



# ZIONSVILLE

FOR ALL THE RIGHT REASONS

**ZIONSVILLE TOWN COUNCIL  
MEETING AGENDA  
FOR**

Monday May 2, 2016 at 7:00PM  
Zionsville Town Hall – Beverly Harves Meeting Room  
1100 West Oak Street  
(Note: Meeting preceded by the Council pre-meeting  
at 6:30 p.m. in the Town Hall Conference Center)

1. OPENING
  - A. Call Meeting To Order
  - B. Pledge Of Allegiance
2. APPROVAL OF THE MEMORANDA OF THE APRIL 4, 2016 REGULAR MEETING (COPY POSTED)

Documents: [2016-05-02\\_TC\\_MEETING\\_2016-04-04\\_TC\\_MEETING\\_MEMORANDA.PDF](#)

3. DEPARTMENTAL MONTHLY REPORTS  
Monthly Reports submitted by the Town management staff for Council review and posted on the Town's website ([WWW.ZIONSVILLE-IN.GOV](http://WWW.ZIONSVILLE-IN.GOV)).

4. REQUEST TO SPEAK

5. OLD BUSINESS

- A. Consideration Of A Resolution Regarding The Enlargement Of PERF Enrollment

Documents: [2016-05-02\\_TC\\_MEETING\\_PERF\\_ENLARGEMENT\\_RESOLUTION.PDF](#)

- B. Consideration Of A Request For A Waiver Of Chapter 50 Of The Town Of Zionsville Code Of Ordinances/Drainage Code (DeRossi Property Project)

6. NEW BUSINESS

- A. Consideration Of An Additional Appropriation Resolution (\$250,000.00 LIDS Grant From The IEDC). (PUBLIC HEARING)

Documents: [2016-05-02\\_TC\\_MEETING\\_ADDITIONAL\\_APPROPRIATION\\_MAY.PDF](#)

- B. Consideration Of An Additional Appropriation Resolution (\$186,901.72 For The Creation Of A Planner II Position In The Department Of Planning And Economic Development And A Director Of Communications And Community Relations Position In The Administration Department (PUBLIC HEARING)

Documents: [2016-05-02\\_TC\\_MEETING\\_ADDITIONAL\\_APPROPRIATION\\_PLANNER\\_AND\\_COMM.PDF](#)

- C. Consideration Of An Amendment To The Town Of Zionsville's 2016 Salary Ordinance To:

Documents: [2016-05-02\\_TC\\_MEETING\\_2016\\_SALARY\\_ORDINANCE\\_AMENDMENT.PDF](#)

- I. Change A Position's Title And Rating And Add A Position And Rating To The Department Of Planning And Economic Development; And
- II. Add The Position And Rating To The Administration Department
- D. Consideration Of A Declaratory Resolution Regarding An Amendment To The 334/700 Economic Development Area / Approval Of The Economic Development Plan (EDP) Supplement

Documents: [2016-05-02\\_TC\\_MEETING\\_DECLARATORY\\_RESOLUTION\\_334-700\\_TIF.PDF](#)

- E. Consideration Of A Cash Change Fund Ordinance For The Town Of Zionsville

Documents: [2016-05-02\\_TC\\_MEETING\\_ORDINANCE\\_CASH\\_CHANGE\\_FUND.PDF](#)

- F. Consideration Of An Ordinance To Establish The Position Of Deputy Mayor For The Town Of Zionsville

Documents: [2016-05-02\\_TC\\_MEETING\\_DEPUTY\\_MAYOR\\_POSITION.PDF](#)

- G. Consideration Of A Zoning Ordinance Amendment To Modify Both Text And Graphics Of An Existing Planned Unit Development (PUD) Document (Creekside Corporate Park PUD)

Documents: [2016-05-02\\_TC\\_MEETING\\_2016-16-Z\\_CREEKSIDE\\_CORPORATE\\_PARK\\_CERT\\_AND\\_ORDINANCE.PDF](#)

- H. Consideration Of A Commitment Amendment To Provide For Modification Of Commitments Made In Relation To Ordinance #2009-05 In The Rural General (GB) Business District

Documents: [2016-05-02\\_TC\\_MEETING\\_2016-13-CA\\_CERTIFICATION\\_TO\\_TOWN\\_COUNCIL.PDF](#)

## 7. APPROVAL OF CLAIMS

## 8. ADJOURN

- A. The Next Regular Town Council Meeting Is Scheduled For Monday June 6, 2016 @ 7:00 PM





**ZIONSVILLE TOWN COUNCIL  
MEETING MEMORANDA  
FOR**

Monday, April 4, 2016 at 7:00 PM

Zionsville Town Hall – Beverly Harves Meeting Room  
1100 West Oak Street

(Note: Meeting preceded by the Council pre-meeting  
at 6:30 p.m. in the Town Hall Conference Center)

**Date of Preparation:** April 5, 2016

**Members Present:** Elizabeth Hopper, Jeff Papa, Kevin Spees, Bryan Traylor, Tom Schuler, Josh Garrett

**Not Present:** Susana Suarez

**Also Present:** Tim Haak, Mayor; Ed Mitro, Town Manager; Heather Willey, Town Attorney; Adam Steuerwald, Attorney, Barnes & Thornburg; Amy Lacy, Director of Finance and Records and Town Department Management Staff

1. OPENING

- A. Call meeting to order
- B. Pledge of Allegiance

Vice President Hopper called for a moment of silence to honor former Town Councilor Art Harris and to recognize his nine years of service on the Zionsville Town Council. Mr. Harris passed away in March.

2. APPROVAL OF THE MEMORANDA OF THE JANUARY 4, 2016 AND MARCH 7, 2016 REGULAR MEETINGS (COPIES POSTED).

**COUNCIL ACTION:** Councilor Garrett moved to approve the Memoranda of the January 4, 2016 and the March 7, 2016 Town Council Meetings. Councilor Spees seconded the motion.

The Memoranda of the January 4, 2016 and March 7, 2016 meetings were approved by a vote of six in favor, zero opposed.

3. DEPARTMENTAL MONTHLY REPORTS

Monthly Reports submitted by the Town management staff for Council review and posted on the Town's website ([www.zionsville-in.gov](http://www.zionsville-in.gov)).

4. REQUEST TO SPEAK - None

5. OLD BUSINESS - None

6. NEW BUSINESS

- A. Consideration of a Resolution confirming establishment of an Economic Revitalization Area and Tax Abatement award for Universal Transparent Bag Co., Inc., d/b/a Hurst Beans. **(PUBLIC HEARING)**  
**(RESOLUTION # 2016-07)**

Town Manager Ed Mitro briefly reviewed the Declaratory Resolution and the Confirmatory Resolution process pertaining to the tax abatement under consideration and referred any further questions to Attorney Adam Steuerwald, Barnes & Thornburg.

With Proof of Publication for a Public Hearing, Vice President Hopper opened the Public Hearing for comment. With no public comment, Vice President Hopper closed the Public Hearing and called for discussion or a motion on Resolution #2016-07.

**COUNCIL ACTION:** Councilor Traylor moved to approve Resolution #2016-07 and Councilor Garrett seconded the motion. Resolution #2016-07 was approved by a vote of six in favor, zero opposed.

B. Consideration of a Resolution regarding the enlargement of PERF enrollment.

At the request of the Town Manager, the consideration of this resolution was continued to the May 2, 2016 Town Council Meeting.

C. Consideration of a request for a waiver of Chapter 50 of the Town of Zionsville Code of Ordinances/Drainage Code (DeRossi property project).

Town Manager Ed Mitro read into the record an email from the project's attorney, Matt Price, requesting a continuance of this waiver request. The consideration of the waiver request was continued to the May 2, 2016 Town Council meeting.

D. Consideration of an Ordinance Amending the Town of Zionsville Zoning Ordinance to permit the use of Light Emitting Diode (LED) lighting elements in addition to current permissible lighting elements within all Town zoning districts.  
**(ORDINANCE #2016-04)**

Town Manager Ed Mitro reviewed Ordinance #2016-04 and stated that this was presented with a unanimous favorable recommendation by the Plan Commission.

**COUNCIL ACTION:** Councilor Spees moved to adopt Ordinance #2016-04 on first reading and Councilor Traylor seconded the motion. The motion passed with a vote of in six favor, zero opposed.

Councilor Garrett moved to suspend the rules and Councilor Traylor seconded the motion. The motion passed with a vote of six in favor, zero opposed.

Councilor Traylor moved to adopt Ordinance #2016-04 on first reading and Councilor Spees seconded the motion.

Ordinance #2016-04 was adopted by a vote of six in favor, zero opposed.

E. Consideration of an appointment to fill a vacancy on the Zionsville Redevelopment Commission.

**COUNCIL ACTION:** Vice President Hopper made a motion to appoint Kent Esra to the position vacated by Katie Culp. Councilor Papa seconded the motion. The appointment of Kent Esra to the Zionsville Redevelopment Commission was approved by a vote of six in favor, zero opposed.

#### 6. APPROVAL OF CLAIMS

**COUNCIL ACTION:** Councilor Garrett moved to approve the claims as presented and Councilor Traylor seconded the motion. Claims were approved by a vote of in favor, zero opposed.

#### 8. ADJOURN

The next regular Town Council meeting is scheduled for Monday May 2, 2016 @ 7:00 PM.

Respectfully submitted,

Amelia Anne Lacy, Director Finance and Records

**RESOLUTION ELECTING TO JOIN THE PUBLIC EMPLOYEES' RETIREMENT  
FUND AS ADMINISTERED BY THE  
INDIANA PUBLIC RETIREMENT SYSTEM**

WHEREAS, the Zionsville Town Council is the governing body of the Town of Zionsville, a political subdivision or miscellaneous participating entity in the STATE OF INDIANA; and

WHEREAS, for the purposes of this document and interpretation of statutes governing the Public Employees Retirement Fund ("PERF"), "Plan" refers to the public employees' defined contribution plan under IC 5-10.3-12 ("ASA Only"). "Fund" refers to the PERF Hybrid defined benefit pension fund ("PERF Hybrid").

WHEREAS, political subdivisions may participate in ASA Only and choose whether employees are required to become members of the **Plan**, the **Fund** or may choose membership in either the **Plan** or the **Fund**.

WHEREAS, The governing body is fully cognizant that, if it is resolved that the governing body will place any employees in the **Fund**, the percentage of cost of gross annual payroll of covered employees has been set at \_\_\_% [*to be filled in by INPRS*] by the actuary of the Fund, and that the Board of Trustees of the Indiana Public Retirement System directs the actuary to annually review the status of the employees covered and shall adjust the cost percentage accordingly so that the Fund will remain on an actuarially sound basis; and

WHEREAS, The governing body is fully cognizant that, if it is resolved that the governing body will require employees to enter the **Plan** or offer employees a choice between **Fund** and **Plan** membership, the governing body shall submit a resolution with the following information regarding their participation in the **Plan**:

1. Specify the political subdivision's contribution rate to the plan as a percentage of each member's compensation AND pay such contributions as required under IC 5-10.3-12-23; and IC 5-10.3-12-24.5. Such rates must be greater than or equal to zero percent (0%) and may not exceed the percentage that would produce the normal cost for participation in the fund under IC 5-10.2-2-11.
2. Specify the political subdivision's matching rate that is the percentage of each member's additional contributions to the plan that the political subdivision will match. A political subdivision may specify only:
  - (1) zero percent (0%); or
  - (2) fifty percent (50%).
3. Specify whether the political subdivision will pay any part of a member's contribution on behalf of the member;
4. Specify whether employees will automatically be enrolled in the **Fund** or the **Plan** if an eligible employee does not make an affirmative election.

WHEREAS, if such governing body participates in **Fund**, such governing body acknowledges its liability and that, pursuant to law, it and its successors in office, must appropriate sufficient funds each year to retire the employees' prior service liability in an orderly manner and also fund the current cost accruing annually.

WHEREAS, if such governing body participates in **Plan**, such governing body acknowledges its liability and that, pursuant to law, it and its successors in office, must appropriate sufficient funds each year to meet all contribution obligations required by law.

WHEREAS, such governing body acknowledges and agrees to make a supplemental contribution to the fund in an amount necessary to pay the employer's share of the fund's actuarial unfunded liability that other employers would otherwise be required to pay because the employer's employees are becoming members of the plan instead of the fund.

WHEREAS, such governing body acknowledges and agrees, when an employee separates from service before the member is fully vested in the employer contribution subaccount, the amount in the employer contribution subaccount is forfeited as of the date the member separates from service and that such forfeited amounts shall be used to reduce the unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4). Employers without an unfunded liability, such as employers joining PERF for the first time and offering only Plan membership, such forfeited amounts will be returned to the employer in the form of a credit to the employer contribution subaccount.

WHEREAS, the General Assembly of the State of Indiana has authorized covered employers to pick-up all or part of members' mandatory contributions.

**NOW THEREFORE, BE IT ORDAINED** by the governing body of the  
Town of Zionsville in the State of Indiana:

**SECTION ONE:** The Town of Zionsville elects to become a participating political subdivision or miscellaneous participating entity in the Public Employees' Retirement Fund by including classes of employees as stated below in the coverage under Chapter 340 of the Acts of 1945, and all Acts amendatory thereof and supplemental thereto.

**SECTION TWO:** The Town of Zionsville elects to offer the following retirement plan(s) under the Public Employees' Retirement Fund:

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

PERF Hybrid

ASA Only

Both PERF Hybrid and ASA Only to all employees, allowing the employee to choose in which retirement plan the employee will participate, as permitted by law.

ASA Only, in addition to PERF Hybrid, for which this governing body has already submitted a resolution to join PERF Hybrid.

PERF Hybrid only to certain classes of employees and ASA Only to certain classes of employees as set forth in an attached document.

Both PERF Hybrid and ASA Only to certain classes of employees, as set forth in an attached document, allowing those employees to chose in which retirement plan the employee will participate, as permitted by law.

**SECTION THREE:** If an employee is eligible to choose membership in either the Fund or the Plan, and that employee fails to make an election within the period set forth in IC 5-10.3-12-20 and 35 IAC 1.3-4-1, said employee will be automatically and irrevocably enrolled in the following plan:

PERF Hybrid

ASA Only

**SECTION FOUR:** That, effective as of the 1st day of July, 2016, this participating political subdivision or miscellaneous participating entity shall pick up **all or** 11.2 % of the mandatory contribution for **all or** \_\_\_\_\_ **(complete information about affected group; e.g. administrative assistants and IT personnel)** employees who are members of PERF. Said employees shall not be entitled to choose to receive the contributed amounts directly instead of having them paid by the employer to the specified pension fund.

**CHOOSE EITHER 4A OR 4B**

**4A. New Money Pick-Up** - That the above contributions, even though designated as employee contributions for state law purposes, are being paid by the employer in addition to regular compensation as a supplemental contribution that is separate and distinct from the employees' current or future compensation, and in lieu of contributions by the employees. Such contributions will not be included in the gross income of the employees for any tax reporting purposes, such as for federal, state or local income tax withholding, or FICA taxes, until distributed either through a pension benefit or a lump sum payment. These contributions are made on a pre-tax basis and are paid by the employer on behalf of the employee.

**4B. Salary Reduction Pick-Up** - That said contributions, even though designated as employee contributions for state law purposes, are being paid by the employer via a reduction in salary. Such contributions will not be included in the gross income of the employees for certain tax reporting purposes, that is, for federal, state, or local income tax withholding, until distributed either through a pension benefit or a lump sum payment. Such contributions will be

included in the gross income of the employees for FICA taxes when they are made. These contributions are made on a pre-tax basis but are paid by the employee through a payroll deduction.

**SECTION FIVE:** The \_\_\_\_\_, as a participating political subdivision, offering the Plan, agrees to pay a contribution rate to the Plan as a percentage of each member's compensation in the amount of \_\_\_\_%. This amount may range from 0% to the percentage that would produce the normal cost for participation in the fund under IC 5-10.2-2-11.

**SECTION SIX:** The \_\_\_\_\_, as a participating political subdivision, offering the Plan, agrees to pay a matching rate in the amount of:

Fifty Percent (50%)

Zero Percent (0%)

which is the percentage of each member's additional voluntary contributions to the Plan that governing body will match.

**SECTION SEVEN:** The positions listed on an attached document are declared covered by the **Fund**, the **Plan**, or **Both** as indicated in the attached document.

**SECTION EIGHT:** It is hereby declared that none of the classifications or positions specified in Section Three are compensated on a fee basis or of an emergency nature, or in a part-time category.

**SECTION NINE:** The active participation membership of the The Town of Zionsville  
\_\_\_\_\_  
(Name of Political Sub) shall begin on  
July 1, 2016.

**SECTION TEN:** This resolution shall be in full force and effect from date of passage and upon approval of the Board of Trustees of the Indiana Public Retirement System, except that active participating membership shall begin on the date set forth in Section Nine (9).

