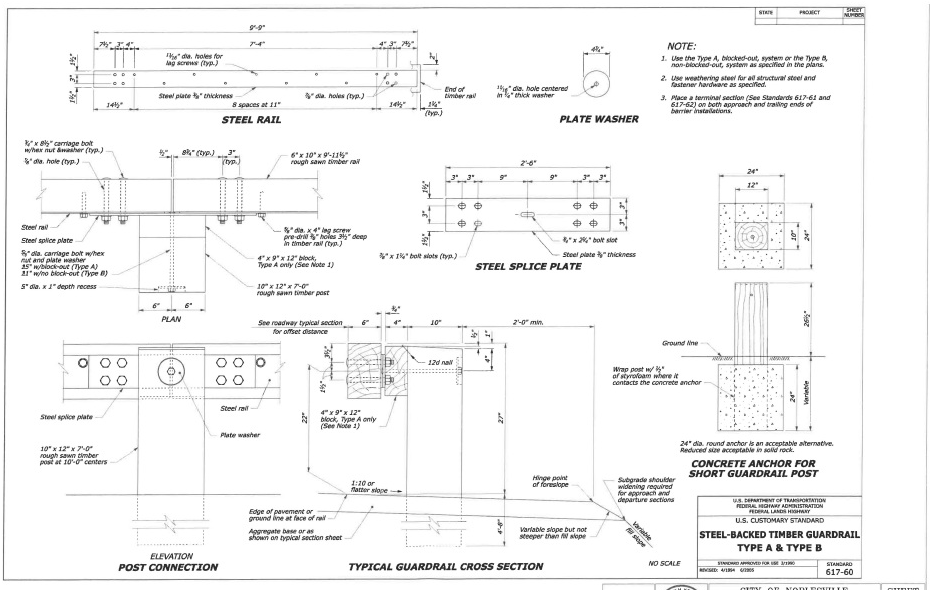
4. All lighting plans submitted for approval shall include, but not be limited to, the following:
   4.1. Location of each light standard and the service point or junction box serving each luminaire.
   4.2. Pipe indications showing conduit and wire size for each conduit run.
   4.3. Manufacturer's catalog cut sheets and specifications for light fixtures, appurtenances, service points, and junction boxes.
   4.4. Paint color specimen samples and material composition.

GENERAL TRAFFIC SIGNAL NOTES

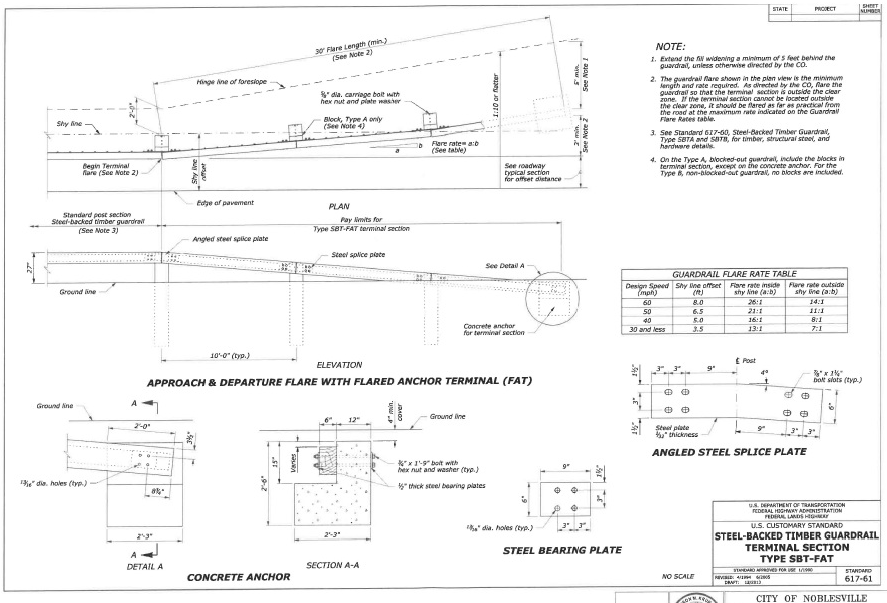
1. All intersections warranting, or proposed to become, a signalized intersection shall consider a roundabout as a viable alternative or solution for the intersection improvement.
2. All traffic signal controllers shall be selected and approved by the City Engineer.
3. Signals shall be actuated with loop detection.
4. Pedestrian crossings shall be actuated by a pedestrian push button unless pedestrian traffic volumes warrant a protected pedestrian crosswalk movement at every signal cycle.
5. Intersections which have existing or proposed sidewalks or trails shall have tie signal and intersection configured to accommodate pedestrian crossings.
6. Signals shall be installed with preemptive devices for emergency vehicle detection. The system should be a matched component system that will be fully compatible with the existing system already in place. The system shall be able to have security and programming changes made at any of the signals and be able to monitor, control, monitor and log the information. The system shall meet all NEMA standard requirements. The system shall have a 5/5 year warranty. The system shall include the following Models:
   6.1. M711 Detector
   6.2. M721 Detector
   6.3. M731 Phase Selector
   6.4. M732 Phase Selector
   6.5. M754 Phase Selector
   6.6. M760 Card Rack
   6.7. M3579 Confirmation Kit
   6.8. M136 Detector Cable
   6.9. M7921 Emitters
7. Traffic signal cabinet's exterior color shall match the color of the traffic signal poles for which it controls.
8. Traffic signal heads shall be LED.
9. Traffic signal shall be equipped with a manual override at the controller cabinet.
10. Contact the Department of Engineering for requirements for hand holes, service points, and/or controller cabinets.
11. Lighting with decorative arm and luminaire may be mounted post top as required per plan.
12. Foundation for pole shall be designed to the requirements of INDOT Standard Drawing No. E 805-SIGS2-02 and other related drawings.



CITY OF NOBLESVILLE	SHEET
Street Lighting Details and Notes	19 OF 29

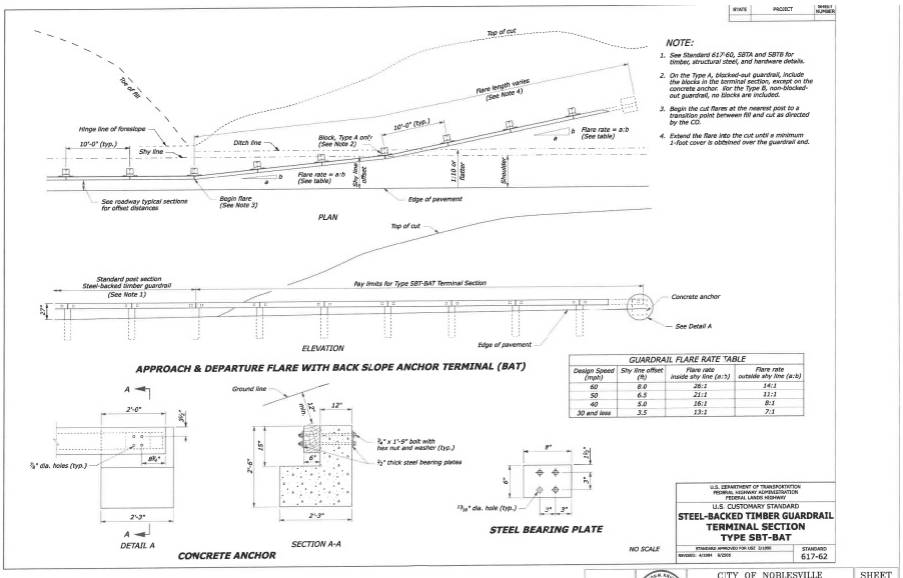


CITY OF NOBLESVILLE	SHEET
FHWA Timber Guardrail Details	20 OF 29



CITY OF NOBLESVILLE	SHEET
FHWA Timber Guardrail Details	21 OF 29

STATE	PROJECT	SHEET NUMBER



APPROACH & DEPARTURE FLARE WITH BACK SLOPE ANCHOR TERMINAL (BAT)

NOTE:

1. See Standard 617-60, SBTA and SBTB for timber, structural steel, and hardware details.
2. On the Type A, blocked-out guardrail, include the blocks in the terminal section, except on the concrete anchor. For the Type B, non-blocked-out guardrail, no blocks are included.
3. Begin the cut flares at the nearest post to a transition point between fill and cut as directed by the CO.
4. Extend the flare into the cut until a minimum 1-foot cover is obtained over the guardrail end.

