



MEMORANDUM

TO: Town of Zionsville Town Council
FROM: Mike Dale, Director of Planning and Building
DATE: April 25, 2025
RE: Plan Commission Docket # 2025-24-OA Development Plan Approval
Ordinance Amendment

Planning and Building Staff have been working on crafting revisions to several sections of the zoning ordinance over the past few months. This proposed text amendment would revise Sections 194.125-128. This section establishes the procedures for reviewing and approving development plans throughout Zionsville's planning and zoning jurisdiction.

This amendment would not impact the BZA's role in reviewing/granting variances. Variances to development standards would still be appealed to the BZA.

The proposed amendment is intended to repeal and replace the existing sections in the zoning code.

Plan Commission Recommendation:

At its April 21, 2025 regular meeting the commission heard Petition #2025-24-OA and upon hearing the request and holding a public hearing, the commission determined 6 in favor/0 opposed to forward a favorable recommendation to the Town Council. Materials provided to commissioners are available here: [2025-24-OA: Staff Memo with Exhibits](#)

The Plan Commission certification is attached.

Mike Dale, AICP

Director of Planning and Building

**ORDINANCE NO. 2025- 12
OF THE TOWN OF
ZIONSVILLE, INDIANA**

**AN ORDINANCE TO AMEND THE
ZONING ORDINANCE FOR
THE
TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

**AND FIXING A TIME WHEN THE SAME SHALL TAKE
EFFECT**

**Plan Commission Petition No.
2025-24-OA**

WHEREAS, the Town Council of the Town of Zionsville, Boone County, Indiana (the “Town Council”) desires to promote positive development in the community; and,

WHEREAS from time to time it is necessary to review and update the Town of Zionsville Zoning Ordinance (the “Zoning Ordinance”); and,

WHEREAS, the Town Council desires to promote the health, safety, convenience, and general welfare of the community by amending the Zoning Ordinance; and,

WHEREAS, in accordance with Ind. Code § 36-7-4-600 *et seq.*, the Town of Zionsville Advisory Plan Commission, Boone County, Indiana (the “Plan Commission”) conducted a public hearing on April 21, 2025 to consider a proposal to amend the Zoning Ordinance”; filed as petition 2025-24-OA; and,

WHEREAS, the Plan Commission certified the proposal to amend the Zoning Ordinance to the Town, with a favorable recommendation on April 21, 2025 (Exhibit A); and,

WHEREAS, the Town Council considered the Proposal to amend the Ordinance at its regular meeting on _____, 2025 and,

WHEREAS, the Town Council accepts the recommendation of the Plan Commission and has decided to adopt the proposed amendments to the Zoning Ordinance.

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

Section 1. The forgoing recitals are incorporated herein by this reference.

Section 2. Sections 194.125 through 194.128 inclusive of the Zoning Ordinance are hereby repealed in their entirety and replaced as follows:

§ 194.125 DEVELOPMENT PLANS.

194.125

A. Applicability: the development plan review process is established to assure adherence to standards contained in the zoning ordinance. Development plan approval is required prior to the start of any:

1. New construction
2. Building additions
3. Redevelopment of existing sites
4. New or expanded surface parking and/or loading areas
5. Projects pertaining to Agribusiness Type 1 and 2

B. Exceptions:

1. Individual single family dwellings
2. Agricultural sites and buildings used solely for agricultural purposes
3. Temporary land uses or structures
4. Establishing a new land use or changing an existing land use
5. Projects involving building additions **only** and that do not increase the existing building size by more than twenty-five percent (25%)
6. Signs not submitted as part of an overall signage master plan
7. New residential subdivisions. These are reviewed and approved via the Subdivision Platting process

C. Authority

1. The Plan Commission has authority to review and approve development plans specifically assigned to it by this ordinance.
2. The Director of Planning and Building (Director) has the authority to review and approve development plans specifically assigned to the Director by this ordinance
3. The Director has the authority to determine the appropriate body for approval for those proposals not specifically assigned herein. Any determination by the Director of Planning and Building may be appealed to the BZA in accordance with established rules.

D. Application

1. Plan Commission review and approval of development plans shall be required for:
 - a. Preliminary plans filed for Planned Unit Developments
 - b. New construction in non-residential zoning districts
 - c. Additions or expansions of any existing non-residential use or structure including outdoor storage or sales areas, parking spaces, or paved surface parking areas by **more than** fifty percent (50%) of its current size, or if any action is required by the BZA and is greater than twenty percent (20%) of the current size
 - d. Addition of any vehicular access point to any existing public right-of-way

e. Projects related to Agribusiness, Type 2.

f. Institutional Use Master Plans. In certain cases, an institutional use (school, place of worship, hospital, government entity, etc.) may submit a development plan, showing the locations of all proposed buildings, signage, landscaping, lighting, parking areas, and access points for review and approval.