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
 BOONE COUNTY, INDIANA**

	YAY <small>Signature</small>	NAY <small>Signature</small>
Susana Suarez, President		
Elizabeth Hopper, Vice President		
Kevin Spees, Member		
Bryan Traylor, Member		
Thomas Schuler, Member		
Jeff Papa, Member		
Josh Garrett, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Timothy R. Haak on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_ Amelia Anne Lacy, Director,  
 Department of Finance and Records

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Timothy R. Haak, Mayor**

\_\_\_\_\_  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Timothy R. Haak, Mayor**

\_\_\_\_\_  
**DATE**



**RESOLUTION NO. 2016-\_\_\_\_\_**  
**OF THE TOWN OF ZIONSVILLE**

**A RESOLUTION REGARDING**  
**THE APPROPRIATION OF**  
**ADDITIONAL FUNDS**

Whereas, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual Town of Zionsville budget.

Now, therefore, be it resolved by the Zionsville Town Council of the Town of Zionsville, Boone County, Indiana that for the expenses of the Town of Zionsville, the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

<u>Fund Name</u>	<u>Budget Classification</u>	<u>Amount</u>	<u>Amount Approved by Fiscal Body</u>
TIF District Fund (Fund #490)	LIDS IEDC Grant (Line item #490004384)	\$250,000.00	\$250,000.00
<b><u>Total TIF District Fund</u></b>		<b><u>\$250,000.00</u></b>	<b><u>\$250,000.00</u></b>

**Total Amount Appropriated - \$250,000.00**

Funds noted above are available for additional appropriation via a January 2016 balance in the TIF District Fund of \$767,676.75

The purpose of the additional appropriation is to place the \$250,000.00 which was received from the IEDC for the LIDS project in its appropriate line item. The money was receipted into the TIF District Fund, but was not appropriated to the specific LIDS IEDC Grant line item.

**DULY PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2016,  
by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by  
a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

	<b>YAY</b> Signature	<b>NAY</b> Signature
Susana Suarez, President		
Elizabeth Hopper, Vice President		
Kevin Spees, Member		
Bryan Traylor, Member		
Thomas Schuler, Member		
Jeff Papa, Member		
Josh Garrett, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Timothy R. Haak on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_ Amelia Anne Lacy, Director,  
Department of Finance and Records

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Timothy R. Haak, Mayor**

\_\_\_\_\_  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Timothy R. Haak, Mayor**

\_\_\_\_\_  
**DATE**

**RESOLUTION NO. 2016-\_\_\_\_\_**  
**OF THE TOWN OF ZIONSVILLE**

**A RESOLUTION REGARDING  
THE APPROPRIATION OF  
ADDITIONAL FUNDS**

Whereas, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual Town of Zionsville budget.

Now, therefore, be it resolved by the Zionsville Town Council of the Town of Zionsville, Boone County, Indiana that for the expenses of the Town of Zionsville, the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

<u>Fund Name</u>	<u>Budget Classification</u>	<u>Amount</u>	<u>Amount Approved by Fiscal Body</u>
General Fund (Fund #101)	Planner II (Line item #101001131)	\$59,837.10	\$59,837.10
	Director of Communications And Community Relations (Line item #101001124)	\$64,400.00	\$64,400.00
	Admin. FICA/Medicare (Line item #101001120)	\$ 9,504.14	\$ 9,504.14
	Admin. PERF (Line item #101001121)	\$17,641.68	\$17,641.68
	Admin. Health Insurance (Line item #101001122)	\$35,518.80	\$35,518.80
<b><u>Total General Fund</u></b>		<b><u>\$186,901.72</u></b>	<b><u>\$186,901.72</u></b>

**Total Amount Appropriated - \$186,901.72**

Funds noted above are available for additional appropriation via a February 2016 balance in the General Fund of \$511,215.91

The purpose of these additional appropriations is to fund two new positions for the Town of Zionsville: 1. Planner II; and, Director of Communications and Community Relations.

**DULY PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2016,  
by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by  
a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

	<b>YAY</b> Signature	<b>NAY</b> Signature
Susana Suarez, President		
Elizabeth Hopper, Vice President		
Kevin Spees, Member		
Bryan Traylor, Member		
Thomas Schuler, Member		
Jeff Papa, Member		
Josh Garrett, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor  
Timothy R. Haak on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_ Amelia Anne Lacy, Director,  
Department of Finance and Records

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Timothy R. Haak, Mayor**

\_\_\_\_\_  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Timothy R. Haak, Mayor**

\_\_\_\_\_  
**DATE**

**ORDINANCE NO. 2016-\_\_\_\_\_**  
**OF THE TOWN OF ZIONSVILLE, INDIANA**

**AN ORDINANCE AMENDING THE SALARY ORDINANCE**  
**OF THE TOWN OF ZIONSVILLE, INDIANA**  
**FOR THE CALENDAR YEAR 2016**  
**PURSUANT TO INDIANA CODE §36-5-3-2(b).**

**WHEREAS**, §I.C. 36-5-3-2(b) confers upon the Zionsville Town Council (“Town Council”), the power to provide reasonable compensation for Town of Zionsville (“Town”) employees; and

**WHEREAS**, the Town Council adopted Ordinance No. 2015-18 on October 26, 2015 providing for compensation to be paid to officials and employees of the Town for calendar year 2016; and

**WHEREAS**, the Department of Planning & Economic Development is being reorganized by renaming the current Assistant Planner position as Planner I and creating a new position of Planner II; and

**WHEREAS**, the Department of Administration is creating a new position of Director of Communications and Community Relations; and

**WHEREAS**, the salary ordinance must be amended to reflect the three positions’ titles, ratings and salaries.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Town Council of the Town of Zionsville, Indiana that the following exhibit of Ordinance 2015-18 is hereby amended.

Section 1. Amendment. The 2016 Salary Ordinance, Ordinance No. 2015-18, is hereby amended by deleting “Exhibit A” adopted as a part of Ordinance 2015-18 and replacing it with an amended “Exhibit A” attached as a part of this Ordinance amendment.

Section 2. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 3. Repeal of Conflicting Ordinances. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 4. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of the Ordinance.

Section 5. Duration and Effective Date. The provisions of this Ordinance shall become and remain in full force and effect on December 7, 2015, following the date of its passage and adoption upon its signature by the Town’s executive in the manner prescribed by I.C. §36-5-2-10(a) and until its repeal by ordinance.

Introduced and filed on the 4<sup>th</sup> day of January 2016. A motion to consider of First Reading was sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, pursuant to Indiana Code §36-5-2-9.8.

**DULY PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

**YAY**

**NAY**

	Signature	Signature
Susana Suarez, President		
Elizabeth Hopper, Vice President		
Bryan Traylor		
Jeff Papa		
Thomas Schuler		
Keven Spees		
Josh Garrett		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Timothy R. Haak on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_  
Amelia Anne Lacy, Director,  
Department of Finance and Records

**MAYOR'S APPROVAL**

\_\_\_\_\_  
Timothy R. Haak, Mayor

\_\_\_\_\_  
DATE

**MAYOR'S VETO**

\_\_\_\_\_  
Timothy R. Haak, Mayor

\_\_\_\_\_  
DATE

**EXHIBIT A**

**Town of Zionsville Wage Schedule - 2016  
and Salary Administration Guidelines - October 26, 2015  
as amended May 2, 2016**

DEPARTMENT/POSITION	Rating	pay from GEN'L FUND	pay from SEWER FUND	pay from MVH FUND	pay from PARK FUND	pay from FIRE FUND	BASE SALARY*	<u>Maximum</u> Performance Increase (to base salary)
<b>Administration</b>								
		100%					\$480.00	
		100%					\$240.00	
		100%					\$5,000.00	
		100%					\$10,000.00	
X	mayor	100%					\$120,000.00	
X	director of finance & Rec.	66.8	100%				\$75,498.00	3.15%
	<b>dir. Of Communication</b>	<b>56.9</b>	<b>100%</b>				<b>\$64,400.00</b>	<b>3.00%</b>
	chief deputy director	43.3	100%				<u>\$53,723.00</u>	3.00%
	sewer deputy director	31.9		100%			\$46,682.00	3.00%
	court deputy director	31.9	100%				\$46,682.00	3.00%
X	town manager	86.5	100%				\$92,197.00	3.15%
X	Dir. Of Plan. & Ec. Dev.	69	100%				\$78,380.00	3.15%
	<b>Planner I</b>	<b>41.7</b>	<b>100%</b>				\$53,723.00	3.00%
	<b>Planner II</b>	<b>51.7</b>	<b>100%</b>				<b>\$59,837.10</b>	<b>3.00%</b>
X	IT director	61	100%				\$66,856.00	3.15%
	Building Tech. Coordinator	34.7	100%				\$46,867.00	3.00%
	sr. inspector/p.a.	51.9	100%				\$62,723.00	3.00%
	building inspector	50	100%				\$61,073.00	3.00%
	compliance inspector	40.8	100%				\$53,607.00	3.00%
	twm mgr admin assist	40.8	100%				\$53,785.00	3.00%
	plan admin assistant	31.9	100%				\$46,682.00	3.00%
	judge		100%				\$6,000.00	
	prosecutor		100%		per court session		\$220.00	
	maintenance - 30 hrs/wk		100%				\$18,735.00	
	Safety board member		100%				\$360.00	
	Safety board president		100%				\$540.00	
<b>Police</b>								
X	chief of police	77.7	100%				\$84,109.43	3.15%
X	captain - operations	60	100%				\$69,675.00	3.15%
X	captain - admin.	60	100%				\$69,675.00	3.15%
	lieutenant	54.4	100%				\$64,295.81	3.00%
	sergeant	47.9	100%				\$59,121.25	3.00%
	detective/specialist	46.2	100%				\$55,815.54	3.00%
	patrolman II	43.3	100%				\$55,498.46	3.00%
	patrolman I	38.8	100%				\$51,192.22	3.00%
	admin assistant	31.9	100%				\$46,811.71	3.00%
	patrolman pension base						\$56,885.92	
	part time		100%			max per hour	\$11.00	
	police commissioner		100%	(non T.C. member)		per meeting	\$25.00	

**Town of Zionsville Wage Schedule - 2016  
and Salary Administration Guidelines - October 26, 2015**

DEPARTMENT/POSITION	Rating	pay from GEN'L FUND	pay from SEWER FUND	pay from MVH FUND	pay from PARK FUND	pay from FIRE FUND	BASE SALARY*	<u>Maximum</u> Performance Increase (to base salary)
<b>Fire</b>								
X	fire chief	79.6				100%	\$86,624.00	3.15%
X	deputy chief	69.8				100%	\$79,421.00	3.15%
X	division chief	63.1				100%	\$72,933.00	3.15%
	captain	55.2				100%	\$69,382.00	3.00%
	lieutenant	48.5				100%	\$59,844.00	3.00%
	engineer	46.7				100%	\$57,544.00	3.00%
	firefighter II	44.7				100%	\$56,816.00	3.00%
	firefighter I	41				100%	\$53,854.00	3.00%
	part time			max per hour		100%	\$22.00	
	admin assistant	31.9				100%	\$46,562.00	3.00%
	firefighter pension base						\$58,520.00	
	** paramedic					100%	\$4,000.00	
	Engineer-Lieutenant Ride-out Pay			per 12 hour shift		100%	\$8.00	
	FF-Lieutenant Ride-out Pay			per 12 hour shift		100%	\$12.50	
	FF-Engineer Ride-out Pay			per 12 hour shift		100%	\$4.00	
	** Annual stipend is based upon semi-annual performance reviews completed by the Fire Chief or designee.							
	Amounts shall be compensated in arrears one half on July 1, 2016 and one half on December 15, 2016.							
<b>Wastewater</b>								
X	superintendent	73.3		100%			\$73,634.00	3.15%
	chief operator	52.7		100%			\$62,300.00	3.00%
	plant operator II	33.5		100%			\$48,860.00	3.00%
	plant operator I	27.3		100%			\$42,313.00	3.00%
	labor - part time			100%	max per hour		\$12.00	
<b>Street &amp; Stormwater</b>								
X	superintendent	71.5		100%			\$79,338.00	3.15%
X	assistant superintendent	55.6		100%			\$64,884.00	3.00%
	stormwater coordinator	48.3		100%			\$55,355.00	3.00%
	team leader	38.3	8%	92%			\$51,521.00	3.00%
	street technician II	31.3	8%	92%			\$45,948.00	3.00%
	street technician I	25.8	8%	92%			\$41,575.00	3.00%
	labor - part time			100%	max per hour		\$11.00	
	admin assistant	31.9		100%			\$45,920.00	3.00%
<b>Parks &amp; Recreation</b>								
	park board member				100%		\$480.00	
X	superintendent	65.2			100%		\$71,985.12	3.15%
X	ass't. superintendent	45			100%		\$55,100.64	3.00%
	park technician II	27.1			100%		\$43,418.88	3.00%
	park technician I	21.7			100%		\$38,255.04	3.00%
X	naturalist	39			100%		\$48,663.60	3.00%
	labor - part time			max per hour	100%		\$12.00	

\*Salary for time worked in calendar year 2016.

X = exempt status per FLSA

See "Zionsville Salary Administration" for guidelines to be used for administering salary increases for 2016 - attached.

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
INDIANA APPROVING CERTAIN MATTERS IN CONNECTION WITH THE  
ZIONSVILLE 334/700 ECONOMIC DEVELOPMENT AREA**

WHEREAS, the Zionsville Redevelopment Commission (the “Redevelopment Commission”), as the governing body for the Zionsville Redevelopment Department, pursuant to Indiana Code 36-7-14, as amended (the “Act), adopted a Resolution on April 8, 2016 (the “Amending Resolution”), which made certain amendments to the previously declared Zionsville 334/700 Economic Development Area (the “Economic Development Area”) and the Economic Development Plan (the “Plan”) for the Economic Development Area (such Plan amendments, the “Plan Supplement”); and

WHEREAS, the Zionsville Plan Commission, on April 18, 2016, approved and adopted a resolution (the “Plan Commission Order”) determining that the Amending Resolution and Plan Supplement conform to the plan of development for the Town of Zionsville, Indiana (the “Town”) and approving the Amending Resolution and the Plan Supplement; and

WHEREAS, pursuant to Sections 16(b) of the Act, the Redevelopment Commission has submitted the Amending Resolution and the Plan Supplement to the Town Council of the Town (the “Town Council”)

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Zionsville, Indiana, as follows:

1. Pursuant to Section 16(b) of the Act, the Town Council of the Town determines that the Amending Resolution and the Plan Supplement conform to the plan of development for the Town, and approves the Amending Resolution, the Plan Supplement, and the Plan Commission Order.
2. This Resolution shall be in full force and effect from and after its passage by the Town Council and upon compliance with the procedures required by law.

**DULY PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

	YAY Signature	NAY Signature
Susana Suarez, President		
Elizabeth Hopper, Vice-President		
Josh Garrett, Member		
Jeff Papa, Member		
Thomas Schuler, Member		
Kevin Spees, Member		
Bryan Traylor, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Timothy R. Haak on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_ Amelia Anne Lacy, Director, Department of Finance and Records

**MAYOR'S APPROVAL**

\_\_\_\_\_  
Timothy R. Haak, Mayor

\_\_\_\_\_  
DATE

**MAYOR'S VETO**

\_\_\_\_\_  
Timothy R. Haak, Mayor

\_\_\_\_\_  
DATE

RESOLUTION NO. 2016-02

**RESOLUTION OF THE ZIONSVILLE REDEVELOPMENT COMMISSION  
AMENDING THE DECLARATORY RESOLUTION AND THE  
DEVELOPMENT PLAN FOR THE ZIONSVILLE 334/700  
ECONOMIC DEVELOPMENT AREA**

WHEREAS, the Zionsville Redevelopment Commission (the “Commission”) pursuant to IC 36-7-14 (the “Act”) serves as the governing body of the Town of Zionsville Redevelopment District (the “District”); and

WHEREAS, the Whitestown Redevelopment Commission has previously adopted and confirmed resolutions (collectively, the “Original Declaratory Resolution”) which established an economic development area known as the “Whitestown 334/700 Economic Development Area #1” (the “Economic Development Area”), designated the entire Economic Development Area as an allocation area pursuant to Section 39 of the Act (the “Allocation Area”), and approved a development plan for the Economic Development Area (the “Original Plan”) pursuant to the Act; and

WHEREAS, the Commission assumed jurisdiction over the Economic Development Area pursuant to an Interlocal Cooperation Agreement Concerning Annexation between the Town of Whitestown and the Town of Zionsville dated March 12, 2015, and IC 36-7-14-3.7; and

WHEREAS, the Commission has previously adopted and confirmed resolutions amending the Original Declaratory Resolution (the Original Declaratory Resolution, as so amended, the “Declaratory Resolution”) and the Original Plan (i) to terminate and dissolve the entire existing Allocation Area, (ii) to designate the entire Original Economic Development Area as a new allocation area pursuant to Section 39 of the Act to be known as the “2015 334/700 Allocation Area,” (iii) to adopt a supplement to the Original Plan (the Original Plan, as so supplemented, the “Plan”), and (iv) to change the name of the Economic Development Area to the “Zionsville 334/700 Economic Development Area”.