GUARDRAIL FLARE RATE TABLE

Design Speed (mph)	Shy line offset (ft)	Flare rate inside shy line (a:b)	Flare rate outside shy line (a:b)
60	8.0	26:1	14:1
50	6.5	21:1	11:1
40	5.0	16:1	8:1
30 and less	3.5	13:1	7:1

CONCRETE ANCHOR

NO SCALE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL LANDS HIGHWAY

U.S. CUSTOMARY STANDARD

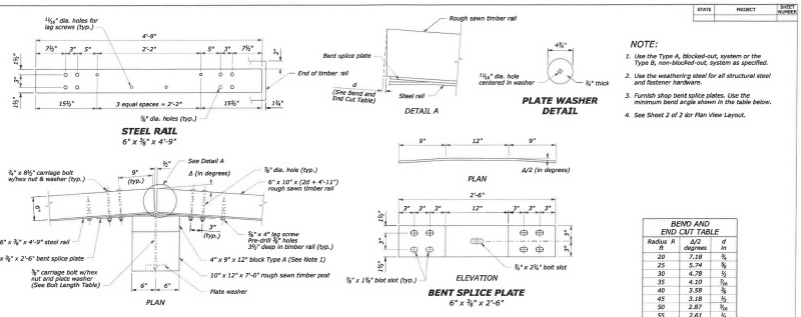
STEEL-BACKED TIMBER GUARDRAIL
TERMINAL SECTION
TYPE SBT-BAT

STANDARD APPROVED FOR USE 3/1/99 | STANDARD 617-62

REVISED: 4/1999 9/2003

	CITY OF NOBLESVILLE	SHEET 22 OF 29
	FHWA Timber Guardrail Details	

STATE	PROJECT	SHEET NUMBER

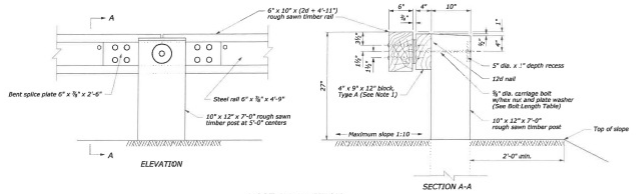


BEND AND END CUT TABLE

Radius R ft	Δ/2 degrees	d in
20	7.18	⅝
25	5.74	⅝
30	4.78	½
35	4.10	½
40	3.58	⅜
45	3.18	⅜
50	2.87	9/16
55	2.61	¼
60	2.39	¼
65	2.20	¼
70	2.05	¼
over 70	flat	0

BOLT LENGTH TABLE

Type A (Block-out)	Type B (No Block-out)
15"	11"



POST CONNECTION

NO SCALE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL LANDS HIGHWAY

U.S. CUSTOMARY STANDARD

STEEL-BACKED TIMBER GUARDRAIL
AROUND CIRCULAR CURVES
70 FOOT RADIUS AND BELOW
Sheet 1 of 2

STANDARD APPROVED FOR USE 6/2005 | STANDARD 617-63

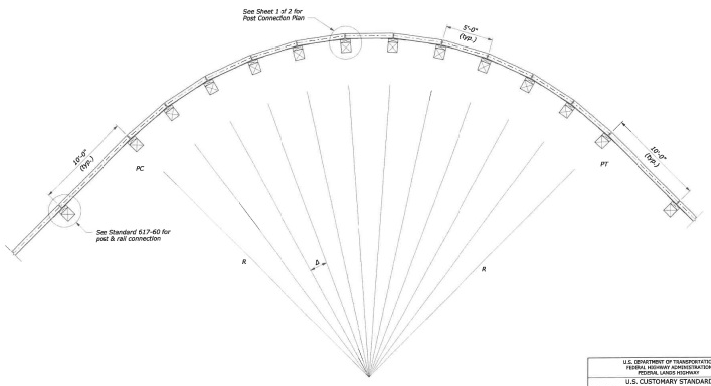
REVISED:

	CITY OF NOBLESVILLE	SHEET 23 OF 29
	FHWA Timber Guardrail Details	

STATE	PROJECT	SHEET NUMBER

NOTE:

1. Δ is the central angle which subtends a 5'-0" chord.
2. R is measured from the center of the circle to the back surface of the rough sawn timber rail.



PLAN VIEW LAYOUT

NO SCALE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL LANDS HIGHWAY

U.S. CUSTOMARY STANDARD

STEEL-BACKED TIMBER GUARDRAIL
AROUND CIRCULAR CURVES
70 FOOT RADIUS AND BELOW
Sheet 2 of 2

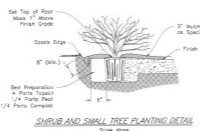
STANDARD APPROVED FOR USE 6/2005 | STANDARD 617-63

REVISED:

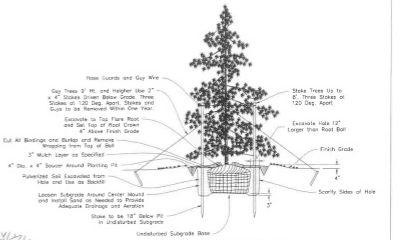
	CITY OF NOBLESVILLE	SHEET 24 OF 29
	FHWA Timber Guardrail Details	

GENERAL NOTES

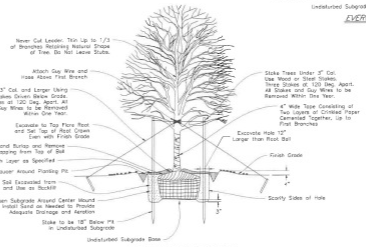
1. A minimum of 4" of topsoil shall be placed on all areas shown to be seeded. Use suitable topsoil from stockpiled site stripping. Topsoil shall be free from plants, plant parts, weeds and undesirable materials. Stones measuring larger than 1" in any dimension shall be removed from topsoil, as determined by Engineer, from the site. Furnish any additional topsoil needed at no additional cost.
2. In case of discrepancies between the plan, the plant list, and the plan approved by the City of Noblesville Planning Commission, a resolution shall be developed that complies with the Uniform Development Code.
3. All trees and planting beds shall have a 4 foot diameter ring covered with a 2" to 3" thick layer of shredded hardwood bark mulch. Bark mulch shall be approved by the city and shall be uniform in texture and color. No utility mulch or processed tree trimmings will be permitted.
4. All planting beds shall have pre-emergent herbicide applied as per manufacture's recommendation.
5. Final placement of plant materials, etc. shall be approved by the Engineer before planting operations are to proceed. All tree locations shall be marked with a wooden stake indicating variety and size of tree.
6. No substitutions of plant material will be allowed if plants are shown to be unavailable. The contractor shall notify the engineer prior to bid date in writing. All plants shall be inspected and tagged with project identification at nursery on contractor's staging area prior to moving to location of procurement. Plants may also be inspected and approved or rejected on job site.
7. All plants are to meet or exceed American Standards for Nursery Stock, latest edition, as set forth by the American Association of Nurserymen.
8. Plants and all other materials to be stored on site will be placed where they will not conflict with construction and as directed by owner.
9. All plantings shall be guaranteed for a period of one year after installation and acceptance. The contractor will be required to replace plantings that die during this period at the contractor's expense.
10. All disturbed lawn areas shall be hydro-seeded as noted on Erosion Control Plan or Construction Detail sheets.
11. All materials used shall conform with the City of Noblesville's approved list for landscape plantings in public Right-of-Way.
12. Areas to be seeded shall be made smooth and uniform and shall be in accordance with the finished grade and cross section shown on the plans or as otherwise designated.
13. Seed beds, if not loose, shall be loosened to a depth of three inches.
14. Topsoil shall be spread to sufficient depth to produce the thickness specified after it has been compacted lightly.
15. Unless otherwise specified, seed used shall be INDOT Standard Seed Mixture Grass Type 2. This seed mixture shall be placed at the rate of 110 lb/acre.
16. The contractor shall place a warranty bond for all permanent seeding done between October 16 and January 31. All seeding which has significantly failed to attain 70% germination shall be replaced with no additional payment.
17. Seeding without mulch shall not be done between May 1 and August 15.



