

TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE

Application #13N-14-6146



STAFF REPORT – PLAN COMMISSION

Submitted by Planning Staff
Amendments to Article 4 – Zoning Applications and Approvals, Article 8 – Zoning
Districts, Article 12 – Landscaping and Screening, and Appendix C – Schedule of Uses

September 16, 2013

General Information

Attached are amendments to Articles 4, 8, 12, and Appendix C. The proposed amendments deal with residential bulk standards, landscaping requirements, the use chart, and the posting of building permit information.

Attachments Proposed Amendments to Articles 4, 8, 12, and Appendix C.
(lighted in Red)

Motions for Consideration

1. I move to send to the Council a favorable recommendation for adoption of the proposed text amendments to Articles 4, 8, 12, and Appendix C.
2. I move to send an unfavorable recommendation to the Council and a do not adopt of the proposed amendments to Articles 4, 8, 12, and Appendix C.
3. I move to continue Application 13N-14-6146 until the (date) including the additional information regarding (be specific)

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".} **ORD. #03-02-12**

{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 (3) 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.} **ORD. # 09-03-12**

F. Procedure

1. Application

Applications for a Building Permit shall be filed in accordance with the requirements of Part A of this Article 4.

2. Fees

- a. 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.
- b. No permit shall be granted by the Director of Planning and Development until all fees owed by the applicant to the City of Noblesville have been paid in full. This requirement shall apply not only to fees specified in Article 4, Part F, Section 2.a 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.
- c. No part of any filing fee paid pursuant to this Article shall be returnable to the applicant.
- d. The Building Permit fees may include the Improvement Location Permit fee for those applications listed in Article 4, Part F, Section 1 of this Ordinance.} **ORD. #57-9-98**

3. Identification

- a. {Lot identification number, structure address number, and building permit shall be established on a 2-IN by 4-IN post, a minimum of 5-FT to a maximum of 6.5-FT in height above the ground level, with the following 8.5-IN by 11-IN 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 10-15-FT 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.} **ORD. #55-12-02**

PART B. RESIDENTIAL DISTRICTS

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*** , RMH , LB	R4, LB	R5, LB
Minimum Lot Area per Dwelling Unit in Districts Indicated (* - indicates the standard for lots served by sanitary sewers)	SR See Article 8.B.1.F. 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. RMH 9,500 sq. ft. LB 6,000 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 See Article 8.B.1.F R1 200 ft. R2 110 ft. R3 70 ft. R4 60 ft. R5 50 ft. RMH 100 ft. LB 90 ft. 50-FT	R4 60 ft. LB 100 50 ft.	R5 150 ft. LB 150
Maximum Building Height	35 ft. for all districts	R4 . . . 35 ft. LB - 25 . . . 35 ft.	R5 . . . 45 ft. LB - 25
Minimum Front Yard Setback (Developed Area)	The average of the 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 twenty (20) percent of lot width in total side yards, but with and a minimum setback on either side of structure as follows: SR . . . 10 ft. R1 . . . 10 ft. R28 ft. R36 ft. R45 ft. R5 . . . 5 ft. LB . . . 40 5 ft. RMH . . . See Section 8.B.7		
Minimum Rear Yard Setback	Primary Structure 20 ft.;	Accessory Structure 5 ft.	
Floor Area Ratio shall not exceed	SR - 0.20% R1 - 0.30% R2 - 0.3 .35% R3 - 0.3 .35% R4 - 0.3 .40% R5 - 0.45% RMH - (0.6) LB - 0.45%	R4 - 0.50% R6 - (0.6) LB - (0.45) 0.50%	R5 - 0.60% LB - (0.45)
Minimum Floor Area (per dwelling unit)	SR . . . 2,500 sq. ft. R1 . . . 2,400 sq. ft. R2 . . . 1,800 sq. ft. R3 . . . 1000 sq. ft.;	R4 . . . 800 sq. ft. R5 . . . 600 sq. ft. LB . . . 600 sq. ft.	
Maximum Lot Coverage	SR, R1, R2, R3 . . . 35%;	R4, LB 40% . . . 55%	R5, LB 45% . . . 65%
	R4, R5, LB . . . 40%		

ORD. #69-11-00 (amended); ORD. #48-6-05, ORD. #23-6-10, ORD. #24-7-10, ORD. #12-2-11. ORD. #18-5-11, ORD. #29-9-11

- * Served by Sanitary Sewer
- ** See Article 14. Nonconforming Uses and Structures for Pre-dated (07-01-2011) R1 and R1/PD Subdivisions
- *** Permitted in areas zoned R5 as per Appendix G.
- ¹ Individual Manufactured Homes located on scattered sites shall adhere to the bulk requirements for the zoning district in which located and Article 9, General Regulations, Part E. Manufactured Home, Individual

Section 1. Local Business (LB)**A. Purpose**

The purpose of this district is to accommodate convenience business uses that 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 ordinance.