WHEREAS, the Commission now desires to amend the Declaratory Resolution and Plan to adopt the “2016 Plan Supplement” to the Plan, attached hereto as Exhibit A (such amendments, collectively, the “2016 Amendments”); and

WHEREAS, the 2016 Amendments and supporting data were reviewed and considered at this meeting; and

WHEREAS, Sections 41 and 43 of the Act permit the creation of “economic development areas” and provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in a redevelopment area or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, this Commission deems it advisable to apply the provisions of said Sections 41 and 43 of the Act to the 2016 Amendments; and

WHEREAS, the Commission now desires to approve the 2016 Amendments; and

NOW, THEREFORE, BE IT RESOLVED by the Zionsville Redevelopment Commission, governing body of the Town of Zionsville Redevelopment District, as follows:

1. It will be of public utility and benefit to amend the Declaratory Resolution and the Plan for the Economic Development Area as provided in the 2016 Amendments and to continue to develop the Economic Development Area under the Act.
2. The public health and welfare will be benefited by the 2016 Amendments.
3. The Declaratory Resolution and the Plan, as amended by this Resolution and the 2016 Plan Supplement, conform to the comprehensive plan of development for the Town of Zionsville, Indiana (the "Town").
4. The 2016 Amendments are reasonable and appropriate when considered in relation to the Declaratory Resolution and Plan and the purposes of the Act.
5. The findings and determinations set forth in the Declaratory Resolution and the Plan are hereby reaffirmed.
6. The Commission finds that no residents of the Economic Development Area will be displaced by any project resulting from the 2016 Plan Supplement, and therefore finds that it does not need to give consideration to transitional and permanent provision for adequate housing for the residents.
7. The 2016 Amendments are hereby in all respects approved.
8. Any member of the Commission is hereby authorized to take such actions as are necessary to implement the purposes of this resolution, and any such action taken prior to the date hereof is hereby ratified and approved
9. This Resolution, together with any supporting data, shall be submitted to the Zionsville Plan Commission (the "Plan Commission") and the Town Council of the Town (the "Council") as provided in the Act, and if approved by the Plan Commission and the Council, shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

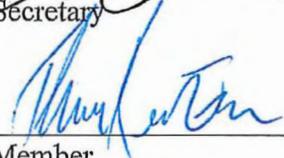
Adopted the 8<sup>th</sup> day of April, 2016.

ZIONSVILLE REDEVELOPMENT  
COMMISSION

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Vice President

  
\_\_\_\_\_  
Secretary

  
\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

**EXHIBIT A**

**2016 Plan Supplement**

The Plan is hereby supplemented by adding the following projects to the Plan:

The design, acquisition, construction, inspection and equipping of public infrastructure projects to support a multi-lot mixed-used development including, but not limited to, retail, entertainment, hotel/hospitality, office, medical office and senior living/assisted care uses. Such public infrastructure projects are expected to include:

- Sanitary sewer lines
- Storm sewer lines and drains
- Domestic water mains, hydrants and valves
- An inter-development roadway system
- Road and street milling and resurfacing
- Public sidewalks and multi-use pathways
- Street trees, lighting and landscaping
- Utility conduits
- Cut/fill site and pond establishment

The estimated cost of these projects is \$3,400,000, which the Commission expects to be paid from tax increment revenues derived from the existing 2015 334/700 Allocation Area or bonds supported by such tax increment revenues.

RESOLUTION NO. 2016-01

**RESOLUTION OF THE ZIONSVILLE PLAN COMMISSION  
APPROVING AMENDMENTS TO THE DECLARATORY RESOLUTION  
AND DEVELOPMENT PLAN FOR THE ZIONSVILLE 334/700 ECONOMIC  
DEVELOPMENT AREA**

WHEREAS, the Zionsville Redevelopment Commission (the "Redevelopment Commission") on April 8, 2016, approved and adopted a Resolution (the "Resolution") approving certain amendments to the declaratory resolution and development plan for the Zionsville 334/700 Economic Development Area (the "Plan Supplement"); and

WHEREAS, the Redevelopment Commission has submitted the Resolution and the Plan Supplement to this Plan Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE ZIONSVILLE PLAN COMMISSION, as follows:

1. The Resolution and the Plan Supplement conform to the plan of development for the Town of Zionsville, Indiana.
2. This Plan Commission hereby approves the Resolution and the Plan Supplement. This resolution hereby constitutes the written order of the Plan Commission approving the Resolution and the Plan Supplement pursuant to I.C. § 36-7-14-16.
3. The Secretary of this Plan Commission is hereby directed to file a copy of the Resolution and the Plan Supplement with the minutes of this meeting.

SO RESOLVED BY THE ZIONSVILLE PLAN COMMISSION this 18<sup>th</sup> day of April, 2016.

ZIONSVILLE PLAN COMMISSION

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

**ORDINANCE NO. 2016-**

**AN ORDINANCE ESTABLISHING A CASH CHANGE FUND**

**WHEREAS**, IC 36-1-8-2 authorizes the Town Council to permit any of its officers or employees having a duty to collect cash revenues to establish a Cash Change Fund;

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Zionsville, Boone County, Indiana:

**Section 1.** Fund established.

- (A) A Cash Change Fund is hereby established for any Town officer or employee having a duty to collect cash revenues. Such a fund must be established by a warrant drawn on the appropriate fund in an amount determined by the Town Council.
- (B) The officer or employee who is charged with the duty of collecting the cash revenues for the amount deemed necessary shall file an accounts payable voucher for approval by the Town Council. Upon approval of the accounts payable voucher, the Director of Finance and Records shall draw a warrant on the Town General Fund without appropriation, if for civil use, or the operating fund of the proper utility, if for utility purposes. The warrant is to be converted to cash and used to make change when collecting cash revenues, and retained by the officer or employee in whose favor the warrant is drawn, who shall be held individually responsible for the custody and safekeeping of such cash.
- (C) The entire Cash Change Fund is to be returned to the fund from which it was advanced when the fund is no longer needed or must be returned at the conclusion of each term served by the officer or employee drawing the same.

**Section 2.** Cash Change Fund Amounts.

Name of Account	Amount	Fund Type	Custodian	Usage
Department of Finance and Records	\$0.00	Cash Change	Director, Department of Finance and Records	Year Round
Wastewater Billing	\$100.00	Cash Change	Deputy Director Wastewater Billing	Year Round
Zionsville Golf Course	\$100.00	Cash Change	Shift Closer	Year Round
Zionsville Nature Center	\$0.00	Cash Change	Naturalist	Year Round
Zionsville Police Department	\$0.00	Cash Change	Administrative Assistant	Year Round
Zionsville Town Court	\$100.00	Cash Change	Deputy Director Town Court	Year Round

**Section 3.** Effective date.

This ordinance shall be in full force and effect from and after its adoption by the Town Council and approval by the Mayor. This ordinance shall supersede and replace any previous ordinance or resolution establishing a cash change fund.

**DULY PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

	<b>YAY</b> Signature	<b>NAY</b> Signature
Susana Suarez, President		
Elizabeth Hopper, Vice President		
Kevin Spees, Member		
Bryan Traylor, Member		
Thomas Schuler, Member		
Jeff Papa, Member		
Josh Garrett, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Timothy R. Haak on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_ Amelia Anne Lacy, Director,  
Department of Finance and Records

**MAYOR'S  
APPROVAL**

\_\_\_\_\_  
**Timothy R. Haak, Mayor**

\_\_\_\_\_  
**DATE**

**MAYOR'S  
VETO**

\_\_\_\_\_  
**Timothy R. Haak, Mayor**

\_\_\_\_\_  
**DATE**

**ORDINANCE NO. 2016-\_\_\_\_\_**  
**OF THE TOWN OF ZIONSVILLE**

**AN ORDINANCE TO ESTABLISH THE POSITION OF DEPUTY MAYOR**

**WHEREAS**, Ordinance No. 2003-16, later amended by Ordinance No. 2012-03, created the position of Town Manager Pursuant to Ind. Code Chapter 36-5-5; and

**WHEREAS**, these Ordinances established that the Town Manager shall be responsible for the administrative functions of Town government and carrying out the will of the Town Council on a day-to-day basis; and

**WHEREAS**, the voters of the Town ratified the reorganization of Zionsville government in November 2014;

**WHEREAS**, such reorganization established the office of Mayor of the Town of Zionsville; and

**WHEREAS**, the reorganization requires changes to the reporting structure of the Town Manager and vests the authority to oversee the Town with the Mayor in lieu of the Town Manager.

Now, therefore, be it ordained by the Zionsville Town Council of the Town of Zionsville, Boone County, Indiana it is hereby ordered as follows:

1. **Creation of Deputy Mayor**. Pursuant to Ind. Code Chapter 36-4-9-7, the Town Council may establish by ordinance the position of Deputy Mayor, who serves as the Town's executive's deputy. Pursuant to statute, the deputy is appointed by and serves at the pleasure of the Mayor.
2. **General Powers of the Deputy Mayor**. The Deputy Mayor shall report directly to the Town's executive and shall work under its policies, budgets and directives. The Deputy Mayor shall be responsible for the administrative functions of the Town government and carrying out the will of the executive on a day-to-day basis. Exercising appropriate discretion and independent judgment, the Deputy Mayor shall assist with the coordination and direction of all Town operations, except the Parks Department. The Deputy Mayor shall assist in the administration and enforcement of ordinances, policies, directives and annual budgets of the Town Council. The Deputy Mayor shall advise the executive in performance of its duties. The Deputy Mayor shall ensure that sufficient staff resources are provided to support the Town Council.
3. **Duties of the Deputy Mayor**. The Deputy Mayor shall fulfill the role of Town Manager as that position was previously defined unless expressly modified by this Ordinance.
4. **Absence of Mayor**. Per the Reorganization of the Town of Zionsville, if the Mayor has advance knowledge that he or she will be unavailable for more than two (2) business days, the Mayor shall inform the Town Council President in writing of the precise period of unavailability, and the Mayor shall designate the Deputy Mayor or a

department head, if the Deputy Mayor is unavailable, to serve as Acting Mayor during that time period.

5. **Performance of Technical Tasks.** The Deputy Mayor shall perform technical tasks, including, but not limited to:
  - a. Evaluating proposals, conducting studies, and gathering information;
  - b. Assisting in document preparation and recording;
  - c. Soliciting bids and executing contracts on behalf of the Town for materials, supplies, and services;
  - d. Preparing Town Council meeting agendas and attending Town Council meetings;
  - e. Attending staff, commissions, and committee meetings as appropriate;
  - f. Keeping the executive and Town Council informed of activities and issues; and
  - g. Investigating citizen complaints or problems and making recommendations to the executive for changes in policies or ordinances.
  
6. **Performance of Managerial Tasks.** The Deputy Mayor shall perform managerial tasks, including but not limited to:
  - a. Setting goals and developing strategies to carry out the policy objectives set by the executive;
  - b. Administering and enforcing all ordinances, orders, and resolutions of the executive and Town Council, to ensure that laws and policies are enforced equally throughout the Town;
  - c. Monitoring the performance of all operating departments;
  - d. Coordinating inter-department communication and action;
  - e. Assisting the executive in developing an annual budget with department managers and monitoring expenses;
  - f. Evaluating Town needs and advising the executive on recommended courses of action;
  - g. Coordinating public service programs;
  - h. Representing the Town to other governmental entities and agencies;
  - i. Representing the Town to the public and managing public relations; and
  - j. Engaging citizen involvement in planning and problem solving, serving as consensus building facilitator.
  
7. **Employment Issues.** The Deputy Mayor shall assist in approving hiring and other personnel decisions for Town employees below the level of Department Manager in accordance with the Town's salary ordinance and any other policies established by the executive. In addition, the Deputy Mayor shall advise the executive on personnel matters concerning Department Managers, including, without limitation, making recommendations to the Town Council on disciplinary and termination issues; provided, however, the Deputy Mayor shall not promote, discipline, hire, suspend, discharge, remove or transfer a Deputy Manager without the prior approval of the executive.
  
8. **Compensation and Performance Bond.** The Town Council shall set the amount of compensation, including benefits, for the Deputy Mayor. The Deputy Mayor shall be required to execute a performance bond for the faithful performance of the Deputy Mayor's duties, as set forth in Ind. Code Chapter 5-4-1 and Ind. Code chapter 36-4-9-7.

9. **Construction of Clause Headings.** The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.
  
10. **Repeal of Conflicting Ordinances.** The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are no further force or effect and are hereby repealed.
  
11. **Severability.** If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.
  
12. **Duration and Effective Date.** The provisions of this Ordinance shall become and remain in full force and effect and until its repeal by ordinance.

**DULY PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2016,  
 by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by  
 a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
 BOONE COUNTY, INDIANA**

	<b>YAY</b> Signature	<b>NAY</b> Signature
Susana Suarez, President		
Elizabeth Hopper, Vice President		
Kevin Spees, Member		
Bryan Traylor, Member		
Thomas Schuler, Member		
Jeff Papa, Member		
Josh Garrett, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Timothy R. Haak on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_ Amelia Anne Lacy, Director,  
Department of Finance and Records

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Timothy R. Haak, Mayor**

\_\_\_\_\_  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Timothy R. Haak, Mayor**

\_\_\_\_\_  
**DATE**



**CERTIFICATION TO THE  
TOWN COUNCIL  
OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

April 18, 2016

To the Town Council of the Town of Zionsville, Indiana:

Be it advised that, pursuant to Indiana Code 36-7-4, on April 18, 2016, the Town of Zionsville Advisory Plan Commission (the “Commission”), by a vote of 7 in favor and 0 opposed, gave a ***Favorable Recommendation*** to proposal 2016-16-Z to amend the Zoning Map (the “Map”) of the Town of Zionsville (Legal Description attached, “Exhibit A”). Proposal 2016-16-Z recommends 75.409 acres of the existing Planned Unit Development (PUD) (commonly known as the Creekside Corporate Park at Zionsville PUD) as described in the Petition, be modified in both text and graphics.

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2016-16-Z to amend the Zoning Map (a copy of which is attached to this Certification and incorporated here by this reference, “Exhibit B”) to the Town Council of Zionsville, Indiana, with a **Favorable Recommendation**.

**TOWN OF ZIONSVILLE  
ADVISORY PLAN COMMISSION**

\_\_\_\_\_  
**David Franz, President**

Attest:

\_\_\_\_\_  
**Wayne DeLong, AICP  
Secretary, Town of Zionsville Advisory Plan Commission**

Exhibit A

A part of the South Half of Section 1 and part of the North Half of Section 12, in Township 17 North, Range 2 East, in Boone County, Indiana, being described as follows:

Commencing at the southeast corner of said Southwest Quarter thence South 85 degrees 49 minutes 12 seconds West along the south line thereof (assumed basis of bearings) a distance of 75.00 feet to the northwest corner of the tract of land conveyed to Public Service of Indiana, Inc. in Book 162, Page 61 (hereafter referred to as "PSI tract") in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 03 minutes 59 seconds West along the west line of said PSI tract 75.52 feet to its intersection with the centerline of Old 106th Street (Line S106-A) per the Location Control Route Survey recorded as Instrument Number 200600001083 in Book 7, Page 32, in said Recorder's Office, being the POINT OF BEGINNING; thence North 00 degrees 03 minutes 59 seconds East along the west line of said PSI tract and the west line of a tract of land described in Deed Book 162, Page 60 in said Recorder's Office a distance of 166.52 feet to the northwest corner of said tract of land described in Deed Book 162, Page 60; thence North 85 degrees 49 minutes 12 seconds East parallel with the south line of said Section 1 and along the north line of said tract of land a distance of 150.00 feet; thence South 00 degrees 03 minutes 59 seconds West parallel with said east line and along the east line of said tract of land a distance of 181.50 feet to the southeast corner of a tract of land described in Deed Book 163, Page 54, being on the centerline of 106th Street; thence South 88 degrees 27 minutes 06 seconds East along said centerline a distance of 212.38 feet to a point which lies 287.10 feet by perpendicular measure east of the west line of the Southeast Quarter of said Section 1; thence North 00 degrees 03 minutes 59 seconds East parallel with said west line a distance of 188.52 feet to the south right-of-way line of relocated 106th Street as described in Instrument #200800002917 in said Recorder's Office, said point being on a non-tangent curve to the right having a radius of 1,255.00 feet, the following seven (7) courses are along said south right-of-way line of said 106th Street; (1) thence northwesterly along said curve a distance of 207.93 feet, said curve being subtended by a chord bearing North 63 degrees 12 minutes 52 seconds West and having a length of 207.69 feet; (2) thence North 67 degrees 16 minutes 51 seconds West a distance of 162.75 feet to a point on a non-tangent curve to the right having a radius of 1,290.00 feet; (3) thence northwesterly along said curve a distance of 53.75 feet, said curve being subtended by a chord bearing North 50 degrees 06 minutes 44 seconds West and having a length of 53.75 feet; (4) thence North 36 degrees 17 minutes 33 seconds West a distance of 212.13 feet; (5) thence North 41 degrees 25 minutes 56 seconds West a distance of 232.93 feet to a point on a non-tangent curve to the left having a radius of 2140.00 feet; (6) thence northwesterly along said curve a distance of 571.06 feet, said curve being subtended by a chord bearing North 49 degrees 04 minutes 32 seconds West and having a length of 569.37 feet; (7) thence North 75 degrees 16 minutes 26 seconds West a distance of 101.13 feet; thence South 67 degrees 15 minutes 46 seconds West a distance of 117.38 feet; thence South 43 degrees 09 minutes 54 seconds West a distance of 401.53 feet; thence South 11 degrees 49 minutes 03 seconds West a distance of 170.64 feet to the northeast right-of-way line of Dahlia Street as described in said Instrument #200800002917, the following seven (7) courses are along the northeast and east right-of-way lines of said Dahlia Street; (1) thence South 42 degrees 18 minutes 24 seconds East a distance of 27.00 feet; (2) thence South 18 degrees 16 minutes 39 seconds East a distance of 148.74 feet; (3) thence South 07 degrees 17 minutes 25 seconds East a distance of 74.13 feet; (4) thence South 02 degrees 52 minutes 35 seconds East a distance of 50.99 feet; (5) thence South 33 degrees 45 minutes 32 seconds West a distance of 105.20 feet to a point on a non-tangent curve to the right having a radius of 240.00 feet; (6) thence southeasterly along said curve a distance of 23.12 feet, said curve being subtended by a chord bearing South 62 degrees 07 minutes 36 seconds East and having a length of 23.11 feet; (7) thence South 32 degrees 22 minutes 19 seconds West along said right-of-way line and the southerly extension thereof a distance of 25.15 feet to the centerline of said Old 106th Street being on

a non-tangent curve to the right having a radius of 200.00 feet, the following eight (8) courses are along said centerline; (1) thence southeasterly along said curve a distance of 34.81 feet, said curve being subtended by chord bearing South 52 degrees 38 minutes 32 seconds East and having a length of 34.77 feet; (2) thence South 47 degrees 39 minutes 22 seconds East a distance of 85.85 feet to a point on a tangent curve to the left having a radius of 450.00 feet; (3) thence southeasterly along said curve a distance of 121.98 feet, said curve being subtended by a chord bearing South 55 degrees 25 minutes 18 seconds East and having a length of 121.61 feet; (4) thence South 63 degrees 11 minutes 14 seconds East a distance of 74.80 feet to a point on a tangent curve to the left having a radius of 550.00 feet; (5) thence southeasterly along said curve a distance of 348.93 feet, said curve being subtended by a chord bearing South 81 degrees 21 minutes 43 seconds East and having a length of 343.10 feet; (6) thence North 80 degrees 27 minutes 49 seconds East a distance of 153.82 feet to a point on a tangent curve to the right having a radius of 900.00 feet; (7) thence easterly along said curve a distance of 174.12 feet, said curve being subtended by a chord bearing North 86 degrees 00 minutes 21 seconds East and having a length of 173.85 feet; (8) thence South 88 degrees 27 minutes 06 seconds East a distance of 292.78 feet to the POINT OF BEGINNING. Containing 24.93 acres, more or less,

