



MEMORANDUM

November 21, 2022, Town Council Meeting

TO: Town of Zionsville Town Council
FROM: Mike Dale Director of Community and Economic Development
RE: Plan Commission Docket # 2022-48-OA
Ordinance Amendment request to revise the language of the Subdivision Control Ordinance: Section 193.035, General Procedures. This request contemplates amendments to Plan Commission filing deadline dates.

The proposed amendment to the current Subdivision Control Ordinance contemplates an amendment to Section 193.035 of the Town of Zionsville "SCO" regarding the Plan Commission filing deadline dates for Primary Plats.

To provide consistency with the annual Plan Commission Meeting Deadlines and Dates schedule (enclosed here for reference), it is proposed that the language as redlined in the enclosed section be revised to read:

193.035 (B) (2):
Petitions for Primary Plat approval shall be filed with the Community and Economic Development department as referenced in the annual Plan Commission Meeting Deadlines and Dates.

The revision language aligns the Zoning Ordinance Section 193.035 with current practices within the Community and Economic Development Department. For your reference, the approved 2022 Plan Commission Deadlines and Meeting Dates are enclosed as an example.

Respectfully Submitted:

Mike Dale, AICP
Director of Community and Economic Development Department.

**ORDINANCE NO. 2022-28
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.
2022-48-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 October 17, 2022, 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 2022-48-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 October 17, 2022 (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 November 21, 2022.

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 Amendment proposes revised language to Section 193.035 (B) (2) of the Subdivision Control Ordinance to include a reference to the Plan Commission Annual Deadlines and Meeting dates schedule as follows:
Petitions for Primary Plat approval shall be filed with the Community and Economic Development department as referenced in the annual Plan Commission Meeting Deadlines and Dates.

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 on January 1, 2023, according to Indiana Law and until its repeal by ordinance.

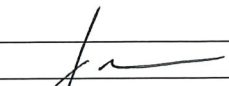
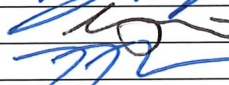
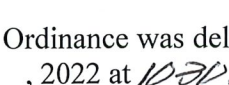
Introduced and filed on the 17th day of October, 2022. A motion to consider on First Reading was sustained by a vote of 15 in favor and 0 opposed, pursuant to Indiana Code 36-5-2-9.8.

DULY PASSED AND ADOPTED this 21st day of November, 2022, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 7 in favor and 2 opposed.

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

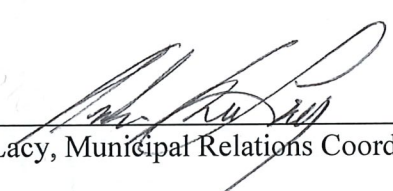
YEA

NAY

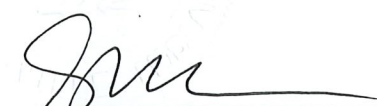
Jason Plunkett, President		
Brad Burk, Vice-President		
Josh Garrett		
Alex Choi		
Joe Culp		
Craig Melton		
Bryan Traylor		

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville mayor Emily Styron on the 21st day of November, 2022 at 10:00 A.M./P.M.

ATTEST:


Amy Lacy, Municipal Relations Coordinator

**MAYOR'S
APPROVAL**


Emily Styron, Mayor

11/21/2022

DATE

**MAYOR'S
VETO**

Emily Styron, Mayor

DATE

EXHIBIT A

Plan Commission Certification

[attached]



Town of Zionsville 1100 West Oak Street Zionsville, Indiana 46077 www.zionsville-in.gov

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

October 17, 2022

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

Be it advised that, pursuant to Indiana Code 36-7-4, on October 17, 2022, the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of 5 in favor and 0 opposed, gave a Favorable Recommendation to proposal 2022-48-OA to amend the text of the Town of Zionsville Zoning Ordinance, applicable to all real property located in the Town of Zionsville, Boone County Indiana.

The proposal amends Section 193.035 General Procedures within the Town of Zionsville Zoning Ordinance related to Plan Commission Filing deadlines.

