

ORDINANCE NO. 2024-12
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. 2024-16-Z

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 IC. 36-7-4-600 et seq. the Town of Zionsville Advisory Plan Commission, Boone County, Indiana conducted a public hearing on April 15, 2024 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 2024-16-Z (the "Petition"); 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 unanimous favorable recommendation on April 15, 2024 (Exhibit A); and

WHEREAS, the Town Council of the Town of Zionsville, Boone County, Indiana, considered the Petition to amend the Ordinance at its regular meeting on May 6, 2024.

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 Ordinance for the Town of Zionsville Boone County, Indiana, is amended as follows:

- A. 3.38+/- acres described in the Certification attached hereto as Exhibit A and is rezoned from the Urban Open Land (O-1) and Urban Multi-Family Residential (R-MF-2) Districts to the Urban Single-Family Residential (R-SF-2) 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 written 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.

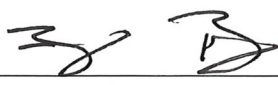
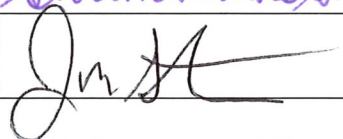
Section 7. Duration and Effective Date: The provisions of this Ordinance shall become and remain in full force and effect upon adoption and publication according to Indiana Law and until its repeal by ordinance.

DULY PASSED AND ADOPTED this 6th day of May, 2024, 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.

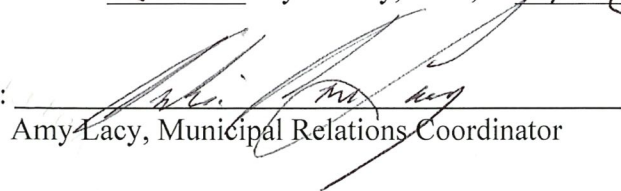
**TOWN COUNCIL OF THE TOWN
OF ZIONSVILLE, BOONE COUNTY, INDIANA
(Signatures of Council Members)**

YEA

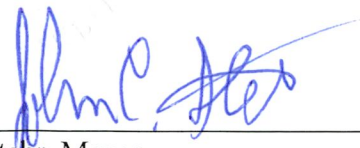
NAY

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

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville mayor John Stehr on the 8th day of May, 2024, at 9⁰⁰ A.M./P.M.

ATTEST: 
Amy Lacy, Municipal Relations Coordinator

**MAYOR'S
APPROVAL**


John Stehr, Mayor

5-8-24
DATE

**MAYOR'S
VETO**

John Stehr, 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 16, 2024

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

Be it advised that, pursuant to Indiana Code 36-7-4, on April 15, 2024, the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of six (6) in favor and zero (0) opposed, gave a Favorable Recommendation to proposal #2024-16-Z to amend the Zoning Map (the "Map") of the Town of Zionsville (Legal Description attached as "Exhibit A"). Proposal #2023-16-Z recommends that 3.38± acres comprised of two (2) parcels as described in the Petition, be rezoned from the Urban Open Land (O-1) and Urban Multi-Family Residential (R-MF-2) Districts to the Urban Single-Family Residential (R-SF-2) District.

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2024-16-Z to amend the 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

A blue ink signature of Chris Lake, written in a cursive style, positioned above a horizontal line.

Chris Lake
Vice President – Presiding Officer

A blue ink signature of Mike Dale, written in a cursive style, positioned above a horizontal line.

Mike Dale, AICP
Secretary

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

Part of the West Half of the Southwest Quarter of Section 2, Township 17 North, Range 2 East, Boone County, Indiana, and being more particularly described as follows:

Beginning at a point on the North line of said Half Quarter Section being North 88 degrees 05 minutes 00 seconds East 981.01 feet from the Northwest corner thereof; thence continue North 88 degrees 00 minutes 00 seconds East along said North line, 349.70 feet to the Northeast corner thereof; thence South 0 degrees 35 minutes 07 seconds East along the East line of said Half Quarter Section 1265.69 feet to a point in Starkey Road; thence South 88 degrees 29 minutes 01 seconds West 208.19 feet to the centerline of a transmission line easement; thence the next 2 courses being along said centerline, North 7 degrees 59 minutes 18 seconds West 821.72 feet, North 8 degrees 15 minutes 34 seconds West 266.86 feet, thence North 0 degrees 33 minutes 41 seconds West 181.62 feet to the point of beginning.