AND;

Part of the Northwest, Southwest and Southeast Quarters of Section 1, Township 17 North, Range 2 East, in Boone County, Indiana, being described as follows:

Commencing at the northeast corner of said Southwest Quarter; thence South 00 degrees 03 minutes 59 seconds West (assumed bearing) along the east line thereof a distance of 155.40 feet to the Point of Beginning; thence South 85 degrees 49 minutes 12 seconds West parallel with the south line of said Southwest Quarter a distance of 1506.80 feet; thence North 00 degrees 57 minutes 01 seconds West a distance of 185.71 feet; thence South 74 degrees 43 minutes 55 seconds West a distance of 960.02 feet to a 5/8" rebar with yellow cap stamped "Schneider Firm #0001" on the northeasterly prolongation of the northwesterly line of the tract of land described in Deed Record 247, Page 773 in the Office of the Recorder in Boone County, Indiana; thence South 45 degrees 46 minutes 49 seconds West along said prolongation a distance of 114.37 feet to the northeasterly corner of said tract of land, the following four courses along the westerly right-of-way line of the former T.H.I. & E. Traction Company; (1) thence South 39 degrees 22 minutes 59 seconds East a distance of 314.41 feet; (2) thence South 33 degrees 35 minutes 06 seconds East a distance of 41.85 feet to the northeasterly corner of a tract of land described in Instrument #97-12273 in said Recorder's Office; (3) thence South 31 degrees 36 minutes 35 seconds East a distance of 239.30 feet; (4) thence South 27 degrees 30 minutes 01 seconds East a distance of 134.60 feet to the southeast corner of said tract of land described in Instrument #97-12273; thence South 85 degrees 38 minutes 29 seconds West along the south line of said tract of land a distance of 576.33 feet to the east right-of-way line of Zionsville Road as described in Deed Book 252, Page 62 in said Recorder's Office; thence South 02 degrees 56 minutes 12 seconds West along said line a distance of 13.35 feet to the north right-of-way line of relocated 106th Street as described in Instrument #200800002917 in said Recorder's Office, the following 16 courses are along said north right-of-way line; (1) thence South 78 degrees 03 minutes 54 seconds East a distance of 45.13 feet; (2) thence North 89 degrees 09 minutes 22 seconds East a distance of 200.00 feet; (3) thence South 87 degrees 58 minutes 53 seconds East a distance of 100.12 feet; (4) thence North 89 degrees 09 minutes 22 seconds East a distance of 269.75 feet to a point on a tangent curve to the right having a radius of 2,260.00 feet; (5) thence southeasterly along said curve a distance of 544.71 feet, said curve being subtended by a chord bearing South 83 degrees 56 minutes 21 seconds East and having a length of 543.40 feet; (6) thence South 78 degrees 30 minutes 54 seconds East a distance of 102.95 feet; (7) thence South 70 degrees 20 minutes 41 seconds East a distance of 102.95 feet to a point on a non-tangent curve to the right having a radius of 2,260.00 feet; (8) thence southeasterly along said curve a distance of 390.37 feet, said curve being subtended by a chord bearing South 66 degrees 52 minutes 38 seconds East and having a length of 389.88 feet; (9) thence South 67 degrees

16 minutes 47 seconds East a distance of 124.57 feet; (10) thence South 63 degrees 00 minutes 44 seconds East a distance of 104.11 feet; (11) thence South 38 degrees 19 minutes 38 seconds East a distance of 86.33 feet to a point on an on-tangent curve to the right having a radius of 2,260.00 feet; (12) thence southeasterly along said curve a distance of 500.35 feet, said curve being subtended by a chord bearing South 47 degrees 46 minutes 25 seconds East and having a length of 499.33 feet; (13) thence South 41 degrees 25 minutes 52 seconds East a distance of 182.93 feet; (14) thence South 49 degrees 44 minutes 14 seconds East a distance of 287.41 feet to a point on an on-tangent curve to the left having a radius of 1,115.00 feet; (15) thence southeasterly along said curve a distance of 162.60 feet, said curve being subtended by a chord bearing South 55 degrees 29 minutes 03 seconds East and having a length of 162.46 feet; (16) thence South 55 degrees 09 minutes 32 seconds East a distance of 112.63 feet to the east line of a tract of land described in Deed Book 169, Page 174 in said Recorder's Office, which lies 287.10 feet by perpendicular measure east of the west line of the Southeast Quarter of said Section 1; thence North 00 degrees 03 minutes 59 seconds East parallel with said line a distance of 456.04 feet; thence North 49 degrees 26 minutes 08 seconds West 560.16 feet; thence South 85 degrees 48 minutes 58 seconds West 219.21 feet; thence North 07 degrees 24 minutes 19 seconds West 548.21 feet; thence northerly 51.50 feet along a curve to the left having a radius of 120.00 feet and subtended by a long chord having a bearing of North 19 degrees 41 minutes 56 seconds West and a length of 51.10 feet to the extension of the south line of Area 10 as described in the Restrictive Covenant recorded as Instrument Number 0415520 in the Office of said Recorder; thence North 88 degrees 06 minutes 53 seconds East 41.64 feet along said extension to the southwest corner of said Area 10, the following eight (8) courses are along the west and north lines thereof; (1) thence North 42 degrees 01 minute 29 seconds West a distance of 84.08 feet; (2) thence North 27 degrees 16 minutes 13 seconds West a distance of 62.75 feet; (3) thence North 16 degrees 57 minutes 57 seconds West a distance of 42.05 feet; (4) thence North 17 degrees 52 minutes 13 seconds West a distance of 40.80 feet; (5) thence North 05 degrees 38 minutes 48 seconds West a distance of 176.78 feet; (6) thence North 02 degrees 57 minutes 37 seconds West a distance of 90.45 feet; (7) thence North 85 degrees 47 minutes 49 seconds East a distance of 248.11 feet; (8) thence North 86 degrees 00 minutes 13 seconds East a distance of 290.15 feet to aforesaid east line; thence North 00 degrees 03 minutes 59 seconds East along said east line a distance of 348.35 feet to the Point of Beginning, containing 57.404 acres, more or less, and,

Part of the Southwest and Southeast Quarter of Section 1, Township 17 North, Range 2 East, in Boone County, Indiana, being described as follows:

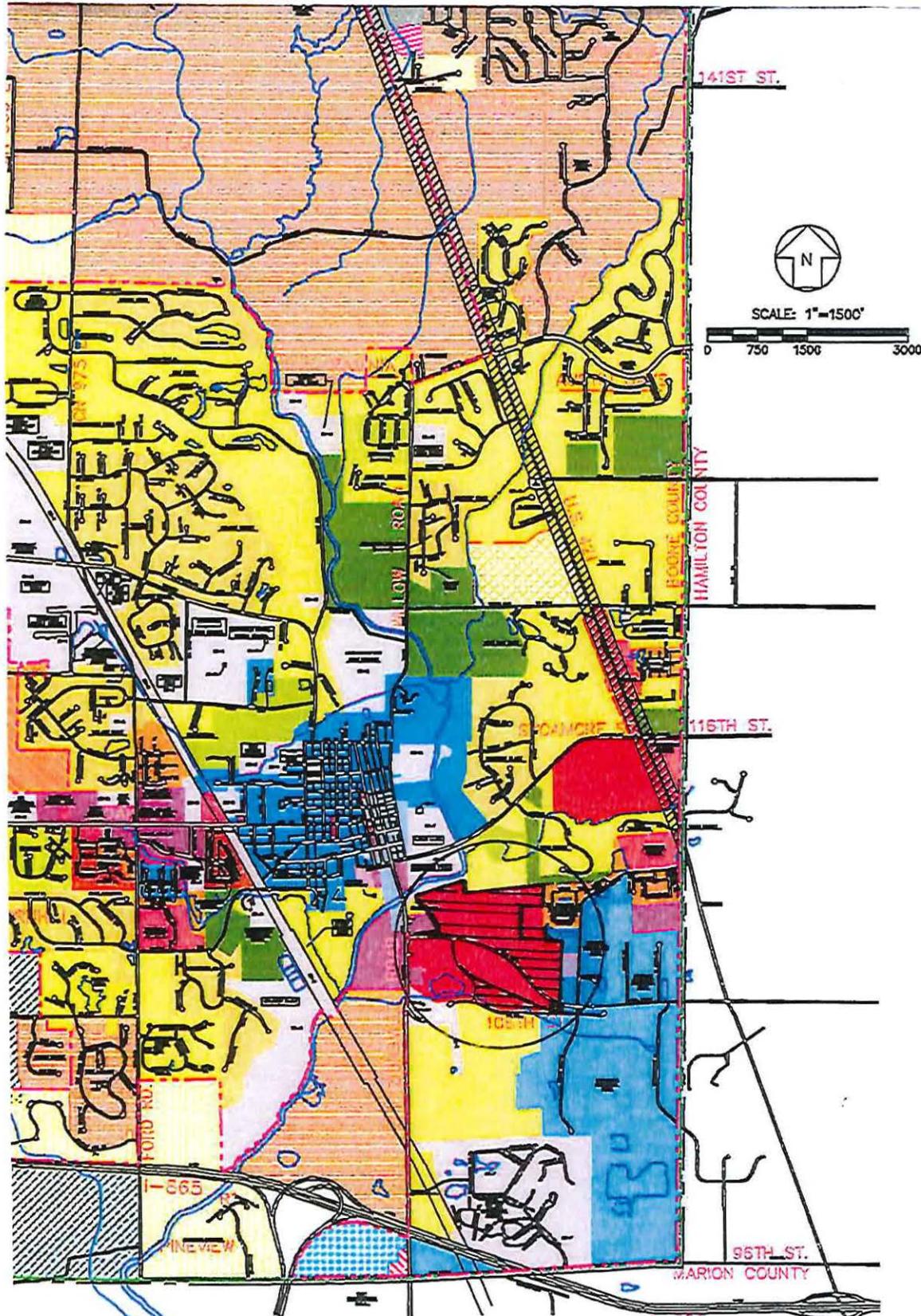
Commencing at the southwest corner of said Southeast Quarter, which is at the calculated midpoint between the southwest and southeast corners of said Section 1; thence North 85 degrees 49 minutes 12 seconds East 287.89 feet along the south line of said Southeast Quarter (assumed basis of bearings) to the east line of the parcel conveyed to The Dow Chemical Company described in Deed Book 169, Page 174 on file in the Office of the Recorder of Boone County, Indiana (hereafter referred to as "Dow Parcel"); thence North 00 degrees 04 minutes 01 seconds East 669.45 feet along said east line to a 5/8-inch diameter rebar with cap stamped "Structurepoint • 0094" (hereafter referred to as "set rebar") at the POINT OF BEGINNING; thence North 49 degrees 26 minutes 08 seconds West 560.16 feet to set rebar; thence South 85 degrees 48 minutes 58 seconds West 219.21 feet to a set rebar; thence North 07 degrees 24 minutes 19 seconds West 548.21 feet to a set rebar; Thence northerly 51.50 feet along curve to the left having a radius of 120.00 feet and subtended by a long chord having a bearing of North 19 degrees 41 minutes 56 seconds West and a length of 51.10 feet to a set rebar on the extension of the south line of Area 10 as described in the Restrictive Covenant recorded as Instrument Number 0415520 in the Office of said Recorder; thence North 88 degrees 06 minutes 53 seconds East 356.58 feet along the south line of said Area 10 and its extension to a set rebar; thence North 89 degrees 43 minutes 24 seconds East 89.66 feet along the south line of said Area 10 to the east line of said Dow Parcel, the following three (3) courses are along the east and north lines of said Dow Parcel; 1) thence South 00 degrees 03 minutes 59 seconds West 323.57 feet 2) thence North 85 degrees 25 minutes 45 seconds East 255.05 feet; 3) thence South 00 degrees 03 minutes 59 seconds West 651.29 feet to the POINT OF BEGINNING. Containing 8.966 acres, more or less, except for;

**EXCEPTION:**

A part of the Northwest Quarter of Section 12 and the Southwest Quarter of Section 1, Township 17 North, Range 2 East, in Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the southwest corner of said Section 1; thence North 86 degrees 48 minutes 15 seconds East (assumed bearing) 2,559.95 feet along the south line of said quarter section to the northeastern line of a 50-foot-wide Electric Pole Line Easement (as described in Deed Book 162, Page 57 recorded in the Office of the Recorder of Boone County, Indiana) and the POINT OF BEGINNING (said point being South 86 degrees 48 minutes 15 seconds West 130.15 feet from the southeast corner of said quarter section); thence South 67 degrees 24 minutes 56 seconds East 59.04 feet along said northeasterly line to the western line of a tract of land conveyed to Public Service Company of Indiana, Inc. (as described in Deed Book 162, Page 60 recorded in said Recorders' Office); thence North 01 degree 01 minute 39 seconds East 117.21 feet along said western line to a 5/8" capped rebar set by The Schneider Corporation per a survey for the Dow Chemical Company (recorded as Instrument Number 200200012230 in said Recorders' Office); thence North 09 degrees 55 minutes 06 seconds East 170.12 feet to a point on a non-tangent curve to the right having a radius of 1,290.00 feet, said point being on the southern boundary of 106th Street (as described in Instrument Number 200800002917 recorded in said Recorders' Office) with the next five (5) courses being along said boundary; (1) thence northwesterly along said curve 53.75 feet, said curve being subtended by a chord bearing North 49 degrees 07 minutes 25 seconds West and having a length of 53.75 feet; (2) thence North 35 degrees 18 minutes 13 seconds West 212.13 feet; (3) thence North 40 degrees 26 minutes 32 seconds West 232.93 feet to a point on a non-tangent curve to the left having a radius of 2,140.00 feet; (4) thence northwesterly along said curve 571.06 feet, said curve being subtended by a chord bearing North 48 degrees 05 minutes 12 seconds West and having a length of 569.36 feet; (5) thence North 74 degrees 17 minutes 06 seconds West 101.13 feet to a northern corner of a 24.93-acre tract of land (as described in Instrument Number 201300006293 recorded in said Recorders' Office) with the next three (3) courses being along the western lines of said 24.93-acre tract; (1) thence South 68 degrees 15 minutes 04 seconds West 117.38 feet; (2) thence South 44 degrees 09 minutes 14 seconds West 401.53 feet; (3) thence South 12 degrees 48 minutes 23 seconds West 170.64 feet to the eastern boundary of Dahlia Street (as described in said Instrument Number 200800002917 recorded in said Recorders' Office) with the next two (2) courses being along said boundary; (1) thence South 41 degrees 18 minutes 56 seconds East 27.00 feet; (2) thence South 17 degrees 17 minutes 19 seconds East 66.66 feet to the northeastern line of said 50-foot-wide Electric Pole Line Easement; thence South 67 degrees 24 minutes 56 seconds East 1,232.92 feet along said northeastern line to the POINT OF BEGINNING and containing 15.891 acres, more or less.

