

ORDINANCE NO. 2010-04
OF THE
TOWN OF ZIONSVILLE, INDIANA

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

Plan Commission Petition No. 2009-03-OA

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 May 17, 2010 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 2009-03-OA; 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 May 17, 2010; 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 June 7
_____, 2010.

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. Repeal existing Article 5: URBAN Planned Unit Development and RURAL Article 5: Planned Unit Developments and replace with following new Article 5

Planned Unit Development District: Applicable in Urban and Rural Areas.

5.1 Planned Unit Development District (PUD) This district is a zoning district that may contain a single use or any combination of residential, commercial and industrial uses for a PUD. Planned Unit Developments shall be planned as integral units. The approval process for a PUD involves rezoning the property upon approval of a developer's application for a specific planned unit development project. The purpose of these regulations is to provide the community the benefits of efficiency, economy, and flexibility by encouraging unified development of sites, while deriving for the Town the advantages of improved appearance, compatibility of uses, optimum services by community facilities and better handling of vehicular access and circulation. A Planned Unit Development should preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments. Review of the Planned Unit Development by the Plan Commission should assure that such developments are consistent with the objectives of the Town's Comprehensive Plan.

5.2 General Conditions Any real estate may be rezoned Planned Unit Development District in order to accomplish the following:

- (a) The characteristics of the specific site development and its land uses proposed for the subject real estate are compatible with the surrounding area if the development were limited to those plans and uses as submitted.
- (b) Land uses, which would not otherwise be permitted to locate within the existing zoning districts, are proposed for development on a parcel under single or multiple ownership or management.
- (c) Exceptions or variations from the size, setback, frontage, density, uses, or other development standards which are established for a given land use in the other zoning districts are permitted as a part of the Planned Unit Development District.
- (d) The objectives and goals of smart growth are incorporated through the utilization of such initiatives as conservation developments, integrated mixed-use developments, and performance-based implementation developments.

5.3 Uses Within a Planned Unit Development

It is the intent of the PUD to provide flexibility with regard to the mixture of land uses. Within a PUD, any land use may be permitted if such use or uses can be shown to provide an orderly relation and function to other uses in the development and to existing land uses, compatible with such existing land uses, as well as with due regard to the Comprehensive Plan of Town of Zionsville. The permitted use or uses of property located in the PUD shall be determined at the time the zoning district and development plan is approved, and development within the PUD district shall be limited to those uses, as and where specifically requested as part of the application and approval by the Town Council.

5.4 Guidelines for Design

The following principals for proposing a PUD are recommended, but not all inclusive:

- (a) The proposed development should be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood and the Town's Comprehensive Plan.
- (b) Interest and variety should be sought, by means of street design and changes in and mixtures of building types, heights, facades, setbacks, planting, or size of open space. The design should be harmonious as a whole and not simply from street-to-street.
- (c) Streets should curve to discourage fast movement of traffic; traffic calming devices should be integrated into street design; group parking areas should be screened, so that the vehicles are substantially hidden from the street.
- (d) The natural amenities of the land should be preserved through maintenance of conservation areas and open spaces. A minimum of at least twenty (20) percent of the gross area of the site should be retained in open space.
- (e) Height of buildings in excess of thirty-five (35) feet should be designed and planned to be reasonably consistent with the neighboring property and foster efficient use of existing public services and facilities.
- (f) Within a primarily residential development, commercial and office uses, if proposed, should be scaled so that they primarily serve the occupants of the development. Commercial and office uses within the development should be at the front of the development and be accessed by an internal collector road.
- (g) Structures or buildings located at the perimeter of the development should face outwardly and be properly screened in a manner that sufficiently protects the privacy and amenities of the adjacent and neighboring property uses.

5.5 Lot Area and Lot Width, General There shall be no requirements for minimum lot size, minimum lot width, lot coverage, yards and building setbacks, or height requirements that apply to a PUD. These requirements should be proposed by the applicant of the PUD and shall be as approved by the Plan Commission via a detailed site plan, or a detailed site plan accompanied by a written narrative describing the development restrictions applicable to the PUD.

5.6 Water and Sewer All uses within a PUD shall be connected to water and sewer services and shall not be on well and septic.

5.7 Procedure for Approval of a Planned Unit Development District The filing of a plan for a PUD shall be considered an amendment to the Official Zoning Map for the

Town of Zionsville and shall meet the requirements for amendments specified in this resolution and all applicable land use regulations for the Town of Zionsville. An application for rezoning to the PUD District may be considered simultaneously with, or to be combined with, preliminary plat approval as allowed by this ordinance and the Town of Zionsville Subdivision Control Ordinance; if preliminary plat approval is requested simultaneously by the applicant, said rezoning application for the Planned Unit Development District shall contain all information required for a preliminary plat and rezone approval.

(a) Applications for special uses and development standards variances from the Board of Zoning Appeals shall not be necessary when proposing a PUD.

(b) Amendments, deviations, or other changes from the approved PUD shall be processed as a zoning amendment with a public hearing by the Plan Commission and final approval by the Town Council; consequently, any addition of uses, change of plans, or increase in size or density of an approved PUD shall require a separate application for amendment of the original approved PUD and shall follow the same process as other rezoning requests to change the zoning map incorporated by reference into this Ordinance.

