

**ORDINANCE NO. 2015 - 23
OF THE TOWN OF ZIONSVILLE, INDIANA**

**AN ORDINANCE TO AMEND THE
OFFICIAL ZONING MAP
OF THE TOWN OF ZIONSVILLE
PURSUANT TO INDIANA CODE 36-7-4-608**

Plan Commission Petition No. 2015-10-Z

WHEREAS, I.C. 36-7-4-600, confers upon Zionsville Town Council the power to determine reasonable zoning requirements for property within the Town's corporate boundaries, and Section 7.3 of the Town of Zionsville Zoning Ordinance sets forth the process to amend the Town's Official Zone Map; and

WHEREAS, the property described in Exhibit A to the Certification attached hereto as Exhibit 1 ("Property"), in the Town of Zionsville, is currently zoned SU-8 Special Use Development District and

WHEREAS, the Town of Zionsville Advisory Plan Commission certified on November 16, 2015, to the Zionsville Town Council a favorable recommendation for rezoning the Property to a (PUD) Planned Unit Development District, and

WHEREAS, the Zionsville Town Council has been requested to amend the Official Zone Map for the Town of Zionsville, Indiana, as amended, and fix a time when the same shall take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA, THAT:

1. Official Zone Map Amendment

- (a) The Official Zone Map of the Town of Zionsville Zoning Ordinance is hereby amended to rezone the Property located in the Town of Zionsville, illustrated and listed on Exhibit B and Exhibit C to the attached Certification, from its current SU-8 Special Use Development District zoning classification to the (PUD) Planned Unit Development District zoning classification. Such Property shall be subject to the conditions and restrictions adopted and imposed by the Zionsville Plan Commission, if any.
- (b) The Clerk Treasurer and Staff are directed to comply with Section 7.3 of the Zoning Ordinance by taking all actions required thereby to implement this Zone Map Amendment.

2. Construction of Clause Heading: 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.

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other Town ordinances in conflict with the provisions herein, if any, are of no further force or effect and are hereby repealed.

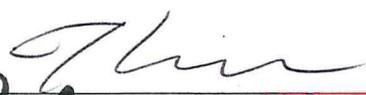
4. **Severability:** If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

5. **Effective Date:** The provisions of this Ordinance shall be in full force and effect from and after its passage and adoption.

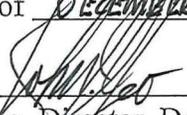
Introduced and filed on the 7th day of DECEMBER, 2015.

DULY PASSED AND ADOPTED this 7th day of DECEMBER, 2015, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 7 in favor and 0 opposed.

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

	YAY Signature	NAY Signature
Steven W. Mundy, President		
Susana Suarez, Vice-President		
Timothy R. Haak, Member		
Elizabeth Hopper, Member		
Thomas Schuler, Member		
Candace L. Ulmer, Member		
Sam Baldwin, Member		

I hereby certify that the foregoing Resolution was delivered to the Town of Zionsville Mayor Jeff Papa on the 8th day of December 2015, at 12:00N ~~PM~~.

ATTEST: 
John J. Yeo, Director, Department of
Finance and Records

MAYOR'S
APPROVAL



Jeff Papa, Mayor

12/10/15

DATE

MAYOR'S
VETO

Jeff Papa, Mayor

DATE



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

November 16, 2015

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

Be it advised that, pursuant to Indiana Code 36-7-4, on November 16, 2015, the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of 4 in favor and 1 opposed, gave a ***Favorable Recommendation*** to proposal 2015-10-Z to amend the Zoning Map (the "Map") of the Town of Zionsville, (Legal Description attached, "Exhibit A"). Proposal 2015-10-Z recommends a rezone of 6.85 acres from the SU-8 Special Use Development District to a (PUD) Planned Unit Development District to provide for a mixed use development consisting of government, professional office, retail, and public use open space/pedestrian trail.

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2015-10-Z to amend the Town of Zionsville Zoning Map (a copy of which is attached to this Certification and incorporated here by this reference, "Exhibit B" and "Exhibit C" to the Town Council of Zionsville, Indiana, with a **Favorable Recommendation**.

