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**PART A. SUMMARY OF AUTHORITY**

The City decision-making bodies and officials described in this Article 3, without limitation upon such authority as each may possess by Law, each has responsibility for implementing, and administering this Ordinance in the manner described in Part B through Part F of this article.

**PART B. COMMON COUNCIL**

The Common Council hereby reserves to itself the following powers and duties in connection with the implementation of this Ordinance:

- A.** To initiate amendments to the text of this Ordinance and to the Zoning Map pursuant to the procedures and standards for amendments set forth in Article 4, Part E; and
- B.** To take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this ordinance.

**PART C. BOARD OF ZONING APPEALS**

**Section 1. Jurisdiction and Authority**

The Board of Zoning Appeals has the following powers and duties in connection with the implementation of this Ordinance:

- A.** To approve, approve with modifications, or deny any application for a variance from the terms of this Ordinance pursuant to the procedures and standards for variances set forth in Article 4, Part D, Section 3 except those variances requested from the subdivision control requirements set forth in Articles 5 and 6 , which is the responsibility of the Plan Commission as set forth in Article 5, Part A, Section 5;
- B.** To approve, approve with modifications, or deny any application for a use variance pursuant to the procedures and standards for variances set forth in Article 4, Part D, Section 3;

- C. To grant, grant with modifications, or deny any application for a conditional use pursuant to the procedures and standards for conditional uses set forth in Article 4, Part B, Section 1; and
- D. To hear and decide any appeal from any order of final decision made by the Director of Planning and Development in the administration or enforcement of this Ordinance pursuant to procedures and standards for appeals of administrative decisions set forth in Article 4, Part D, Section 2.

**Section 2. Conflicts**

No members of the Board of Zoning Appeals may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law.

**Section 3. Independent Investigation**

No members of the Board of Zoning Appeals may participate in the hearing or disposition of any matter in which that member has conducted an independent investigation into the facts of the matter pending before the Board.

**Section 4. Undue Influence**

A person may not communicate with any member of the Board of Zoning Appeals before a hearing with the intent to influence the member's action on a matter pending before the Board.

**PART D. PLAN COMMISSION**

The Plan Commission has the following powers and duties in connection with the implementation of this Ordinance:

- A. To initiate amendments to the text of this Ordinance and to the Zoning Map pursuant to the procedures and standards for amendments set forth in Article 4, Part E;
- B. To review all proposed amendments to this Ordinance and make recommendations to the Common Council pursuant to the procedures and standards for amendments;
- C. To review all planned developments and make recommendations to the Common Council pursuant to the procedures and standards for amendments;
- D. To review, approve, approve with modifications, or deny all subdivision applications pursuant to the procedures and standards for subdivision approval set forth in Articles 5 and 6;
- E. To approve, approve with modifications, or deny all applications for variances from subdivision control pursuant to the procedures and standards for plat approval set forth in Article 5; and
- F. To record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission.
- G. Keep a complete record of all the departmental proceedings.

**PART E. DIRECTOR OF PLANNING AND DEVELOPMENT**

**Section 1. Establishment of Department of Planning and Development and Director of Planning and Development**

There is hereby established a Department of Planning and Development in the City of Noblesville, which may consist of the Director of Planning and Development, Building Administrator, Secretary, and assistants. The basic duties and responsibilities of the Director of Planning and Development are set forth in Section 2 (Jurisdiction and Authority) of the Unified Development Code. The Mayor is hereby authorized to employ a Director of Planning and Development and such other employees deemed necessary, subject to the approval of the

Noblesville City Plan Commission. Appointments shall continue during good behavior and service and they shall not be removed from office except for cause after full opportunity has been given them to be heard on specific charges.