SHRUB AND SMALL TREE PLANTING DETAIL
Scale: None



EVERGREEN PLANTING DETAIL
Scale: None



SHADE TREE PLANTING DETAIL
Scale: None

	CITY OF NOBLESVILLE	SHEET 25 OF 29
	Landscape and Planting Details and Notes	

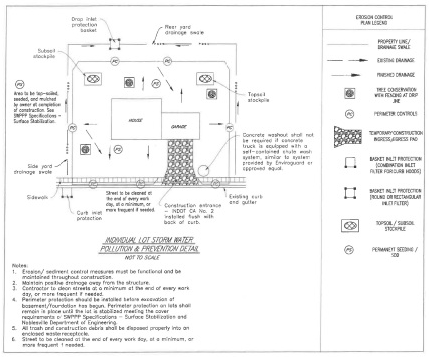
GENERAL SWPPP NOTES FOR INDIVIDUAL LOTS

1. All storm water quality measures, including erosion and sediment control, necessary to comply with the requirements for 327 IAC 15-5, Rule 5 and/or general construction practices and/or City of Noblesville improvement Location Permit must be implemented in accordance with the plan and specifications. Failure to do so may result in work stoppages and delays until deficiencies are corrected.
2. Provisions for erosion and sediment control on individual building lots required under the original permit of a project site owner must include the following requirements:
   2.1. The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with the individual building lot.
   2.2. Installation and maintenance of a stable construction site access.
   2.3. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
   2.4. Sediment discharge and tracking from each lot must be minimized throughout the land disturbing activity and the lot must be stabilized immediately after house construction.
   2.5. Clean-up of sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
   2.6. Adjacent lots disturbed by and individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
3. In accordance with Chapter 600 of the Noblesville STSM, final stabilization of an individual lot project site is achieved when:
   3.1. All land disturbing activities have been completed
   3.2. The establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

CONSTRUCTION SEQUENCE FOR INDIVIDUAL LOTS

Construction sequence on individual lots should be as follows:

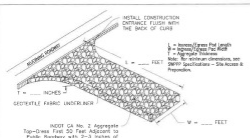
1. Clearly delineate areas of trees, shrubs, and vegetation that are to be undisturbed. To prevent accidental damage, the areas delineated for tree protection should be at least the same diameter as the crown.
2. Install perimeter silt fence at construction limits. Position the fence to intercept runoff prior to entering drainage swales.
3. Avoid disturbing drainage swales if vegetation is established. If drainage swales are bare, install temporary seed and mulch as soon as practicable.
4. Install drop inlet protection for all inlets on the property.
5. Install curb inlet protection, on both sides of the road, for all inlets along the property frontage and along the frontage of adjacent lots, or install temporary catch basin inserts in each inlet and frequently clean.
6. Install the construction entrance flush with the back of existing curb, extending from the street to the building pad.
7. Perform primary grading operations.
8. Contain erosion from any soil stockpiles created on-site with silt fence around the base.
9. Establish temporary seeding and straw mulch on disturbed areas.
10. Install the building and complete roofing.
11. Install downspout extenders once the roof and gutters have been constructed. Extenders should outlet to a stabilized area.
12. Re-seed any areas disturbed by construction and utilities installation with temporary seed mix within 3 days of completion of disturbance.
13. Finish grade the individual lots. Add topsoil as needed to minimize erosion of underlying soil and to quickly establish grass.
14. Install permanent seeding or sod.



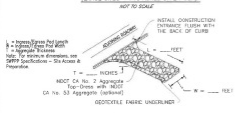
INDIVIDUAL LOT STORM WATER POLLUTION & PREVENTION DETAIL
NOT TO SCALE

Notes:
1. Erosion/ sediment control measures must be functional and be maintained at all times.
2. Maintain positive drainage away from the structure.
3. Contractor to clean streets at a minimum at the end of every work day, or more frequent if needed.
4. Perimeter protection should be installed before excavation at individual lots begins. Perimeter protection on lots shall remain in place until the lot is stabilized according to the requirements in SWPPP Specifications – Surface Stabilization and Noblesville Department of Engineering.
5. All trash and construction debris shall be disposed properly into an enclosed dumpster/trash bin.
6. Streets to be cleaned at the end of every work day, at a minimum, or more frequent if needed.

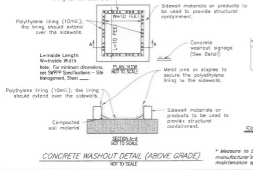
	CITY OF NOBLESVILLE	SHEET 26 OF 29
	SWPPP Details	



TEMPORARY CONSTRUCTION INGRESS/EGRESS PAD (LARGE SITES – TWO ACRES OR LARGER)
NOT TO SCALE



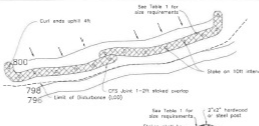
TEMPORARY CONSTRUCTION INGRESS/EGRESS PAD (SMALL SITES – LESS THAN TWO ACRES)
NOT TO SCALE

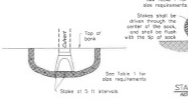


CONCRETE WASHOUT DETAIL (ABOVE GRADE)
NOT TO SCALE

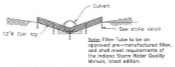
SIGNAGE DETAIL
NOT TO SCALE

* Measure to be used in accordance with manufacturer's stated installation and maintenance specifications, and limitations





STAKE DETAIL
NOT TO SCALE



Notes: Filter Tube to be an approved geo-manufactured filter, and shall meet requirements of the Indiana Storm Water Quality Manual, latest edition.

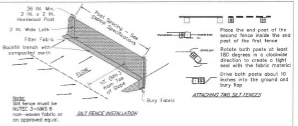
Table 1: Filter Sock Size Requirements, Sheet Flow Application

Slope	Sock (Sheet Flow) for Minimum Filter Sock Size (If multiple, multiple socks)			
0% – 2%	< 50:1	12in	12in	12in
2% – 10%	50:1 to 10:1	18in	18in	18in
10% – 20%	10:1 to 5:1	25	25	25
20% – 50%	5:1 to 2:1	25	25	25
> 50%	> 2:1	18	25	25

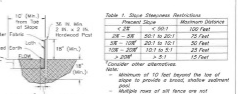
Notes:
1. Limited to one-quarter acre per 100 linear feet of barrier.
2. Five to 10 feet from toe of slope (10 feet preferred).

