

**COMMON COUNCIL
CITY OF NOBLESVILLE**

DATE JUNE 25, 2013

PREVIOUSLY DISCUSSED ORDINANCES

NEW ORDINANCES FOR DISCUSSION XXX

MISCELLANEOUS

TRANSFER

ITEM OR ORDINANCE # 22-06-13

SOURCE:

INITIATED BY: CHRISTY LANGLEY

VERBAL:

INFORMATION ATTACHED: XXX

NO PAPERWORK AT TIME OF PACKETS:

BRING PAPERWORK FROM PREVIOUS MEETING:

ORDINANCE NO. 22-06-13

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE NO. 62-12-95 AND ALL AMENDMENTS THERETO IN REGARDS TO ARTICLE 2 – DEFINITIONS, ARTICLE 10 – PARKING AND LOADING, ARTICLE 11 – SIGNS, ARTICLE 12- LANDSCAPING AND SCREENING, AND APPENDIX H FOR THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA

An Ordinance to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana, enacted by the City of Noblesville under the authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended, and

WHEREAS, the Plan Commission of the City of Noblesville has conducted a public hearing on Application No. 13N-14-6063 as required by law concerning the text amendments and has sent a favorable recommendation to the Council with a vote of 9 ayes and 0 nays at their June 17, 2013 meeting, and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance is hereby amended as follows:

SECTION 1. Amend Article 2 —Definitions by deleting the following definitions “Damage, Substantial”; “~~Manufactured House~~”; “Plat, Sketch”; “Rail Passenger Terminals”; and “~~Settled~~”

Amend the following definitions:

Accessory Use, Structure, or Building—A structure, or building that is located on the same parcel as the principal structure and the use of which is incidental and subordinate to, the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation except as otherwise prescribed by the regulations relating to quarters for immediate relatives and resident domestic employees, and be designed to have minimal impact on adjoining properties. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, hay sheds, and lean-tos.

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.

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.

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.

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.

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 IC 32-25. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

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 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.

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/her designees.

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 ordinance. (Individual zoning districts).

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

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.

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.

Flood, Regulatory -The flood having a one percent (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” is also known by the term “Base Flood,” “One-percent Annual Chance Flood”, and “100- year Flood.”

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.

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 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.

Lowest Floor – the lowest of the following:

1. the top of the lowest level of the structure;
2. the top of the basement floor;
3. the top of the garage floor, if the garage is the lowest level of the building;
4. the top of the first floor of a structure elevated on pilings or pillars;
5. the top of the first floor of the structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the Base Flood Elevation (BFE) and construction meeting requirements of 6.a below.
6. the top of the floor level of any enclosure, other than a basement, below an elevated building where the walls of the enclosure provide for any resistance to the flow of flood waters unless:
 - (a.) the wall are designed to automatically equalize the hydrostatic flood forces on the walls by the allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 - (b.) Such enclosed space shall be usable solely for the parking of vehicles and building access.

Lumen – A unit used to measure the amount of light emitted by lamps.

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.) and which is constructed after January 1, 1981, and which exceeds nine hundred fifty (950) square feet of occupied space. The term "manufactured home" does not include a "recreational vehicle."

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.

Mitigation – Sustained action 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.

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

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.

THE FOLLOWING ARE SUBSETS DEFINITIONS FOR OPEN SPACE

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.*

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.*

Plant Materials – Trees, shrubs, native grasses, ground cover, perennials and the like. Xeriscaping landscape materials are encouraged to function as LID Stormwater BMPs.

Rain Barrels— A container that collects rainwater; managing rooftop runoff.

Regulatory Flood - (Refer to Flood, Regulatory definition)

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.

Root Protection Zone – (Refer to Critical Root Zone definition)

THE FOLLOWING DEFINITION IS A SUBSET OF THE DEFINITION OF SIGN:

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 (1) 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 twenty-five percent (25%) of the width of the sign face

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 or permanent construction of a structure on a site including a manufactured home, 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. For a structure other than a mobile home without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities is completed.