TOTAL ACREAGE: 75.409 acres +/-



SCALE: 1"=1500'



- SEE ORDINANCE FOR SPECIAL RESTRICTIONS
- URBAN/RURAL SERVICE BOUNDARY
- COUNTY BOUNDARY
- TOWNSHIP BOUNDARY
- ZIONSVILLE CORPORATE LIMIT

RECOMMENDED BY THE PLAN COMMISSION, AND APPROVED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, AND AS AMENDED BY ZIONSG DRINKWATER.

- TIM HANIC, PRESIDENT
- ELIZABETH HOPFER
- STEVE MUNDY
- JEFF PAPA
- TOM SCHULLER
- SUEANA SUJANEC
- CANDACE ULMER

**As Amended: December 1, 2014**  
with Corrections to December 4, 2014

All Real property located within the corporate boundaries of the Town of Zionsville and under the jurisdiction of the Plan Commission as set forth in this Ordinance is hereby divided into Districts as shown on the Official Zoning Map which, together with all explanatory matter, is incorporated by reference and declared to be a part of this Ordinance.

Alan Baskin, Plan Commission President  
Wayne DeLong, Plan Commission Secretary  
"This is to certify that this is the Official Zoning Map of the Town of Zionsville, County of Boone, State of Indiana"

08/18/2010



**ZIONSVILLE**  
FOR ALL THE RIGHT REASONS  
TOWN OF ZIONSVILLE, INDIANA  
ZONING MAP

**ORDINANCE NO. 2016-\_\_\_**  
**OF THE**  
**TOWN OF ZIONSVILLE, INDIANA**

**AN ORDINANCE TO AMEND**  
**THE TOWN OF ZIONSVILLE**  
**ZONING ORDINANCE**  
**FORTHE**  
**TOWN OF ZIONSVILLE,**  
**BOONE COUNTY, INDIANA**  
**AND FIXING A TIME WHEN**  
**THE SAME SHALL TAKE**  
**EFFECT**

**Plan Commission Petition No.**  
**2016-16-Z**

**WHEREAS**, I.C. 36-7-4, *et seq.*, empowers the Town of Zionsville Advisory Plan Commission, Boone County, Indiana, to hold public hearings and make recommendations to the Town Council of the Town of Zionsville, Boone County, Indiana, concerning ordinances for the zoning and districting of all lands within the incorporated areas of the Town of Zionsville, Boone County, Indiana: and;

**WHEREAS**, in accordance with I.C. 36-7-4-600 *et seq.*, the Town of Zionsville Advisory Plan Commission, Boone County, Indiana conducted a public hearing on April 18, 2016 to consider a proposal to amend the Town of Zionsville Zoning Ordinance for the Town of Zionsville, Boone County, Indiana, (the "Ordinance"); filed as petition 2016-16-Z; and,

**WHEREAS**, the Town of Zionsville Advisory Plan Commission certified the proposal to amend the Ordinance to the Town Council of the Town of Zionsville, Boone County, Indiana, with a favorable recommendation on April 18, 2016 (Exhibit A); and,

**WHEREAS**, the Town Council of the Town of Zionsville, Boone County, Indiana, considered the Proposal to amend the Ordinance at its regular meeting on April 18, 2016

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA, IN ACCORDANCE WITH I.C. 36 7-4-600 et.seq., AND ALL ACTS AMENDATORY AND SUPPLEMENTAL THERETO, AS FOLLOWS:**

**Section 1.** The Zoning Ordinance for the Town of Zionsville Boone County, Indiana, is amended as follows:

The Official Zone Map of the Town of Zionsville Zoning Ordinance is hereby amended in both text and graphics, its current Planned Unit Development zoning classification to the Planned Unit Development zoning classification for the Property located in the Town of Zionsville, illustrated and listed on Exhibit B to the attached Certification. Such Property shall be subject to the conditions and restrictions adopted and imposed by the Zionsville Plan Commission, if any.

**Section 2. Savings Clause:** If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

**Section 3. Construction of Clause Headings:** The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

**Section 4. Repeal of Conflicting Ordinances:** The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

**Section 5. Severability:** If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

**Section 6. Duration and Effective Date:** The provisions of this Ordinance shall become and remain in full force and effect upon adoption and publication according to Indiana Law and until its repeal by ordinance.

Introduced and filed on the \_\_\_\_\_ day of \_\_\_\_\_, 2016. A motion to consider on First Reading was sustained by a vote of 7 in favor and 0 opposed, pursuant to Indiana Code 36-5-2-9.8.

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2016,  
 by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote  
 of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
 BOONE COUNTY, INDIANA**

	<b>YAY Signature</b>	<b>NAY Signature</b>
Susana Suarez, President		
Elizabeth Hopper, Vice-President		
Jeff Papa, Member		
Thomas Schuler, Member		
Josh Garrett, Member		
Bryan Traylor, Member		
Kevin Spees, Member		

I hereby certify that the foregoing Resolution was delivered to the Town of Zionsville Mayor Tim Haak on the  
 \_\_\_\_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_  
 Amelia Anne Lacy,  
 Director, Department of Finance and Records

**MAYOR'S  
 APPROVAL**

\_\_\_\_\_  
**Tim Haak, Mayor**

\_\_\_\_\_  
**DATE**

**MAYOR'S  
 VETO**

\_\_\_\_\_  
**Tim Haak, Mayor**

\_\_\_\_\_  
**DATE**

# Creekside Corporate Park

## Planned Unit Development

Petition for Zone Map Change  
Currently Zoned: Creekside Corporate Park PUD, 2015-02

**Owner:**

Town of Zionsville for the use and benefit of its  
Department of Redevelopment  
1100 West Oak Street  
Zionsville, IN 46077

# Creekside Corporate Park PUD

## 1.01 Intent

The intent of Creekside Corporate Park is to:

- A. Develop sensitively, providing a transition from the industrial zoning to the east to the village zoning to the west and north west;
- B. Develop responsibly, preserving the terrain and prime natural amenities that exist on the site;
- C. Enhance the gateway into Zionsville via 106th Street;
- D. Set the benchmark for undeveloped or under-developed land along 106th Street;
- E. Not require each developable lot to have its own open space, but instead preserving the ravines for aesthetic and recreation purposes;
- F. Not require each developable lot to have storm water detention basins, but instead utilizing low impact development techniques to meet storm water regulations;
- G. Allow land uses that will complement the region, add high quality jobs, and encourage higher quantity of jobs per square foot of building space;
- H. Allow complementary support businesses that are subordinate to the primary permitted uses; and
- I. Provide a trail network for recreation and pedestrian transportation purposes, allowing employees an expedited route to South Main and the Village.

## 1.02 Applicable Land

See Exhibit A for the boundaries of the Creekside Corporate Park PUD. Exhibit A shows a conceptual location for an internal street and internal curb cuts. The exact design, length and alignment of this route is subject to change upon further engineering study.

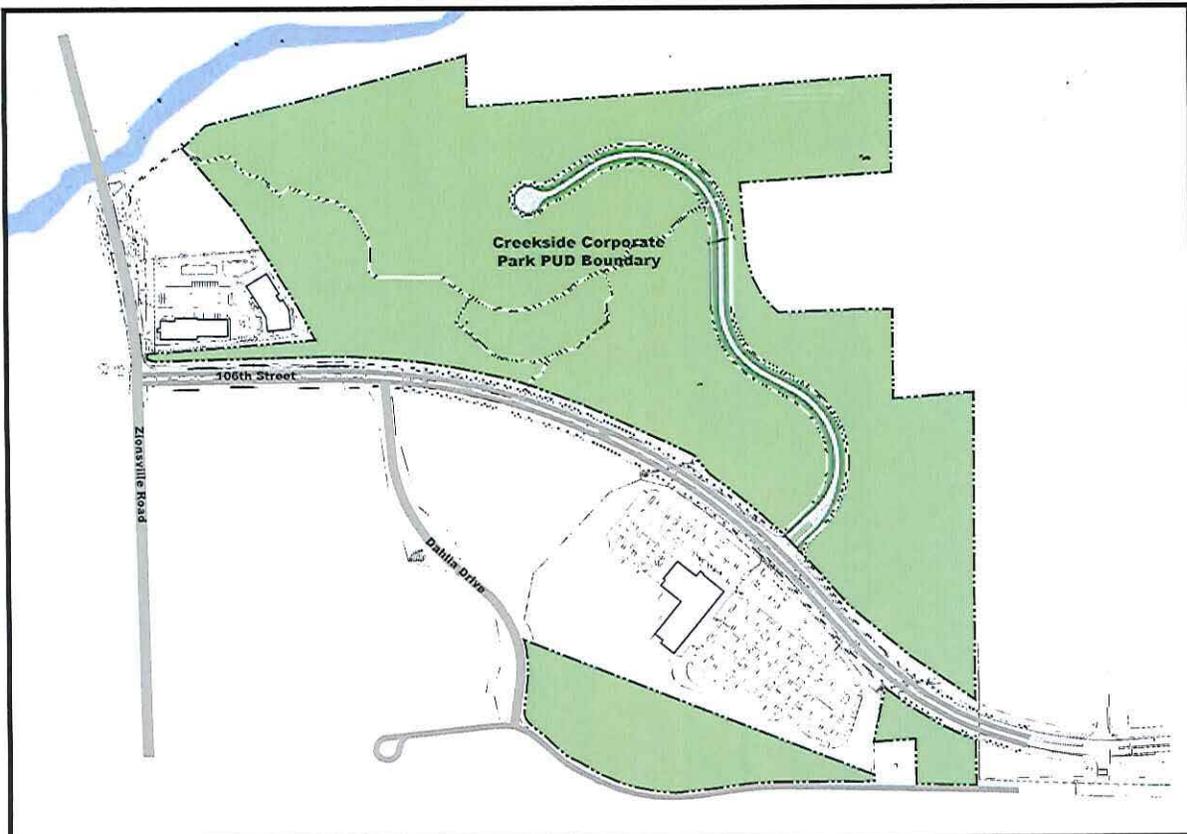


Exhibit A

# Creekside Corporate Park PUD

## 1.03 Subareas of the Creekside Corporate Park PUD

- A. Subarea A: Subarea A is the largest district and represents the land on which the principal uses would be constructed. See Subarea A on Exhibit B.
- B. Subarea B: Subarea B is the smallest district and is isolated from Subarea A by natural areas. Because this subarea fronts a future rail-trail and 106th Street and because of lot size limitations, it is believed to be significantly different than Subarea A. See Subarea B on Exhibit B.
- C. Subarea C: Subarea C is predominantly the ravines and conservation areas being set aside for aesthetic, recreation and storm water confluence purposes. See Subarea C on Exhibit B.
- D. Delineation: The exact delineation between subareas is subject to change upon further engineering and environmental study. Subarea A may increase by up to 10% and subarea B may increase by up to 30%. Both Subareas A and B may be decreased by as much as 55%

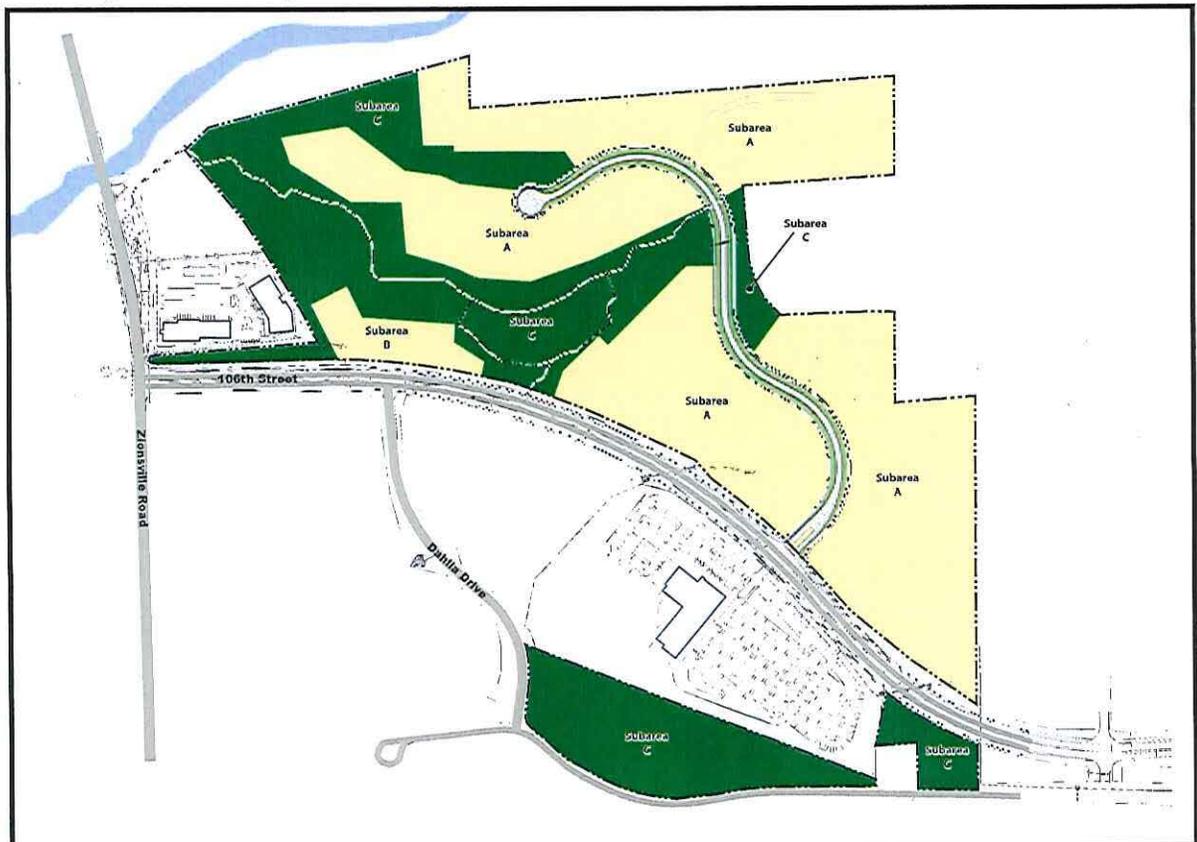


Exhibit B

# Creekside Corporate Park PUD

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## 1.04 Permitted Uses for Subarea A

### A. Permitted Uses for Single-Tenant Building:

1. *Corporate Headquarters*
2. *Regional Headquarters*
3. *Financial Services Office (not retail banking)*
4. *Engineering Firm*
5. *Architecture Firm*
6. *Design and Planning Services*
7. *Law Firm*
8. *Product Research and Development*
9. *Agricultural Science*
10. *Life Science*
11. *Software Development*
12. *Technology Development*
13. *Event Center (not including lots along 106th Street)*

### B. Accessory Uses for a Single-Tenant Building:

1. *Warehouse, if 20% or less of the main floor area and having two (2) or less loading bays*
  2. *Assembly, if 30% or less of the main floor area and having two (2) or less loading bays*
  3. *Light Manufacturing, if 30% or less of the main floor area and having two (2) or less loading bays*
- Any combination of the above listed accessory uses shall not exceed 30% of the main floor area.

### C. Permitted Uses for a Multiple-Tenant Building:

1. *Corporate Headquarters*
2. *Regional Headquarters*
3. *Financial Services Office (not retail banking)*
4. *Engineering Firm*
5. *Architecture Firm*
6. *Medical Office (e.g. physician, dentist, testing, orthodontist, optometrist)*
7. *University Satellite Classrooms*
8. *Business School*
9. *Trade School*
10. *Design and Planning Services*
11. *Insurance Agency*
12. *Real Estate Office*
13. *Service Organization Office*
14. *Law Firm*
15. *Product Research and Development*
16. *Agricultural Science*
17. *Life Science*
18. *Software Development*
19. *Technology Development*
20. *Business Incubator*

### D. Accessory Uses for a Multiple-Tenant Building: Under no circumstances shall all accessory uses in a multiple-tenant building exceed twenty-five percent (25%) of the gross floor area.