FILTER TUBE / FILTER SOCK
NOT TO SCALE

* Measure to be used in accordance with manufacturer's stated installation and maintenance specifications, and limitations



SILT FENCE INSTALLATION



FLAT BOTTOM TRENCH SECTION

PERIMETER CONTROLS SILT FENCE DETAIL
NOT TO SCALE

* Measure to be used in accordance with manufacturer's stated installation and maintenance specifications, and limitations

ATTACHING TWO SILT FENCES

Table 1: Slope Steepness Restrictions

Percent Slope	Minimum Distance
< 2%	< 50:1	100 Feet
2% – 5%	50:1 to 20:1	75 Feet
5% – 10%	20:1 to 10:1	50 Feet
10% – 20%	10:1 to 5:1	25 Feet
> 20%	< 5:1	15 Feet

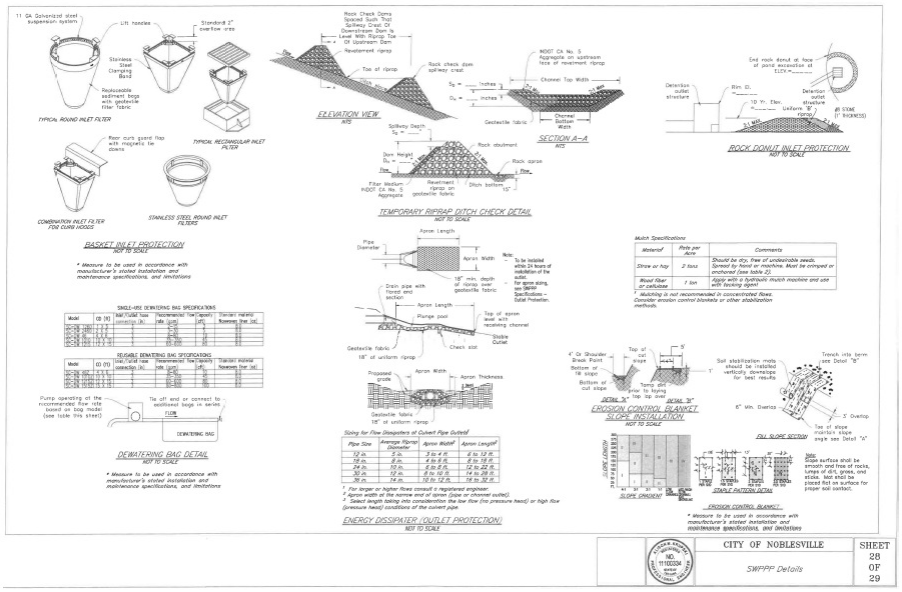
Consider other alternatives.

Note:
- Minimum of 10 feet beyond the toe of slope to provide a broad, shallow sediment pool
- Multiple rows of silt fence are not recommended on the same slope

TOPSOIL STOCKPILE DETAIL
NOT TO SCALE

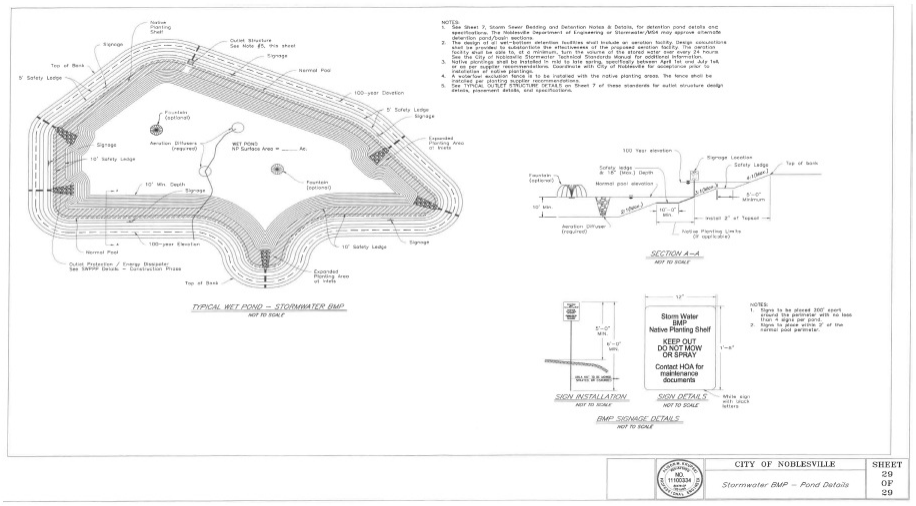
Notes:
1. Topsoil shall always be salvaged and stockpiled on-site, unless infeasible.
2. Stockpile suitable roofing zone of trees to be protected.
3. Temporary topsoil stockpiles shall be maintained with a slope no greater than 3:1 and a height of no greater than 35 feet, as measured above grade of the adjacent roadway. "Temporary topsoil stockpiles" are soil stockpiles associated with the same phase of construction and will be gone at the end of the permitted phase that it was created.
4. Permanent topsoil stockpiles shall be maintained with a slope of no greater than 4:1 and a height of no greater than 35 feet, as measured above grade of the adjacent roadway. "Permanent topsoil stockpiles" are soil stockpiles that, after a particular phase of construction has achieved its own dirt balance and is surplus or left for future phase.

	CITY OF NOBLESVILLE	SHEET 27 OF 29
	SWPPP Details	



CITY OF NOBLESVILLE — SHEET 28 OF 29

SWPPP Details

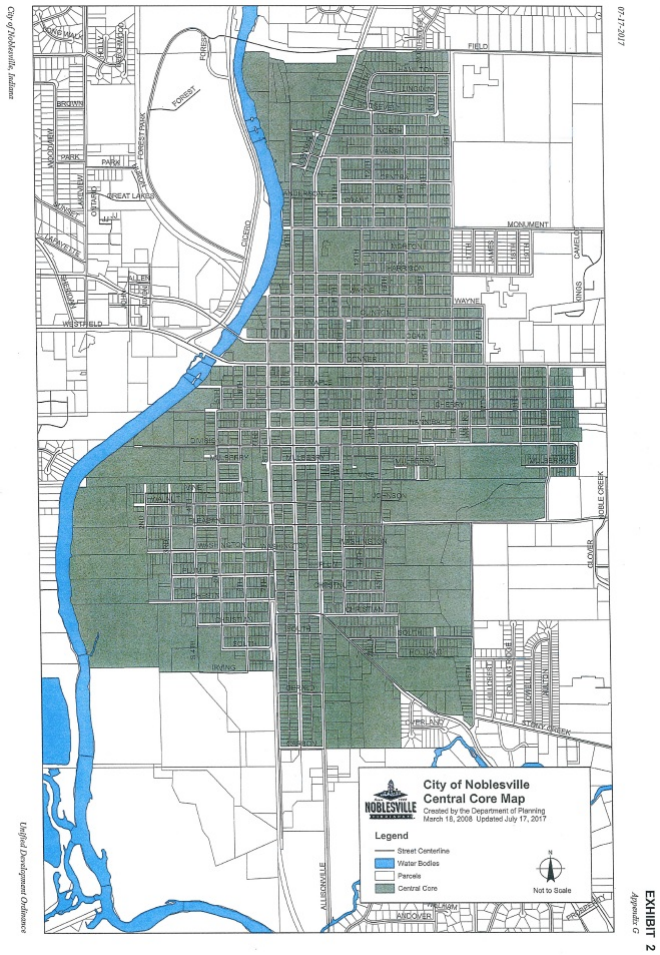


CITY OF NOBLESVILLE — SHEET 29 OF 29

Stormwater BMP – Pond Details

(Ord. 03-02-12, passed 2-28-12; Ord. 37-05-21, passed 5-25-21)

APPENDIX G: CENTRAL CORE MAP



Ord. 48-6-05, passed 7-12-05; Am. Ord. 25-07-17, passed 8-15-17 ; Ord. 41-11-20, passed 11-24-20)