B. Permitted Uses

A complete listing of permitted uses is provided in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in Section 1.C.

C. Uses Permitted with Restrictions

The following uses are permitted in this district if 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.

D. Conditional Uses

Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to Article 4, Part C of this Development Ordinance. The conditional uses that may be approved are listed in Appendix C, Use Matrix. Certain conditional uses have special restrictions that are listed below.

Automotive Fuel Stations

- a. **Minimum Lot Size.** Automotive Fuel Stations shall be restricted to small dealerships not to exceed one (1) acre in lot size.
- b. **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.

E. Bulk Requirements

The bulk requirements that apply to all Commercial Districts are listed within Table 8.C, Commercial Bulk Requirements. **Refer to Table 8.B Residential Bulk Requirements for residential single-family and two-family dwellings.**

F. Additional Requirements

The following requirements shall apply to all uses in the LB District:

1. The conduct of permitted uses herein shall be within completely enclosed buildings, except for accessory off-street parking and loading facilities.
2. Drive-in or drive-through type businesses are not permitted.
3. All goods produced on the premises as incidental or essential to the principal use shall be sold at retail on the premises where produced.
4. {Outside storage, vending machines and outside display of merchandise is prohibited.} **ORD. #25-7-09**
5. Where an "LB" district adjoins a residential district or use, landscape buffers shall be provided pursuant to Article 12.

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
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, Institutional 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 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 Article 8, Part E	See Article 8, Part E	See Article 8, Part E	See Article 8, Part E
Planned Developments	50 feet	See Article 8, Part H 3 staggered canopy trees or evergreen trees	See Article 8, Part H 33 total staggered deciduous and evergreen shrubs	See Article 8, Part H 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 twenty (20) percent.
3. For calculation purposes, plant quantities are round up to the nearest whole number when the calculation is .5 or greater.
4. Refer to tree and shrub staggering diagrams.

APPENDIX C

OFFICIAL SCHEDULE OF USES

- P = Permitted Use
- C = Conditional Use
- A = Accessory Use
- ☐ = Prohibited

Amended as per Ordinance #23-6-10, #24-7-10, #17-5-11, #29-9-11 (10-11-2011)

TYPE OF USE	RESIDENTIAL DISTRICTS							COMMERCIAL DISTRICTS						INDUSTRIAL DISTRICTS			
	SR	R-1	R-2	R-3	R-4	R-5	RMH	LB	GB	DT	PB	VCC	VCM	I-1	I-2	I-3	FH
Residential Uses	*Permitted in Area indicated in Appendix G																
Dwelling, Single-Family Detached	P	P	P	P	P	P*	P	P									
Dwelling, Two-Family					P												
Dwelling, Multi-Family of 3 or more dwelling units						P											
Dwelling Unit located on 2nd floor or above for non-residential building																	
Dwelling Unit located on ground floor of non-residential building																	
Accessory Dwelling Unit	A	A	A	A	A	A											
Bed & Breakfast Establishment	C	C	C	C	C	C		C	C	C							
Board or Lodging House																	
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					
Residential Care Homes	P	P	P	P	P	P	P										
Temporary Shelters																	
Townhouse																	

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	SR	R-1	R-2	R-3	R-4	R-5	RMH	LB	GB	DT	PB	VCC	VCM	I-1	I-2	I-3	FH		
Educational Uses																			
Care Centers, Child & Adult Care Services								P	P	P	P	P	P						
Colleges and Universities	C	C							P										
Montessori Schools	C	C	C	C	C	C	€	C											
Preschool/Nursery School	A	A	A	A	A	A	A	P	P	P	P	P	P	A					
Schools, (Business and Trade)									P	P	P								
Schools, (Primary and Secondary)	C	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	C	C	C	C	
Fire and/or Police Station	P	P	P	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	P	P	P				
Hospital														C			
Library	C	C	C	C	C	C	€	C	C	C	C	P	P				
Penal or Correctional Facility														P			
Post Office	P	P	P	P	P	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	P	P	P