**TOWN OF ZIONSVILLE
ADVISORY PLAN COMMISSION**



Allan Rachles, President

Attest:



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

Part of the North Half of the Northwest Quarter of Section 2, Township 17 North, Range 2 East of the Second Principal Meridian, in Boone County, Indiana, described as follows: Beginning as a point on the South line of said Half-Quarter Section 939.84 feet East of the Southwest corner of said Half-Quarter Section; thence North parallel to the West line of said Half-Quarter Section, 990.00 feet; thence East parallel to the South line of Said Half-Quarter Section, 154.94 feet to a point in the Westerly right-of-way of the C.C.C. & St. L. Railroad; thence Southeasterly along and with said right-of-way line, 366.09 feet to a point that is 1,269.84 feet East of the West line of said Half-Quarter Section; thence South parallel to the said West line, 666.60 feet to a point on the South line of said Half-Quarter Section; thence West along with said South line, 330.00 feet to the Place Of Beginning. Containing 6.850 acres, more or less.

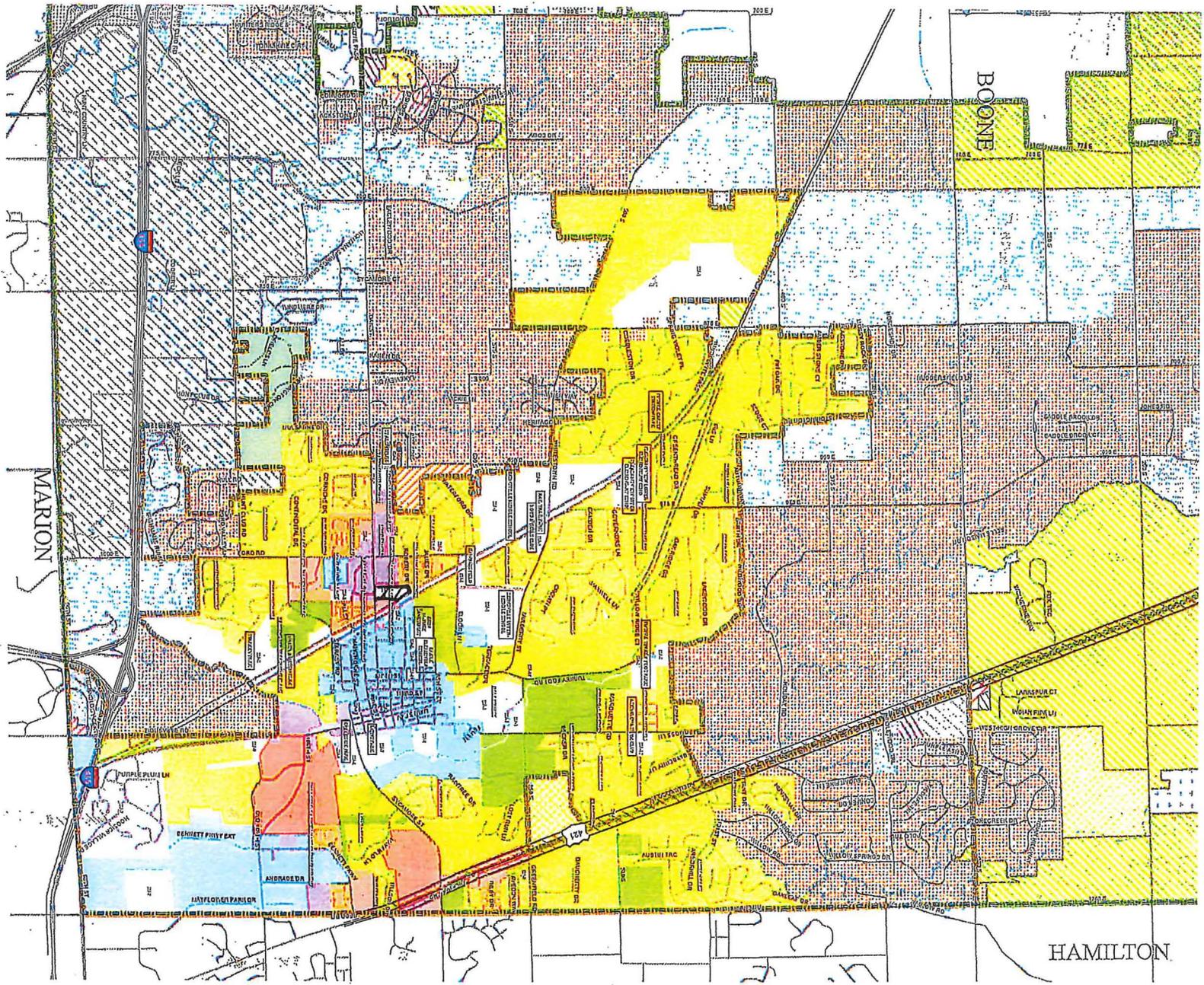


Exhibit B

TOWN HALL PUD ORDINANCE

A. Permitted Uses.

1. Primary Uses

- i). Any Uses Permitted in the B-1 District (except Child Care Center)
- ii). Professional Services
 - (a) Print Shop;
 - (b) Veterinary Clinic/Hospital (indoor boarding and runs)
- iii). Personal Service
 - (a) Hotel;
 - (b) Motel;
 - (c) Mortuary/Funeral Home;
- iv). Public Facilities
 - (a) Multi use recreational trail / walking paths
 - (b) Shelters (roofed structure), Fitness Stations, and Potable Water Sources (drinking fountain)
 - (c) Surface Parking Lots
- v). Clothing Service
 - (a) Costume Shop
 - (b) Tuxedo Rental
- vi). Recreation
 - (a) Dancing, Aerobics, Gymnastics Studio
 - (b) Banquet Hall;
 - (c) Lodge or Fraternal Organization
 - (d) Skating Rink-Ice or Roller (indoor);
 - (e) Tennis/Racquet Club (indoor);
 - (f) Theatre (indoor)

vii). Food Sales and Service

- (a) Convenience Store (see Section 2.12, B, 13 of the Town Zoning Ordinance, as amended);
- (b) Restaurant (drive through service units permitted) (see Section 2.12, B, 13 of the Town Zoning Ordinance, as amended);

viii). Governmental Use

- (a) Police or Fire Station;
- (b) Post Office;
- (c) Town Hall

ix). Retail

- (a) Department Store;
- (b) Home Improvement Store
- (c) Paint/Wall Covering/Floor; Covering Store;
- (d) Radio, Television, Electronics;
- (e) Sales or Service;
- (f) Sporting Goods Store
- (g) Tobacco Store

x). Miscellaneous

- (a) Hospital;
- (b) Rehabilitation Center;
- (c) Repair of Electronics;

2. Special Exception Uses

i). Communication/Utilities

- (a) Public Utility Substation;

3. Accessory Uses -See Section 3.1 of the Town Zoning Ordinance (as amended).

4. Temporary Uses -See Section 3.2 of the Town Zoning Ordinance (as amended).

B. Development Standards.

1. Water and Sanitary System Requirements -attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.
2. Yards and Setbacks.

