

COPY

**ORDINANCE NO. 2011-02
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. 2010-24-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 I.C. 36-7-4-600 et seq., the Town of Zionsville Advisory Plan Commission, Boone County, Indiana conducted a public hearing on March 21, 2011 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 2010-24-Z; 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 March 21, 2011 as set forth on Exhibit A attached hereto and made a part hereof; 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 MAY 2,
_____, 2011.

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. Ordinance Amendment: Dow Park Planned Unit Development, including all Figures within relating thereto, amending it as set forth on Exhibit B attached hereto and made a part hereof.

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.

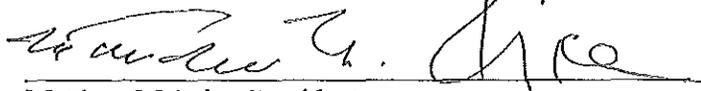
Section 5. Severability: If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

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.

Introduced and filed on the 2ND day of MAY, 2011. A motion to consider on First Reading was sustained by a vote of _____ in favor and _____ opposed, pursuant to Indiana Code 36-5-2-9.8.

DULY PASSED AND ADOPTED this 2ND day of MAY, 2011, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 5 in favor and 2 opposed.

TOWN OF ZIONSVILLE, INDIANA
BY ITS TOWN COUNCIL


Matthew M. Price, President

✓
For

Opposed


Timothy R. Haak

✓
For

Opposed

Valerie R Swack
Valerie R. Swack

For

Opposed

W W Harris II
Welton W. Harris II

For

Opposed

Candace L. Ulmer
Candace L. Ulmer

For

Opposed

Jeff L. Papa
Jeff L. Papa

For

Opposed

Steve W Mundy
Steve W. Mundy

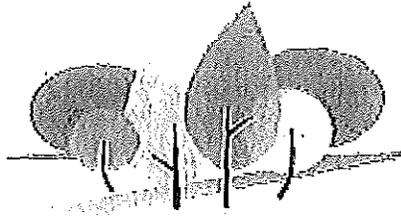
For

Opposed

ATTEST:

John J. Yeo
John J. Yeo
Zionsville Clerk/Treasurer

EXHIBIT A



ZIONSVILLE
FOR ALL THE RIGHT REASONS

CERTIFICATION TO THE TOWN COUNCIL
OF THE TOWN OF ZIONSVILLE, INDIANA

March 21, 2011

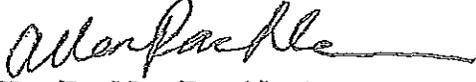
To the Town Council of the Town of Zionsville, Indiana:

Be it advised that, pursuant to Indiana Code 36-7-4-600 et seq., on March 21, 2011, the Town of Zionsville Advisory Plan Commission (the Commission), by a vote of 6 in favor, 0 opposed, and 0 abstaining forwards a Favorable Recommendation to proposal #2010-24-Z to amend the text of the Town of Zionsville Zoning Map and Text, applicable to all real property located in the Town of Zionsville, Boone County, Indiana. The proposal amends the Town of Zionsville Zoning Map and Text as follows:

Dow Park Planned Unit Development, including all Figures within relating thereto, amending it as set forth on Exhibit B attached hereto and made a part hereof.

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2010-24-Z to amend the text of the Town of Zionsville Comprehensive Plan, applicable to all real property located in the Town of Zionsville, Boone County, Indiana, as stated a copy of which is attached to this Certification and incorporated here by this reference to the Town of Zionsville, Indiana, with a Favorable Recommendation.

TOWN OF ZIONSVILLE
ADVISORY PLAN COMMISSION


Allan Rachles, President

Attest:


Terry J. Jones

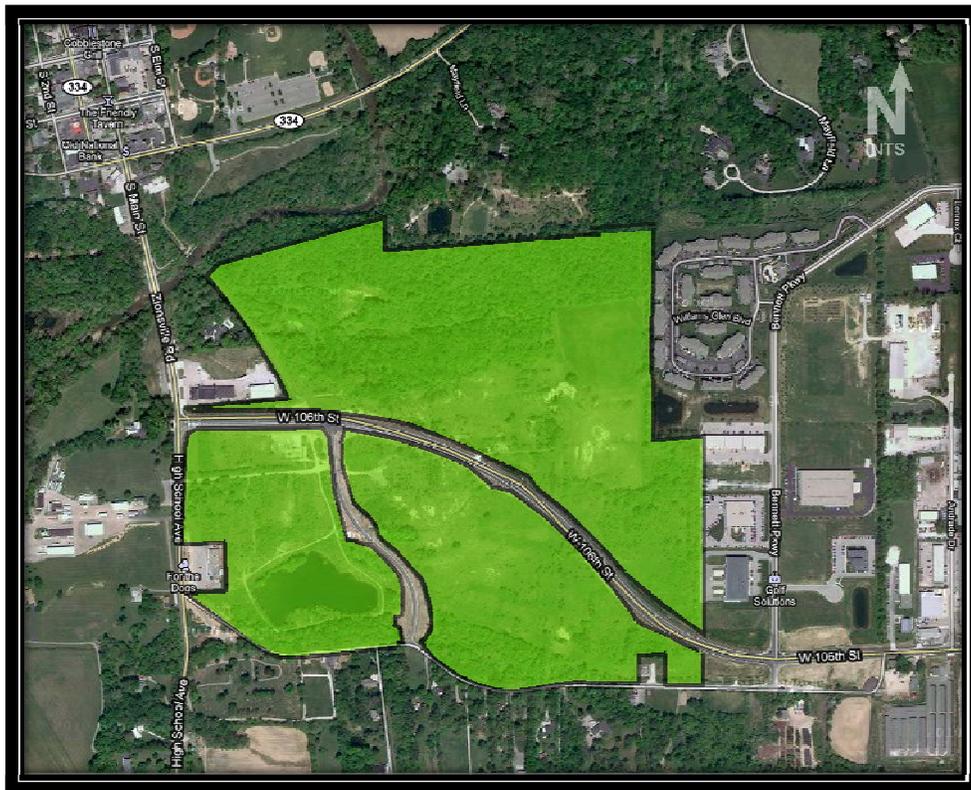
Secretary, Town of Zionsville Advisory Plan Commission

Dow Park

Petition for Zone Map Change

As Recommended for Approval by the Plan Commission on

March 21, 2011



Owner:

The Dow Chemical Company
1320 Waldo Avenue
Midland, MI USA 48642

Counsel:

Baker & Daniels, LLP
Joseph M. Scimia
600 East 96th Street, Suite 600
Indianapolis, IN 46240

Dow Park

Petition for Zone Map Change

I. Intent.

Due to the proximity of the Dow Chemical Property to the downtown Village of Zionsville and unique characteristics of the land, the development potential of the Dow Chemical Property has long been viewed by the Town of Zionsville as an opportunity to develop a quality office, research and light industrial park that can provide a gateway into the downtown Village of Zionsville. Dow Park provides that gateway through a set of regulations which combine to: maximize the development potential of the site in a manner that is consistent with the gateway concept; provide for business services necessary to support the future industrial uses within Dow Park and neighboring industrial areas as well as the resident's of the Zionsville Village area; and, provide an appropriate transition from the I-3 zoning of the Bennett Technology Park on the east to VBD Zoning along Zionsville Road on the west.

The foregoing objectives are accomplished by dividing the Dow Chemical Property into several "Form Areas". The major Form Area within Dow Park is the Office/Industrial (the "OI") Form Area. The OI Form Area is most similar in design to the development standards and architectural guidelines of the I-ORT District of the Zionsville Zoning Ordinance, but is customized to better address the anticipated development needs of Dow Park. The OI Form Area directly addresses the desire of the Town of Zionsville for a quality office, research and light industrial park that can provide a gateway into the downtown Village of Zionsville.

For an office, research and light industrial park to be successful, support services capable of fulfilling the day to day needs of its tenants is essential. To address this need a Village Form Area has been established. Within the Village Form Area the development standards and architectural standards are adjusted to allow for a transition of development patterns and uses from predominantly industrial on the east to predominantly village on the west. The Village Form Area complements the VBD Zoning along the west side of Zionsville Road and, when combined with that VBD Zoning, provides an opportunity to create an entrance into the downtown Village of Zionsville.

The Open Space Form Area has been established to provide for the minimum 20% open space to be provided within Dow Park.

II. Land Uses in the Dow Park.

The primary focus of Dow Park is to provide for the development of a high class office, research and light industrial park that also provides for the business service needs of Dow Park and neighboring industrial areas and to provide for uses which are complementary to and supportive of the neighboring community, additional land uses are provided for in the Village and Open Space Form Areas as set forth below.

1. Uses Permitted Throughout Dow Park:

(a) Primary Uses:

(i) Corporate Headquarters

(ii) Offices, any type, including but not limited to:

- (1) Architect
- (2) Artist
- (3) Bank Machines / Automated Teller Machines (ATM's)
(freestanding units not permitted)
- (4) Call Center
- (5) Consultant
- (6) Dentist or Physician
- (7) Design Services
- (8) Engineer
- (9) Insurance Agent
- (10) Lawyer
- (11) Medical Office - Clinic, Medical, Dental or Optometrists
- (12) Musician
- (13) Pharmacist

(iii) Education / Support Services

- (1) School - Commercial, Trade or Business;
- (2) Industrial Training Facility;

(iv) Industrial Uses

- (1) Agri-Science - Medical or Dental Laboratories, or Research Facilities;
- (2) Assembly of Previously Manufactured parts, Sub-assemblies or Components;
- (3) Distribution Center (shall contain an office component occupying a minimum of twenty (20) percent of the gross square footage of the Building);
- (4) Engineering Laboratories;

