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PART A. GENERAL REGULATIONS

The regulations within each district shall be minimum regulations and shall apply uniformly, except as hereinafter provided.

Section 1. Allowable Use of Land and Building

- A.** No building, structure, or land shall be used or occupied and no building, 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.

- B.** 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 ordinance.
- C.** No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance 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 ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

{Section 2. 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 Article 8, Part C, Section 3, Downtown (DT) District.} **ORD. #54-7-05**

Section 3. 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 Ordinance 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.

Section 4. Minimum Yard Setback

No structure shall be erected, placed, or moved to within any setback area except certain accessory structures as provided in Article 9, Part B, Section 2 (A), below. {Required front setback shall be measured from the street right-of-way as recommended in the Thoroughfare Plan of jurisdiction.} **ORD. #57-11-96**

Section 5. 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, I-3 District.)

Section 6. {Agriculture

A. Agriculture shall be a permitted use in all districts provided that:

- 1.** The agricultural use does not include the operation or maintenance of a commercial stockyard or confined feeding operation (feedlot).
- 2.** The use shall not include the feeding, keeping, or sheltering of animals or poultry in penned enclosures within seventy-five (75) feet of any residential district, except where animals are kept in soundproof, air conditioned buildings, in which case the required setback shall be twenty-five (25) feet.
- 3.** 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.

B. Farms Outside Corporate Limits

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 Ordinance provided they are located beyond the corporate limits of the City of Noblesville except in those situations stated in this Section 6.A. 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.} **ORD. #64-11-08**

Section 7. Mineral Extraction, Exempt by State Law

Nothing herein shall prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or a licensee thereof, pursuant to I.C. 36-7-4-1103. For the purpose of this paragraph, urban area shall include any land or lots used for residential purposes where there are eight (8) or more residences within one-quarter (1/4) mile square area, such other land or lots as have been or are planned for residential areas contiguous to incorporated cities or towns, or other land already incorporated into cities and towns; provided, however, that within these areas, mineral extraction may be permitted in an appropriate location.

Section 8. Vision Corner Clearance

{The distance from an intersection of a public or private street to the nearest access connection, measured from the closest edge of the access connection pavement (tangent point) to the closest edge of the street pavement (tangent point) or the back of curb whichever is greater. The triangular space is determined by a diagonal line connecting two points measured fifteen (15) feet equidistant from the edge of pavement of two local streets or a local street with an access connection or twenty-five (25) feet from the edge of pavement of a local street or an access connection with a collector, arterial, and expressway or any combinations 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.} **ORD. #25-7-09**

Section 9. Height Preemptions

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.

Section 10. Allowable Encroachments

A. SR District:

No structure or part thereof shall project into a required rear or side yard except:

1. Un-enclosed, uncovered steps, entrance platforms, terraces, or landings not over eighteen (18) inches above grade level;
2. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding eighteen (18) inches;
3. An eave, cornice overhang, awning, balcony, or bay window not exceeding twenty percent (20%) of the required setback.

B. All Other Districts:

No structure or part thereof shall project into a required rear or side yard except:

1. Un-enclosed, uncovered steps, entrance platforms, terraces, or landings not over eighteen (18) inches above grade level;
2. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding eighteen (18) inches or eighty percent (80%) of the required setback, whichever is less.

3. An eave, cornice overhang, awning, balcony, or bay window not exceeding four (4) feet or eighty percent (80%) of the required setback, whichever is less.

PART B. ACCESSORY USES AND STRUCTURES

Section 1. Intent

The regulations of this Part B apply to accessory uses and structures such as garages, carports, canopies, porte-cocheres, patios, outdoor fireplaces, bath houses, cabanas, doghouses, children's play equipment, greenhouses, television satellite dishes, solar panels, fences, and similar accessory buildings or structures. Accessory Uses and Structures shall be a permitted use in all zoning districts except as otherwise restricted in this ordinance.

Section 2. General Requirements

Accessory uses and structures may be permitted in all zone districts in accordance with the provisions of this Section. Accessory uses and structures:

- A. shall be incidental and subordinate to, and commonly associated with the operation of, the principal use of the lot;
- B. shall be operated and maintained under the same ownership and on the same lot as the principal use
- C. {Where permitted detached accessory building's size, height, and setback are based on the following standards:
 1. In the case where the property is one (1) acre or less in size:
 - a. The {combined square footage of all accessory buildings} **ORD. #86-11-03** shall be limited to fifty percent (50%) of the square footage of the principal building or one thousand (1,000) square feet, whichever is less.
 - b. The height of the structure shall be limited to fourteen (14) feet, but no such structure shall be taller than the principle building.
 - c. The minimum setbacks required shall be those required by the underlying zoning classification.
 2. In the case where the property is larger than one (1) acre but less than five (5) acres in size, and where an individual seeks to exceed the bulk requirements of Subsection 1 above, a structure may be permitted subject to the following requirements:
 - a. The {combined square footage of all accessory structures} **ORD. #86-11-03** shall be limited to {two thousand (2,000)} square feet. **ORD. #10-03-13**
 - b. The height of the structure shall be limited to seventeen (17) feet.
 - c. The minimum setbacks required shall be those of the underlying zoning classification except for the sideyards and rearyards, which shall be required to maintain a twenty (20) foot minimum setback. **ORD. #10-03-13**
 3. In the case where a property is equal to or larger than five (5) acres, and where an individual seeks to exceed the bulk requirements of Subsections 1 or 2 above, a structure may be permitted subject to the following requirements:
 - a. {The combined square footage of all accessory structures shall not exceed the square footage of the primary structure or {four thousand (4,000)} square feet whichever is less.} **ORD. #86-11-03. ORD. #10-03-13**
 - b. The height of the structure shall be limited to twenty (20) feet.
 - c. The minimum setbacks required shall be those of the underlying zoning classification except for the sideyards and rearyards which shall be required to maintain a forty (40) foot minimum setback. **ORD. #44-8-98, ORD. #10-03-13**

- D. shall not be located closer to any lot line than the minimum setback line required, unless specified otherwise in this Ordinance.
- E. shall not be permitted prior to the erection and operation of the principal use, unless a Temporary Improvement Location Permit is obtained subject to Article 4, Part C, and Section 2.
- F. shall require a building permit, except as otherwise provided in Section 3 below.
- G. shall have on all sides the same architectural features as, or shall be architecturally compatible with, the principal building(s) with which it is associated.
- {H. shall be used for the storage of personal materials only and shall not be used for any commercial or separate residential purpose.} **ORD. #44-8-98**

Section 3. Accessory Structures Exempt from Building Permit and/or Setback Requirements

Accessory uses such as essential services, sidewalks, driveways, curbs, drainage installations, boathouses, sea walls, retaining walls, mail boxes, nameplates, lamp posts, bird baths, {decks less than 18 inches from grade}, **ORD. #12-4-97** and structures of a like nature are permitted in any required front, side, or rear yard and without the issuance of any permit. However, such uses shall be subject to all other regulations for accessory structures found in Section 2 above.