- i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right-of-Way shall be provided as follows:

<u>Street Classification</u>	<u>Front Yard Front</u>	<u>Front Bufferyard</u>
Limited Access Street:	Thirty (30) feet	Thirty (30) feet
Any other Street:	Ten (10) feet	Thirty (30) feet

In the case where a Proposed Right-of-Way line does not exist, as determined by the Transportation Plan, or where the existing Right-of-Way is greater, the existing Right-of-Way line shall be used for the setback measurement.

- ii). Minimum Side and Rear Yard and Setback -shall be provided from the Lot Line as follows:

- (a) Minimum Side Yard -zero (0) feet
- (b) Minimum Side Bufferyard -thirty (30) feet
- (c) Minimum Rear Yard -zero (0) feet
- (d) Minimum Rear Bufferyard-thirty (30) feet

3. Use of Minimum Yards and Bufferyards

Use of Minimum Yards and Bufferyards -all Minimum Yards and Bufferyards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below:

- i). Minimum Front Yards and Bufferyards -may include driveways, sidewalks and walkways, multi-use pedestrian pathways, fences, flag poles, signs and structures, and shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in Section 3.12 of the Town Zoning Ordinance (as amended);

- ii). Minimum Side and Rear Bufferyards –may include driveways, multi-use pedestrian recreational trail / pathways, shelters, fitness stations and potable water sources, fences, flag poles, signs and sign structure, and electrical plug in sources (for vehicles and / or convenience use) and shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained in compliance with the landscaping requirements set forth in Section 3.12 of the Town Zoning Ordinance (as amended).
4. Maximum Building Height -Forty-five (45) feet.
5. Off-Street Parking -see Section 3.8 of the Town Zoning Ordinance (as amended).
6. Off-Street Loading -see Section 3.9 of the Town Zoning Ordinance (as amended)
7. Requirements for Drive-Through, Off-Street Stacking Spaces -see Section 3.10 of the Town Zoning Ordinance (as amended)
8. Signs -see Article 6 of the Town Zoning Ordinance (as amended).
9. Vision Clearance Areas -see Section 1.21 of the Town Zoning Ordinance (as amended).
10. Landscaping and Screening Requirements -see Section 3.12 of the Town Zoning Ordinance (as amended).
11. Outdoor Operations -All uses and operations (except Off-Street Parking, Off-Street Loading and delivery, walk-up, or drive-through customer service windows) shall be conducted completely within enclosed Buildings, except where expressly permitted below:
 - i). Outdoor seating (including dining) is permissible, and shall not be located between the minimum Building Line and the leading edge of the proposed right-of-way.
 - ii). Overnight parking of municipally owned vehicles (or vehicles associated with official business of Town Hall) is permissible.
 - iii). Outdoor operations related to Town sponsored activities or events is permissible.
 - iv). Trash container(s) exceeding thirty-six (36) cubic feet shall:

- (a) be completely screened on all four (4) sides with a solid-walled or opaque fenced enclosure with gate not less than six (6) feet or greater than eight (8) feet in height above Grade;
 - (b) be located behind the established front Building line; and,
 - (c) not be located within a required yard or Bufferyard yard.
- 12. Separation from "R" Districts -Convenience stores, fast-food or drive-through restaurants shall not be located within one hundred (100) feet, measured in any direction, of an "R" District. The measurement shall be taken from the exterior of the Building (or the tenant bay of the establishment if the use is an Integrated Center), to the zoning boundary of the "R" District.
- 13. Maximum Gross Floor Area No single use, whether free-standing or contained in an Integrated Center, shall exceed sixty thousand (60,000) square feet of Gross Floor Area.

No Integrated Center shall exceed one hundred twenty-five thousand (125,000) square feet of total Gross Floor Area.

C. Development Plan Approval Required.

All Lots in the District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission as set forth in Article 4 of the Town Zoning Ordinance (as amended).

1. Architectural Design Requirements.

i). Design Theme

Buildings shall be designed to incorporate the salient features of and be consistent with or complementary to the Zionsville Theme, incorporating the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles (as described in Article 2 of the Town Zoning Ordinance, as amended).

2. Building Materials

i). Exposed foundations shall be constructed of one (1) or more of the following:

- (a) Brick in a color historically consistent with the selected architectural style;

- (b) Stone (limestone, granite, fieldstone, etc.);
 - (c) Architectural pre-cast concrete, if surface looks like brick or stone.
- ii). Facade walls shall be constructed of any combination of:
- (a) Stone;
 - (b) Clapboard siding;
 - (c) Brick in a color historically consistent with the selected architectural style;
 - (d) beaded siding; or,
 - (e) Dryvit (or similar).

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below. In addition, the exterior Building material selection shall be supplemented by the use of multiple colors, textures (e.g. rough, smooth, striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on each facade. Two (2) or three (3) Building materials (excluding glass in windows or doors and roofing material) shall be utilized for all facades visible from a Street or Alley. The primary Building material shall be one of the following:

- i. brick;
- ii. stone;
- iii. clapboard; or,
- iv. dryvit (or similar)

and shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of each applicable facade.

3. Roofs

- i). Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

ii). Shed Roofs

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4:12 to 14-12.

iii). Flat roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building. In no case shall rooftop mechanical equipment be visible from adjoining "R" Districts. All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the selected architectural design of the Building.

4. Entrances

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.

5. Windows

All window design shall be compatible with the style, materials, color, details and proportion of the Building. The number of panes, the way the window opens, the trim around the window and whether the window is embellished with shutters shall be consistent with the selected architectural style of the Building.

6. Storefronts

Storefronts shall be integrally designed with the overall facade character. Ground floor retail, service and restaurant uses may use large pane display windows, provided, however, such windows shall not exceed seventy-five percent (75%) of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common Building materials, architectural details, Signs and lighting consistent with the overall Building style. Each individual tenant shall have a primary entrance to the storefront from the exterior of the Building.

7. Awnings, Canopies

In addition to the provisions of Section 6.4, L., fixed or retractable Awnings or Canopies are permitted, provided: they complement the Building's architectural style, Building materials, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair facade composition; and are designed as an integral part of the facade. Metal, plastic, or aluminum awnings are prohibited.