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2022-48-OA to amend the Town of Zoning Ordinance (a copy of which is attached to the 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 L. Franz, President



Janice Stevanovic
Secretary, Town of Zionsville Advisory Plan Commission

PROCEDURES, PLANS AND SURETY

§ 193.035 GENERAL PROCEDURES.

(A) *Conceptual plat review.*

(1) A pre-filing conference with staff to perform a conceptual plat review is required prior to filing for primary residential incremental subdivisions. A pre-filing conference, however, is not required prior to filing for primary subdivisions.

(2) At a pre-filing conference to perform a conceptual plat review, the subdivider shall provide six copies capable of depicting the conceptual layout of the major features of the proposed subdivision (streets, drainage and other utility services). Staff may take up to ten business days to review the proposed sketch plan and provide feedback to the subdivider. The subdivider is encouraged to incorporate the comments received from staff into the design of the primary plat approval.

(3) Notwithstanding anything contained in this chapter to the contrary, neither the staff's conceptual plat submitted at a pre-filing conference, nor staff's comments to the petitioner relating thereto, shall be considered concerning the proposed primary plat.

(B) *Filing for primary plat approval.*

(1) Subdivision plats shall be initiated by the filing of a notarized petition, in a form as prescribed by the town, signed by the owners or an authorized agent of the owners of the land involved in the petition. An authorized agent shall be signed by the owner on a form acceptable to the Plan Commission, at the time of filing a petition which authorizes the agent to act on behalf of the owner.

~~(2) Petitions for primary plat approval shall be filed with the Clerk-Treasurer's office of the town no later than the filing deadline set forth below:~~

Type of Petition	Filing Deadline*
Non residential subdivisions	60 days
Residential subdivisions	
Major	60 days
Minor	45 days
<u>NOTES TO TABLE:</u>	
The filing deadline shall mean the number of days prior to the initial hearing before the Plan Commission at which the petition is to be considered.	

(3) Each petition for primary plat approval shall be accompanied by six folded copies of the primary plat. The primary plat shall be submitted to each checkpoint agency prior to filing with the town's Clerk-Treasurer's office. For purposes of this chapter, a checkpoint agency is defined as an agency or department of local, state or federal government, or other public entity, by the Building Commissioner to have an interest in the development of subdivisions in the town. Specific agencies in the development of subdivisions in the town include, but are not limited to: the town's Fire Department; town's Police Department; and town's Street Department.

(4) All petitions shall be on forms provided by the Plan Commission. In addition, site plans, surveys, legal descriptions, commitments and any other relevant supporting documentation shall be of a usable scale and quality as specified by the Plan Commission.

(5) When findings of fact are required by this chapter, the petitioner shall prepare proposed detailed written findings of fact filed at the time of filing of the petition.

(6) All petitions shall specify the approvals requested. Any items, including proposed waivers of the standards set forth in the proposed plans, shall not be considered a part of the request presented to the Plan Commission unless such waivers are specified in the petition.

(e) A provision for other services specified in this chapter.

(11) Expiration of approved preliminary plats and preliminary plats with commitments.

(a) Preliminary plat approvals granted by the Plan Commission, including approvals receiving modification, shall be valid for three years from the date of said approval. If development of the project has not materially progressed by the end of said three-year period, the approval expires and a new preliminary plat application must be submitted. The applicant (or party which has been assigned the property being the subject of approval) may appear at a Plan Commission matter of "other business," prior to said expiration date and request consideration of an extension of time before the approval expires, in which event any extension of the Plan Commission grants shall not extend beyond a date which is later than the date of the most recent preliminary plat approval, including approval of any modification or amendment thereof.

(b) If the recording of commitments is required in connection with approval of a preliminary plat, including approval of modifications and amendments, said approval shall automatically be conditional and shall not become final unless the requirements are satisfactory to the Plan Commission and recorded within 90 days after said Plan Commission approval. If commitments are not finalized and recorded within said 90 days, such conditional approval shall expire, and the applicant (or party which has been assigned the property being the subject of the approval), as required originally, within 60 days after said conditional preliminary plat filing shall be deemed to have been withdrawn.