(c) Waivers of the Subdivision Control Ordinance from the Plan Commission shall not be necessary when proposing a PUD.

(d) The Plan Commission shall review the proposals prior to submitting a recommendation to the Town Council. The Plan Commission may recommend reasonable conditions to the Town Council to protect neighboring properties or uses.

(e) Approval by the Town Council pursuant to I.C. 36-7-4-608 constitutes creation of the Planned Unit Development District. The Town Council may impose conditions on the approval of a PUD, require a bond, or allow or require a written commitment in accordance with I.C. 36-7-4-1512.

5.8 Additional Information to Be Provided The following information shall be provided by way of a development plan or plat, or combination thereof, which may be accompanied by a written report or narrative description of the development restrictions applicable to the PUD.

(a) The proposed title of the project and the name of the engineer, architect, designer, or landscape architect, and the development.

(b) A location map showing the position of the proposed development in relationship to the surrounding area.

(c) A general description of the proposal, stating the purpose and goals of the development, and the design features incorporated for meeting these goals.

- (d) A discussion of the proposed standards for development, including restrictions on the use of the property, density standards, yard requirements and restrictive covenants.
- (e) A discussion as to how accessory uses and buildings will be considered.
- (f) Location, height, and material of all fences, walls, screens, planting, and landscaping. Plans for protection of abutting properties, including buffers, screening, and landscaping.
- (g) Proposed development timetable, including all planned phases of the project.
- (h) The boundaries of the property involved, the location of all existing easements, section lines, and property lines, existing streets, buildings, and other existing physical features in or adjoining the project.
- (i) The location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas (including numbers of parking and loading spaces), and outdoor lighting systems.
- (j) The location and sizes of existing and proposed sanitary and storm sewers, water mains, culverts, and other underground facilities in or near the project.
- (k) The location of proposed lots, setback lines, and easements, and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.
- (l) The location and height of all proposed main and accessory buildings and structures, including typical elevations of such structures.
- (m) Proposed location, intended use, and character of all buildings, including a tabulation of the total number of dwelling units if proposed.
- (n) Location, character, size, and height of proposed signs and their orientation in relation to surrounding properties.
- (o) A tabulation of the total number of acres in the project, gross and net, and the percentage square footage thereof proposed to be devoted to different dwelling types, commercial uses, other non-residential uses, off-street parking, streets, parks, schools, green space, conservation areas, and other public and private reservations.
- (p) A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross and net, as required by district regulations.

(g) A discussion of the mechanism for matters not covered by the PUD to default to zoning regulations of the Town of Zionsville.

(r) A detailed legal description of the location of the site.

5.9 Review Standards In considering and acting upon applications for rezoning to the Planned Unit Development District, the Plan Commission and Town Council may consider and base their recommendation and decision, respectively, on the following information:

- (a) conformity to the purpose and intent of the PUD
- (b) quality of site design
- (c) integration of a variety of land uses, building types, and densities
- (d) preservation of natural features
- (e) compatibility with adjacent and neighboring land uses
- (f) provision and type of open space and the provision of other amenities designed to benefit the general public
- (g) consistency with the goals and objectives of the Comprehensive Plan
- (h) adequacy of utilities and other public works
- (i) provision for an appropriate performance bond and its maintenance upon approval of the proposed development.

5.10 Final Plat Required A final plat and development plan shall be submitted for review for compliance with the approved PUD by the Building Commissioner. Upon certification by the Building Commissioner that said final plat or development plan complies with the PUD as approved, it shall be recorded in the office of the Recorder of Boone County, Indiana, prior to submission of an application for an Improvement Location Permit. The development plan shall be certified by the Building Commissioner as approved in a form acceptable to the Boone County Recorder, and as to plats, according to the certification requirements established in the Subdivision Control Ordinance. The plat shall comply with all laws, regulations, and resolutions governing the approval of subdivisions and, in addition, shall show all the features required by the PUD. A development plan of PUD shall be recorded regardless of whether a subdivision is proposed.

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 7th day of JUNE, 2010. A motion to consider on 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 7th day of JUNE, 2010, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 5 in favor and 2 opposed.

TOWN OF ZIONSVILLE, INDIANA
BY ITS TOWN COUNCIL

Matthew M. Price

Matthew M. Price, President

For

Opposed

Timothy Haak

Timothy Haak

For

Opposed

Valerie Swack

Valerie Swack

For

Opposed

Welton W. Harris II
Welton W. Harris II

For

Opposed

Candace L. Ulmer
Candace Ulmer

For

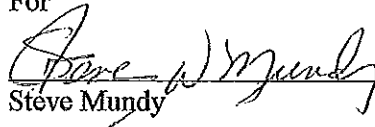
Opposed



Judith Essex

For

Opposed

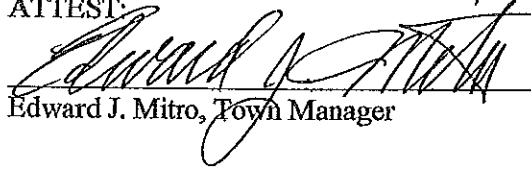


Steve Mundy

For

Opposed

ATTEST:



Edward J. Mitro, Town Manager