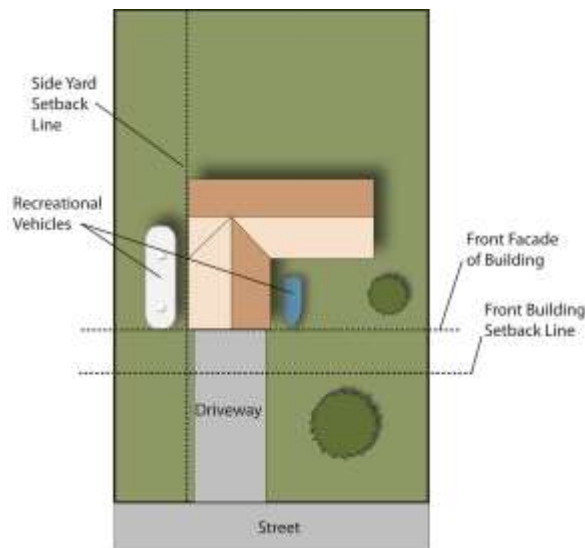
A handicapped ramp attached to a structure and not enclosed requires a building permit, however, it is exempt from front, side, and rear yard setback requirements.

Section 4. Accessory Uses Permitted; Regulations Specific to Particular Uses

The following accessory uses and structures shall be permitted subject to the regulations of Section 2 and 3 above and to any additional regulations herein:

- A. **Antennae, amateur radio sending and receiving**, provided the height thereof including masts shall not exceed seventy-five (75) feet measured from finished lot grade.
- B. **Boathouses**, subject to the following: Boathouses are exempt from the setback requirement for accessory structures due to their need to be located on the water's edge. However, to mitigate the visual impact of boathouses on neighboring properties, site plan approval shall be required for the location of new boathouses, and landscaped screening as well as the size of the boathouse shall be regulated subject to the site plan review procedure.
- C. **Garages and carports**, private residential for the storage of motor vehicles, which are clearly accessory and not for commercial purposes.
- D. **Fall-out shelters.**
- E. **Fences, walls, and hedges**, subject to the following:
 1. They shall not obstruct visibility pursuant to Article 9, Part A, Section 8, Vision {Corner Clearance.
 2. They may be permitted in any required yard or along the edge of any yard, providing that driveway entrances are not shielded by the fence, wall, or hedges in such a way as to obstruct the view of a driver entering a road from the driveway.
 3. Open or Solid fences, latticework, screens, or walls not more than seven (7) feet in height may be located in the required side or rear yard, and an open fence maintained not to exceed {four (4) feet} in height may be located in any front yard {as defined in Article 2 – Definitions.} **ORD. #95-11-06, #21-06-12**
 4. A fence, wall, or hedge a minimum of five (5) feet in height shall be required surrounding any swimming pool, {except as noted in Section 4 (Q) below.} **ORD. #12-4-97**

5. {A {site plan} including the location of the fence and the setbacks from the property lines shall be submitted with the fence application. No fences shall be installed until a permit is obtained.} **ORD. #95-11-06, #21-06-12**
 6. {For the purposes of any fence, wall, and hedge regulations, any common property held by the homeowner’s association for landscaping or other purposes, that abuts a street and is adjacent to and separate from the lot, extending 15-FT or less shall be considered a front yard, thereby permitting an {open fence at the maximum height of four (4) feet.} This only applies to corner lots as defined in Article 2- Definitions. **ORD. #21-06-12**
 7. For the purposes of a fence, wall, and hedge regulations, any yard that abuts a street to which access is prohibited shall be treated as either a side or rear yard and will permit a fence at a maximum height of 7-FT except as otherwise noted above.} **ORD. # 56-11-07**
- F. Foster family care**, where not more than six (6) children unrelated to the residents are cared for, provided that no sign shall be displayed.
- G. Landscaping materials**, as set forth in Article 12, “Landscaping”.
- H. Management offices**, in multi-family uses, and other facilities normally associated with tenants’ convenience, such as vending machines and washing machines, provided there is no exterior display.
- I. Parking and loading areas**, off-street, as set forth in Article 10, “Off-Street Parking and Loading”.
- J. Pets**, domestic, provided that the keeping of such pets is not for profit and not construed as a kennel.
- K. Recreational Vehicles and Equipment**, Storage or Parking of, subject to the following:
1. **SR District**
 Recreational vehicles and equipment may be parked or stored anywhere on a lot in this district provided that they do not violate any other section of this ordinance and that no storage occurs within the required front yard setback.
 2. **All Other Districts**
 No recreational vehicle or equipment shall be parked or stored on any lot in a residential district, except for in the SR District as provided above, except in a carport or enclosed building or behind the front facade of the building.



3. Parking and Storage of Unregistered Vehicles

Automotive vehicles, including recreational vehicles, of any kind or type without current license plates shall not be parked or stored for more than seven (7) days on any residentially zoned property other than in completely enclosed buildings.

4. Mobility Shall Be Maintained

The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.

5. Number of Vehicles Limited

No more than two (2) recreational vehicles shall be parked or stored in the open on residential property at any one time provided; however, that one (1) additional recreational vehicle may be permitted for visitation for a maximum of ten (10) consecutive days and not to exceed fourteen (14) days in any one year.

6. Prohibition of Use of Stored Vehicles

At no time shall any parked or stored recreational vehicle be occupied or used for living, sleeping, or housekeeping purposes, except as provided for visitations in (6) above.

7. Exception

Notwithstanding the provisions above, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for not longer than a forty-eight (48) hour period.

L. Quarters for Immediate Relatives or Resident Domestic Employees

Provided that such quarters are located within and subordinate to the accessory structure use, and not:

1. within the principal structure; or
2. as a freestanding accessory structure.

M. Satellite Dishes (Parabolic Receivers and Transmitters), subject to the following:

1. Parabolic reflectors used to receive from or transmit to satellites (hereinafter-referred to as parabolic reflectors) exceeding thirty-six (36) inches in overall height shall require improvement location permits and payment of fees applicable to accessory uses.
2. Parabolic reflectors shall be subject to all zone district setbacks, which shall be measured from that part of the parabolic reflector that extends closest to the adjoining property.
3. In no case shall parabolic reflectors be allowed within fifteen (15) feet of any public right-of-way line.
4. All cables and connections from a parabolic reflector to other equipment on the premises shall be buried underground when a parabolic reflector is located on the ground, or appropriately concealed when a parabolic reflector is located on a building.
5. Maximum heights for any portion of the parabolic reflectors shall be determined by the zone district and land use of the property:
 - a. In residential districts and areas of or abutting residential land uses or districts, maximum height is ten (10) feet above ground.