Story - The part of a building between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a building between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story, and a cellar shall not be counted as a story.

Swimming Pool - Any in-ground pool or on-ground pool capable of a water depth greater than forty-two (42) inches.

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 Refer to Cellular on Wheels (COW) definition)

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.

The following definitions are to be included in Article 2 – Definitions:

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.

Addition---An extension or increase in the floor area or height of a building or structure.

Assembly of Finished Goods – The process of assembling and packaging pre-manufactured items into a single final product.

Basement (for flood purposes only) - That portion of a structure having its floor below ground level on all sides.

BMP (Best Management Practices) – Refer to Best Management Practices definition

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.

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.

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.

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.

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.

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.

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.

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.

Fill (For Flood Purposes Only) - To build up the level of low lying land with material from any source placed inside the Special Flood Hazard Area (floodplain) causing a permanent increase in existing ground elevations.

FIRM – Flood Insurance Rate Map

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-Prone Area – Any land area acknowledged by a community as being susceptible to inundation by water from any source.

Flood-Proofing (Dry) – A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the flood-proofed 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.

Floodplain Management Regulations – This ordinance, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood prone areas. This term describes federal, state, or local regulations in any combination which provide standards for preventing and reducing flood loss and damage.

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.

Functionally Dependent Facility – An establishment that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. This does not include long term storage, manufacture, sales, or service facilities.

Gallery/Museum – A privately-operated facility or area for the acquisition, preservation, study, exhibition or sale of works of artistic, historic or scientific value.

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.

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, which may be caused by atypical, unusual, and peculiar factors or features of the property involved. Mere economic or financial hardship alone is not enough to claim a hardship. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot qualify as a hardship.

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

Highest Adjacent Grade – Highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

IDNR – The Indiana Department of Natural Resources

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.

Lamp – The component of a luminaire that produces the actual light.

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.

Letter of Map Revision based on Fill (LOMR-F) – An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA’s determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the Special Flood Hazard Area (SFHA).

Light Fixture – The assembly that houses a lamp or lamps.

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 ordinance.

Low Impact Development (LID) – It is 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 construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Luminaire – The complete lighting system including the lamp and fixture.

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)).

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.

NFIP – National Flood Insurance Program

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.

Obstruction (For Flood Purposes Only) – 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.

One Percent Annual Chance Flood – The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter "A" is subject to the one percent chance flood. *Refer to 'Regulatory Flood'.*

Packaging of Finished Goods – A facility that packages supplies and products that are manufactured off site.

Parking Garage – A structure or portion thereof composed of one (1) or more levels or floors used exclusively for the parking or storage of motor vehicles.

Physical Map Revision (For Flood Purposes Only) – An official republication of a community’s FEMA map to effect changes to base (one percent 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 correction to base flood elevation or SFHAs.

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.

Preschool – *Refer to School, Preschool*

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.

Printing and Publishing – An establishment that provides printing, publishing, duplicating, or collating services using photocopy, blueprint, off-set printing, or related equipment.

Repetitive Loss – Flood related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty five percent (25%) of the market value of the structure at the time of each such flood event.

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.

School, Preschool – A school for children primarily between the ages of three (3) and five (5), providing preparation for elementary school.

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.

Structure, Accessory—A structure that is located on the same parcel of property as the primary structure and the use of which is incidental to the use of the primary structure.

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, 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.

Substantial Damage – Damage of any origin sustained to a structure whereby the cost of restoring the structure to it’s before damage condition would equal or exceed forty percent (40%) of the market value of the structure in the “Flood Hazard (FH) zoning district and would equal or exceed fifty percent (50%) of the market value of the structure in all other zoning districts before the damage occurred.

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.

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-trailer, including tractor and/or trailer units, and other trucks are parked or stored. This term includes moving and storage establishments.

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.

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.

Width, Pavement—The actual measurement of a street surface that includes only the area that is drivable by vehicles, excluding curbs and/or gutter.

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 one percent 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 one percent 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 one percent 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 one percent 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 one percent 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.