2. Administrative review of development plans shall be required for:

a. Secondary review of any Planned Unit Development

b. Redevelopment of existing sites

c. Additions, expansions, or removal of any existing non-residential use or structure including outdoor storage or sales areas, parking spaces, or paved surface parking areas by **less than** fifty percent (50%) of its current size, or if any action is required by the BZA and is less than twenty percent (20%) of its current size

d. Projects related to Agribusiness, Type 1

e. Projects included in an Institutional Use Master Plan that do not modify the original master plan by more than twenty-five percent (25%)

3. The Director, in their sole discretion, may require projects to be approved by the Plan Commission.

E. Approval process. Applications for development plan approval shall be filed and processed in the following manner:

1. Anyone wishing to file for development plan approval must schedule a pre-filing meeting with Planning and Building staff to review preliminary plans and discuss the approval process. The need for additional information may also be noted at this meeting. This meeting must occur two (2) weeks prior to the filing deadline noted on the Plan Commission Deadlines and Meeting Dates calendar. In special circumstances, and at the discretion of planning staff, the date for the pre-filing meeting may be less than the two (2) week deadline.

2. File the required application forms, supplementary documents, and fee no later than 3:00PM on the filing deadline noted on the Plan Commission Deadlines and Meeting Dates calendar. Incomplete and/or late applications will not be considered but may be re-submitted on the following filing deadline.

3. Each development plan petition will be reviewed for compliance with the standards set forth in the zoning and subdivision control ordinances. Plans filed for Plan Commission consideration shall be placed on the agenda in accordance with the adopted Plan Commission Rules and Procedures. Plans filed for consideration may also be reviewed at a Technical Advisory Committee Meeting. The purpose of this meeting is to allow the applicant to discuss the project with staff and other commenting agencies prior to any hearings for approval. The applicant may revise plans based on this discussion.

4. Filing Requirements. An application for Development Plan Review shall be made on a form provided by the Planning and Building Department. The application, along with relevant documents and fees, shall be submitted by the deadline noted on the approved Plan Commission Deadlines and Meeting Dates schedule. The proposal shall be reviewed and approved either by the Advisory Plan Commission at a scheduled meeting or administratively.

5. Approval.

a. Administrative approval. For projects delegated to staff, once staff determines that all technical comments have been resolved, the plans shall be approved. The Director shall sign and date a completed Findings of Fact and approved set of plans, referencing any variances, special exceptions, and commitments. This becomes the official approved Development Plan. A public hearing is not required for administrative approvals.

b. Plan Commission approval. For projects delegated to the Plan Commission, Commissioners will receive the filing and determine that all technical and development requirements have satisfied, and that the proposal meets the town's adopted development requirements. Approved Findings of Fact shall be signed by the President and this, along with the plans, variances, special exception, and commitments becomes the official approved Development Plan. A public hearing is required for Plan Commission approvals.

6. Approval Criteria. Development plans shall be approved only upon making written findings that the Development Plan complies with the following:

A. Is consistent with The Town of Zionsville Comprehensive Plan;

B. Satisfies the development requirements specified in the applicable zoning ordinance;

C. Satisfies the construction requirements of the Zionsville Standard Details.

7. Amendments. An approved Development Plan may be approved administratively when the proposed amendment is not a substantial change from the originally approved plans as determined by the Director. The Director may refer plan amendments to the Plan Commission for approval. When evaluating an amendment, it is not necessary to bring the entire site into compliance with current development standards if the amendment involves a less than seventy-five percent (75%) expansion or increase in site intensity.

8. Expiration. Development plan approvals shall be valid for three (3) years from the date of approval. The Director may allow one (1) six-month extension for cause. The Applicant shall submit the request in writing and the Director shall make a written determination regarding the decision. The request and decision shall become part of the official record. If substantial progress in developing the project has not occurred by the end of the three year period (or extension), the approval shall expire, and a new application shall be required.

9. Appeals of Determinations by the Director: Any determination of the Director under this Section may be appealed to the Plan Commission, in writing, by any interested party. The request must be made by the filing deadline on the official Schedule of Meetings. The applicant shall be responsible for providing Notice per the Rules and Procedures and must attend the meeting where the appeal is being heard.

10. Judicial Review. Decisions by the Plan Commission shall be subject to judicial review as per I.C. 36-7-4-1600 Series Judicial Review.

11. Waiver of requirements. Neither the Director nor the Plan Commission shall have the authority to waive or modify any development standard of the zoning ordinance in the review of a development plan. All variances from the terms of this Section shall be subject to the approval of the Board of Zoning Appeals.

