**SELECT SECTIONS OF**

**NOBLESVILLE, IN CODE OF ORDINANCES**

**§ 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)

### § 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 § [159.042](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.042$3.0#JD_159.042), 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.

     (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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.121$3.0#JD_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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.122$3.0#JD_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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.124$3.0#JD_159.124).

          (4)     Manufactured Housing.  Manufactured Homes shall be a permitted use in all residential districts and shall be regulated by § [159.124](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.124$3.0#JD_159.124).  However, developments of more than one manufactured home shall also be regulated by § [159.106](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.106$3.0#JD_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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.125$3.0#JD_159.125).

          (6)     Agriculture.  Agriculture shall be a permitted use in all districts pursuant to § [159.120](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.120$3.0#JD_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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.127$3.0#JD_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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.140$3.0#JD_159.140) through [159.147](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.147$3.0#JD_159.147).

     (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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.160$3.0#JD_159.160) through [159.166](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.166$3.0#JD_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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.180$3.0#JD_159.180) thorugh [159.188](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.188$3.0#JD_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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.200$3.0#JD_159.200) through [159.208](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.208$3.0#JD_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.

     (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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.041$3.0#JD_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.

(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)  [Penalty, see § 159.999](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.999$3.0#JD_159.999)

**§ 159.107  COMMERCIAL DISTRICTS.**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| ***Table 6 Summary of Commercial Bulk Requirements*** | | | | | | | |
|  | ***LB1*** | ***GB*** | DT | PB | MO | VCC | VCM |
| Minimum Lot Size | 10,000 sq. ft. | No re- striction | No re- striction | 20,000 sq. ft. | 8 acres1 | No restriction | 1 acre |
| Minimum Lot Width | 100' | No re- striction | No re- striction | 1:2 ratio | 5003 | No restriction | 100' |
| Maximum Floor Area Ratio | 1 | 4 | 4 | 60% | 60%4 | 80% | 40% |
| Building Size | 10,000 sq. ft. maximum | n/a | n/a | n/a | 15,00 sq. ft. minimum | n/a | n/a |
| Minimum Front Yard:  *Opposite Residential* | 25' | 25' | 25' | 60' | 60' | 25' | 25' |
| Opposite Other Uses | 25' | 0' | 0' | 60' | 60' | 0' | 0' |
| Minimum Side Yard:  *Opposite Residential* | 20' | 25' | 25' | 15' | 20' | 25' | 25' |
| Opposite Other Uses | 20' | 0' | 0' | 10' | 10' | 0' | 0' |
| Adjacent to Resi- dential | 20' | 0' | 0' | 15' |  | 0' | 0' |
| Minimum Rear Yard | 15' | 10' | 10' | 10' | 40' | 10' | 10' |
| *Adjacent to Residential* | 20' | 0' | 20' | 20' | 15' | 0' | 0' |
| Maximum Building Height | 2 stories or 30' | 4 stories or 50' | 4 stories or 50' | 3 stories or 35' | 6 stories or 75' | 3 stories or 35' | 4 stor- ies or 50' |
| Minimum District Size | n/a | n/a | n/a | n/a | n/a | 2 acres | 2 acres |
| Maximum District Size | n/a | n/a | n/a | n/a | n/a | 10 acres | 10 acres |

NOTE: The requirements of Table 6 do not preclude the establishment of more stringent restrictions for Conditional Uses or individual permitted uses where conditions may warrant.

1No new LB districts shall be established after the effective date of this chapter.  See Village Center (VC) District.

22.5 acre tracts are permitted, but not to exceed 20% of the total development.

3150' or a 2.5 acre tract

460% for buildings up to 200,000 sq. ft.; 50% for buildings over 200,000 sq. ft.

     (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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.042$3.0#JD_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 which apply to all Commercial Districts are listed within Table 6.

          (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 display of merchandise for sale to the public is not permitted.

               (e)     Where an "LB" district adjoins a residential district or use, landscape buffers shall be provided pursuant to § [159.185](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.185$3.0#JD_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.  Because of their scale, it is absolutely 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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.042$3.0#JD_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 and display of merchandise for sale to the public is 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 which 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)     Uses Permitted with Restrictions.  The following uses are permitted in this district provided that they meet the restrictions below.

               (a)     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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.042$3.0#JD_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.

          (5)     Bulk Requirements.  The bulk requirements which apply to all Commercial Districts are listed within Table 6.

          (6)     Exceptions from General Requirements.

               (a)     In the interest of preserving the Downtown and pursuant to Ordinance Number 45-11-92, the Downtown District shall be exempt from the requirements of § [159.142](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.142$3.0#JD_159.142), and from the payment of certain sewer availability fees as set forth below.

               (b)     In consideration for the waiver of sewer availability charges, connection fees and parking lot requirements, the applicant for an Improvement Location Permit within the Downtown District will pay 15% of the savings from the sewer availability charges and connection fee, which would have been due, under ordinary circumstances, to a streetscape enhancement and parking lot maintenance fund  administered by  the Director of Planning and Development for the continued improvement and maintenance of the Downtown. Under no circumstances shall more than ten EDUs of sewage capacity per day be entitled to the exemption established herein for any proposed use which would otherwise qualify for an exemption.

               (c)     Applicants for an Improvement Location Permit for uses in the DT District will submit proposed signage for Site Plan Review, subject to the provisions of § [159.041](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.041$3.0#JD_159.041), in order to ensure compatibility and consistency with the ongoing City efforts to revitalize the Downtown.

     (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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.042$3.0#JD_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 and display of merchandise for sale to the public is prohibited.

     (E)     Village Center Commercial (VCC).

          (1)     Purpose.  The purpose of this district is to accommodate convenience retail, service and public uses which are utilized by area residents on a frequent basis within an approved Village Center Overlay District.