APPENDIX H: CITY OF NOBLESVILLE STORMWATER TECHNICAL STANDARDS MANUAL

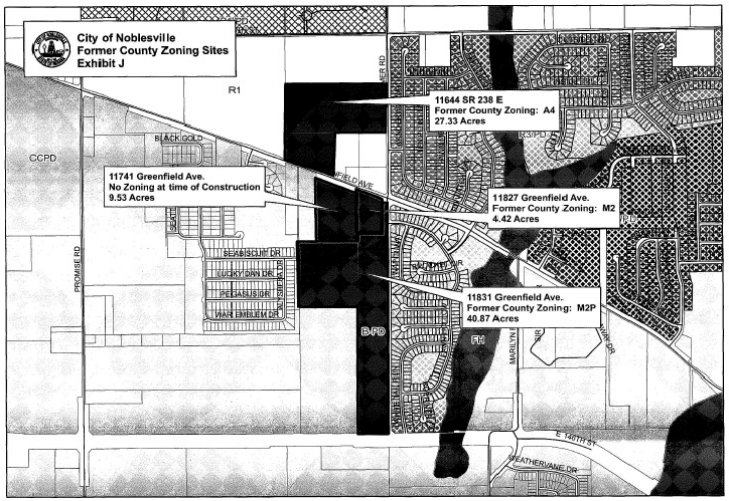
The "City of Noblesville Stormwater Technical Standards Manual" is hereby adopted by reference and incorporated herein as fully as if set out at length.

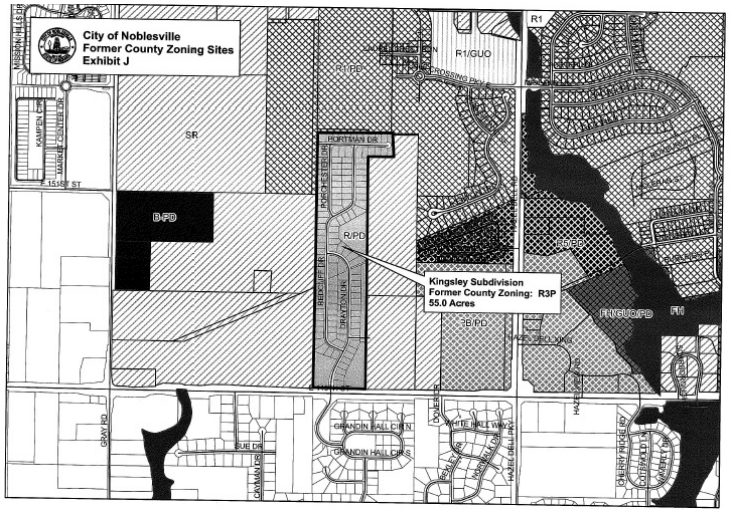
(Ord. 22-06-13, passed 7-9-13)

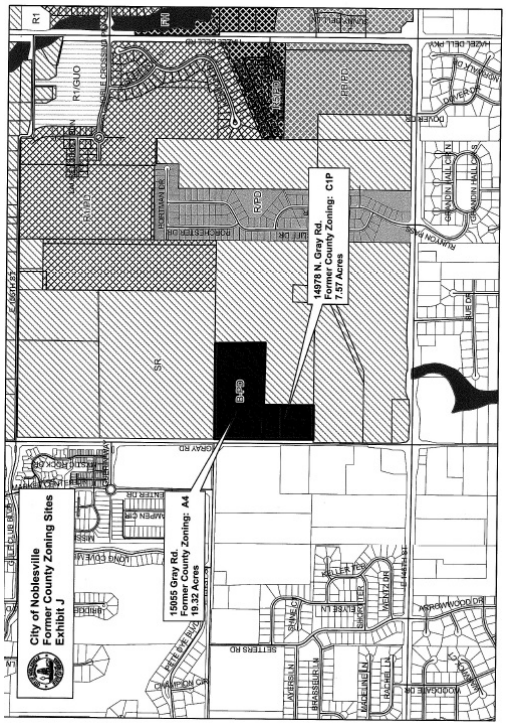
APPENDIX I: HISTORIC DEMOLITION AREA

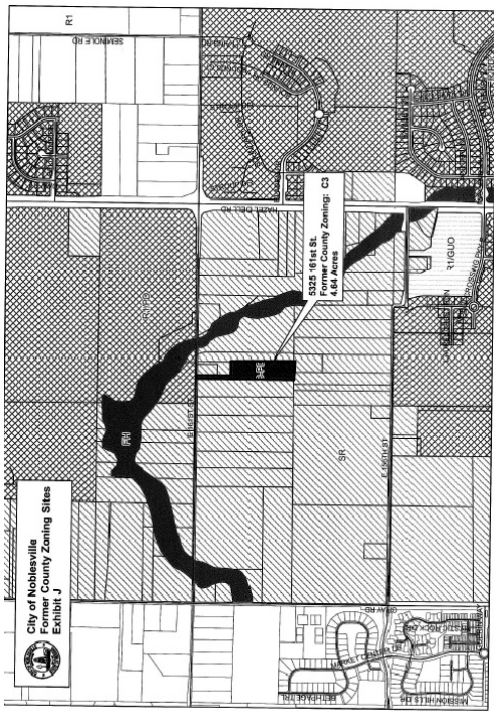
(Ord. 76-9-05, passed 10-11-05; Am. Ord. 26-05-22, passed 5-24-22)

APPENDIX J: FORMER COUNTY ZONING SITES


City of Noblesville
Former County Zoning Sites
Exhibit J
11644 SR 238 E
Former County Zoning: A4
27.33 Acres
11741 Greenfield Ave.
No Zoning at time of Construction
9.53 Acres
11827 Greenfield Ave.
Former County Zoning: M2
4.42 Acres
11831 Greenfield Ave.
Former County Zoning: M2P
40.87 Acres
R1
CCPD
B-PD
FH
PROMISE RD
E 146TH ST
WEATHERVANE DR


City of Noblesville
Former County Zoning Sites
Exhibit J
Kingsley Subdivision
Former County Zoning: R3P
55.0 Acres
R1
R1/GUO
SR
B-PD
R/PD
FH
GRAY RD
GRANDIN HALL CIR N
GRANDIN HALL CIR S
WHITE HALL WAY
HAZEL DELL PKY
CHERRY RIDGE RD
COTTSWOLD LN
WAVERLY DR





(Ord. 56-11-07, passed 12-11-07)

APPENDIX K: PERVIOUS CONCRETE PAVEMENT DESIGN REQUIREMENTS

Sections

1.0 Overview
2.0 Design
3.0 Subgrade
4.0 Mix Design
5.0 Pavement Design
6.0 Drainage and Detention Design
7.0 Site Design
8.0 Construction

1.0 Overview

Pervious or porous concrete pavements permit the percolation of water through voids in the pavement structure to the sub-grade which may reduce storm water runoff and pollutants carried during its transportation and dispersion.

In an attempt to provide a cost effective alternative to conventional storm water detention methods while reducing the impact caused by additional development, the City of Noblesville has developed minimum standard requirements for pervious concrete pavement. The premise of these standards is to:

1. Establish minimum performance criteria for the pavement structure, in a manner consistent with other pavements that are currently permitted by City Standards

2. Establish reasonable compliance with the City's Stormwater Ordinance, while observing traditional engineering practice, the City of Noblesville's Ordinances; and,

3. To utilize design and quality control measures recommended by the concrete industry for pervious concrete

The following requirements and standards shall be considered as a supplement to the City of Noblesville Stormwater Technical Standards Manual, which are incorporated by reference herein. These standards shall also reference and incorporate the subject matter in the City of Noblesville's Unified Development Code that involve projects which propose to utilize this design standard.

