



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

November 16, 2021

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

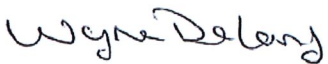
Be it advised that, pursuant to Indiana Code 36-7-4, on November 15, 2021, the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of 7 in favor and 0 opposed, gave a ***Favorable Recommendation*** to proposal 2021-39-CA to amend the recorded Commitment Concerning the Use or Development of Real Estate, recorded with the Boone County Recorder as Instrument No. 2019013490 ("Commitments"), and as further modified by Instrument No. 2020013511, specifically, applicable to the property being developed as Appaloosa Crossing. The proposed amendment revises Exhibit B of the Commitments which identifies prohibited uses within the General Business (GB) and Professional Business (PB) Zoning Districts and updates Exhibit B to state "Multi-Family Dwelling (provided attached, "for sale" townhomes shall be permitted)."

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2021-39-CA to amend the recorded Commitments (a copy of which is attached to this Certification and incorporated here by this reference) 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

ORDINANCE NO. 2021-13_____
OF THE TOWN OF
ZIONSVILLE, INDIANA

AN ORDINANCE TO MODIFY A COMMITMENT
CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
WITHIN THE
TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA

AND FIXING A TIME WHEN THE SAME SHALL TAKE
EFFECT

Plan Commission Petition No.
2021-39-CA

WHEREAS, L.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 L.C. 36-7-4-600 et seq. the Town of Zionsville Advisory Plan Commission, Boone County, Indiana conducted a public hearing on November 15, 2021 to consider a proposal to modify a recorded Commitment Concerning the Use or Development of Real Estate recorded with the Boone County Recorder as Instrument No. 2019013490 (the “Commitments”) and as further modified by Instrument No. 2020013511, specifically, applicable to the property being developed as Appaloosa Crossing; and

WHEREAS, the Town of Zionsville Advisory Plan Commission certified the proposal to amend the Commitments to the Town Council of the Town of Zionsville, Boone County, Indiana, with a unanimous favorable recommendation on November 16, 2021 (Exhibit 1); and

WHEREAS, the Town Council of the Town of Zionsville, Boone County, Indiana, considered the Ordinance to amend the Commitments at its regular meeting on December 6, 2021.

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 Exhibit B to the Commitments, as fully set forth in Exhibit 2, which identifies prohibited uses within the General Business (GB) and Professional Business (PB) Zoning Districts be amended as follows:

- A. “Multi-Family Dwelling (provided attached, “for sale” townhomes shall be permitted).
- B. The Commitments, as amended hereby and as fully set forth in Exhibit 3, shall be recorded in the Office of the Boone County Recorder.

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.

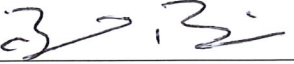
DULY PASSED AND ADOPTED this 6th day of December 2021, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

Ord 2021-13

**TOWN COUNCIL OF THE TOWN
OF ZIONSVILLE, BOONE COUNTY, INDIANA
(Signatures of Council Members)**

YEA

NAY

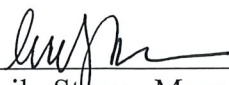
Josh Garrett, President		
Jason Plunkett, Vice-President		
Brad Burk, Member		
Alexander Choi, Member		
Joe Culp, Member		
Craig Melton, Member		
Bryan Traylor, Member		

I hereby certify that the foregoing Resolution was delivered to the Town of Zionsville Mayor Emily Styron on the 7th day of December, 2021, at 8:00 A.M./P.M.

ATTEST: _____

Amelia Lacy, Municipal Relations Coordinator

**MAYOR'S
APPROVAL**



Emily Styron, Mayor

12/7/2021

DATE

**MAYOR'S
VETO**

Emily Styron, Mayor

DATE