## **Section 2. Jurisdiction and Authority**

The Director of Planning and Development has the following powers and duties in connection with the implementation of this Ordinance:

- A.** To interpret provisions of this Ordinance pursuant to the procedures and standards for Interpretation set forth in Article 4, Part D, Section 1;
- B.** To ensure compliance with or prevent violation of provisions of this Ordinance pursuant to the procedures and standards for Enforcement set forth in Article 15;
- C.** To inspect buildings, structures, and use of land to determine compliance with this Ordinance pursuant to the procedures and standards for Enforcement set forth in Article 15;
- D.** To issue all necessary permits and certificates and maintain records thereof in the name of the Plan Commission and Board of Zoning Appeals pursuant to the procedures and standards for zoning certificates set forth in Article 4, Part F;
- E.** To issue all necessary building permits and maintain records thereof and to inspect buildings and structures to determine compliance with this Ordinance, pursuant to the procedures and standards for Building Permits set forth in Article ~~5~~; 4.
- F.** To provide technical and clerical assistance to the Plan Commission and Board of Zoning Appeals;
- G.** To provide and maintain a public information service relative to all matters arising out of this Ordinance;
- H.** To maintain permanent and current records relative to the administration of this Ordinance, including but not limited to, all maps, amendments, Improvement Location Permits, Certificates of Occupancy, Variances, and Conditional Uses, Appeals and disapproved applications, and record of hearings;
- I.** To review all development permit applications to determine that the application meets the requirements of this Ordinance and to determine that all necessary permits have been obtained from Federal, State and Local government agencies which prior approval is required;
- J.** To conduct all research and collect and analyze all data pertaining to the growth and development of the City and its environs, as delegated by the Common Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this ordinance;
- K.** To coordinate and conduct all development activities and programs for the City and its environs, as delegated by the Common Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this ordinance;
- L.** To obtain, review and reasonably utilize any base flood elevation data in order to administer this Ordinance;
- M.** To notify all jurisdictions and other bodies relative to the alteration of watercourses;
- N.** To make interpretations as to the location of special flood hazards; and
- O.** To take such other actions as delegated by the Common Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this ordinance.

**Section 3. Delegation of Authority**

The jurisdiction and authority of the Director of Planning and Development may be delegated to his or her designee except as prohibited by law.

**PART F. TECHNICAL ADVISORY COMMITTEE**

**Section 1. Establishment and Membership**

The Technical Advisory Committee is hereby created and shall consist of the following members as invited by the Director of Planning and Development:

- A. Noblesville Director of Planning and Development {or his/her designee.
- B. Noblesville Principal Planner
- C. Noblesville Utilities Director
- D. Hamilton Southeastern Utilities
- E. Noblesville Street Commissioner
- F. Hamilton County Highway Department
- G. Noblesville City Engineer
- H. Noblesville Fire Department
- I. Hamilton County Health Department
- J. Hamilton County Surveyor's Office
- K. Indiana American Water Corporation
- L. Vectren Energy
- M. Duke Energy
- N. AT&T
- O. {Comcast
- P. Panhandle Eastern Pipeline Company
- Q. Citizens Energy} ORD. #10-03-13
- R. Parks and Recreation Director or his/her designee.} ORD. #56-11-07

**Section 2. Jurisdiction and Authority**

The Technical Advisory Committee has the following powers and duties in connection with the implementation of this Ordinance:

- A. To review and evaluate applications for variances and make recommendations to the Board of Zoning Appeals, pursuant to the procedures and standards for variances set forth in Article 4, Part D, Section 3 or to the Plan Commission, pursuant to the procedures and standards for variances set forth in Article 6;
- B. To review and evaluate all site plans, and make recommendations to the Board of Zoning Appeals or Plan Commission as may be appropriate, pursuant to the procedures and standards for site plan review set forth in Article 4, Part B, Section 2; and
- C. To take such other actions as delegated by the Common Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this ordinance.