These standards shall be observed, applied, and demonstrated to obtain final approval for an Improvement Location Permit and the use of pervious concrete pavement. The purpose of using pervious concrete pavements shall not be to circumvent the requirement of detention or the need to save design costs. The concrete industry recognizes that pervious pavements are sensitive to in-situ conditions and require unique design consideration and expertise in their use. These standards were developed from several resources and incorporate their findings and recommendations. The placement of pervious concrete pavement and its use in a manner similar to conventional paving materials is not acceptable as it does not perform in a similar manner.

2.0 Design

Design and approval of any pavements utilizing pervious concrete shall follow the requirements of these standards and be subject to the City of Noblesville's Stormwater Technical Standards Manual, the City of Noblesville's Construction Standards, and the Unified Development Code, latest editions.

Pervious concrete is NOT a traditional pavement structure and may not be readily and simply substituted for regularly used hot-mixed asphalt (HMA) or customary INDOT standard concrete mixture without addressing the City of Noblesville's stormwater detention requirements.

The structure of pervious concrete pavement is designed to function as both an outlet for stormwater runoff and a surface to transport and store vehicular traffic.

The design standards outlined for pervious concrete pavements outlined herein were developed using information, theory, methodology, and guidelines established and published by the Portland Cement Association, the National Concrete Pavement Technology Center, the National Ready-Mixed Concrete Association, the North Carolina State University's Department of Biological and Agricultural Engineering, and Iowa State University's Center for Transportation Research and Education.

3.0 Subgrade

The subgrade for proposed pervious concrete pavement serves two purposes. It must be pervious to permit the percolation of water into the earth so it may dissipate an acceptable release rate without adversely affecting surrounding off-site areas, while addressing the City's design criteria for the storage of runoff. The subgrade must also be stable enough to adequately support the load from the pavement and applied traffic.

Percolation tests shall be procured by the developer through the designer to determine the suitability of the soil to percolate runoff from the pavement course. The number of tests for the site shall be determined by its overall size, with tests at two evenly-spaced location sites of 10,000 sf or less. Sites exceeding 10,000 sf in size shall submit a percolation plan and report for subsurface soils according to the following table:

Site Area (SF)	Number of Percolation Test Locations
10,000	2
10,000 to 15,000	3
Every 5,000 sf Increment Exceeding 15,000 SF	1 per 5,000 sf of additional area

A sampling plan shall be provided to the City of Noblesville for approval prior to the completion of the test. In general, test locations shall be evenly spaced and near the middle half or third of the proposed pavement area. The City of Noblesville reserves the opportunity to request any modifications or additions to any proposed sampling plan based on the conditions, shape, size and use of the lot. This is not to infer that sampling plans will be expanded, it is conceivable that fewer test spots could be needed, depending on the case and situation.

Using the results of the percolation test, the designer shall determine the average **Infiltration Rate** in inches per hour (in/hr) for the site. Calculations and the results of the field investigation for the determination of the average infiltration rate shall be submitted with the proposed site plan for review.

[1]

4.0 Mix Design

For each project, a mix design shall be submitted for approval with the project plans and specifications. The following section provides material specifications and requirements for the pervious concrete mix. The seven day compressive strength of pervious concrete pavement mixtures shall range from 3,300 to 2,900 psi.

4.1 Cementitious Materials

Portland cements meeting the criteria of ASTM C 150 and C 1157 may be used as well as blended cements meeting the standards of ASTM C 595 and C 1157. Fly ash and pozzolans meeting the requirements of ASTM C 618 may also be used in the proposed mix. Due to problems with odors and discoloration of any runoff which may occur offsite, blast slag may not be used. Mix proportions for cementitious materials in the proposed mix shall be from 550 to 700 lbs/yd^3.

4.2 Aggregate

4.2.1 Aggregate

Aggregate for the pervious concrete batch mix shall be 2000 to 2500 lbs/yd^3. The aggregate to cement ratio shall be 4 to 4.5:1. The proportions of course and fine aggregates are presented in the following sections.

4.2.2 Coarse Aggregate

The content of coarse aggregate in the batch mixture shall be narrowly graded and consist of aggregate meeting the requirements of course aggregate conforming to ASTM C 33 No. 67 or No. 8.

4.2.3 Fine Aggregate

The content of fine aggregate to coarse aggregate ratio in the pervious concrete batch mixture shall be limited to range of 0 to 1:1 by mass.

4.3 Water Cement Ratio

The water to cement (w/c) ratio for the project mix shall be 0.27 to 0.30. Water used in the manufacture of the batch shall comply with Section 913.01 of the Indiana Department of Transportation's Standard Specifications, latest edition.

4.4 Admixtures

The use and purpose for admixtures, such as retarding agents, shall be clearly indicated in the mix design submitted for the project. All admixtures shall conform to ASTM C 494.

5.0 Pavement Design

5.1 Aggregate Base

Aggregate base for pavement shall be evaluated by the designer for each individual site to determine whether the minimum required standard depth of aggregate base is suitable for the traffic loads proposed for the site. The standard minimum aggregate base for all pervious concrete pavements shall be 8 inches of INDOT Gradation No. 2 Course Aggregate. The volume of void space for the proposed aggregate base compacted in place should be obtained from the supplier for use in determining the storage capacity of pavement base. The void ratio by volume for the aggregate base layer shall be 35% ± 5%.

5.2 Pavement

The minimum thickness of pervious concrete pavement used for commercial or institutional use shall be 8 inches. Locations subject to higher amounts of truck traffic shall be evaluated using traditional rigid pavement design techniques and increasing the depth of the rigid pavement by a factor of 1.25. The void ratio in the mixture shall be determined and range between 15% and 20% by volume.

6.0 Drainage and Detention Design

The completion of runoff and storage computations for analyzing the water storage available in pervious [2] pavements is a "5 part process". The methodology for the selection of the site's hydrologic design criteria and storage and runoff computations shall be documented in the design calculations for the project and submitted for review with the site plan for TAC Review. The process to determine storage and runoff is as follows.

6.1 Section of Design Storm

The selection of the parameters for the design storm and the pre-developed runoff condition for all sites shall be determined in accordance with the City of Noblesville's Stormwater Technical Standards Manual.

The runoff coefficient used to determine the runoff from pervious concrete pavement for the required design storm shall be 0.95.

6.2 Determine the Water Storage Capacity of the Pavement

The storage capacity of the pervious concrete and aggregate base courses of the pavement shall be determined using the individual void ratios for each section.

The volume of voids in the pavement structure shall be computed as follows:

$v_T=(A_a \times d_a \times v_a) + (A_p \times d_p \times v_p)$

Where:

v_T = Total Volume of Voids for Pavement Structure

A_a = Total Area of Aggregate Base

d_a = Depth of Aggregate Base

v_a = Percent of Voids by Volume in Compacted Aggregate Base

A_p = Total Area of Pervious Concrete Pavement

d_p = Depth/Thickness of Pervious Concrete Pavement Course

v_p = Percent of Voids by Volume in Pervious Concrete Pavement

6.3 Determination of Storage Volume and Release Rate

The analysis and design of pervious concrete pavements shall follow the methodology of the **Hydraulic Design of Permeable Pavements**, July 14, 2000, North Carolina State University's Department of Biological and Agricultural Engineering College of Agriculture and Life Sciences. This publication provides a logical step-by-step method for determining the storage capability for pervious concrete pavements.

An additional acceptable method of analysis and design can be obtained from the Portland Cement Association, the National Concrete Pavement Technology Center, and the National Ready-Mixed Concrete Association. These groups have combined to create an interactive CD that contains an Excel-based design and analysis program.

