



MEMORANDUM

TO: Town of Zionsville Town Council
FROM: Mike Dale, Director of Community and Economic Development
RE: Consideration of a Rezoning Ordinance affecting 3.42 acres
Address: 970 Starkey Road, Zionsville, IN 46077

Summary of Proposed Rezoning Ordinance Details:

The Petition proposes the Rezoning of 3.42+/- acres from the Open Land (O-1) District to the Urban Single-family Residential (R-SF-2) District to provide for the construction of a Single-Family Home.

The parcel in question is within the Town of Zionsville's Corporate Limits and is included within the 2003 Comprehensive Land Use Plan. The Land Use Plan recommends the Subject Site, as well as those parcels immediately north, south, and east of the Site for Low Density Single Family Residential. Adjoining parcels to the west of the site are recommended for Office and Special Use Districts.

The Subject Site is zoned Open Land (O-1) District. It is bordered:

- On the north by similar Open Land (O-1) Residential parcels, and further north the Multi-Family Residential Development Manchester Square. This area is zoned Urban (R-MF-1), Multi Family.
- On the north and northeast by Starkey Road and similar Open Land (O-1) Residential Parcels. To the immediate east there are two parcels zoned (R-SF-2) Residential.
- Southwest of the Town of Zionsville Wastewater plant. This area is zoned (SU-8) Special Use.
- On the south by parcels being zoned Urban Open Land (O-1) Residential Parcels. Further south lies the Sugar Bush Subdivision. This area is zoned (R-SF-3) Residential.
- on the west by undeveloped land which is the Common Property of Manchester Square and zoned (R-MF-2) Multi Family.

Development in this Open Land District over time remains single family residential, though because of the restrictive nature of the Open Land Ordinance, (most notably lot coverage and setbacks), improvements to existing homes typically require several variances. The request to rezone rather than Petition the Board of Zoning Appeals for a Development Standards variance is brought forth to avoid the potential necessity of several variance requests. Further, the request does not intensify the land use pattern in this area.

At its April 17, 2023, meeting the Plan Commission did vote to unanimously to provide a favorable recommendation of the rezone request to the Town Council. The Plan Commission Certification and Ordinance are enclosed for the Town Councils consideration.

Respectfully submitted,
Mike Dale, AICP
Director of Community and Economic Development

Zionsville Town Council
May 1, 2023

PC Docket # 2023-05-Z

ORDINANCE NO. 11
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. 2023-05-Z

WHEREAS, LC. § 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 LC. 36-7-4-600 et seq. the Town of Zionsville Advisory Plan Commission, Boone County, Indiana conducted a public hearing on April 17, 2023, to consider a proposal to amend the Town of Zionsville Zoning Map for the Town of Zionsville, Boone County, Indiana, (the "Map") filed as petition 2023-05-Z (the "Petition"); and

WHEREAS, the Town of Zionsville Advisory Plan Commission certified the proposal to amend the Map to the Town Council of the Town of Zionsville, Boone County, Indiana, with a unanimous (7-0) favorable recommendation on April 17, 2023 (Exhibit A); and

WHEREAS, the Town Council of the Town of Zionsville, Boone County, Indiana, considered the Petition to amend the Map at its regular meeting on May 1, 2023.

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 Zoning Base Map for the Town of Zionsville Boone County, Indiana, is amended as follows:

- A. 3.42 +/- acres described in the Petition is rezoned from the Open Land (OL) Zoning District to the Residential Single Family (R-SF-2) Zoning District.

- B. The Zoning Administrator shall cause the Town's Zoning Base Map to be amended to reflect this change in zoning.

Section 2. Conditions and Commitments. The Petition and this rezoning is subject to the listed conditions and commitments attached hereto if any.

Section 3. 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 4. 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 5. 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 6. 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.

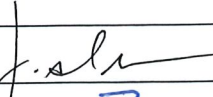
Section 7. Duration and Effective Date: The provisions of this Ordinance shall become and remain in full force and effect upon adoption and publication according to Indiana Law and until its repeal by ordinance.

DULY PASSED AND ADOPTED this 16th day of May, 2023, 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**
(Signatures of Council Members)

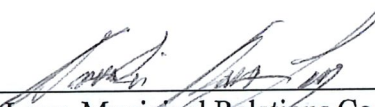
YEA

NAY

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

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville Mayor Emily Styron on the 3rd day of May, 2023 at 900 A.M./P.M.

ATTEST:


Amy Lacy, Municipal Relations Coordinator

MAYOR'S
APPROVAL


Emily Styron, Mayor

5/3/2023
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

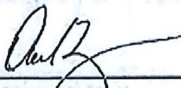
**CERTIFICATION TO THE TOWN COUNCIL
OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

April 18, 2023

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

Be it advised that, pursuant to Indiana Code 36-7-4, on April 17, 2023, 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 #2023-05-Z to amend the Zoning Map (the "Map") of the Town of Zionsville (Legal Description attached, "Exhibit A"). Proposal #2023-05-Z recommends that 3.42+/- acres comprised of one lot being as described in the Petition, be rezoned from the Urban Open Land (OL) Zoning District, to the Urban Single Family Residential (R-SF-2) Zoning District. The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2023-05-Z to amend the Zoning Map (a copy of which is attached to this Certification and incorporated here by this reference, ("Exhibit B") to the Town Council of Zionsville, Indiana, with a Favorable Recommendation.

TOWN OF ZIONSVILLE ADVISORY PLAN COMMISSION



David L. Franz
President



Mike Dale, AICP
Secretary

EXHIBIT "A"

Legal Description: 970 Starkey Road, Zionsville IN 46077

Property 1:

A part of the east half of the southwest quarter of Section 2, Township 17 North, Range 2 East, Boone County, Indiana, more particularly described as follows: Beginning at a point on the west line of the aforesaid half quarter section which is south 00 degrees 17 minutes east 334.08 feet from the northwest corner of the aforesaid east half quarter section; thence south 00 degrees 17 minutes east along the said west line 300.00 feet; thence east 442.21 feet to a point in the centerline of Starkey Road, thence north 20 degrees 00 minutes east along the said centerline 319.25 feet; thence west 552.88 feet to the place of beginning.



Exhibit B