PARCEL 2:

Part of the East Half of the Southwest Quarter of Section 2, Township 17 North, Range 2 East, Boone County, Indiana, and being more particularly described as follows:

Beginning at the Northwest corner of the East Half of the Southwest Quarter, aforesaid, running thence South 88 degrees 09 minutes East along the North line thereof 341.05 feet; thence south 01 degree 51 minutes East 72.51 feet; thence North 87 degrees 22 minutes East 53.25 feet; thence South 74 degrees 35 minutes East 37.21 feet; thence South 66 degrees 41 minutes East 37.52 feet; thence South 56 degrees 44 minutes East 186.20 feet to a point in a public highway now known as Starkey Road; thence South 43 degrees 30 minutes West along said Starkey Road 50.81 feet; thence North 56 degrees 44 minutes West 172.55 feet; thence North 66 degrees 41 minutes West 29.72 feet; thence North 74 degrees 35 minutes West 25.85 feet; thence South 87 degrees 22 minutes west 47.32 feet; thence South 42 degrees 35 minutes West 177.15 feet; thence South 00 degrees 00 minutes East 81.75 feet; thence North 90 degrees 00 minutes West 227.00 feet to a point in the West line of the aforesaid Half Quarter Section; thence North 00 degrees 17 minutes West 334.08 Feet to the place of beginning, containing 2.2159 acres, more or less.

EXCEPT:

A part of the Southwest Quarter of Section 02, Township 17 North, Range 02 East, in Eagle Township, Boone County, Indiana, being described as follows:

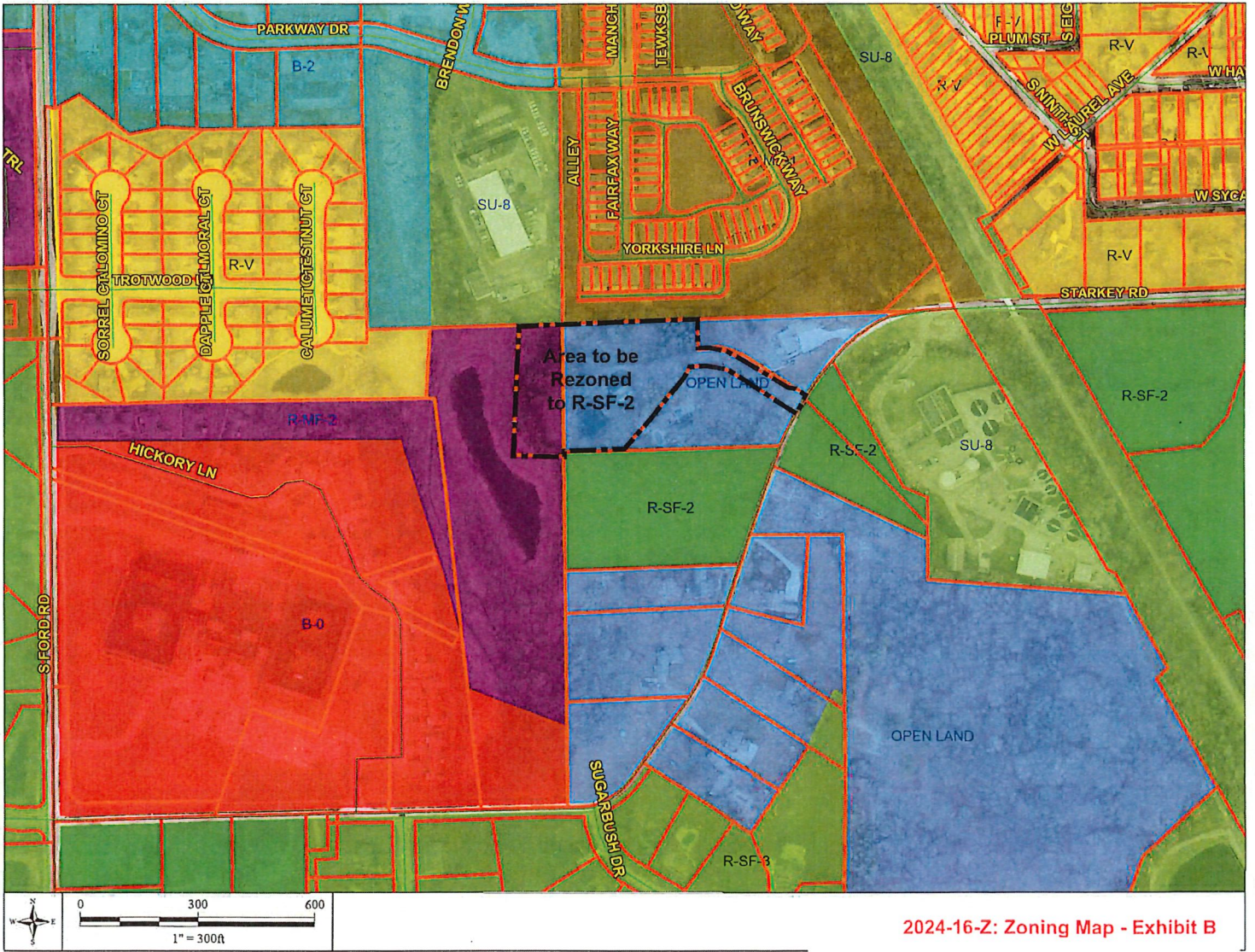
From an Iron pipe which is assumed to be correct and accepted as the Southwest Corner of the 2.2159 acre tract described in Deed Record Book No. 206, page 160; proceed thence South 90 degrees 00 minutes 00 seconds East (an assumed bearing), 151.87 feet along the south line of the aforesaid 2.2159 acre tract to the point of beginning. From said point of beginning, proceed thence North 42 degrees 35 minutes 00 seconds East 111.03 feet; thence South 00 degrees 00 minutes 00 seconds East, 81.75 feet; thence South 90 degrees 00 minutes 00 seconds West 75.13 feet to the point of beginning, containing 0.0705 Acres.