- b. In the “LB,” “GB,” “DT,” “PB,” “MO,” and “VC” districts, the maximum height is twelve (12) feet above ground.
 - c. In the “I-1,” “I-2,” and “I-3” districts the maximum height is fifteen (15) feet above ground.
 - d. Parabolic reflectors larger than twenty-four (24) inches in diameter shall be prohibited from being mounted on any portion of the building except as allowed by the Board of Zoning Appeals.
- 6. Ground mounted parabolic reflectors shall be screened by a tight evergreen vegetative screen no less than seven (7) feet high, at maturity provided, however, that in no circumstance shall screening be required that would interfere with the reflector’s line of sight to the satellite.
 - 7. When the setback to the parabolic reflector exceeds thirty (30) times the height of the parabolic reflector, no screening is required.
- N. Signs**, as set forth in Article 11, “Signs”.

O. Stables and Animal Pens

- 1. Within the Corporate Limits of the City:
 - a. No more than one (1) horse or {pony at least six-months of age} shall be stabled, maintained, pastured, grazed, or kept in any manner, except upon property at least one (1) acre, and no more than one (1) horse or {pony} be kept on each acre thereafter. **ORD. #4-01-03**
 - 1. Stables shall be located at least one hundred fifty-FT from the existing residence on the adjacent lots.
 - 2. Minimum Yard Setbacks
 - Front – stables are not permitted in the front yard
 - Side – 25-FT
 - Rear – 25-FT
 - 3. Maximum Stable Building Height – 18-FT
 - 4. Maximum Stable Structure Size – 50% of the square footage of the principal building or 1,000-SF whichever is less.
 - b. No person shall keep, raise, confine, or feed hogs, chickens, ducks, goats, sheep, or cows {or other similar animals} **ORD. #4-01-03** within the Corporate Limits of the City.
- 2. Outside the Corporate Limits of the City:
 - a. {No more than one (1) horse or two (2) ponies shall be stabled, maintained, pastured, grazed or kept in any manner, except upon property at least one (1) acre and no more than one (1) horse or two (2) ponies shall be kept on each acre thereafter.} **ORD. #86-11-03**
 - b. Hogs, chickens, ducks, goats, sheep, or cows may be permitted on residentially platted lots of at least five (5) acres, located outside the City limits, provided that structures, pens, or corrals housing animals shall be a minimum of seventy-five (75) feet from an adjoining property line, except where animals are kept in soundproof air conditioned buildings, in which case the required setback shall be (25) feet.
- 3. No keeping of animals permitted under these regulations shall be conducted for profit, nor shall any kennel be permitted pursuant to these regulations.

P. Storage Buildings and Equipment Sheds.**Q. Swimming pools, spas, and hot tubs** at least eighteen (18) inches deep and twelve (12) feet in diameter, subject to the following:

1. Private swimming pools shall be protected by a surrounding fence at least five (5) feet in height, which is maintained to prevent access by small children or animals, and/or by a safety pool cover, which meets all specifications set forth in the Indiana Swimming Pool Ordinance, as, amended. If a surrounding fence is used, said fence may be located around either the pool itself or the property on which the pool is located.
2. If any side or sides of a private swimming pool lie within twenty-five (25) feet of abutting residential use, a solid planting screen shall be provided and maintained which shall grow to a minimum height of seven (7) feet and a minimum depth of six (6) feet; or a solid screen of suitable construction material shall be constructed to a height of seven (7) feet, which will act as a sound barrier.

Section 5. Special Regulations in ZLL Districts

In the ZLL overlay district, all uses are required to have an attached one (1) car garage. No detached accessory structures are permitted in the ZLL District.

PART C. HOME OCCUPATIONS**Section 1. Intent**

Home occupations shall be a permitted use in all residential zoning districts except as otherwise restricted in this ordinance. The intent of these home occupation regulations is to:

- A. Protect residential areas from adverse impacts of activities associated with home occupations.
- B. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- C. Establish criteria and development standards for home occupations conducted in dwelling units and accessory structures in residential zones.
- D. {Encourage these home occupations to be primarily service oriented by limiting the intensity and retail design of these uses.} **ORD. #26-7-97**

Section 2. General Requirements

Home occupations require a permit from the Director of Planning and Development, which is subject to the following restrictions.

- A. The primary use of the structure or dwelling unit shall remain residential, and the operator of the home occupation shall remain a resident in the dwelling unit.
- B. If the operator is a tenant, he or she shall provide a written letter from the property owner giving permission for the home occupation to be conducted on the property.
- C. {No person may participate in, or assist with, the conduct or operation of the home occupation except:
 1. Individuals who are residents of the dwelling unit as mentioned above;
 2. Individuals whose sole participation in the use and operation of the home occupation is financial in nature;
 3. A non-resident assistant, subject to the following requirements and limitations:
 - (a) Participation by the non-resident assistant shall be in a subordinate capacity only, incidental to the conduct of the home occupation;
 - (b) The non-resident assistant shall not participate, totally or partially, in the capacity of an additional operator of the home occupation, as an additional

- practitioner of the professional, craft, or occupational service of the operator, or as a partner or professional associate thereof;
- (c) Participation by the non-resident assistant shall be limited to forty (40) hours per week;
 - (d) No more than one (1) non-resident assistant shall be permitted. If more than one home occupation is conducted in the same dwelling unit, a non-resident assistant shall be permitted for only one of the home occupations;
 - (e) No non-resident assistant shall be permitted at beauty shops, barber shops, or other similar home occupations with a regular flow of customers. } **ORD. #26-7-97**
- D.** No structural additions, enlargements or exterior alterations changing the residential appearance to a business appearance shall be permitted.
 - E.** {The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling. No more than six hundred (600) square feet or twenty-five percent (25%) of the total square footage of the dwelling unit, whichever is lesser, shall be used in conduct of all home occupations operated from a property.} **ORD. #26-7-97**
 - F.** {Such home occupations shall be conducted entirely within the primary building. An accessory building may be utilized on a property of five (5) acres or more in area. In cases where accessory buildings are permitted to be used, the maximum total square footage of the home occupations operation shall be six hundred (600) square feet or twenty-five percent (25%) of the total square footage of all structures on the property, whichever is less.} **ORD. #26-7-97**
 - G.** No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.
 - H.** No more traffic shall be generated by a home occupation than would normally be expected in a residential neighborhood.
 - I.** No provision for more than one (1) extra off-street parking space, other than the requirements and the permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities, and no additional driveway to serve such home occupations shall be permitted.
 - J.** No display of goods or external evidence of the home occupation shall be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name of the occupation and name and address of resident. Said plate shall be attached flat against the wall of the residence and shall not exceed one (1) square foot in total surface area.
 - K.** No stock in trade or commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.
 - L.** No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
 - M.** {Hours of operation of the home occupation shall not interfere with the use and enjoyment of the adjacent residential properties.} **ORD. #26-7-97**

Section 3. Exempted Enterprises

Uses where the occupant utilizes a telephone or computer for “business” activity but does not receive customers or products shall be exempt from this classification as a business or home occupation provided all of the other conditions of the one occupation are met.