D. Lighting Requirements

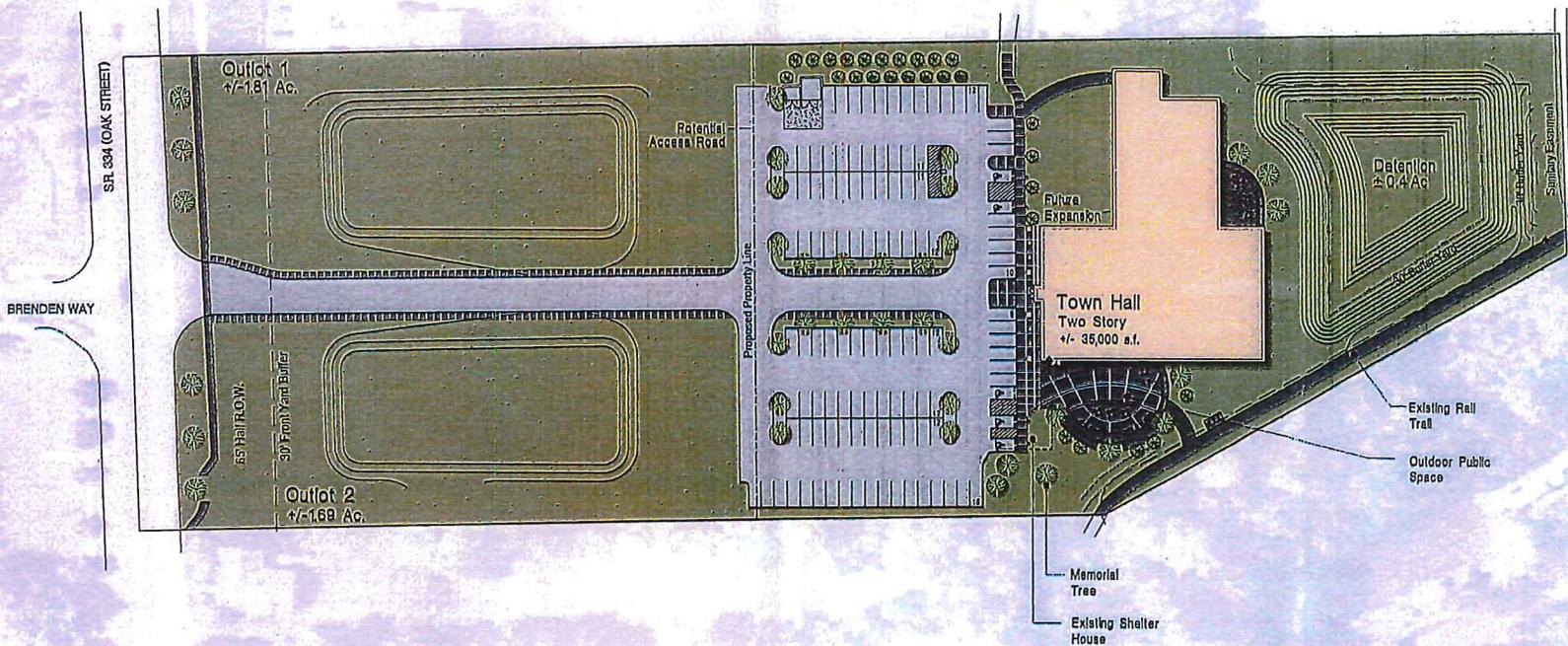
Lighting of all Off-Street Parking Areas shall be a "shoebox" style lighting. All exterior lighting, including wall pack lighting, shall be of light spectrum which is consistent with output from Metal Halide lighting elements.

1. Light standards and fixtures on a Lot, including free-standing light fixtures and those attached to Buildings, security lights, and architectural lights, shall be of consistent design and materials.
2. Parking Lot lights shall be of uniform size, design and height.
3. All free-standing lights shall be of either: a "down lighting" style with the light element completely shielded on all sides and the top; or be equipped with a refractor so as to direct light downward onto the Lot.
4. Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way, based upon the zoning District of the real estate on the opposite side of such Lot Line or Right-of-Way, in excess of:
 - i). If Adjoining Business or Industrial Districts -one (1) foot candle.
 - ii). If Adjoining Open Land, Residential or Special Use Districts -one-half (0.5) foot candle.

5. Architectural or Sign lighting shall be so directed and shielded so that the light element is not visible from any point along an adjacent public Right-of-Way.

E. Building Orientation.

Rear Building facades shall not face a Public Street and no loading area shall be located parallel to or perpendicular to a Public Street.



Concept Site Plan



ZIONSVILLE GOVERNMENT CENTER
 1100 W. OAK ST., ZIONSVILLE, IN 46077
 11/10/15 14163