(C) *Filing for secondary plat approval.*

(1) The secondary plat submitted for approval must:

- (a) Conform to the primary plat in terms of design and conditions of approval imposed on the primary plat;
- (b) Be in a form approved for recording by the county's Recorder; and
- (c) Include the all information specified below for secondary plats.

(2) Authority is hereby delegated to the Building Commissioner to administratively grant final approval of secondary plats with the criteria set forth in this chapter.

(D) *Special provisions for non-residential incremental subdivisions.* The secondary plat approval process for non-residential subdivisions is intended to provide for the phased approval of non-residential lots of a size and configuration suitable for the needs of development while safeguarding the needs and interests of the public for proper infrastructure design. A non-residential incremental subdivision electing to not utilize this incremental secondary plat approval process shall follow the full primary and secondary plat approval process outlined above.

(1) *Incremental approval process.*

(a) Any subdivider who proposes to utilize the incremental approval process shall indicate the intention to utilize the process at the pre-filing conference for conceptual plat review with staff as required below.

(b) Any subdivision for non-residential land uses may be divided into two or more increments or phase approval. In connection with a primary plat approval intending to utilize the incremental approval, the Plan Commission shall grant a secondary plat approval upon the following requirements:

1. All lots created by an incremental secondary plat shall have either:

- a. Direct access to and from a public street; or
- b. Gain access to and from a public street across a perpetual recorded access easement through the primary plat.

2. All lots created by an incremental secondary plat shall either contain within the limits of the incremental plat adequate infrastructure to accommodate the fully developed needs of the incremental plat (i.e., stormwater, sewer, water, electric, gas, telephone and the like).

(c) The Plan Commission may impose any other reasonable conditions on the primary plat approval of a non-residential incremental subdivision deemed necessary to assure the orderly development of the non-residential incremental subdivision. Such conditions may include the completion of, or posting a bond or other surety in lieu thereof for, improvements necessary for the secondary plat but which improvements may not be located within the bounds of the proposed incremental plat.

(E) *Recording and filing of recorded secondary plat.* All subdivisions shall follow one of the following procedures for filing of recorded secondary plats with the town.

(1) *Completion of improvements prior to recording.*

(a) After:

1. Completion of all required improvements, installations or lot improvements within a subdivision plat;
2. The submission of "as built" construction plans;
3. The inspection and acceptance of all improvements, installations or lot improvements by the town;
4. The posting of a maintenance bond for all improvements, installations or lot improvements, the Plan Commission shall sign and certify the secondary plat of a subdivision which shall then be recorded in the office of the Recorder of Deeds within 30 days of signing.

(b) One Mylar copy of the recorded secondary plat and four blueline copies of the recorded secondary plat shall be filed with the Building Commissioner within five business days of recording.

(2) *Surety for improvements prior to recording.* After the posting of surety for required improvements, if the surety is acceptable to the Plan Commission, the President and Secretary of the Plan Commission shall sign the secondary plat which shall be recorded in the office of the Recorder of the county within 30 days of signing. One Mylar copy of the secondary plat and four blueline copies of the recorded secondary plat shall be filed with the Building Commissioner within five business days of recording.

(Ord. 2000-21, passed 11-6-2000; Ord. 2015-14, passed 3-2-2015)

EXAMPLE**2022 Zionsville Plan Commission Deadlines and Meeting Dates***Pre-filing Meetings are required. Contact Staff at least 2 weeks prior to the Filing Deadline to schedule.***Red Text** - Indicates date change due to a Holiday or Scheduling Conflicts.