Section 4. Procedure

A. Application

Application for a Home Occupation shall be filed with the Director of Planning and Development on a form provided by the Director. An applicant for a Home Occupation permit shall pay fees in connection with the submittal of the application in accordance with fee schedules adopted, from time to time, by the Common Council. The current fee schedule is found in Appendix A, "Fee Schedule." The Director of Planning and Development will make a decision and notify the applicant in writing fifteen (15) calendar days of the date the application is received.

B. Scope

In cases where the Department of Planning and Development considers the application not within the scope of the home occupation criteria, the application shall be denied.

C. Time Limit

All home occupation permits shall be valid for a period of one (1) year from initial date of approval.

D. Voiding of Permit

The Department of Planning and Development may void any home occupation permit for non-compliance with the criteria set forth in this Part C. Revocation may take place at any time prior to the expiration date of the permit. If the permit is revoked, or is not renewed, it becomes invalid and said use shall be terminated.

E. Appeal to the Board of Zoning Appeals

The decision of the Department of Planning and Development concerning approval or revocation shall be final unless a written appeal is filed with the Board of Zoning Appeals within ten (10) calendar days of the decision. An appeal may only be filed by the applicant or persons residing within three hundred (300) feet of the subject property.

F. {Notice to Parties

Applicants for a new home occupation permit shall be required to send a notice by certified mail records of this County. Such notice shall be prepared by the Planning Department and shall be sent by the applicant to all owners of property within {660-FT or two (2) adjacent properties whichever is less} **ORD. #33-6-04** of the subject tract. The owners shall be identified as recorded in the office of the Hamilton County Recorder, or as it appears in the authentic tax records of the county. The official notice shall be prepared by the Department of Planning and Development and shall include the following:

1. Statement that a home occupation permit application has been filed at a give location;
2. A brief description of the particular home occupation applied for;
3. Address and phone number of the Department of Planning and Development and a suggestion to contact this office with questions or comments;
4. The statement that the permit will be issued within 10 days of the certified mail date if the Department of Planning and Development determines that the application complies with all legal standards set forth in the Unified Development Ordinance.

G. Issuance of Permit

Upon completion of the required certified mail notices, and a determination that the application is in compliance with the Unified Development Ordinance, the Director of Planning and Development shall issue the permit no sooner than ten (10) days after and no later than fifteen (15) days after the certified mail notice date.} **ORD. #26-7-97**

H. Inspection

Home occupation applicants shall permit a reasonable inspection of the premises by the Department of Planning and Development to determine compliance with these provisions. Home occupations shall be field checked annually by the Department of Planning and Development staff to determine compliance.

I. Renewal

Home occupation permits may be renewed annually provided there has not been any violation of the provisions of these provisions. Requests for renewals shall be submitted to the Department of Planning and Development in writing, accompanied by the prevailing renewal fee, one (1) month prior to expiration of the permit. {Renewals shall not be subject to the notice requirement under Section 4.F above.} **ORD. #26-7-97**

Section 5. Prohibited Uses

The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations:

- A.** Medical Offices;
- B.** Dental Offices, Law Offices and Real Estate Offices;
- C.** Houses of Worship;
- D.** Boarding Houses, Time Share Condominiums;
- E.** Dance Studios;
- F.** Automobile Repair (Major or Minor);
- G.** Restaurants, Taverns;
- H.** Private Clubs;
- I.** Painting of Vehicles, Trailers, or Boats;
- J.** Welding Shops;
- K.** Hair Styling Salons with two (2) or more customer chairs;
- {L. Massage Parlors or Massage Studios} **ORD. #23-6-10****

Section 6. Child Care Homes

Child Care Homes are home occupations that are subject to the following additional requirements:

{A. Maximum Number of Children permitted

The maximum number of children permitted shall be as described in the definition of Child Care Home Class I and Class II in Article 2 - Definitions.

B. Compliance

Subsection A notwithstanding, a Child Care Home must comply with all applicable City ordinances and State and Federal statutes and regulations, including licensing.

A copy of the issued State License to operate a Child Care Home shall be provided to the Planning and Development Department prior to the issuance of a Home Occupation Permit and a Certificate of Occupancy as per Article 4 – Zoning Applications and Approvals and this Article.} **ORD. #23-6-10**

C. Resident Operator

A Child Care Home shall be operated by a resident of the dwelling in which it is located.

D. Activity Area

Any Child Care Home shall include an outdoor play area, which shall be enclosed on all sides by a barrier in the form of a fence, building wall or other structure or landscaping to provide for safe outdoor play.

F. Parking and Sign Regulations

1. One (1) additional off-street parking space shall be provided for a Child Day Care Home use.
2. No signs shall be displayed.

PART D. RESIDENTIAL CARE HOMES

Residential care homes shall be a permitted use in all residential districts, as permitted by Indiana law, and provided that such uses shall be registered with the Department of Planning and Development. Such registration shall include the following:

- Name, address, and phone number of owner.
- Name, address, and phone number of operator.
- Names, addresses, and phone numbers of individuals who may be contacted in an emergency (24 hours).
- Address and phone number of the home itself.
- Number of residents.
- Disability of the residents.
- Any special information concerning special needs or limitations in case of an emergency (e.g. impaired mobility, impaired hearing or vision)
- Evidence that all required licenses, certifications, permits, and approvals are up to date and maintained.

PART E. MANUFACTURED HOMES, INDIVIDUAL

Manufactured homes as scattered-site residences shall be a permitted use in all residential districts, subject to the requirements for all residential uses in the districts and provided manufactured homes shall meet the following requirements and limitations:

- A. The home shall meet all requirements applicable to single family dwellings and possess all necessary improvement location, building and occupancy permits and other certification required by this Unified Development Ordinance.
- B. The home shall be of double section construction and meet the minimum square footage requirements for the appropriate zone.
- C. The home shall be oriented such that its longest side is the side that faces the street frontage.
- D. The home shall be attached and anchored to a permanent foundation in conformance with the regulations in the Indiana One- and Two-Family Dwelling Ordinance and with the manufacturer's installation specifications.
- E. The home shall be covered with an exterior material customarily used on site built residential dwellings, and such material shall extend over the top of the foundation or meet the community's site-built residential dwelling home standards.
- F. The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as asbestos, fiberglass, shake, asphalt, or tile, which shall be installed onto a surface appropriately pitched for the materials used.