SECTION 2. Amend Article 10 —Off-Street Parking and Loading, Section 1, Purpose, inserting the following language as paragraphs 2 and 3 follows:

“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 Article.”

“It is a further purpose of this Article 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.”

Amend Section 4. Design and Improvement Standards for Parking Lots, Paragraph D. Improvement standards for Parking Lots, replacing the following paragraph:

1. Paving Required

Parking and driveway areas shall be paved with asphalt or constructed of concrete or permeable pavement and be curbed with ridge 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.

Amend Section 7. Programs and Incentives to Reduce Parking Requirements, Paragraph A. Credit for On-Street Parking, as follows:

- 2.** Frontage on a street that is less than thirty-two (32) feet wide curb-to-curb or closest edge of the traveled lane.

SECTION 3. Amend Article 11 —Signs, Part A. General Requirements, Section 2. Definitions by modifying the following:

Under subsets of the definition of Sign:

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 (1) 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 twenty-five percent (25%) of the width of the sign face.

SECTION 4. Amend Article 12. Landscaping and Screening,

Section 2. Application, new Paragraph D. as follows:

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.

Re-letter existing Paragraph D. to E., E to F, F to G, G to H, and H to I.

Amend Paragraph F. subparagraph 1 as follows:

1. The location and dimensions of all . . .and other freestanding structural features including structural Stormwater BMP's as determined necessary by the Director of Planning and Development.

Amend Paragraph H. as follows:

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.

Add new Paragraph J. as follows:

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.

Modify **Section 3. Definitions** to include the following statements at the end of the definitions of “Bioretention Facilities and Bioswale”:

Add “Refer to Appendix H-3 “Stormwater Technical Standards Manual”

Add or Modify the following definitions:

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.

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.

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 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.

Low Impact Development (LID) – Is 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.

Plant Materials – Trees, shrubs, native grasses, ground cover, perennials and the like. Xeriscaping landscape materials are encouraged to function as LID Stormwater BMPs.

Modify Section 4. Design Standards and Guidelines, A. Design Guidelines, 1. **Plant Materials**, adding the following paragraph:

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".

Modify Paragraph 10. Detention/Retention Basins and Ponds as follows:

10. 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".

Insert new Paragraph 11. **LID Stormwater BMP's** as follows:

11. 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.

Change existing Paragraphs 11 to 12, 12 to 13, 13, to 14 and 14 to 15.

Modify Section 5. Parking Lot Landscaping, C. Interior Parking Lot

Landscaping, Item 1. Planting Islands and subparagraphs "a." and "b." as follows:

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 remains as it exists.

a. All single row parking landscape islands and peninsulas shall be of one hundred eighty (180) square feet in area with a minimum width of nine (9) feet measured from back of curb to back of curb or edge of pavement. Each island and peninsula shall contain a minimum of one (1) canopy tree and five (5) 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 two hundred forty (240) square feet in area with a minimum width of nine (9) feet measured from back of curb to back of curb or edge of pavement. Each island and peninsula shall contain a minimum of two (20 canopy trees and ten (10) evergreen or deciduous shrubs or ornamental grasses.

Insert and add to **Appendix H.** the adopted City of Noblesville Stormwater Technical Standards Manual to be known as **Appendix H-3** as per attached “Exhibit A”.

SECTION 5. This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law. All prior ordinances or parts thereof in conflict therewith are repealed and deemed to conform to the provisions of these amendments.

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SECTION 6. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this _____ day of _____, 2013.

COMMON COUNCIL

AYES		NAY
_____	Brian Ayer	_____
_____	Mark Boice	_____
_____	Roy Johnson	_____
_____	Gregory P. O'Connor	_____
_____	Rick Taylor	_____
_____	Stephen C. Wood	_____
_____	Jeff Zeckel	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this _____ day of _____, 2013.

John Ditslear, Mayor

ATTEST:

Janet S. Jaros, Clerk-Treasurer

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

Joyceann Yelton
Printed Name of Declarant

Prepared by: Joyceann Yelton, Senior Planner, City of Noblesville, 16 South 10th Street, Noblesville, IN 46060 (317) 776-6325