No site plan utilizing pervious pavement shall be approved through The City of Noblesville's Technical Advisory Committee Review without drainage computations in a format compatible with or similar to the two aforementioned procedures certified by a Registered Professional Engineer in the State of Indiana.

7.0 Site Design

All other applicable City design standards and ordinances shall be observed during the design of parking lots utilizing pervious concrete.

In areas where the proposed pavement is on grade or is adjacent to a concrete approach that exits onto City right-of-way, the designer and constructor shall use and install an impervious membrane, such as visquene, to separate the aggregate base courses to prevent subsurface drainage from flowing to areas other than the subgrade directly under the area of pervious concrete. This type of separation is discussed in the publications referenced in these standards.

Curbs shall be provided as per the Unified Development Ordinance. The presence of curbs provides lateral support for the pavement structure and to control parking drainage and traffic patterns.

All pervious pavements shall be constructed with a six inch diameter underdrain that has a positive outlet to an existing public drainage facility. The underdrain for the proposed pavement shall be designed in a manner consistent with the City of Noblesville's typical details for street underdrains.

Pervious concrete pavements shall be designed to store a maximum depth of six inches of ponded water on-site in the event of failure or frozen conditions. The depressed area may be designed to permit the discharge of water off-site when six inches of runoff is stored in the parking area. This provision shall be observed to provide the owner to maintain or rehabilitate pervious pavement detention systems that fail or do not operate as intended.

The City of Noblesville may develop standard drawings to supplement or clarify the criteria outlined in these written standards.

8.0 Construction

Pervious pavements shall be constructed in compliance with the plans and specifications for the project. These standards have been approved and adopted by the City of Noblesville's Board of Public Works and Safety and shall hereby incorporated into the City of Noblesville's Stormwater Standards Technical Manual. Authority is hereby given to the City of Noblesville's Wastewater Utility to develop and promulgate standards to address and mitigate stormwater quality issues associated with the installation, construction, and maintenance of pervious concrete pavements.

[1]

Material used in this section developed from **"Pervious Concrete Pavements"** by Tennis, Leming, and Akers for the Portland Cement Association and the National Ready Mixed Concrete Association.

[2]

Hydraulic Design of Permeable Pavements, July 14, 2000, North Carolina State University's Department of Biological and Agricultural Engineering College of Agriculture and Life Sciences.

(Ord. 71-12-07, passed 1-15-08)

CHAPTER 160: CITY IMPACT FEES

Section

160.01 Park and recreation impact fees

160.02 Road impact fees

§ 160.01 PARK AND RECREATION IMPACT FEES.

(A) (1) Pursuant to Ordinance 13-04-02, as amended, which adopted the Park and Recreation Impact Fee, the City Council has determined that the cost, and parks and recreation impact fee, for each residential dwelling unit and corresponding equivalency, is effective as set forth as follows:

(a) Effective 11/1/2024:

Unit Type	Fee Amount (Per Unit)	Equivalent %
Single-Family Dwelling Unit	$4,122.00	100%
Two-family Dwelling Unit	$3,916.00	95%
Multi-Family Structure (apartments, etc.)		
One bedroom	$2,679.00	65%
Two bedrooms	$3,504.00	85%
Three or more bedrooms	$4,122.00	100%
Mobile Home	$2,679.00	65%

(b) Effective 11/1/2025:

Unit Type	Fee Amount (Per Unit)	Equivalent %
Single-Family Dwelling Unit	$4,246.00	100%

Two-family Dwelling

Unit $4,033.00 95%

Multi-Family

Structure

(apartments, etc.)

One bedroom $2,760.00 65%

Two bedrooms $3,609.00 85%

Three or more

bedrooms $4,246.00 100%

Mobile Home $2,760.00 65%

(c) Effective 11/1/2026:

Unit Type	Fee Amount (Per Unit)	Equivalent %
Single-Family		
Dwelling Unit	$4,373.00	100%
Two-family Dwelling		
Unit	$4,154.00	95%
Multi-Family		
Structure		
(apartments, etc.)		
One bedroom	$2,842.00	65%
Two bedrooms	$3,717.00	85%
Three or more		
bedrooms	$4,373.00	100%
Mobile Home	$2,842.00	65%

(d) Effective 11/1/2027:

Unit Type	Fee Amount (Per Unit)	Equivalent %
Single-Family		
Dwelling Unit	$4,504.00	100%
Two-family Dwelling		
Unit	$4,279.00	95%
Multi-Family		
Structure		
(apartments, etc.)		
One bedroom	$2,928.00	65%
Two bedrooms	$3,829.00	85%
Three or more		
bedrooms	$4,504.00	100%
Mobile Home	$2,928.00	65%

(E) Effective 11/1/2028:

Unit Type	Fee Amount (Per Unit)	Equivalent %
Single-Family		
Dwelling Unit	$4,639.00	100%
Two-family Dwelling		
Unit	$4,407.00	95%
Multi-Family		
Structure		
(apartments, etc.)		
One bedroom	$3,016.00	65%
Two bedrooms	$3,943.00	85%
Three or more		
bedrooms	$4,639.00	100%
Mobile Home	$3,016.00	65%

(2) In the event that any parcel of real estate subject to the plan undergoes a change in use, redevelopment, or a modification, which change requires a structural building permit and creates a need for new infrastructure, an impact fee will only be assessed for the increase in the burden on infrastructure.

(3) Any person or entity otherwise obligated to pay the fee established by Ordinance 13-04-24, as amended, whose property was totally or partially destroyed by fire, storm or other casualty beyond his/her/its control, shall be exempt from said fee if he/she/it repairs or replaces the destroyed structure without creating a burden on infrastructure greater than the burden imposed by the destroyed infrastructure. In the event of such additional burden, the fee shall be calculated based only on the increased burden created by the structure.

(4) For other specifics on the Park and Recreation Impact Fee, see Ordinance 13-04-24 as amended, which terms are hereby incorporated by reference as if fully set forth herein.

(B) Credits.

(1) Any person obligated to pay an impact fee pursuant to the terms of this section may request and, if entitled, shall receive a credit against the impact fee due in the manner and amount as provided in the Act (I.C. 36-7-4-1300 et seq.), including I.C. § 36-7-4-1313 and I.C. § 36-7-4-1335. A request for credit shall be present prior to the issuance of the Improvement Location Permit. In the event the credit does not equal the amount of the total impact fee pursuant to the calculation provided for in this section, the remaining balance shall be due in accordance with this section.

(2) In addition, pursuant to I.C. § 36-7-4-1337, a person or entity responsible for installing infrastructure or improvements and entitled to a credit under this section may designate in writing a reasonable and feasible method of allocating its credits to future fee payers who may be successors in interest to the credits earned by the fee payer or others.

(C) Impact Fee Due Upon Issuance of an Improvement Location Permit.

(1) The impact fee imposed pursuant to the terms of this section shall be due and payable upon the issuance of a structural building permit by the city. It is understood that the term "structural

building permit" means a building permit or other similar permits the city issues that are consistent with how that that term is used in I.C. § 36-7-4-1323 and the Act, in that the issuance of a structural building permit authorizes the applicant to commence construction activities, structural or otherwise.

(2) If the fee payer requests, an impact fee on a development will be assessed not later than 30 days, or 180 days for development identified under I.C. § 36-7-4-1322(b), after the earlier of:

(a) The date the fee payer obtains an Improvement Location Permit for the development; or

(b) The date that the fee payer voluntarily submits to the city a development plan for the development and evidence that the property is properly zoned for the proposed development. The plan shall be in the form prescribed by the Noblesville Zoning Ordinance and shall contain reasonably sufficient detail for the city to calculate the impact fee.

(3) For purposes of this section, "assessment" means the act of calculating the amount of the impact fee which shall be due.