PART F. BED AND BREAKFAST ESTABLISHMENTS

Bed and Breakfast Establishments shall be a conditional accessory use in all residential districts, the Downtown (DT) District and the General Business (GB) District. Bed and Breakfast Establishments, where permitted, shall only be located within and accessory to an owner-occupied single-family home. Bed and Breakfast Establishments shall be bound by the standards below as well as the applicable requirements of the zoning district in which they are located.

Section 1. Procedural Standards

- A. Operation of a Bed and Breakfast Establishment shall not commence until approval has been granted by the Noblesville Board of Zoning Appeals.
- B. No party shall operate a Bed and Breakfast Establishment unless the establishment complies with all fire safety standards as established by the Indiana Department of Fire and Building Services, and unless a health inspection report from the Indiana State Board of Health and/or Hamilton County Health Department has been filed with the Department of Planning and Development stating that the establishment complies with state and county public health regulations applicable to Bed and Breakfast Establishments.
- C. Proof of registration with the Indiana Department of Revenue and Hamilton County for hotel/motel taxes shall be provided to the Department of Planning and Development within ninety (90) days after Board of Zoning Appeals approval. Records of payments made to the Indiana Department of Revenue and Hamilton County for hotel/motel taxes shall be submitted upon reasonable request, at any time, by a representative of the Department of Planning and Development.
- D. No ancillary use inconsistent with the description of a Bed and Breakfast Establishment shall be operated in connection with an approved Bed and Breakfast Establishment. Examples of such ancillary uses include, but are not limited to:
 - 1. operation of a commercial restaurant;
 - 2. sales of items to the general public;
 - 3. procurement of an alcoholic beverage sales permit;
 - 4. provision of recreation or conference facilities to other than guests;
 - 5. operation of services such as beauty and barbershops, on site dry cleaning or laundry services and gift shops.
- E. The location of a Bed and Breakfast Establishment in a residential district shall not be considered a precedent for the granting of any Conditional Use, Land Use Variance, or Variance that would allow other commercial and industrial development in the same district. Operation of a Bed and Breakfast Establishment is not to be considered, classified, or permitted as a Home Occupation.

Section 2. Development Standards

- A. A Bed and Breakfast Establishment shall include no more than eight (8) guest rooms for rent.
- B. Accommodations shall not be provided to a particular guest for more than thirty (30) consecutive days.
- C. Parking areas in residential districts must be so designated and maintained so as not to alter the existing character of the district. All parking shall be screened from view from adjacent residential uses according to a landscape plan approved by the Department of Planning and Development and required by the Board of Zoning Appeals as a condition of approval.
- D. Parking lot illumination, if proposed, must not result in an illumination intensity of more than 0.1 foot-candles at any adjacent residential property boundary. A parking lot lighting plan indicating illumination at the property lines must be submitted as part of the

application to be heard by the Board of Zoning Appeals. Parking lot lighting must be of a down-directed variety, the standards for which may not exceed a height of eighteen (18) feet and must be of an architectural style specifically approved by the Board of Zoning Appeals.

- E. Signage displayed for Bed and Breakfast Establishments located in business districts shall be as provided in Article 11, Signs. In residential districts, each Bed and Breakfast Establishment shall be limited to the display of one non-illuminated sign per street frontage, said sign to be attached flat against the wall of the Bed and Breakfast Establishment and limited to a size of no more than four (4) square feet.

PART G. TEMPORARY USES

Section 1. Intent

Temporary Uses shall be a permitted use in all zoning districts except as otherwise restricted in this ordinance and subject to the granting of a Temporary Improvement Location Permit by the Board of Zoning Appeals, or by the Director of Planning and Development as noted.

Section 2. General Requirements

- A. The duration of the temporary period is stated hereinafter, provided, however, renewal of such permit may be requested. {Temporary uses are limited to the maximum number of days listed in Section 3 per location and/or user.} **ORD. #95-11-06**
- B. Temporary Uses shall be subject to all the regulations of the applicable zoning district.
- C. The following factors should be considered by the Board or Director as they review Temporary Use applications:
 1. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
 2. No public address systems or other noise-producing devices of a disruptive nature shall be permitted in a residential district.
 3. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
 4. No banners, pennants, or unnecessary signs shall be permitted in a residential district.
 5. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

Section 3. Temporary Uses Permitted; Regulations Specific to Particular Temporary Uses

{A. Sales uses operated from permanent structures {such as a Model Home}, and the accessory model homes or model apartments normally associated with these uses, shall be considered permitted temporary uses in residential subdivisions. Three (3) model homes per housing type with a maximum number of ten (10) model homes are permitted for the entire planned development/subdivision. Each builder shall be limited to one (1) sales use and at no time shall any subdivision be permitted more than three total sales uses. Each such use shall require a permit by the Director and such permits shall be valid for the calendar year in which the permit is issued. Such uses shall also be subject to the following conditions:} **ORD. #42-5-05**

1. {Sales uses and model homes) shall be clustered together near the entrance of the development so as to avoid undue traffic through the developing site.
2. Two (2) off-street parking spaces shall be provided and maintained for each structure proposed for a sales use and/or model home.
3. No signs, flags, banners, etc. shall be permitted unless otherwise specifically allowed by this Section 3 {or Article 11– Signs.} **ORD. #12-2-11**

4. Adherence to the requirements of Article 9, Part G, Sec. 2.C shall be maintained in any case where that section is more restrictive than the requirements of this Sec. 3.A.
- B. Sales offices operated from temporary structures shall be required to meet all standards included in Section 3.A above, as well as the following standards:
 1. Meet all building setback requirements of the respective district.
 2. Landscaping at a minimum rate of 12 shrubs and 2 trees per temporary structure. All landscaping shall be installed in compliance with the type standards required by Article 12 of the Unified Development Ordinance.
 3. Skirting shall be installed around 360 degrees of the structure.
 4. Must have indoor plumbing.
 5. All temporary sales trailers shall be removed upon 20% build out of the subdivision.} **ORD. #45-8-98**
 - C. Non-commercial concrete batching plant, both incidental and necessary to construction in the zone district. A Temporary Use permit may be issued by the Director. Maximum eighteen (18) months.
 - D. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the zone district. A Temporary Use permit may be issued by the Director for a period of time coinciding with the building permit, but for a maximum 18 months. This use is limited to construction-related activity only and is not to be mixed with a sales use. (Maximum eighteen (18) months).
 - E. Parking lot designated for a special event in a zone district. A Temporary Use permit may be issued by the Director. Maximum thirty (30) days.
 - F. Bazaars, carnivals, and similar temporary uses. A Temporary Use permit may be issued by the Director. Maximum ten (10) days.
 - G. Sale of Christmas trees, outdoor tent theater, sale of seasonal fruits and vegetables from roadside stands, tent sales. A Temporary Use permit may be issued by the Director. Maximum sixty (60) days.
 - H. Parking of recreational vehicles for visitation that exceeds 14 days. A Temporary Use permit may be issued by the Director. Maximum thirty (30) days in any given year.
 - I. Garage sales shall not be operated from any property more than six (6) days during the calendar year. {A permit shall be required for the events. A sticker will be issued for the event to be placed on the temporary sign not exceeding 4-SF.} **ORD. #95-11-06**
 - J. Any temporary use deemed appropriate by the Director of Planning and Development and located in the appropriate zone district, which does not exceed three (3) days in duration.
 - K. Other similar uses deemed temporary by the Board of Zoning Appeals and attached with such time period, conditions, and safeguards as the Board may deem necessary.