          (2)     Applicability.  This district shall only be mapped in areas containing an approved Village Center Overlay (VCO) District and shall be applied in a manner to implement the Development Plan approved as part of a particular Village Center Overlay (VCO) District according to the procedures and requirements of § [159.109](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.109$3.0#JD_159.109)(E).

          (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 (F)(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)     Convenience Retail and Services Uses: Convenience retail uses shall not exceed 15,000 square feet.

               (b)     Offices and Clinics, Medical: Medical Offices and Clinics shall not exceed 8,000 square feet.

               (c)Restaurants: Restaurants shall not exceed 5,000 square feet.

               (d)     Offices.

                    1.     Real estate, insurance, and similar offices which primarily serve neighborhood clientele shall not exceed 3,000 square feet.

                    2.     General business offices shall not be located on the ground floor.

               (e)     Dwellings Units (Above the First Story).  Dwellings Units shall be located only above the first story.  Such uses shall have a separate primary entrance to the street and not through the principal use.  Fire escapes, back stairways, and the like shall not serve as a primary entrance.

          (5)     Conditional Uses.  Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § [159.040](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.040$3.0#JD_159.040)(C).  The conditional uses that may be permitted are listed in Appendix C, Use Matrix.

          (6)     Bulk Requirements.  The bulk requirements which apply to all Commercial Districts are listed within Table 6.

          (7)     Procedure for a VCC District.  Applicants for approvals within this district shall submit for review and approval a Detailed Development Plan that serves to implement the Preliminary Development Plan prepared as part of the applicable Village Center Overlay (VCO) District.

               (a)     Application.  Applications for a Detailed Development Plan review and approval shall be filed in accordance with the requirements of § [159.140](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.140$3.0#JD_159.140).

               (b)     Submission and Review of Development Plan.  A Detailed Development Plan shall be submitted as part of an application for a Site Plan Review according to the procedures of § [159.041](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.041$3.0#JD_159.041); and a Map Amendment according to the procedures of § [159.044](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.044$3.0#JD_159.044).

               (c)     Adjustments to a Development Plan.  Adjustments to a Detailed Development Plan, as described in § [159.041](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.041$3.0#JD_159.041)(I), may be considered in accordance with the regulations of that section, except that major changes, as described in that section, shall also require an amendment according to the procedures of § [159.044](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.044$3.0#JD_159.044).

     (F)     Village Center Mixed Use District (VCM).

          (1)     Purpose.  The Village Center Mixed Use District allows for specific categories of uses, structures and site design criteria that serve to implement the Village Center Plan contained within an approved, specific village center overlay district.  The purpose of this district is to accommodate public and quasi-public institutions, places of employment and support retail that would be regularly utilized by area residents.

          (2)     Applicability.  This district shall only be mapped in areas containing an approved Village Center Overlay District and shall be applied in a manner to implement the Development Plan approved as part of a particular Village Center Overlay District according to the procedures and requirements of § [159.109](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.109$3.0#JD_159.109)(C).

          (3)     Permitted Uses.  A complete listing of permitted uses is provided in Appendix C, Use Matrix.

          (4)     Uses Permitted with Restrictions.  There are currently no permitted uses in the VCM district that are subject to special restrictions.

          (5)     Conditional Uses.  Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to § [159.142](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.142$3.0#JD_159.142).  The conditional uses that may be permitted are listed in Appendix C, Use Matrix.

          (6)     Bulk Requirements.  The bulk requirements which apply to all Commercial Districts are listed within Table 6.

          (7)     Procedure for a VCM District.  Applicants for approvals within this district shall submit for review and approval a Detailed Development Plan that serves to implement the Preliminary Development Plan prepared as part of the applicable Village Center Overlay (VCO) District.

               (a)     Application.  Applications for a Detailed Development Plan review and approval shall be filed in accordance with the requirements of § [159.040](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.040$3.0#JD_159.040).

               (b)     Submission and Review of Development Plan.  A Detailed Development Plan shall be submitted as part of an application for a Site Plan Review according to the procedures of § [159.041](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.041$3.0#JD_159.041); and a Map Amendment according to the procedures of § [159.044](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.044$3.0#JD_159.044).

               (c)     Adjustments to a Development Plan.  Adjustments to a Detailed Development Plan, as described in § [159.041](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.041$3.0#JD_159.041), may be considered in accordance with the regulations of that section, except that major changes, as described in that section, shall also require an amendment according to the procedures of § [159.044](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.044$3.0#JD_159.044).

     (G)     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).

(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)  [Penalty, see § 159.999](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.999$3.0#JD_159.999)

### § 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.  Every building hereafter erected or moved shall be located on a lot with frontage and access on a street, and provide for safe and convenient access, fire protection, and required off-street parking, except as otherwise provided in § [159.107](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.107$3.0#JD_159.107)(C).

     (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](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.121$3.0#JD_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 75 feet of any residential district, except where animals are kept in soundproof, air conditioned buildings, in which case the required setback shall be 25 feet.

               (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 provided they are located beyond the corporate limits of the city except in those situations stated in this division (F).  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, supplies, or products that are harvested from or utilized on a parcel of land.

     (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 lienee thereof, pursuant to IC 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 or more residences within a one-quarter 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.

     (H)     Vision 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 2.5 and 10 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 25 feet at the intersections of a local street and a collector, arterial, and expressway or any combination thereof. For areas zoned DT-Downtown, this particular requirement may be modified and shall be approved by the Planning Director 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;

               (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.

(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)  [Penalty, see § 159.999](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Noblesville%20Code%20of%20Ordinances%3Ar%3A1ed2$cid=indiana$t=altmain-nf.htm$an=JD_159.999$3.0#JD_159.999)

Appendix C (Partial) : Officicial Schedule of Uses