ALSO, EXCEPT:

A part of the East Half of the Southwest Quarter of Section 02, Township 17 North, Range 02 East, in Eagle Township, Boone County, Indiana, being described as follows:

Commencing at the Northwest corner of said East Half of the Southwest Quarter Section; thence North 88 degrees 09 minutes 00 seconds East along the north line thereof a distance of 341.05 feet to the Northeast corner of a tract of land described in Instrument Number 006186 in the Office of the Recorder of Boone County, Indiana; thence South 01 degrees 51 minutes 00 seconds East along the East line thereof a distance of 72.51 feet to the Point of Beginning; thence North 87 degrees 22 minutes 00 seconds East along a northerly line (the next 3 courses being along a northerly line of said tract) a distance of 53.25 feet; thence South 74 degrees 35 minutes 00 seconds East a distance of 37.21 feet; thence South 66 degrees 41 minutes 00 seconds East a distance of 37.52 feet; thence South 56 degrees 44 minutes 00 seconds East a distance of 156.61 feet; thence North 84 degrees 11 minutes 31 seconds West a distance of 12.17 feet; thence North 67 degrees 15 minutes 54 seconds West a distance of 14.97 feet; thence North 58 degrees 51 minutes 33 seconds West a distance of 160.21 feet; thence North 64 degrees 16 minutes 08 seconds West a distance of 16.72 feet; thence North 74 degrees 33 minutes 28 seconds West a distance of 22.32 feet; thence North 85 degrees 41 minutes 47 seconds West a distance of 19.53 feet; thence South 87 degrees 22 minutes 00 seconds West a distance of 35.25 feet; thence North 01 degree 51 minutes 00 seconds West a distance of 5.29 feet to the Point of Beginning.

Containing 0.057 acres, more or less.



2024-16-Z: Zoning Map - Exhibit B



MEMORANDUM

TO: Town of Zionsville Town Council
FROM: Mike Dale, Director of Planning and Building Development
RE: Consideration of a Rezoning Ordinance affecting 3.38± acres ("Katz Rezoning")
Address: 900 Starkey Road, Zionsville, IN (Two (2) Parcels identified as "Subject Site")

Plan Commission Recommendation:

At its April 15, 2024, meeting, the Plan Commission ("Commission") heard Petition #2024-16-Z, a request to rezone the Subject Site of 3.38± acres from the Urban Open Land (O-1) and Urban Multi-Family Residential (R-MF-2) Districts to the Urban Single-Family Residential ("R-SF-2") District. The Commission determined, by a vote of six (6) in favor and zero (0) opposed (one member was not present), to forward a Favorable Recommendation to the Town Council of the Katz Rezoning request.

The Plan Commission Certification is attached for the Town Council's consideration.

Summary of Proposed Rezoning Ordinance:

Plan Commission Petition #2024-16-Z proposes to rezone 3.38± acres from Urban Open Land (O-1) and Urban Multi-Family Residential (R-MF-2) Districts to the Urban Single-Family Residential (R-SF-2) District. The following link is to the Plan Commission's Staff Report, which includes related maps and a Comment Letter from Staff: [2024-16-Z: Staff Report with Exhibits](#). The Subject Site of approximately 3.38± acres (total of both parcels) is located on the west side of Starkey Road and abuts other Urban residentially zoned parcels, including R-SF-2 (Exhibit 3 of Staff Report).

Indiana Code 36-7-4-603 states "In preparing and considering rezoning proposals under the 600 series, the Plan Commission and the legislative body (Town Council) shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

Each of these items is discussed within the linked Staff Report.