{PART H. WIRELESS TELECOMMUNICATIONS SERVICE FACILITIES

Section 1. Applicability and Location

A. Applicability

Wireless Telecommunications Service Facilities {including Cellular on Wheels (COW)} shall comply with the following standards as well as the applicable requirements of the zoning district in which they are located except where otherwise noted in this part. **ORD. #10-03-13**

B. Purpose

The purpose of this section is to provide for sensible and reasonable land use standards to allow for the provision of adequate, reliable public and private telecommunication service. There is a

need to maximize the use of service facilities in order to reduce the total number of towers needed to service the needs of the areas, as well as a need to minimize the adverse, undesirable visual effects of service facilities while still providing for reasonable location of such towers within the City of Noblesville's zoning jurisdiction.

C. Location of Wireless Telecommunications Facilities

1. Wireless Telecommunication Facilities shall be a permitted use in the following zoning districts:
 - a. I-1 (Light Industrial) Zoning District
 - b. I-2 (Heavy Industrial) Zoning District
 - c. I-3 (Extractive Industrial) Zoning District
 - d. The following subdistricts of the CCPD (Corporate Campus) Zoning District:
 - i. Industrial/Office
 - ii. Regional Recreation and Entertainment
 - iii. Agricultural/I-O
2. Wireless Telecommunication Facilities shall be a conditional use in the following zoning districts:
 - a. PB (Planned Business) Zoning District
 - b. In any residential zoning district in which the structures may be setback at least five hundred (500) feet from an adjoining residential development or property.
 - c. In any district where the antennas are to be located upon pre-existing structures or buildings so long as the petitioner proposes to sufficiently screen or camouflage antennas and antenna support structures
 - d. In any district upon property owned or operated by units of government or public utilities.
 - e. In any district, in a Non-Urban Area, a term associated with Indiana Code 36-7-4-1103. "Urban Area" is defined in the Code as follows: all lands and lots within the corporate boundaries of a municipality, any other lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.
3. Wireless Telecommunication Facilities shall be a special consideration in the following subdistricts of the CCPD (Corporate Campus) zoning district:
 - a. Office
 - b. Office/Flex Uses
 - c. Commercial
 - d. Commercial/Office
 - e. Community

Section 2. Procedural Standards

All Wireless Telecommunication Service Facilities shall meet the following requirements:

- A. The placement of antennas upon existing antenna support structures or any electrical work at existing support structures may be administratively approved by the Planning Director. The applicant shall submit all appropriate permits and drawings deemed necessary by the Director of Planning.

- B.** In the event an antenna support structure ceases to be used, the antenna support structure shall be removed within one hundred eighty (180) days of termination of use. {Cellular on Wheels (COW) must be removed from the parcel within three (3) days after the event in which it is servicing.} **ORD. #10-03-13**
- C.** In the zoning districts in which a Wireless Telecommunication Facility is listed as either permitted or conditional use, a Wireless Telecommunications Facility may be deemed an accessory use.
- D.** The following documentation shall be submitted for all applications for a Wireless Telecommunications Facility. This information shall be submitted in addition to the standard application requirements for the type of application being filed. The Planning Director may waive any of the submission requirements based upon a written request of the applicant that must be submitted at the time of application. The waiver of any submission requirement may only be granted if the Planning Director finds in writing that, due to special circumstances of the application, the information is not required to determine compliance with the standards of this ordinance.
- 1.** A location map showing all Wireless Telecommunications Facilities within a two (2) mile radius of the proposed facility. The applicant shall indicate which existing facilities in the area they already have existing antenna arrays located on. Applicant shall also indicate on this map the size and location of the search ring identified by their engineering studies to find a site to fill the network coverage gap.
 - 2.** Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, the evidence for which may consist of any one or more of the following:
 - a.** Evidence that no existing facilities are located within the targeted market coverage area identified by the applicant's engineering requirements.
 - b.** Evidence that existing facilities do not have sufficient height or can not be increased in height at a reasonable cost or within the limitations of this ordinance at a reasonable cost to meet the applicant's engineering requirements.
 - c.** Evidence that existing facilities do not have sufficient structural strength to support the applicant's proposed antenna array and related equipment. Specifically:
 - i.** Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities can not be reinforced to accommodate the new equipment at a reasonable expense.
 - ii.** The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers, or the antenna or equipment with the existing facility would cause interference with the applicant's proposed antenna.
 - iii.** Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.
 - d.** The fee, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of new facility development are presumed to be unreasonable.
 - e.** Evidence that the applicant has made diligent good faith efforts to negotiate co-location on an existing facility, building, or structure and has been denied access.
 - 3.** A propagation map, before and after, of how the proposed facility fits in the applicant's telecommunications network. The after propagation map shall demonstrate that the proposed facility will fill a significant coverage gap.

4. A scenic assessment for the project area consisting of the following:
 - a. Elevation drawings of the proposed facility, showing height above ground level and details on the antenna array attachment or arrangement.
 - b. A site plan indicating the proposed placement of the facility on the site, including the delineation of the proposed lease area; location of existing structures, trees, means of access to the lease area, and the type of material being used, and other significant site features.
 - c. Photo simulations of the proposed facility taken from at least two different perspectives. Each photo must be labeled with where it was taken from, elevation, and date taken.
 - d. A landscape plan indicating the landscaping and screening at the base of the facility or around the perimeter of the lease area, whichever is most appropriate.
5. Drawings prepared and certified by a professional engineer of the proposed structure indicating the location, type, and height of the proposed facility, antenna capacity, and compliance with all applicable American National Standards Institute (ANSI) technical and structural codes.
6. Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions.