Process Steps	Deadlines for January Meeting	Deadlines for February Meeting	Deadlines for March Meeting	Deadlines for April Meeting
Filing Deadline	Monday, December 6, 2021	Monday, January 10, 2022	Monday, February 7, 2022	Monday, March 7, 2022
Distribution to Department Heads	Tuesday, December 7, 2021	Tuesday, January 11, 2022	Tuesday, February 8, 2022	Tuesday, March 8, 2022
Internal Town Review Meeting	Wednesday, December 15, 2021	Wednesday, January 19, 2022	Wednesday, February 16, 2022	Wednesday, March 16, 2022
TAC meeting with Petitioner @ 1:30 pm	Thursday, December 16, 2021	Thursday, January 20, 2022	Thursday, February 17, 2022	Thursday, March 17, 2022
Petitioner's Revised materials/plans due	Tuesday, December 28, 2021	Tuesday, February 1, 2022	Tuesday, March 1, 2022	Tuesday, March 29, 2022
Final Staff Comments due	Thursday, January 6, 2022	Thursday, February 10, 2022	Thursday, March 10, 2022	Thursday, April 7, 2022
Final Petitioner's Materials Packets due	Monday, January 10, 2022	Monday, February 14, 2022	Monday, March 14, 2022	Monday, April 11, 2022
Staff Reports & Materials to PC Members	Friday, January 14, 2022	Friday, February 18, 2022	Friday, March 18, 2022	Friday April 15, 2022
Plan Commission Meeting	Tuesday, January 18, 2022	Tuesday, February 22, 2022	Monday March 21, 2022	Monday April 18, 2022

Process Steps	Deadlines for May Meeting	Deadlines for June Meeting	Deadlines for July Meeting	Deadlines for August Meeting
Filing Deadline	Monday, April 4, 2022	Monday, May 9, 2022	Monday, June 6, 2022	Tuesday, July 5, 2022
Distribution to Department Heads	Tuesday, April 5, 2022	Tuesday, May 10, 2022	Tuesday, June 7, 2022	Wednesday, July 6, 2022
Internal Town Review Meeting	Wednesday, April 13, 2022	Wednesday, May 18, 2022	Wednesday June 15, 2022	Wednesday, July 13, 2022
TAC meeting with Petitioner @ 1:30 pm	Thursday, April 14, 2022	Thursday May 19, 2022	Thursday June 16, 2022	Thursday, July 14, 2022
Petitioner's Revised materials/plans due	Tuesday, April 26, 2022	Tuesday, May 31, 2022	Tuesday, June 28, 2022	Tuesday, July 26, 2022
Final Staff Comments due	Thursday, May 5, 2022	Thursday, June 9, 2022	Thursday, July 7, 2022	Thursday, August 2, 2022
Final Petitioner's Materials Packets due	Monday, May 9, 2022	Monday, June 13, 2022	Monday July 11, 2022	Monday, August 8, 2022
Staff Reports & Materials to PC Members	Friday, May 13, 2022	Friday, June 17, 2022	Friday, July 15, 2022	Friday, August 12, 2022
Plan Commission Meeting	Monday May 16, 2022	Tuesday, June 21, 2022	Monday July 18, 2022	Monday August 15, 2022

Process Steps	Deadlines for September Meeting	Deadlines for October Meeting	Deadlines for November Meeting	Deadlines for December Meeting
Filing Deadline	Monday, August 8, 2022	Tuesday, September 6, 2022	Monday, October 10, 2022	Monday, November 7, 2022
Distribution to Department Heads	Tuesday, August 9, 2022	Wednesday, September 7, 2022	Tuesday, October 11, 2022	Tuesday, November 8, 2022
Internal Town Review Meeting	Wednesday, August 17, 2022	Wednesday, September 14, 2022	Wednesday, October 19, 2022	Wednesday, November 16, 2022
TAC meeting with Petitioner @ 1:30 pm	Thursday, August 18, 2022	Thursday September 15, 2022	Thursday, October 20, 2022	Thursday, November 17, 2022
Petitioner's Revised materials/plans due	Tuesday, August 30, 2022	Tuesday, September 27, 2022	Tuesday, November 1, 2022	Tuesday, November 29, 2022
Final Staff Comments due	Thursday, September 8, 2022	Thursday, October 6, 2022	Thursday, November 10, 2022	Thursday, December 8, 2022
Final Petitioner's Materials Packets due	Monday, September 12, 2022	Monday, October 10, 2022	Monday, November 14, 2022	Monday, December 12, 2022
Staff Reports & Materials to PC Members	Friday, September 16, 2022	Friday, October 14, 2022	Friday, November 18, 2022	Friday, December 16, 2022
Plan Commission Meeting	Monday September 19, 2022	Monday October 17, 2022	Monday November 21, 2022	Monday December 19, 2022

Timely Legal Notice of the Public Meeting is required. See attached information for Legal Notice Requirements.