1. *Restaurant or Cafe, with or without outdoor dining*
2. *Coffee Shop, with or without outdoor dining*
3. *Child Care Center*
4. *Package Shipping Service (e.g. UPS Store, FedEx Store)*
5. *Dry Cleaning Pick-up and Delivery*
6. *Office Supplies Store*
7. *Health Spa*
8. *Fitness Center*

# Creekside Corporate Park PUD

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## 1.05 Permitted Uses for Subarea B

### A. Permitted Uses for a Single-Tenant or Multiple-Tenant Building:

1. *Corporate Headquarters*
2. *Regional Headquarters*
3. *Restaurant or Cafe*
4. *Bakery*
5. *Coffee Shop*
6. *Ice Cream Shop*
7. *Micro Brewery*
8. *Micro Distillery*
9. *Bike Shop*
10. *Apparel Shop*
11. *Gift Shop*
12. *Wine Shop*
13. *Office Supplies Shop*
14. *Book Shop*
15. *Recreation Center*
16. *Package Shipping Service (e.g. UPS Store, FedEx Store)*
17. *Computer Repair and Service Shop*
18. *Dry Cleaning Pick-up and Delivery*
19. *Child Care Center*
20. *Real Estate Office (upper floors only)*
21. *Insurance Agency (upper floors only)*
22. *Law Firm (upper floors only)*
23. *Design Services (upper floors only)*
24. *Engineering Firm (upper floors only)*
25. *Architecture Firm (upper floors only)*
26. *Financial Services (upper floors only)*
27. *General Office (upper floors only)*

### B. Accessory Uses for a Single-Tenant or Multiple-Tenant Building:

1. *Outdoor Dining*
2. *Farmers Market*

## 1.06 Permitted Uses for Subarea C

### A. Permitted Uses:

1. *Public Park*
2. *Passive Recreation*
3. *Basketball Court*
4. *Fitness Court*
5. *Pedestrian Trails, Bridges, Tunnels*
6. *Nature Center*
7. *Interpretive Center*
8. *Interpretive Stations*
9. *Fitness Stations*
10. *Stormwater Management*
11. *Stormwater Filtration*
12. *Forest Management*

# Creekside Corporate Park PUD

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## 1.07 Interpretation of Land Uses

- A. Uses Not Listed: Any use not listed shall be considered not-permitted. However, uses that are significantly similar and of no greater intensity or impact may be considered a permitted use or accessory use by the Zoning Administrator. For example: a frozen yogurt shop is not specifically permitted in Section 1.04, but Ice Cream Shop is permitted. Therefore, the Zoning Administrator may interpret a yogurt shop as a permitted use because it is significantly similar and of no greater intensity or impact than an ice cream shop.
- B. Ancillary Uses: Uses that are clearly subordinate, customary, and incidental to a permitted use or accessory use shall also be permitted when it is otherwise in full compliance with the Creekside Corporate Park PUD. A good example is a retail store with a parking lot. The parking lot would be an ancillary use.

# Creekside Corporate Park PUD

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## 1.08 Development Standards for Subarea A

- A. Review and Approval Authorization: The development standards listed below shall be subject to Zoning Administrator review and approval in perpetuity.
- B. Variances: Any variance to the below listed development standards shall be considered by the Zionsville Board of Zoning Appeals.
- C. Minimum Lot Width: 50 feet; 30 feet for lots connecting with the Creek Way cul-de-sac. Minimum lot width shall be measured at the Minimum Front Yard Setback.
- D. Minimum Lot Frontage: 50 feet on a Public Street or Private Street; 20 feet for lots connecting with the Creek Way cul-de-sac. Minimum lot width shall be measured at the right-of-way line.
- E. Minimum Front Yard Setbacks: Measured from the right-of-way.
  - 1. *From 106th Street*: 40 feet for buildings, 20 feet for parking lots.
  - 2. *From Internal Public or Private Streets*: 30 feet for buildings, 15 feet for parking lots.
- F. Maximum Building Setback: Measured from the right-of-way.
  - 1. *From 106th Street*: 120 feet for buildings.
  - 2. *From Internal Public or Private Streets*: Not applicable.
- G. Minimum Side and Rear Yard Setback: Measured from the lot lines.
  - 1. *Minimum Side Yard*: 30 feet for buildings, 5 feet ~~±~~ feet for parking lots.
  - 2. *Minimum Rear Yard*: 30 feet for buildings, 10 feet ~~±~~ feet for parking lots and where adjacent to Subarea C.
  - 3. *Minimum Property Boundary Setback*: The minimum building setback from the rear property line, adjacent to single-family residential, shall be forty (40) feet; and the minimum parking lot setback from the rear property line, adjacent to single-family residential, shall be thirty (30) feet.
- H. Maximum Front Yard Parking Lot: Any parking lot located between the front building line and 106th Street's right-of-way shall be limited to either a single loaded parking area or a double loaded parking area, served by not more than one (1) interior access drive or aisle, and where the interior access drive or aisle is located generally parallel to the street right-of-way.
- I. Maximum Height: 60 feet for all buildings, provided that the minimum required setbacks be increased by one-half (1/2) foot for each one (1) foot of building height above forty-five (45) feet.
- J. Off-Street Parking: See the Zionsville Zoning Ordinance, as amended.
- K. Off-Street Loading: Shall be limited to two (2) truck loading bays for buildings over 20,000 main floor square feet and one (1) bay for buildings between 8,000 and 20,000 main floor square feet. Buildings smaller than 8,000 square feet are not permitted truck loading bays. Any building that is not able to locate truck loading bays in a non-conspicuous facade or otherwise aesthetically shield them from view from a Public Street shall not be permitted truck loading bays.
- L. Wall Signs for Single-Tenant Buildings and Multiple-Tenant Buildings with Interior Entrances: The following provision applies to single-tenant buildings and multiple-tenant buildings that have entrances off of interior hallways. Each facade facing a Public Street may have one (1) wall sign above a featured main entrance, ~~or~~ in the parapet at the top of the building, or in an architecturally designed location on the front facade. Under no circumstance shall more than two (2) wall signs be permitted on one (1) primary structure. Wall signs shall be limited by one of the following: ~~as follows~~
  - 1. *Large Front Facade (parapet)*: Maximum of 120 square feet of sign area for front facades greater than 4,000 square feet when the sign is located along a parapet at the top edge of the building.
  - 2. *Large Front Facade (above entrance)*: Maximum of 80 square feet of sign area for front facades greater than 4,000 square feet when located above a featured main entrance.
  - 3. *Small Front Facade (parapet)*: 3% of the total front facade area shall be the maximum square feet of sign area. This standard applies to front building facades less than 4,000 square feet in area.
  - 4. *Small Front Facade (above entrance)*: 2% of the total front facade area shall be the maximum square feet of sign area for a sign located above a featured main entrance. This standard applies to front building facades less than 4,000 square feet in area.
  - 5. *Small Front Facade (first floor wall)*: 2% of the total front facade area shall be the maximum square feet of sign area for a sign located in an architecturally designed location within thirty (30) feet of the main entrance. This standard applies to front building facades less than 4,000 square feet in area.

# Creekside Corporate Park PUD

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- M. Wall Signs for Multiple-Tenant Buildings with Exterior Entrances: The following provision applies to multiple-tenant buildings with entrances to tenant spaces from the exterior. Each tenant with an exterior entrance may have one (1) wall sign limited to thirty (30) square feet, or one (1) foot of sign area per lineal foot of tenant frontage, whichever is greater. Each tenant sign shall be located in a space designed for wall signs above that tenants entrance.
- N. Ground Signs: Ground Signs are not permitted by right. See the Architectural and Landscape Requirements for Subarea A in the next section for consideration of ground signs.
- O. Screening Requirements: Parcels adjacent to the Williams Glen apartment complex shall be required to install screening along the common property line, and within twenty (20) feet of that property line. Landscaping shall consist of native canopy tree species planted at a rate of one tree per forty (40) feet of contiguous boundary. The spacing of those trees should be irregular such to create a natural looking buffer. Therefore, the minimum spacing shall be twenty (20) feet and maximum spacing sixty (60) feet.
- P. Outside Storage and Operations: Not permitted
- Q. Pedestrian Connectivity: All buildings shall have a pedestrian/bikeway system in compliance with the following requirements:
  - 1. *Sidewalk Connection*: A minimum six (6) foot wide sidewalk shall functionally and efficiently connect the primary building entries with the public sidewalk or path system. These sidewalk connections are not required off of the sidepath along 106th Street.
  - 2. *Internal Trail System Connection*: Any lot which abuts the internal trail system located in Subarea C shall provide a connection between those trails and the building. Said connection shall be a sidewalk or otherwise improved path, allowing a connection for pedestrians and bicyclists. If the internal trail system in Subarea C has not yet been installed, this requirement may be delayed up until the internal trail system is built. Upon its completion, the adjacent property owner shall be required to install their connection within six (6) months.

## 1.09 Architecture and Landscape Architecture Requirements for Subarea A:

- A. Review and Approval Authorization: The architecture of all initial buildings shall be subject to the Creekside Committee review and approval. The details of an approved project shall be written into the purchase agreement for the land being sold. Changes to a pre-existing building after the initial construction (e.g. an addition, facade alteration, or the like) shall be reviewed by the Creekside Committee or the Zionsville Redevelopment Commission if the Creekside Committee is no longer in effect.
- B. Interpretation and Application of Guidelines: The Creekside Committee will interpret and determine the applicability of the below guidelines to each project. The Creekside Committee will strive for architecture and site improvements that are high quality, timeless, appropriate for a gateway into downtown Zionsville, and that create a development-wide aesthetic character.
- C. Building Height Guidelines:
  - 1. *Buildings Along 106th Street*: Any building located along 106th Street shall be at least two (2) stories, preferably three (3) or more.
  - 2. *Buildings Not Along 106th Street*: Any building located off of 106th Street is preferred to be two (2) stories or more. However, buildings partially or fully within sixty (60) feet of the northern property line and adjacent to single-family residential lots, shall be no greater than two (2) stories.
- D. Building Size Guidelines: A high floor area ratio (FAR) is desired. It is the desire of this development to fully utilize each parcel and to not allow land to be wasted. Green space beyond setbacks, parking lot islands, screening and buffering is discouraged (because the overall development is intended to have a large percentage of greenspace, trails, and park amenities). Similarly, an unnecessarily large parking lot is not desired.

# Creekside Corporate Park PUD

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- E. Building Facade Guidelines: Any new building or building addition shall have the following characteristics and features:
1. *Buildings Along 106th Street*: Any building located along 106th Street shall utilize four-sided architecture such that all facades and building features are highly detailed and aesthetic. These lots are visible from multiple directions and shall be held to the highest standard in the Creekside Corporate Park.
  2. *Buildings Not Along 106th Street*: Any building located off of 106th Street shall have high architectural standards, however only the facades and building features clearly visible from ~~Creek Way~~ ~~Creekside Parkway~~ (the internal street) are required to meet that standard.
  3. *Facades that Face Residential Uses*: Any building facade facing Williams Glen Apartments or single-family residential lots to the north shall have a high degree of architectural character as to be a good neighbor to that residential use. This provision shall not apply if the building is greater than 150 feet from the applicable property line.
- F. Building Material Guidelines: In order to create variation and interest in the built environment, all new buildings or building additions shall:
1. Utilize at least two (2) building materials; excluding: windows (e.g. glass and frames), doors, and roofing material.
  2. The primary exterior material for any facade visible from 106th Street shall be one of the following:
    - a. brick,
    - b. architectural concrete that is colored and textured to closely resemble brick or stone,
    - c. External Insulation and Finish System (E.I.F.S.), or
    - d. stone.
  3. The primary exterior material for any facade not visible from 106th Street shall be one of the following:
    - a. brick,
    - b. wood,
    - c. fiber cement,
    - d. architectural concrete that is colored and textured to closely resemble brick or stone,
    - e. External Insulation and Finish System (E.I.F.S.), or
    - f. stone.
- G. Roof Guidelines:
1. *Pitched Roof*: Pitched roofs shall only be permitted on smaller lots toward the rear of the development. Pitched roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 5:12 to 12:12. Pitched roofs shall be clad in architectural, dimensional shingles or raised seam metal when done so for rainwater collection or other green building practice. Roof color shall be complementary to the design of the building. **The Creekside Committee may approve additional material that clearly satisfies the intent of this subsection, and that is complementary of the building's architecture.**
  2. *Shed Roofs*: Shed roofs are generally not permitted
  3. *Flat Roofs*: Flat roofs are permitted when consistent with the selected style of architecture, and if the top edge of the facade has some adornment or architectural character. Green roofs are permitted. Additionally, any rooftop mechanical equipment shall be reasonably screened.
  4. *Roof Design*: In no case shall rooftop mechanical equipment be visible from 106th Street. All vents, attic ventilators, turbines, flues and other roof penetrations shall also be discrete.
- H. Entrance Guidelines: The main building or tenant space pedestrian entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the selected architectural style and details of the building as a whole. The location, orientation, proportion and style of doors shall reflect the chosen style of the building.
- I. Window Guidelines: All window designs shall be compatible with the style, materials, color, details and proportion of the building. All facades of a building shall have windows.
- J. Awning and Canopy Guidelines: Shall be the discretion of the Creekside Committee.

# Creekside Corporate Park PUD

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- K. Lighting Guidelines:
  - 1. *Shielding*: Any exterior lighting on any site shall be shielded to prevent light pollution (i.e. skyward) and light trespass (i.e. shining toward neighbors).
  - 2. *Height*: The maximum height of any light fixtures, whether freestanding or mounted on a facade, for illumination of the site shall be twenty (20) feet.
  - 3. *Consistency*: Light standards and fixtures on any lot, including free-standing light fixtures, those attached to buildings, security lights, and architectural lights, shall be of consistent design and material. Additionally, parking lot lights shall be of uniform size and height.
  - 4. *Facade illumination or sign lighting* shall be carefully directed and shielded so that the light element is not visible from points along an adjacent public Right- of-Way.
- L. Loading Dock Guidelines: Loading docks shall not face 106th Street or the internal street, be visible from 106th Street, be visible from Williams Glen Apartments or the single-family residential lots to the north, or otherwise be a visual nuisance from an adjacent building.
- M. Landscaping Guidelines: Plants and hardscaping elements shall be chosen and installed to accomplish the following:
  - 1. *General Aesthetic*: To generally enhance the overall character of the site.
  - 2. *Screen Headlights*: To screen the headlights of cars from shining onto adjacent residential properties, and onto 106th Street and the internal street.
  - 3. *Relieve Heat Island Effect*: To utilize trees in and/or adjacent to parking lots to provide shade and aesthetic relief, especially in large parking lots. At least one landscape island shall be established per sixty (60) parking spaces, and at least one canopy or ornamental tree shall be planted in said island. Landscape islands shall be at least nine (9) feet square.
- N. Bufferyard: Lots adjacent to the northern property line adjacent to single-family residential lots shall install plant material, and/or a fence or wall for effective buffering. The Creekside Committee shall be responsible for approval of buffering proposals and may participate in the design discussions prior to submittal for approval.
- O. Ground Sign Guidelines: Ground signs are generally discouraged. However, a development-wide internal way-finding system utilizing high-quality sign materials is encouraged where appropriate. Ground Signs located along 106th Street shall be subject to the Creekside Committee and shall be similar in area, height, location, materials, and lighting as to assure a uniform and highly aesthetic development-wide character.

## 1.10 Low Impact Development for Subarea A:

- A. Parking Lot Design: Parking lots shall be designed using low impact development best practices to reduce, absorb, and filter storm water rather than pipe it to a retention pond or other outlet. The use of french drains, cisterns, brick pavers, pervious pavement, rain gardens, swales, vaults, and the like should be considered.
- B. Stormwater Runoff from a Building: The impervious surface created by a building should be offset through utilization of green roofs, pervious sidewalks, brick pavers, rain gardens, rain barrels, cisterns, swales, selection of plant material, and the like.
- C. Retention Pond/Detention Basin: Retention ponds are strongly discouraged. Short-term detention basins are supported.

# Creekside Corporate Park PUD

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## 1.11 Development Standards for Subarea B

- A. Minimum Lot Width: 50 feet
- B. Minimum Lot Frontage: 50 feet on a Public Street or Private Street.
- C. Minimum Front Yard Setbacks: 20 feet for buildings and ten (10) feet for parking lots, measured from the right-of-way.
- D. Maximum Building Setback: 60 feet for buildings measured from the right-of-way.
- E. Minimum Side and Rear Yard Setback: Measured from the lot lines.
  - 1. *Minimum Side Yard*: 10 feet for buildings, 10 feet for parking lots, and 5 feet for an outdoor patio or dining area adjacent to the rail-trail easement.
  - 2. *Minimum Rear Yard*: 10 feet for buildings, 10 feet for parking lots.
- F. Maximum Front Yard Parking Lot: Any parking lot located between the front building line and 106th Street's right-of-way shall be limited to either a single loaded parking area or a double loaded parking area, served by not more than one (1) interior access drive or aisle, and where the interior access drive or aisle is located generally parallel to the street right-of-way.
- G. Maximum Height: 40 feet and two (2) stories for all buildings.
- H. Off-Street Parking: See the Zionsville Zoning Ordinance, as amended.
- I. Off-Street Loading: Not permitted.
- J. Wall Signs for Single-Tenant Buildings and Multiple-Tenant Buildings with Interior Entrances: The following provision applies to single-tenant buildings and multiple-tenant buildings that have entrances off of interior hallways. Each facade facing a Public Street or side facade facing a parking lot may have one (1) wall sign. Each wall sign shall be limited to 60 square feet of sign area.
- K. Wall Signs for Multiple-Tenant Buildings with Exterior Entrances: The following provision applies to multiple-tenant buildings with entrances to tenant spaces from the exterior. Each tenant with an exterior entrance may have one (1) wall sign limited to thirty (30) square feet, or one (1) foot of sign area per lineal foot of tenant frontage, whichever is greater. Each tenant sign shall be located in a space designed for wall signs above that tenants entrance.
- L. Ground Signs: Ground Signs are not permitted by right. See the Architectural and Landscape Requirements for Subarea B in the next section for consideration of ground signs.
- M. Screening Requirements: Not required.
- N. Outside Storage and Operations: Not permitted.
- O. Pedestrian Connectivity: All buildings shall have a pedestrian/bikeway system in compliance with the following requirements:
  - 1. *Sidewalk Connection*: A minimum six (6) foot wide sidewalk shall functionally and efficiently connect the primary building entries with the public path system along 106th Street.
  - 2. *Internal Trail System Connection*: Any lot which abuts the internal trail system located in Subarea C shall provide a connection between those trails and the building. Said connection shall be a sidewalk or otherwise improved path, allowing a connection for pedestrians and bicyclists. If the internal trail system in Subarea C has not yet been installed, this requirement may be delayed up until the internal trail system is built. Upon its completion, the adjacent property owner shall be required to install their connection within six (6) months.