Section 3. Development Standards

- A. All Wireless Telecommunication Service Facilities shall meet the following requirements:
 1. The height of the antenna support structure shall not exceed two hundred (200) feet.
 2. The antenna support structures in non-residential zoning districts shall be set back a minimum of forty (40) feet from the property line, unless the adjoining property is zoned or used for a residential use. If the adjoining property is zoned or used for residential use or the tower is located within a residential zoning district, the setback shall not be less than the height of the support structure.
 3. The antenna support structure shall not be illuminated or display strobe lights unless specifically required by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or other governmental agency.
 4. No signs or advertising shall be placed upon an antenna support structure or associated equipment buildings or cabinets.
 5. All new or replacement towers shall be a monopole design.
 - a. Wireless Telecommunication Service Facilities located within the I-1, I-2, and I-3 zoning districts may have external, hugging or slick-mounted antenna arrays.
 - b. Wireless Telecommunications Service Facilities located in all other zoning districts must at a minimum have internal antenna arrays. In addition, facilities shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatments.
 - c. Where feasible, the applicant shall utilize existing structures to house antenna arrays. Such arrays shall be designed to be camouflaged by architectural treatments in keeping with the existing structure.
 - d. For building mounted facilities that do not utilize camouflaging, the antenna arrays may not extend above the roof line or parapet of an existing structure, and may not be installed unless the roof design allows them to be shielded from public view. Whip antennas and omni-directional antennas may extend up to fifteen (15) feet above the roof line or parapet of an existing structure.
 6. All utility or equipment buildings and cabinets accessory to the antenna support structure shall be architecturally designed to blend into the surrounding area. This shall be accomplished through

the use of the same exterior materials as the surroundings structures for the equipment building. These requirements shall apply unless the building or cabinet is completely screened by a wall or fence.

7. Wireless Telecommunications Service Facilities shall provide vehicular access to the tower and antennas along any existing driveways whenever feasible.
8. A landscaping and screening plan for the Wireless Telecommunication Service Facility shall be submitted with the application.
 - a. An opaque fence or masonry wall shall completely screen and enclose the facility.
 - b. A landscaping screen, consisting of more than seventy-five percent (75%) evergreen material, shall be planted outside the fence or wall. For hedges, the plants shall be a maximum of five (5) feet on center. For evergreen trees, plants shall be a maximum of ten (10) feet on center. All plants needed to provide a solid screen shall be a minimum of five (5) feet in height at the time of planting.
 - c. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible on the entire site. Credit will be give for any existing trees saved as stated in this Ordinance Article 12.
9. All Wireless Telecommunication Service Facilities that utilize a freestanding tower shall be designed structurally, electrically, and in all other respects to accommodate the user's equipment and the equipment of at least two additional service providers.
10. A qualified and licensed engineer must approve the design of the antenna support structure and certify that it is constructed to comply with the co-location requirements set out above.
11. A notarized letter of intent shall be included with the application committing the antenna support structure-owner or lessee on behalf of themselves and their successors in interest that the antenna support structure shall be shared with additional users if the additional user(s) agrees to meet reasonable terms and conditions of shared use.
12. No transmissions from a Wireless Telecommunication Service Facility shall interfere with any existing public safety communications.
13. The site of the facilities shall be maintained in a condition free of debris, refuse, and trash.

Section 4. Limitations on Zoning Authority

- A. The Board of Zoning Appeals or any other reviewing body shall not consider any evidence or base a denial of the location of a Wireless Telecommunication Service Facility on any evidence concerning adverse environmental or health effects of radio frequency emissions so long as those emissions meet the standards of the Federal Telecommunication Commission.
- B. Nothing herein shall be construed as a prohibition of the location of Wireless Telecommunication Service Facilities within the planning and zoning jurisdiction of the City of Noblesville, Indiana. Nothing herein shall be construed or applied to unreasonably discriminate between providers of functionally equivalent service, or services that compete one against the other for various Wireless Telecommunication Services.

{PART I. SEXUALLY ORIENTED BUSINESS USES

Section 1. Classifications

1. Sexually Oriented Business Uses are permitted in the General Business and Planned Business zoning classifications as per the Official Schedule of Uses and all other adopted regulations.

Section 2. Location Restrictions

For purposes of this section, separation distances are measured in a straight line, without regard to intervening structures, from the protected use's property line to the building of the sexually oriented establishment. If the business is located in a multi-tenant building, the straight line shall

extend to the walls of the sexually oriented business's premises. All sexually oriented businesses are subject to the following location restrictions:

1. No sexually oriented business shall be permitted in a residential zoning district or within 1,000 feet of a residential zoning district.
2. No more than one (1) sexually oriented business shall be located within a single building and no sexually oriented business shall be located within 1,000 feet of another sexually oriented business.
3. No sexually oriented business shall be permitted to be located within 1,000 feet from any of these pre-existing protected uses: religious institutions, schools (K-12), parks and playgrounds, libraries, museums, childcare centers, and community gateways as measured from the right-of-way line.
4. No sexually oriented business shall be permitted to be located within 1,000 feet from any property owned by these protected uses at the adoption of this Ordinance: religious institutions, schools (K-12), parks and playgrounds, libraries, museums, childcare centers, and community gateways { State Road 32/State Road 37; Interstate 69/Campus Parkway; Hazel Dell Road/146th Street; Allisonville Road/146th Street; Gray Road/146th Street; Gray Road and Moontown Road/State Road 32; State Road 37/186th Street; State Road 19/206th Street and Hague Road/Carrigan Road)} measured from the right-of-way line. **ORD. 13-3-09**
5. No sexually oriented business shall be located in the Village Center or Downtown zoning districts.
6. {Refer to Appendix L – Map of Potential Sites for Sexually Oriented Businesses.} **ORD. #13-3-08**

Section 3. Exterior Portions of the Sexually Oriented Business

The purpose of this section is to carry out the public policy of banning the public display of sexually explicit images and messages and establishing that the business be aesthetically consistent with its adjacent properties to minimize the impact on surrounding property values.

1. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner. All sexually-oriented businesses are also subject to sign regulations as per Article 11 in addition to the following conditions:
 - a. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size, and color. The background behind such lettering on a display surface of a primary sign shall be of a uniform and solid color.
2. Signage may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (i.e. spot or floodlights), or any flashing or animated lights (either interior to the sign, exterior of the sign, or as a border to the sign).
3. Painting of the exterior with any design that would simulate a sign or advertising message is prohibited.
4. The exterior appearance of the establishment shall be consistent with the structures from the abutting properties to conform to the character of the area, which shall include but is not limited to materials and architectural style.
 - a. The exterior portions of the establishment shall not be painted any color other than a single achromatic color unless the following conditions are met:
 - i. The establishment is part of a commercial multi-tenant center; and
 - ii. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way to be a component of the overall architectural style or pattern of the commercial multi-unit center.

5. The merchandise or activities of the establishment are prohibited from being displayed publicly.
6. All off-street parking areas and structure entryways of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system, which provides an average maintained horizontal illumination of one (1.0) foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premise.