**PART G. ARCHITECTURAL REVIEW BOARD ORD#. 68-11-00****Section 1. Establishment and Membership**

The Architectural Review Board is hereby created and shall consist of the following members as invited by the Director of Planning and Development:

- A. Council Appointee to Plan Commission
- B. Plan Commission President
- C. General Plan Commission Member
- D. General Council Member
- E. Director of Planning and Development (or appointee)

**Section 2. Jurisdiction and Authority**

The Architectural Review Board has the following powers and duties in connection with the implementation of this Ordinance:

- A. To review and evaluate applications for residential PD's and make recommendations to the Plan Commission, pursuant to the procedures and standards for PD's set forth in Article 8, Part E, Section 4.
- B. The ARB shall conduct a review of any proposed residential planned development prior to a public hearing before the Plan Commission. The ARB shall review a proposal and make a recommendation based on the following criteria:
  1. Consideration shall be given to the characteristics of the housing type and the individual site. These considerations may differ from one circumstance to another based on the fact that what may be an acceptable design of an exterior in one instance may not be for another. Design decisions made by the review board in reviewing applications, however, are not based on any individual's personal opinion or taste.
  2. The proposed improvement or new construction must be compatible with the architectural characteristics of the existing site conditions, adjoining houses, surrounding area, and the neighborhood setting. Compatibility is defined as similarity in architectural style, form, height, size, scale, quality of workmanship, similar use of materials, color, and construction details.
  3. Significant amounts of open space should be used to enhance the appearance and general character of the individual neighborhoods and homes, as well as providing recreational benefits to the community. In turn the architectural themes, materials, structures, and design of individual homes and use of private property should enhance and not interfere with the aesthetic usefulness of the Open Space to all residents.
  4. Landscape treatments should be provided in all yards to enhance the building design and other site improvements. Grading, vegetation removal and other changes to the site shall be minimized in an effort to preserve, as best as possible, the natural beauty of a site.
  5. The site plan, building design and landscaping of a new development shall achieve high quality appearance that will enhance and be compatible with the character of the surrounding area. Site plans shall be designed with variation both in the street patterns and in the siting of structures so the appearance of the streetscape does not become overly repetitive, especially in the design of large developments.

6. Attempts will be made to incorporate natural materials on exterior surfaces that blend and are compatible with the natural landscape. Suggested materials include brick, stone masonry veneer, and painted or stained wood material. The colors of the exterior materials should be generally subdued to blend with the natural landscape. Earth tones, generally muted, are recommended, although, occasional accent colors used judiciously and with restraint may be permitted. Selections should be made which harmonize and blend with the housing type/style and other community units.
  7. Houses with identical or similar building elevations and/or floor plans shall not be located on adjacent lots or directly across the street from each other. Where a single house design is used repeatedly, materials and detailing of major façade elements shall be varied from lot to lot.
  8. Building facades should be articulated by using color, arrangement, or change in materials to emphasize the façade elements. The planes of the exterior walls should be varied in height, depth or direction. Design elements and detailing shall be continued completely around the structure. Such design elements shall include window treatments, window placement, trim detailing, and exterior wall materials. Long, massive, unbroken exterior building walls shall be avoided. Roof form and design will include, where appropriate, varied pitch and overhangs of exterior walls.
- C. To review appeals of staff decisions regarding the appropriateness and adherence of architectural plans to the standards approved as part of the Planned Development application. Appeals of ARB decisions will be made directly to the Common Council.
  - D. To take such other actions as delegated by the Common Council, Plan Commission, Board of Zoning Appeals, or other bodies, which may be desirable and necessary to implement the provisions of this ordinance.

## **{H. PRE-CONSTRUCTION COMMITTEE**

### **Section 1. Establishment and Membership**

The Pre-Construction Committee is hereby created and shall consist of the following members:

- A. Planning Department Representative(s) (Zoning and Building Divisions)
- B. Engineering Department Representative(s)
- C. Fire Marshall or his/her designee
- D. MS4 Representative
- E. Street Department Representative
- F. County Surveyor Representative
- G. Contractor for the project
- H. Design Engineer
- I. Developer/Owner

### **Section 2. Jurisdiction and Authority**

The Pre-Construction Committee is established to coordinate all information regarding construction projects including contractor information, emergency numbers, inspections, discussion of the Noblesville Construction Standards, Engineer's estimates for public infrastructure improvements including any Performance Bonds required, coordination of on-site erosion control inspection(s) and the issuance of an Improvement Location Permit for earth moving activities and installation of infrastructure. The committee reviews all non-residential construction projects, multi-family construction projects, and may include other projects as deemed necessary by the Director of Planning and Development or the City Engineer.} **ORD. #12-2-11**