# Creekside Corporate Park PUD

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## 1.12 Architectural and Landscaping Requirements for Subarea B:

- A. Review and Approval Authorization: The architecture of all initial buildings shall be subject to the Creekside Committee review and approval. The details of an approved project shall be written into the purchase agreement for the land being sold. Changes to a pre-existing building after the initial construction (e.g. an addition, facade alteration, or the like) shall be reviewed by the Creekside Committee or the Zionsville Redevelopment Commission if the Creekside Committee is no longer in effect.
- B. Interpretation and Application of Guidelines: The Creekside Committee will interpret and determine the applicability of the below guidelines to each project. The Creekside Committee will strive for architecture and site improvements that are high quality, timeless, appropriate for a gateway into downtown Zionsville, and that create a development-wide aesthetic character.
- C. Overall Architectural Guidelines: The building or buildings constructed in Subarea B should be complementary to new developments on South Main Street and/or the Village. The building should be pedestrian scale and welcoming. The inside of the ground floor space should be visible and welcoming from 106th Street.
- D. Building Height Guidelines: A building shall be two (2) stories.
- E. Building Size Guidelines: A high floor area ratio (FAR) is desired. It is the desire of this development to fully utilize each parcel and to not allow land to be wasted. Green space beyond setbacks, parking lot islands, screening and buffering is discouraged (because the overall development is intended to have a large percentage of greenspace, trails, and park amenities). Similarly, an unnecessarily large parking lot is not desired.
- F. Building Facade Guidelines: Any building shall utilize four-sided architecture such that all facades and building features are highly detailed and aesthetic. This area is visible from multiple directions (assuming a rail-trail is constructed along the former interurban line) and shall be held to the highest standard in the Creekside Corporate Park.
- G. Building Material Guidelines: In order to create variation and interest in the built environment, all new buildings or building additions shall:
  - 1. Utilize at least two (2) building materials; excluding: windows (e.g. glass and frames), doors, and roofing material.
  - 2. The primary exterior material for any facade visible from 106th Street shall be one of the following:
    - a. brick,
    - b. wood,
    - c. fiber cement,
    - d. External Insulation and Finish System (E.I.F.S.), or
    - e. stone.
- H. Roof Guidelines:
  - 1. *Pitched Roof*: Pitched roofs are permitted. Such roofs should be symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 5:12 to 12:12. Pitched roofs shall be clad in architectural, dimensional shingles or raised seam metal when done so for rainwater collection or other green building practice. Roof color shall be complementary to the design of the building.
  - 2. *Shed or Gambrel Roofs*: Shed or gambrel roofs are generally not permitted.
  - 3. *Flat Roofs*: Flat roofs are permitted when consistent with the selected style of architecture, and if the top edge of the facade has some adornment or architectural character. Additionally, any rooftop mechanical equipment shall be reasonably screened.
  - 4. *Roof Design*: In no case shall rooftop mechanical equipment be visible from 106th Street. All vents, attic ventilators, turbines, flues and other roof penetrations shall also be discrete.
- I. Entrance Guidelines: The main building and/or tenant space pedestrian entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the selected architectural style and details of the building as a whole. The location, orientation, proportion and style of doors shall reflect the chosen style of the building.
- J. Window Guidelines: All window designs shall be compatible with the style, materials, color, details and proportion of the building. All facades of the building shall have windows.
- K. Awning and Canopy Guidelines: Shall be the discretion of the Creekside Committee.
- L. Outdoor Dining: Is encouraged for food service uses.

# Creekside Corporate Park PUD

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M. Lighting Guidelines:

1. *Shielding:* Any exterior lighting on any site shall be shielded to prevent light pollution (i.e. skyward) and light trespass (i.e. shining toward neighbors).
2. *Height:* The maximum height of any light fixtures, whether freestanding or mounted on a facade, for illumination of the site shall be twenty (20) feet.
3. *Consistency:* Light standards and fixtures on any lot, including free-standing light fixtures, those attached to buildings, security lights, and architectural lights, shall be of consistent design and material. Additionally, parking lot lights shall be of uniform size and height.
4. *Facade illumination or sign lighting* shall be carefully directed and shielded so that the light element is not visible from points along an adjacent public Right-of-Way.

N. Loading Docks: Loading docks shall not be permitted.

O. Landscaping: Plants and hardscaping elements shall be chosen and installed to accomplish the following:

1. *General Aesthetic:* To generally enhance the overall character of the site.
2. *Screen Headlights:* To screen the headlights of cars from shining onto adjacent office properties and onto 106th Street.
3. *Relieve Heat Island Effect:* To utilize trees in and/or adjacent to parking lots to provide shade and aesthetic relief, especially in large parking lots.

P. Ground Sign Guidelines: One (1) ground sign may be permitted by the Creekside Committee if deemed necessary and fitting of the character. If permitted, the ground sign shall be limited to five (5) feet in height, thirty (30) square feet in area, and landscaped around the base. The sign may be internally illuminated, but shall be done so with the minimal amount of light necessary to read the sign.

## 1.13 Low Impact Development for Subarea B:

- A. Parking Lot Design: Parking lots shall be designed using low impact development best practices to reduce, absorb, and filter storm water rather than pipe it to a retention pond or other outlet. The use of french drains, cisterns, brick pavers, pervious pavement, rain gardens, swales, vaults, and the like should be considered.
- B. Stormwater Runoff from a Building: The impervious surface created by a building should be offset through utilization of green roofs, pervious sidewalks, brick pavers, rain gardens, rain barrels, cisterns, swales, selection of plant material, and the like.
- C. Retention Pond/Detention Basin: Retention ponds are strongly discouraged. Short-term detention basins are supported.

# Creekside Corporate Park PUD

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## 1.14 Development Standards for Subarea C

- A. Minimum Lot Width: Not required.
- B. Minimum Lot Frontage: Not required.
- C. Minimum Front Yard Setbacks: 5 feet for all structures.
- D. Maximum Building Setback: Not applicable.
- E. Minimum Side and Rear Yard Setback:
  - 1. *Minimum Side Yard*: 5 feet for all structures.
  - 2. *Minimum Rear Yard*: 5 feet for all structures.
- F. Maximum Front Yard Parking Lot: Not applicable.
- G. Maximum Height: 16 feet for all structures.
- H. Off-Street Parking: Not required.
- I. Off-Street Loading: Not permitted.
- J. Wall Signs for Single-Tenant Buildings and Multiple-Tenant Buildings with Interior Entrances: None permitted.
- K. Wall Signs for Multiple-Tenant Buildings with Exterior Entrances: None Permitted.
- L. Screening Requirements: Not required.
- M. Outside Storage and Operations: Not permitted.
- N. Pedestrian Connectivity: A minimum six (6) foot wide sidewalk shall functionally and efficiently connect the primary amenities to the public pedestrian facilities along the internal street.

## 1.15 Administration

- A. Relationship to the Zionsville Zoning Ordinance: Where the Creekside Corporate Park PUD is silent, the most relevant regulations from the Town of Zionsville Zoning Ordinance, as amended, and as determined by the Zoning Administrator shall apply.
- B. Subdivision Control: All lots established within Creekside Corporate Park shall be approved through the subdivision process as set forth in the Town of Zionsville Subdivision Control Ordinance.
- C. Accessory Uses:
  - 1. Accessory Uses shall not be permitted on a lot prior to the erection of the Primary Building.
  - 2. No Accessory Use or Structure shall be permitted in any required Front, Side or Rear Yard.
- D. Access
  - 1. Median Cuts Along 106th Street: There shall be no more than two (2) median cuts along 106th Street within the boundary of Creekside Corporate Park; those being directly across from the main entrance into the Lids development and the other directly across from Dahlia Drive. Any other median cut shall be strongly discouraged and shall only be considered for exceptional purposes. An additional median cut shall be approved by the Creekside Committee and the Zionsville Plan Commission.
  - 2. Curb Cut Along 106th Street: There shall be no more than two (2) curb cuts into the Creekside Corporate Park's north side (i.e. land north of 106th Street). Those curb cuts shall be as described in the median cut language above.
- E. Development Timetable: Major infrastructure has been put in place by the Town of Zionsville and development of the site will occur as demand dictates.
- F. Appeals: Any final official determination of the Zoning Administrator under this Creekside Corporate Park PUD, including the determination to issue or not issue an Improvement Location Permit, shall be a determination appealable to the Town of Zionsville Board of Zoning Appeals. Approvals of architecture and landscaping assigned to the Creekside Committee are appealable to the full Zionsville Redevelopment Commission.
- G. Severability: It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases of this Petition for Zone Map Change are severable and, if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this Petition for Zone Map Change because the same would have been enacted without the incorporation into this Petition for Zone Map Change of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

# Creekside Corporate Park PUD

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- H. Definitions: As per the Zoning Ordinance, as amended, including:
1. *Williams Glen Apartments*: The multiple-family development east of Creekside.
  2. *Creekside Committee/Redevelopment Commission*: Entity serving as the manager of the Covenants and Restrictions for Creekside Corporate Park.



**CERTIFICATION TO THE  
TOWN COUNCIL  
OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

April 18, 2016

To the Town Council of the Town of Zionsville, Indiana:

Be it advised that, pursuant to Indiana Code 36-7-4, on April 18, 2016 the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of 7 in favor and 0 opposed, gave an, **Unfavorable Recommendation** to proposal 2016-13-CA to amend the Commitments of Boone County Area Plan Commission Ordinance #2009-05, which is applicable to 7105 Whitestown Parkway located in the jurisdiction of the Town of Zionsville, Boone County Indiana.

The Zoning Commitments in Ordinance #2009-05 encompasses 12.301 acres, and were recorded in the Boone County Recorder's office in 2009. As part of that approval, a number of permissible uses were struck from the permitted use list.

The petitioner was seeking to modify the commitments, for the site location only (2.263 acres), in order to allow the use of a fuel station/service station (with a convenience store). Per the current zoning, the proposed sales and proposed dispensing of fuels and oil caused the contemplated use to require to seek a modification from the current commitments (as the sales of merchandise, food, and "convenience" items is permissible, today, without the need for modification to the prior commitments).

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2016-13-CA to amend the Commitments of Boone County Area Plan Commission Ordinance #2009-05 (a copy of which is attached to this Certification and incorporated here by this reference) to the Town Council of Zionsville, Indiana, with an Unfavorable Recommendation.

**TOWN OF ZIONSVILLE  
ADVISORY PLAN COMMISSION**

\_\_\_\_\_  
**David Franz, President**

Attest: \_\_\_\_\_

**Wayne DeLong, AICP  
Secretary, Town of Zionsville Advisory Plan Commission**

(b) 21.00  
Date 3/26/2009

Instrument PG 1 OF 6  
200900002673

200900002673  
Filed for Record in  
BOONE COUNTY, INDIANA  
MARY ALICE "SAR" BALDWIN, RECORDER  
03-16-2009 At 02:15 PM.  
ORDINANCE 21.00

ORDINANCE NO. 2009 - 05

**AN ORDINANCE MODIFYING ADOPTED DEED RESTRICTIONS AND WRITTEN COMMITMENTS CONCERNING THE USE OF DEVELOPMENT OF REAL ESATE MADE IN CONNECTION WITH A ZONE MAP CHANGE (PK 334 Development Partners; 07EA-16-780)**

WHEREAS, the Petitioner, PK 334 Development Partners LLC, filed their Zoning Amendment Application before the Boone County Area Plan Commission, seeking to rezone approximately 12.301 acres, more or less, in Eagle Township, Boone County, Indiana, from the R-1 Residential Zoning Classification to the GB General Business Zoning Classification; and

WHEREAS, pursuant to Indiana Code 36-7-4-608, the Area Plan Commission conducted the required public hearing and determined its favorable recommendation, by a 5-0 vote, on February 7, 2007; and certified its recommendation to the legislative body at that time, the Board of Commissioners of Boone County, on February 8, 2007; and

WHEREAS, pursuant to Indiana code 36-7-4-608, the Board of Commissioners of Boone County, having considered the Application and the recommendation of the Area Plan Commission, did adopt the proposal and approve the requested rezoning with stated condition of a commitment (Covenants/Commitments), by a 2-0 vote, by the adoption of Ordinance 2007-06 on February 20, 2007; and

WHEREAS, the approved and adopted stated condition of a commitment (Covenants/Commitments) by the Board of Commissioners of Boone County did voluntarily exclude multi-family dwellings; and

WHEREAS, since the adoption of Ordinance 2007-06 by the Board of Commissioners of Boone County, this specific 12.301 acres has been properly annexed into the Town of Whitestown thus requiring any modification to the original rezoning and/or stated condition of a commitment (Covenants/Commitments) to be considered by the Town of Whitestown; and

WHEREAS, the Petitioner now finds and desires a need to amend the approved and adopted stated condition of a commitment (Covenants/Commitments) by allowing certain and specified multi-family dwellings; and

WHEREAS, the Petitioner filed their amendment to the approved Deed Restrictions and Written Commitments Concerning the Use of Development of Real Estate Made in Connection with a Zone Map Change after the subject property had been annexed into the Town of Whitestown; and

WHEREAS, pursuant to Indiana Code 36-7-4-608, the Area Plan Commission conducted the required public hearing and determined its favorable recommendation, by a 6-0 vote, on January 7, 2009; and certified its recommendation to the legislative body at that time, the Town Council for the Town of Whitestown, on January 15, 2009; and

IT IS THEREFORE CONSIDERED, ORDAINED AND ADOPTED as follows:

- 1. That the Applicant is PK 334 Development Partners LLC.

**FILED**

MAR 16 2009

*Mary Alice Baldwin*  
Boone County Auditor

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- 2. That the approved Deed Restrictions and Written Commitments Concerning the Use of Development of Real Estate Made in Connection with a Zone Map Change approved as an attachment to Ordinance 2007-06 by the Board of Commissioners of Boone County on February 20, 2007 is null and void and shall be replaced by Attachment 1 of this Ordinance.
- 3. That the approved Ordinance 2007-06 by the Board of Commissioners of Boone County on February 20, 2007 Rezoning Property and Changing the Zoning Maps of Boone County shall however remain in full force.
- 4. That the Town Council for the Town of Whitestown has paid reasonable regard to applicable comprehensive plans; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth.

ALL OF WHICH IS ADOPTED this 10th day of March, 2009, by the Town Council for the Town of Whitestown, Indiana.

TOWN COUNCIL FOR THE TOWN OF WHITESTOWN, INDIANA

Jason Hobby  
Jason Hobby, President

Susan Austin  
Susan Austin, Council Member

Dawn Scemler  
Dawn Scemler, Council Member

Kevin Russell  
Kevin Russell, Council Member

ATTEST:

Shirley Behrens  
Deputy Bobi Zschalmsky, Clerk-Treasurer  
Town of Whitestown, Indiana

Kyle West  
Kyle West, Council Member

This instrument was prepared by Steven C. Niblick,  
Executive Director of the Boone County Area Plan Commission

"I AFFIRM, UNDER THE PENALTIES FOR PERJURY,  
THAT I HAVE TAKEN REASONABLE CARE TO RECHECK  
EACH SOCIAL SECURITY NUMBER IN THIS  
DOCUMENT, UNLESS REQUIRED BY LAW."

First Read 2-10-2009  
Second Read by title 2-10-2009  
Passed 3-10-09

WSE Debra Zschalmsky

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ATTACHMENT 1

DEED RESTRICTIONS AND WRITTEN COMMITMENTS  
CONCERNING THE USE OF DEVELOPMENT OF REAL ESTATE  
MADE IN CONNECTION WITH A ZONE MAP CHANGE

WHEREAS, pursuant to Ind. Code 36-7-4-608, P.K. 334 Partners, Inc. (the "Applicant-Owner"), has applied for a zone map change to change the zone classification of that certain real property located in the Eagle Township, Boone County, Indiana, more particularly described on Exhibit A attached hereto and incorporated by reference herein (the "Property"), from a R1 Residential Zone Classification to a GB General Business Zone Classification; and

WHEREAS, Applicant desires to make commitments as to certain activities which will not be permitted on the property after such zone map change;

NOW THEREFORE, in accordance with Ind. Code 36-7-4-615, the Applicant-Owner of the Property, hereby makes the following commitments and restrictions concerning the use and development of the Property;

1. Limitation on Uses. The following uses which are permitted by the Boone County Zoning Ordinance, either as a matter of right or by special exception or with other special approvals, will not be permitted on the Property after it is rezoned to a GB General Business Zone Classification: Animal Daycare Facility (provided, however, that such services shall be permitted as an accessory use to a permitted Veterinarian practice); Commercial Greenhouse; Kennel, Small; Roadside Produce Stand; Hay, Grain & Feed Stores; Penal & Correctional Institution; Auction Sales Yard; Mineral Extraction; Warehouse (general); Warehouse (Grain Storage); Wholesale Produce terminal; Farm Product Processing; Food Processing; Warehousing, Storage or Recycling of Hazardous Waste; Warehousing, Storage or Recycling of Radioactive Waste; Wholesale Business; Bait Sales; Boat Sales; Monument Sales; Disinfecting & Exterminating Services; Composting Facility; Landfill, Hazardous Waste or Radioactive Waste; Long Term Permitted Clean Fill Disposal Site; Long Term Permitted Clean Fill Processing Site; Restricted Waste Site; Temporary Permitted Clean Fill Disposal Site; Temporary Clean Fill Land Reclamation Site; Temporary Permitted Clean Fill Disposal Site; Temporary Clean Fill Land Reclamation site; Public Water Well, Water Station, Filtration Plants, Reservoirs & Storage Tanks; Telephone Exchange or Public Utility Station; Truck Service Center; Automobile Body

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Shop; Mobile Home, Travel Trailer, Camper Sales & Service; Truck Sales, Rental, Leasing, and Repair; Dwelling-Multi-Family; Dwelling-Two-Family; Group Residential Facility; Major Residential Subdivision; Night Club; Motion Picture Theatre; Tavern; Tobacco Stores; Commercial Testing Laboratories; Mortuary; Mass Transit Station; Off-Premises Signs; Automobile or Motorcycle Sales; Automobile Repair, Service Station; and Parking Garage.