The Petitioner's intent, following rezoning, is to split the site into two residential lots (see Exhibit 5 of the Staff Report). The existing residence would remain on one lot, and the dividing line creating the second lot would run between the residence and the existing garage. Dividing the lot in this manner would require the following Development Standards Variances from the Board of Zoning Appeals:

1. Creation of a lot which would not have frontage on a street. Petitioner has stated that an access easement would be recorded providing access to the western lot; and
2. Permitting an accessory building (the existing garage) to exist on a lot prior to a primary structure (a residence proposed for the western lot).

Respectfully submitted,

Mike Dale, AICP
Director of Community and Economic Development



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 16, 2024

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

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Chris Lake
Vice President – Presiding Officer

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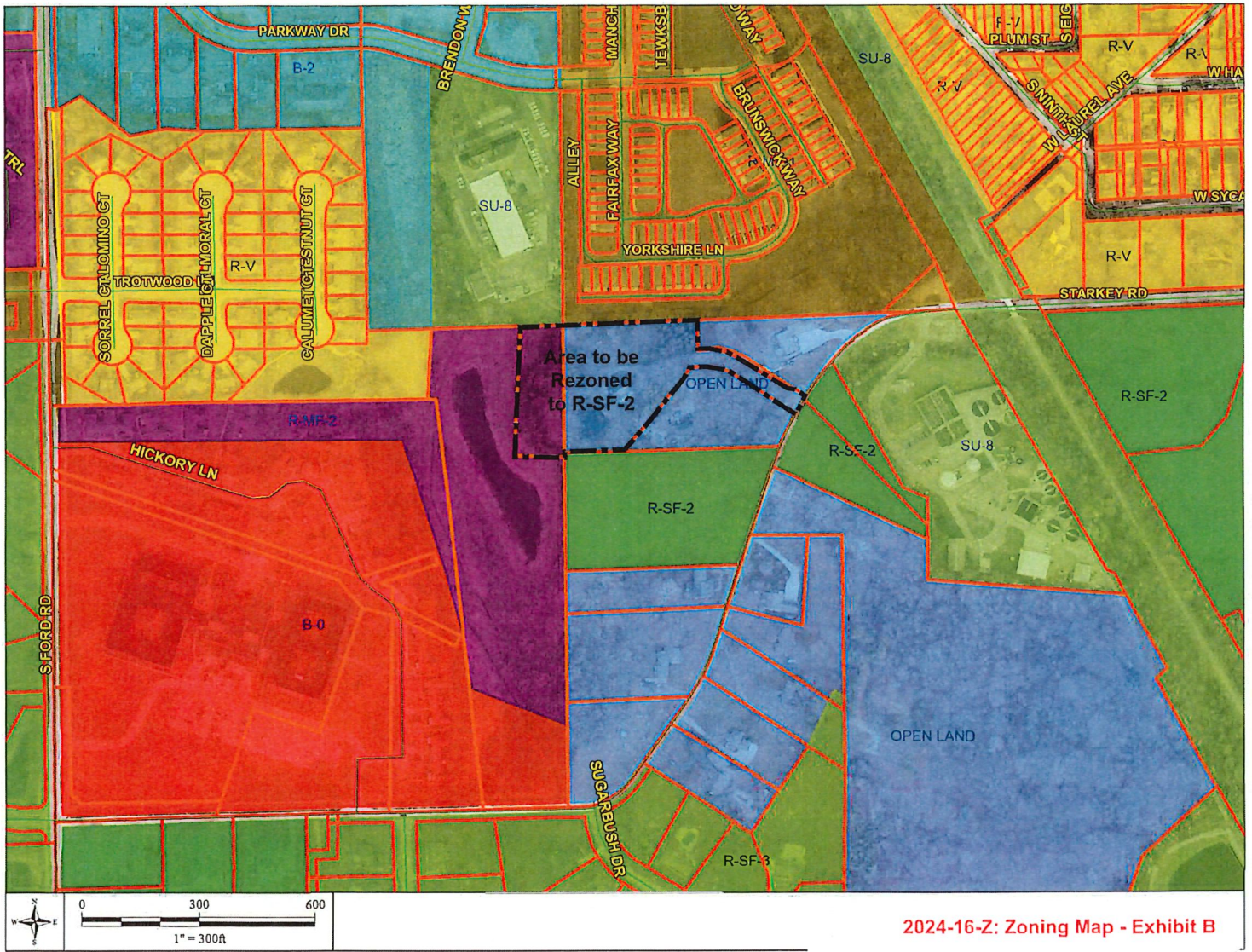
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