A. Bulk Requirements

All sexually oriented businesses shall comply with the bulk requirements of the appropriate zone classification as per the established districts set forth in Article 8 Zoning Districts.

Section 4. Classification Specific Regulations

A. Mainstream Media Outlets

These are mainstream *media shops*, video stores, bookstores, and newsstands in which adult media constitutes between 10 and 40 percent of the stock in trade or occupies between 10 and 40 percent of the gross public floor area and are subject to the following conditions:

1. Location Restrictions

Mainstream media outlets shall be permitted in all zones that allow other media outlets and shall be subject to the separation conditions of Section {2.} A complete listing of permitted districts is provided in Appendix C, Use Matrix. **ORD. 13-3-08, ORD. #25-7-09.**

2. Design Requirements

Adult media in a shop to which this section is applicable shall be kept in a separate room or section of the shop, which room or section shall:

- a) Not be open to any person under the age of 18;
- b) Be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight feet high or to the ceiling, whichever is less;
- c) Be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children;
- d) Have access controlled by electronic or other means to provide assurance that persons under the age of 18 will easily not gain admission and that the general public will not accidentally enter such room or section and provide continuous video or window surveillance of the room by store personnel; and
- e) Provide signage at the entrance stipulating that persons under 18 are not permitted inside.

B. Sexually-Oriented Retail Establishments

These establishments include *adult media stores* and *sex shops* and are subject to the following conditions:

1. Location Restrictions

Sexually oriented retail establishments shall be limited to intensive commercial zones and shall be subject to the separation requirements of Section {2.} A complete listing

of permitted districts is provided in Appendix C, Use Matrix. **ORD. #13-3-08, ORD. #25-7-09**

C. Sexually-Oriented On-Premise Entertainment

These establishments include *adult motion picture theaters* and *adult cabarets*. The purpose of this section is to prohibit *specified sexual activities* and other public sexual conduct and enforce Indiana Code 35-45-4 while leaving open alternative channels for protected speech.

1. Location Restrictions

Sexually oriented on-premise entertainment establishments shall be limited to zones that allow for *adult motion picture theaters* and *adult cabarets* and shall be subject to the separation requirements of Section {2.} A complete listing of permitted districts is provided in Appendix C, Use Matrix. **ORD. #13-3-08, ORD. #25-7-09**

- a. No sexually oriented on-premise entertainment business shall be permitted to be located within 1000 feet from any of these pre-existing protected uses: religious institutions, schools (K-12), parks and playgrounds, libraries, museums, childcare centers, and community gateways as measured from the right-of-way line.

2. Design Requirements

a. Adult Cabarets

All entertainers are required to perform in an area that meets the following requirements:

- 1) The performance area shall only occur in a room of at least 1,000 square feet.
- 2) The performance area shall be separated from areas where patrons are permitted by a minimum of six (6) feet which shall be separated by a solid barrier or railing of which shall be a minimum of at least three (3) feet from the floor;
- 3) The performance area shall be on a stage or platform, which is at least eighteen (18) inches above the immediate floor level.
- 4) The sexually oriented business establishment shall provide separate dressing room facilities for female and male performers that shall not be occupied or used in any way by anyone other than performers.
- 5) The sexually oriented business establishment shall provide access for performers between the stage and the dressing rooms that is completely separated from the patrons. If such separate access is not physically feasible, the establishment shall provide a minimum four foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers which prevents any physical contact between patrons and performers.

b. Adult Motion Picture Theaters

- 1) The showing of films, motion pictures, video cassettes, slides or similar photographic reproductions may only occur in rooms greater than 600 square feet in size.
- 2) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than two (2.0) foot candle as measured at the floor level. The lighting shall be shown on the required sketch or diagram of the premise.

Section 5. Prohibited Uses

The purpose for restricting the following uses from the Noblesville community is to eliminate the actual or potential direct one-on-one contact between an entertainer (and/or another employee) and a customer where the purpose of the employee is to display their body in order to excite the customer sexually. The prohibition of these uses is intended to promote the health, safety, morals, and general welfare of the citizens of Noblesville by preventing the potentially adverse secondary effects of these businesses that includes, but is not limited to reducing the possibility of prostitution and drug dealing.

1. Lingerie modeling studio
2. Massage studios that do not comply with Title XI, Chapter 113 of the Noblesville City Code of Ordinances;
3. Video-viewing booths or arcades; and
4. Nude model studios.} **ORD. #57-9-04**

{PART J. PUBLIC SERVICE FACILITIES

Section 1. Intent

Public service facilities shall be a permitted use in all zoning districts. These regulations are intended to provide for sensible and reasonable land use standards to allow for the provision of reliable public utility service to all structures in the City of Noblesville. At the same time, there is a need to minimize the adverse, undesirable visual effects of the facilities while still allowing them in locations that do not drive up the cost of the improvements.

Section 2. Development Standards

- A. No structure shall be located within one hundred fifty (150) feet of any structure on another lot.
- B. All structures must meet the minimum setback and/or buffer yard requirements for the zoning district in which it is located.
- C. All outdoor above ground facilities shall be completely surrounded by a masonry wall or fence. Fences may be constructed of wrought iron, vinyl, vinyl coated chain link, or wood. Uncoated chain link is prohibited.
- D. Landscaping shall be provided on all sites.
 1. Those facilities that are surrounded by a fence or wall shall provide evergreen canopy trees at a rate of ten (10) feet on center and a minimum height of six (6) feet at the time of planting around the entire perimeter of the fence.
 2. If the facility is surrounded by a masonry wall, the spacing of the evergreen canopy trees may be increased to a rate of twenty (20) feet on center.
 3. Those facilities that include a building not surrounded by a fence or wall shall comply with the building base landscape requirements set out in Article 12.0.6.
- E. Buildings 200 square feet in size or less shall be finished in brick, masonry, native stone, integral color CMU, horizontal wood lap siding, stucco, EIFS, or split faced block. No metal, unfinished concrete, or vinyl or aluminum siding shall be permitted.
- F. Buildings more than 200 square feet in size shall be required to meet the architectural requirements for non-residential uses contained in Article 4.B.6.
- G. Any facilities that requires a parking area of more than 2 spaces shall be required to meet the parking lot landscape requirements set out in Article 12.0.5.
- H. No outdoor storage shall be permitted unless on a lot zoned I-1 or I-2 and the outdoor storage area must comply with the requirements for those zoning districts.

- I. All lighting shall comply with the standards of Article 13.0.2. In those instances where stronger lights are needed for emergency work, lights shall be on a switch, and lights shall be directed downward, and away from adjoining property and roadways.

Section 3. Procedure

All Public Service Facilities shall meet the requirements contained in this part. If all regulations are met, such permits shall be administratively approved. If any regulation will not be met, the applicant shall submit a request for variance.} **ORD. #23-6-10**