(4) For a phased development, the impact fee shall be prorated for purposes of payment according to the impact of the parcel for which an Improvement Location Permit is issued in relation to the total impact of the development.

(5) In the event the total impact fee is greater than $5,000, the fee payer may, at its option but no later than 30 days after the assessment, request payments be made in equal payments according to an installment payment plan. The installment payment plan shall include the following:

(a) A maximum of $5,000 or 5% of the impact fee, whichever is greater, is payable on the date the Improvement Location Permit is issued for the development on which the fee is imposed;

(b) The first installment is due and payable one year after the date the Improvement Location Permit is issued for the development on which the fee is imposed;

(c) The last installment is due and payable two years after the date the Improvement Location Permit is issued for the development on which the fee is imposed;

(d) The city may impose a reasonable rate of interest, not to exceed the prejudgment rate of interest in effect at the time the interest accrues. If interest is charged, interest accrues only on the portion of the impact fee that is outstanding and does not begin to accrue until the date the Improvement Location Permit is issued for the development or part of the development on which the impact fee is imposed; and

(e) If all or part of an installment is not paid when due and payable, the amount of the installment shall be increased on the first day after the installment is due and payable by a penalty equal to 10% of the installment amount that is overdue. If interest is charged, the interest shall be charged on the penalty amount.

(6) An impact fee of $5,000 or less shall be paid in full on the date the Improvement Location Permit is issued for the development on which the impact fee is imposed.

(D) Park and Recreation Impact Fee Recreation Fund.

(1) There is hereby reaffirmed the Park and Recreation Impact Fee Recreation Fund ("Fund") of the city. The Fund shall be a non-reverting fund and shall receive impact fees collected pursuant to this section or the Act, to be utilized in connection with the purposes set forth herein. Said Fund shall consist initially of one account based upon the current existence of one Impact Zone. In the event that an additional Impact Zone is created thereafter, a separate account shall be maintained for each separate Impact Zone established within the city. Interest earned on the Fund or on any account with the Fund shall be deposited and maintained within the Fund or the separate account. The Noblesville City Controller shall maintain records of the status of the Fund and shall make an annual report of said Fund to the Noblesville Plan Commission and Council.

(2) Pursuant to I.C. § 36-7-4-1332(e), the City Controller is designated as the city official responsible for acting on refund requests.

(E) Lien Rights. Pursuant to I.C. § 36-7-4-1325, the city acquires a lien against the real estate which is the subject of the impact fee on the date an Improvement Location Permit is issued for such property. Upon adoption, this section may be recorded as additional constructive notice of the lien rights of the city with respect to a parcel of real estate which is the subject of an impact fee. The city may, in its discretion, file a specific instrument setting forth its lien rights with respect to a parcel of real estate which is the subject of an impact fee. Recording this section or any instrument is not a prerequisite to exercising the city's lien rights pursuant to the Act.

(F) Form of Receipt. The City Controller shall issue a receipt for any impact fee payment in the following form or its equivalent:

"Received of _____ (fee payer), this ___ day of _____the sum of $_____ in (full) (partial) satisfaction of Park and Recreation Impact Fees due pursuant to Ordinance No. relating to improvements to be constructed on real estate described on Exhibit A, attached hereto, made part hereof, and subject to lien rights in favor of the City of Noblesville in the event of partial payment with payments remaining due. The remaining balance due (if any) is in the following amount: $_____. The impact fee is dedicated to the creation of the following infrastructure elements in accordance with the Zone Improvement Plan: _____"

_____

_____

Controller, City of Noblesville, IN

(G) Use of Impact Fees Collected Pursuant to this Section. An impact fee collected pursuant to the provisions of this section may be utilized by the city only for the following purposes, acting by and through its Council, which for the purposes of this section is identified as the infrastructure agency contemplated by I.C. § 36-7-4-1317:

(1) Providing funds to be utilized by the city for the provision of a new park and recreational infrastructure that is needed to serve the new development in the Impact Zone and that is identified in the Plan;

(2) An amount not to exceed 5% of the annual collections of the fee may be utilized for expenses incurred by the city for the consulting services used to establish this section;

(3) To pay a refund due pursuant to the terms of this section or the Act;

(4) To pay the debt service cost of an obligation issued to provide new park and recreational infrastructure described in division (1) above.

(H) Noblesville Impact Fee Review Board. The Council hereby re-establishes an Impact Fee Review Board ("Board") as set forth in §§34.110 to 34.114 of the City Code of Ordinances as if fully set forth herein.

(I) Appeals.

(1) Any fee payer who believes itself to be aggrieved by the calculation of the impact fee may appeal from such calculation to the Noblesville Impact Fee Review Board as set forth in the Act, and the Noblesville Impact Review Board shall act upon and hear such appeal as provided in the Act. The fee payer shall bear the burden of going forward with the evidence and shall present evidence addressing either of the following:

(a) That a fact assumption used in determining the amount of the impact fee is incorrect; or

(b) That the amount of the impact fee is greater than the amount allowed under I.C. § § 36-7-4-1320, 1321, and 1322.

(2) An appeal under this section must be filed not later than 30 days after the issuance of the Improvement Location Permit. The appeal shall be initiated with the filing of a petition for review with the Noblesville City Clerk's Office together with a filing fee in the amount of $100.

(3) The petition for review shall be in a form calculated to inform the Noblesville Park Impact Fee Review Board of the nature of complaint, the parties to the action, and relief requested. In addition, the petition shall describe the new development on which the impact fee has been assessed, all facts related to the assessment of the impact fee, and the reasons the petitioner believes that the amount of the impact fee assessed is erroneous or is greater than the amount allowed by the fee limitation set forth in the Act.

(4) The city shall not deny the issuance of an Improvement Location Permit on the basis that the impact fee has not been paid, or condition issuance of the permit on the payment of the impact fee. However, if the impact fee totals $1,000 or less, the city may require the fee payer to pay the impact fee or initiate an appeal under this section before the Improvement Location Permit is issued.

(J) Conflicts with the Act. It is the intent of the city to comply with the Act, and this section shall be construed in all respects to be consistent with the Act. The substantive and procedural requirements of I.C. §§ 36-7-4-1300 et seq. shall control in the event of conflicts, which are unintended by the Council. Any provisions of the Act required to be included in or a part of this section are hereby deemed incorporated herein and adopted as a part hereof.

(Ord. 13-04-24, passed 4-23-24)

§ 160.02 ROAD IMPACT FEES.

(A) Pursuant to Ord. 12-04-24, as amended, which adopted the Road Impact Fee based upon the Plan and study by A&F, the City Council determined that the cost per 24-hour trip in the amount of $583 which shall be divided with $518 per trip into the City's General Road Impact Fee Fund and $65 per trip paid into a Pleasant Street/Corridor Impact Fee Fund. The number of 24-hour trips are to be based upon calculation taken from "Trip Generation Manual" (most recent edition thereof), a study published by the Institute of Transportation Engineers.

(B) Road Impact Fee Schedule per trip:

Effective Date	*Total*	*Pleasant St. RIF Fund*	*General RIF Fund*
11/1/2024	$583	$65	$518
11/1/2025	$600	$67	$533
11/1/2026	$618	$69	$549
11/1/2027	$637	$71	$566
11/1/2028	$656	$73	$583

(C) If any parcel of real estate considered in the creation of the zone improvement plan undergoes a change in use, redevelopment, or a modification that requires an improvement location permit and/or a structural building permit and creates a need for new infrastructure, an impact fee shall only be assessed for the increase in the burden or infrastructure.

(D) For other specifics on the Road Impact Fee see Ord. 12-04-24 as amended, which terms are hereby incorporated by reference as if fully set forth herein.

(Ord. 12-04-24, passed 4-23-24)