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	SR	R-1	R-2	R-3	R-4	R-5	RMH	LB	GB	DT	PB	VCC	VCM	I-1	I-2	I-3	FH
Cultural/Entertainment Uses																	
Amphitheater																	
Campground	C						C										C
Club or Lodge (Private)																	
Clubhouse (Accessory to a Residential Development)	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Drive-In Theater														C			
Fairgrounds																	
Gallery and/or Museum													P	P	P		
Hotel or Motel													P	P			
Indoor Cinema or Theater																	
Meeting or Party Hall													C	P	P	P	
Stadium or Arena																	

Miscellaneous Uses																	
Cemetery	P	P	P	P	P	P							P	P	P		
Parking Garage													C	C	C	C	C

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	SR	R-1	R-2	R-3	R-4	R-5	RMH	LB	GB	DT	PB	VCC	VCM	I-1	I-2	I-1	FH
Transportation and Communication Uses																	
Airport	C	C												C	C		
Bus or Rail Passenger Terminal								C	C	C							
Helipad or Heliport														C	C		
Marina																	C
Parking as a Primary Use (Private or Public)								C	C	C	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																		

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	SR	R-1	R-2	R-3	R-4	R-5	RMH	LB	GB	DT	PB	VCC	VCM	I-1	I-2	I-3	FH
Recreational Uses																	
Amusements (Outdoor)																	
Commercial Recreation (indoor)									C								
Commercial Recreation (outdoor)									C								
Golf Courses	C	C	C	C	C	C											
Health/Fitness Facility									P	P	P						
Public Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sports Park (outdoor)														C			
Shooting Gallery (indoor)														C	P		

Commercial/Retail/Service Uses																		
Animal Hospitals & Veterinarian Offices (with Commercial Kennel)																	C	P
Animal Hospitals & Veterinarian Offices (without Commercial Kennel)																	P	P
Ambulance Service																	C	P
Automated Teller Machine ATM (Stand Along Structure)																		P
Automobile Fuel Station																	C	P

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	SR	R-1	R-2	R-3	R-4	R-5	RMH	LB	GB	DT	PB	VCC	VCM	I-1	I-2	I-3	FH
Commercial/Retail/Service Uses (cont)																	
Automobile Rental								C	C	C	P			C			
Automobile Repair/Body Shop														P	P		
Automobile Sales including service and storage								C	C	C	P			C			
Automobile Service and Repair (Indoor)									P	C	P			C	C		
Bar, Tavern, Lounge or Night Club									C	P	P	P					
Car Washes								A	P	A	P	A		P			
Commercial Kennel											P			C	P		
Drinking Place									P	P	P	P					
Financial, Insurance & Real Estate Services								P	P	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	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	P	P			

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	SR	R-1	R-2	R-3	R-4	R-5	RMH	LB	GB	DT	PB	VCC	VCM	I-1	I-2	I-3	FH
Commercial/Retail/Service Uses (cont)																	
Offices & Clinics of Physicians, Dentists, or other Health Care Practitioners								P	P	P	P	P	P				
Outdoor Sales and/or Display											C			C			
Personal Care Establishment								P	P	P	P	P	P				
Professional and Technical Services								P	P	P	P	P	P	A			
Restaurant (With Drive-Thru)								C	P	P	P	P					
Restaurant (Without Drive-Thru)								P	P	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	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

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Industrial Uses (cont)																	
Chemical Processing															C		
Confined Feeding Operation															C		
Contractor's Office with Outdoor Equipment and Material Storage														C	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		

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	SR	R-1	R-2	R-3	R-4	R-5	RMH	LB	GB	DT	PB	VCC	VCM	I-1	I-2	I-3	FH
Industrial Uses (cont)																	
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														P	P		
Towing and Recovery Yard																C	P
Training Facility																C	P
Truck Terminal																P	
Warehousing and Storage (Indoor)								C	C	C				P	P		
Warehousing and Storage (Outdoor)																P	
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	P	P