However, this use prohibition provision shall not apply to a seventy-five (75) unit maximum multi-family senior housing (55 aged and above) facility located on approximately five and fourteen hundredth (5.14) acres, more or less in the southeast corner of the Property.

2. Miscellaneous Provision Governing Commercial Development.
  - a. Outside Storage of Refuse. All Refuse shall be contained completely within the building (s) or in a separate accessory structure (s) or enclosure (s), except for containers located in the loading berth adjacent to the side or rear of the building. Any separate accessory structure or enclosure designed for refuse storage shall be architecturally compatible with the building (s).
  - b. Loading Berths. All loading or unloading berths or bays within six hundred feet of any adjacent residential area shall be screened. Screening and buffering may be achieved through walls, fences, and landscaping and shall be a minimum of six (6) feet in height.
  - c. Mechanical Equipment. Within six hundred feet of any single-family residence, any mechanical equipment, which is clearly visible from said single-family residence, shall be screened with suitable fencing, landscaping or walls, which in general shall be architecturally compatible with the building (s) with which it is associated.
3. That Applicant-Owner will, within 7 days following the Rezoning of subject property to a GB General Business Zoning Classification by the appropriate public body in order to reconstruct said roadway as approved by the appropriate public body, dedicate and convey all necessary right of way to release and/or complete construction for the planned improvements in and along SR 334 and the newly designed CR 700 East reconstruction.
4. The Applicant-Owner agrees that the reconstruction of the intersection of CR 700 East and the reconstruction of the new road replacing the vacated old SR 334,

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including the relocating of utility lines and the removal of asphalt from old SR 334 south to CR 650 South, shall be without cost or expense to the Board of Commissioners of Boone County, the Boone County Highway Department, Town of Whitestown, and or any other public body.

5. These Deed Restrictions and Written Commitments Concerning the Use and Development of Real Estate made in Connection with A Zone Map Change shall run with the land, be binding upon the Applicant-Owner and subsequent owners of the Property, or any portion thereof, and other persons acquiring and interest therein. These Deed Restrictions and written Commitments Concerning the Use and Development of Real Estate made in Connection with a Zone Map Change may only be modified or terminated by a decision of the Town Council for the Town of Whitestown.

IN WITNESS WHEREEOF, the Applicant-Owner has verbally acknowledged these Deed Restrictions and Written Commitments Concerning the Use and Development of Real Estate Made in Connection with a Zone Map Change during a public meeting of the Boone County Area Plan Commission on the 7<sup>th</sup> day of February, 2007

This instrument was prepared by Steven C. Niblick,  
Executive Director of the Boone County Area Plan Commission

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Exhibit A

Legal Description for PK 334 Development Partners, LLC

A part of the Northeast Quarter of Section 6, Township 17 North, Range 2 East to the Second Principal Meridian, and a part of the Northwest Quarter of Section 5, Township 17 North, Range 2 East to the Second Principal Meridian, more particularly described as follows:

Beginning at the southwest corner of the aforesaid Northwest Quarter run thence east along and with the south line thereof 52.13 feet; thence northwardly parallel to the west line of aforesaid Northwest Quarter section 1315.28 feet to a point in State Road No. 334; thence westwardly deflecting left 90 degrees 18 minutes a distance of 52.13 feet to a point on the west line of aforesaid Northwest Quarter section; thence south along and with said west line 58.38 feet; thence westwardly 36.55 feet to a point in the centerline of North 96<sup>th</sup> Road (formerly original State Road no. 334); thence continue southwestwardly and southwardly along and with the centerline of aforesaid road and on a 10 degree curve to the left a distance of 636.50 feet; thence southwardly tangent to the last above described curve at the last above described point and along centerline of aforesaid 152.80 feet; thence continue southwardly and southwestwardly along the aforesaid centerline and the south line of the Northeast Quarter of Section 6 aforesaid; thence eastwardly along and with the south line of aforesaid Section 6 a distance of 932.10 feet to the place of beginning, containing 12.301 acres more or less.

**Cross Reference:** Zoning Commitments recorded with the Boone County, Indiana, Recorder on March 16, 2009, as Instrument Number 2009-00002673.

**ZIONSVILLE PLAN COMMISSION**  
**FILE#: 2016-13-CA**

**AMENDED COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF  
REAL ESTATE**

In accordance with I.C. § 36-7-4-1015, 7105 E SR 334, LLC, an Indiana limited liability company ("Owner"), seeks to amend certain zoning commitments originally approved by adoption of Ordinance No. 2007-06 by the Board of Commissioners of Boone County, Indiana, on February 20, 2007, in connection with a zone map change for approximately 12.301 acres (the "Zoning Commitment Real Estate"), which real estate is legally described in Exhibit A, as attached hereto and incorporated herein by reference. Said original zoning commitments were subsequently replaced by the adoption of Ordinance No. 2009-05 on March 10, 2009, by the Town Council for the Town of Whitestown, Indiana, with commitments which permit multi-family dwellings on the Zoning Commitment Real Estate. All other use limitations originally agreed upon in 2007 remain applicable.

Owner represents and warrants that Owner is the owner of certain real estate located in Boone County, Indiana, consisting of approximately 2.263 acres, more or less, which is legally described in Exhibit B, as attached hereto and incorporated herein by reference (the "Real Estate"), that the approximately 2.263 acres comprising the Real Estate was included within and is a portion of the Zoning Commitment Real Estate and is now within the Town of Zionsville, Indiana, and that as the owner of said Real Estate, the Owner has authority to and does hereby voluntarily make the following AMENDED COMMITMENTS concerning the use and development of the Real Estate.

**STATEMENT OF AMENDED COMMITMENTS**

Owner, upon approval of Docket Number 2016-13-CA by the Town Council of the Town of Zionsville, Indiana, (the "Zoning Approval") voluntarily agrees and commits that said Zoning Approval shall be conditioned upon the following Amended Commitments:

1. That there are zoning commitments that were recorded with the Boone County Recorder's Office on March 16, 2009, as Instrument Number 2009-00002673 (the "Zoning Commitments") which govern the use and development of a parcel of property that consists of approximately 12.301 acres, more or less (the "Zoning Commitment Real Estate").
2. The Zoning Commitments were originally made in connection with approval granted by the Board of Commissioners of Boone County, Indiana, when the Zoning Commitment Real Estate was governed by Boone County's zoning jurisdiction, except that as originally approved, said commitments did not permit the Zoning Commitment Real Estate to be used for multi-family dwellings. The Zoning Commitments permit such use but, otherwise, continue the use limitations voluntarily agreed upon in 2007.
3. The Zoning Commitments include voluntary commitments and restrictions concerning the use and development of the Zoning Commitment Real Estate, including prohibiting its use as "service station." Since the Real Estate is a 2.263 acre portion of the Zoning Commitment Real Estate, a "service station" is currently a prohibited use thereon and has been since February 2007.
4. In the zoning application identified as Docket Number 2016-13-CA, Owner seeks approval to amend the Zoning Commitments applicable to the Real Estate to permit an Automobile Service Station.
5. In order for a service station/fuel station use to be permitted on the Real Estate, the specific prohibition regarding a "service station" on the Real Estate in the Zoning Commitments is hereby vacated and terminated.
6. Except for terminating and vacating the prohibition of a "service station" use on the Real Estate, the remaining terms and conditions, including, but not limited to, the list of prohibited uses set forth in the Limitation on Uses contained in the Zoning Commitments, shall remain in full force and effect with respect to the Zoning Commitment Real Estate, including the Real Estate, except that inasmuch as the Real Estate is now within the Town of Zionsville, Indiana, any additional modification of the Deed Restrictions and written Commitments Concerning the Use and Development of the Real Estate and/or the Zoning Commitment Real Estate shall not require a decision of the Town Council for the Town of Whitestown, Indiana.

These AMENDED COMMITMENTS shall be executed and recorded by the Owner in the Office of the Boone County Recorder, Boone County, Indiana, and shall be considered a covenant running with the land described herein as the Real Estate, as set out in Exhibit B.

These AMENDED COMMITMENTS shall be binding on Owner, subsequent owners of the Real Estate, and other persons or entities acquiring an interest therein (hereinafter collectively the "Owners"). Owner shall have an affirmative duty to inform any third parties with whom Owner negotiates for a possible sale, lease, assignment, mortgage, or transfer of the Real Estate of the existence of these AMENDED COMMITMENTS. In the event any sale, lease, assignment, mortgage, or transfer occurs, Owner shall ensure that a copy of these AMENDED COMMITMENTS is incorporated into any such written agreement with the third party. If Owner fails to comply with the terms of this paragraph and the third party fails to perform and/or comply with these AMENDED COMMITMENTS, the Town of Zionsville shall be entitled to receive from Owner and from each corporation and/or other third party identified above as Owners, jointly and/or severally, any and all damages which arise from this failure and shall be entitled to injunctive relief to terminate any non-compliance herewith.

These AMENDED COMMITMENTS may be modified or terminated by a decision of the Town of Zionsville Plan Commission made after a public hearing for which proper notice is given, including hearings for other land use or zoning approvals involving the Real Estate or any portion thereof.

These AMENDED COMMITMENTS shall be effective upon the approval of the relief requested in Plan Commission Docket Number 2016-13-CA by the Town Council for the Town of Zionsville, Indiana, and shall continue in effect until modified or terminated as specified above and/or as prescribed by statute.

These AMENDED COMMITMENTS may be enforced, jointly and/or severally, by the Town of Zionsville Plan Commission, the Director of Planning for the Town of Zionsville, the Town, and/or owners of any parcel of ground adjoining the Real Estate. Owner and all Owners shall be obligated hereunder to indemnify the Town of Zionsville Plan Commission, the Town (including a successor city or municipality), and hold said entities and their respective authorized representatives, including the Director of Planning for the Town, harmless from any liability, expense (including reasonable attorney fees and court costs), costs, or damages which result from the failure to perform Owner's and/or Owners' obligations under the terms and conditions of these AMENDED COMMITMENTS. Throughout these AMENDED COMMITMENTS any reference to "Town" or "Town of Zionsville" shall also include any

successor city, municipality, or other governmental body having land use, planning, and zoning jurisdiction over the Real Estate.

In the event it becomes necessary to enforce these AMENDED COMMITMENTS in a court of competent jurisdiction and Owner and/or any subsequent Owners, jointly and/or severally, are found to be in violation of these AMENDED COMMITMENTS, such violators shall pay all reasonable costs and expenses the Town and the Town's Plan Commission and other authorized representative(s) incur in the enforcement of these AMENDED COMMITMENTS, including reasonable attorney fees, expert witness fees, and court costs.

Owner and all subsequent Owners of all or a portion of the Real Estate shall be obligated hereunder, jointly and/or severally, to indemnify the Town of Zionsville Plan Commission and/or the Town and hold said entities and their respective authorized representative(s), including the Director of Planning for the Town, harmless from any liability, expense (including reasonable attorney fees and court costs), costs, or damages which result from the failure to perform Owner's and/or Owners' obligations hereunder and/or to comply with the terms and conditions of these AMENDED COMMITMENTS.

Any controversy arising under or in relation to these AMENDED COMMITMENTS shall be litigated exclusively in the applicable state courts of Indiana without regard to conflicts of laws principles. Owner irrevocably consents to service, jurisdiction, and venue of such courts for any and all such litigation and waives any other venue to which Owner or Owners might be entitled by virtue of domicile, habitual residence, or otherwise.

Owner shall be responsible, at its expense, for recording this Statement of Amended Commitments in the Office of the Recorder of Boone County, Indiana, and shall promptly provide the Planning Department of the Town of Zionsville, Indiana, with a copy of such recording as a condition precedent to commencing work within the Development Plan. These AMENDED COMMITMENTS shall be considered a covenant running with the Real Estate, including any portion thereof.

By executing these AMENDED COMMITMENTS, Owner represents and warrants that at the time of such execution, Owner is the sole owner of all the Real Estate; that the execution of these AMENDED COMMITMENTS shall be binding upon Owner as to all the particulars herein, and shall be considered a COVENANT running with the land described herein as the Real Estate, including any portion thereof. By the signature affixed below to these AMENDED COMMITMENTS, 7105 E SR 334, LLC further represents and warrants that

the undersigned has full corporate authority to execute these AMENDED COMMITMENTS on behalf of said limited liability company and bind Owner hereto.

IN WITNESS WHEREOF, Owner has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

“OWNER”  
7105 E SR 334, LLC, an Indiana limited liability company

By \_\_\_\_\_

Printed \_\_\_\_\_

Title \_\_\_\_\_

STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_)

Before me, a Notary Public in and for said County and State, personally appeared John W. Demaree, the Manager of 7105 E SR 334, LLC, an Indiana limited liability company, who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any and all representations therein contained are true.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Signature \_\_\_\_\_

Printed \_\_\_\_\_

County of Residence \_\_\_\_\_

My Commission expires \_\_\_\_\_

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. Jim Shinaver, Attorney at Law  
Nelson & Frankenberger.

This instrument prepared by:

Jim Shinaver, Attorney at Law  
Nelson & Frankenberger  
550 Congressional Blvd., 210  
Carmel, IN 46032  
Phone: (317) 844-0106

**EXHIBIT A – ZONING COMMITMENT REAL ESTATE**

Insert

## **EXHIBIT B – REAL ESTATE**

A part of the Northeast Quarter of Section 6 and a part of the Northwest Quarter of Section 5, both in Township 17 North, Range 2 East of the Second Principal Meridian, in Eagle Township, Boone County, Indiana, more particularly described as follows:

Commencing at the southwest corner of the northwest quarter of said section 5; thence North 89 degrees 12 minutes 26 seconds East 52.13 feet along the south line of said quarter; thence North 00 degrees 46 minutes 22 seconds West 985.27 feet parallel with the west line of said quarter to the northeast corner of the 30 foot easement described in Instrument Number 200600012268 in the Office of the Recorder of Boone County, Indiana, and being the Point of Beginning; thence South 89 degrees 31 minutes 26 seconds West 342.65 feet along the north line of said 30 foot easement and westerly prolongation thereof to a non-tangent curve; thence westerly 14.60 feet along an arc to the right having a radius of 36.00 feet and subtended by a long chord having a bearing of North 75 degrees 54 minutes 04 seconds West and a length of 14.50 feet; thence North 00 degrees 55 minutes 17 seconds West 219.14 feet to the south line of a grant of way to Boone County, Indiana as described in Instrument Number 200700010777 in said Recorder's Office (the following 3 courses are along the south and east lines of said grant of right of way); (1) thence North 89 degrees 30 minutes 20 seconds East 8.06 feet; thence (2) North 01 degree 00 minutes 11 seconds West 20.00 feet; (3) thence North 44 degrees 30 minutes 15 seconds East 33.50 feet to the south line of the 0.710 acre tract of land to the State of Indiana described in Instrument Number 200600009674 in said Recorder's Office; thence North 89 degrees 58 minutes 49 seconds East 144.73 feet (137.51 feet by Instrument Number 201300012089) along said south line to the west right of way at the intersection of Old SR 334 (also known as CR700 East) and existing SR 334; thence North 01 degree 37 minutes 35 seconds West 8.52 feet (8.53 feet by Instrument Number 201300012089) along said west line and the northerly prolongation thereof to the north line extended of a tract of land described in Instrument Number 200600013086 in said Recorder's Office; thence South 89 degrees 54 minutes 32 seconds East 128.75 feet (135.73 feet by Instrument Number 201300012089) along said line extended and along said line to the west line of said quarter; thence North 00 degrees 46 minutes 22 seconds West 58.38 feet along said west line; thence North 88 degrees 55 minutes 47 seconds East 52.13 feet; thence South 00 degrees 46 minutes 22 seconds East 331.49 feet parallel with said west line to the Point of Beginning and containing 2.263 acres, more or less.

Subject to all easements, rights-of-way and other servitudes.