12. Approval of a development plan does not authorize any construction activity, but merely authorizes the applicant to proceed with filing necessary construction and building permits.

F. Plan Documentation and Supporting Information. Applications for development plan approval shall be filed and processed in the following manner:

1. File the required application forms, supplementary documents, and fee no later than 3:00PM on the filing deadline noted on the Plan Commission Deadlines and Meeting Dates calendar. Two (2) paper copies and one (1) electronic copy of all filing materials, including supplemental information is necessary to ensure a complete application. Incomplete and/or late submissions will not be considered but may be re-submitted on the following filing deadline. At a minimum, plans must include the following:

- a. a signed and completed application and filing fee
- b. a legal description of the property
- c. two (2) paper copies and one (1) electronic copy of all filing materials, including supplemental information
- d. completed Findings for development plan approval
- e. a project narrative which fully describes the project scope and elements
- f. a letter granting authority to an agent if the application is not the owner of the property.
- g. full size plan sets of the development plan to include:
 - i. general vicinity map
 - ii. property boundary lines including any easements
 - iii. elevation marks and contours
 - iv. traffic and circulation plan. This may include a traffic impact study or analysis when required
 - v. pedestrian circulation plan
 - vi. adjacent streets
 - vii. parking and loading plan, including number of spaces required and provided and their dimensions
 - viii. landscape plan indicating plant types (scientific and common names), number, size, location, and installation methods. Notes indicating how proposed landscaping meets ordinance requirements must be included. A tree survey and protection methods must be shown if existing trees are intended to be preserved
 - ix. grading and drainage plan in accordance with stormwater and zoning ordinance requirements
 - x. utilities plan
 - xi. lighting plan
 - xii. size and location of all monument signs. Note: signage is approved through a separate permit process after development plan approval is given
 - xiii. open space and amenity area details
 - xiv. waste receptacles and outdoor storage areas including elevations and building materials

xv. all proposed improvements showing locations, dimensions, and configuration of existing and proposed buildings, structures, and uses

xvi. floor plans, building plans, color elevations, and building materials for all structures

xvii. development summary indicating lot area, building square footages, lot coverage, building heights, number and size of dwelling units and structures.

Section 4. 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 5. 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 pertain.

Section 6. 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 7. 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 8. Duration and Effective Date: The provisions of this Ordinance shall become and remain in full force and effect upon adoption according to Indiana Law and until its repeal by ordinance.

Introduced and filed on the _____ day of _____, 2025. A motion to adopt on First Reading was sustained by a vote of _____ in favor and _____ opposed, pursuant to Ind. Code § 36-5-2-9.8.

DULY PASSED AND ADOPTED this _____ day of _____ 2025, 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**

YEA

NAY

Jason Plunkett, President		
Brad Burk, Vice-President		
Tim McElderry		
Craig Melton		
Evan Norris		
Sarah Esterline Sampson		
Joseph Stein		

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville mayor John Stehr on the _____ day of _____, 2025 at _____ A.M./P.M.

ATTEST: _____
Amy Lacy, Municipal Relations Coordinator

MAYOR'S
APPROVAL

John Stehr, Mayor

DATE

MAYOR'S
VETO

John Stehr, Mayor

DATE

This Ordinance was prepared by Jon Oberlander, Chief Legal Counsel, on April 15 at 3:00 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Oberlander for legal sufficiency or otherwise.



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

TO: Town of Zionsville Town Council
FROM: Mike Dale, Director of Planning and Building Development
DATE: April 24, 2025
RE: Plan Commission Docket #2025-24-OA: Zoning Ordinance Amendment, Sections 194.125 - 128 Development Plan Approvals

Be it advised that, pursuant to Indiana Code 36-7-4, on April 21, 2025, the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of Six (6) in favor and Zero (0) opposed with one (1) member absent, forwarded a favorable recommendation to the Town Council regarding Petition #2025-24-OA. The requested text amendment to the Town's Zoning Ordinance outlines petitions subject to development plan review and whether those approvals will be conducted by staff or by the Plan Commission. Further is provides for approval and appeal processes, and would replace the current ordinance sections in their entirety.

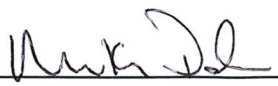
The proposed Town Council Ordinance amending Sections 194.125 – 128 of the Town's Zoning Ordinance is attached.

The Commission hereby certifies a favorable recommendation to the Town Council regarding petition #2025-24-OA to amend the text of the Town's Zoning Ordinance.

TOWN OF ZIONSVILLE ADVISORY PLAN COMMISSION



Dave Franz
President, Plan Commission



Mike Dale, AICP
Secretary