- (5) Manufacture or Light Assembly of Products from Previously Manufactured Parts, including repair, for:
- a. Appliances: Light; Portable; Household
 - b. Appliances: Major Electric or Gas *
 - c. Bicycles, Motorcycles, or parts
 - d. Bottling of Beverages (any type) *
 - e. Bottling / Packaging of Food (secondary processing and packaging of food products initially processed off of the premises) *
 - f. Cabinets
 - g. Cans *
 - h. Carpets / Rugs
 - i. Ceramic and Clay Products *
 - j. Clocks and Watches
 - k. Cloth products from finished cloth (i.e. apparel)
 - l. Communication equipment and assembly
 - m. Computers, Computer Equipment
 - n. Containers
 - o. Cosmetics
 - p. Detergents or Soaps *
 - q. Electric Hand Tools
 - r. Electric Materials *
 - s. Electric Motors
 - t. Electrical components and sub-assemblies
 - u. Furniture *
 - v. Glass Products *
 - w. Jewelry (including engraving)
 - x. Leather Products from Finished Leather
 - y. Light Component Parts of Products
 - z. Medical, Surgical or Dental Instruments or Supplies *
 - aa. Musical Instruments *
 - bb. Office Equipment including assembly
 - cc. Office machinery, electrical and mechanical
 - dd. Optical Goods
 - ee. Paper box and paper products from finished paper
 - ff. Pharmaceutical Products *
 - gg. Photographic Equipment *
 - hh. Recording Instruments
 - ii. Signs
 - jj. Sports Equipment *
 - kk. Textiles
 - ll. Tools and Implements (electrical or non-electrical) *
- (6) Research Laboratories or Research and Development Center

(7) Warehouse (shall contain an office component occupying a minimum of twenty (20) percent of the gross square footage of the Building)

- (v) Miscellaneous
- (1) Engraving (non-retail)
 - (2) Mail Order Distribution
 - (3) Printing or Publishing Facility
 - (4) Upholstery

* - See Section VI – Administration, sub-Section 3 regarding Additional Use Specific Regulations.

(b) Accessory Uses

- (i) Any use which is subordinate, appropriate, and incidental to a permitted Primary Use on a lot.
- (ii) The following uses shall also be considered Accessory Uses to individual permitted Primary Uses and may serve tenants or occupants of the building in which the use is located or other buildings with Dow Park:
 - (1) Cafeteria / Deli / Sandwich / Coffee Shop;
 - (2) Child Care Center;
 - (3) News Dealers and Newsstands; and,
 - (4) Photocopying and Duplicating Services.

2. Additional Uses Permitted in the Village Form Area:

In addition to the Uses set forth in sub-Section 1 above, the following uses shall be permitted in the Village Form Area and shall be limited to a maximum gross floor area of 10,000 sq. ft., unless otherwise noted:

- (a) Primary Uses:
 - (i) Clothing Service
 - (1) Costume Rental
 - (2) Dressmaking
 - (3) Dry Cleaning and Laundry Establishment
 - (4) Millinery Shop (fabric shop)
 - (5) Shoe Repair
 - (6) Tailor or Pressing Shop
 - (ii) Educational Use
 - (1) Child Care Center
 - (2) Day Nursery
 - (3) Nursery School
 - (4) Kindergarten
 - (iii) Miscellaneous
 - (1) Dancing, Aerobics, Gymnastics Studio
 - (2) Drive-Through Service Units *
 - (3) Hotel (exempt from 10,000 sq. ft. limit)
 - (4) Office Supply Store
 - (5) Print Shop
 - (6) Uniform Rental
 - (iv) Personal Services
 - (1) Barber Shop
 - (2) Beauty Shop
 - (3) Locksmith
 - (4) Real Estate Office
 - (5) Service Organization Office
 - (6) Tanning Salon
 - (7) Travel Agency

- (v) Professional Services
 - (1) Automated Teller Machines; ATMS (excluding freestanding machines)
 - (2) Banks / Savings & Loan / Credit Union
 - (3) Designer Services
 - (4) Health Spa or Fitness Center
 - (5) Musician or Artist Studio
 - (6) Photographic Studio

- (vi) Retail
 - (1) Antique Shop
 - (2) Apparel Shop
 - (3) Appliance Store
 - (4) Art and Craft Store
 - (5) Bicycle Sales (exempt from 10,000 sq. ft. limit)
 - (6) Camera Shop
 - (7) Clock Shop
 - (8) Coin & Stamp Shop
 - (9) Computer Store, Cell Phone, Radio, Television, Electronics – Sales or Service
 - (10) Department Store (exempt from 10,000 sq. ft. limit)
 - (11) Drug Store (exempt from 10,000 sq. ft. limit)
 - (12) Fabric Store
 - (13) Flower Shop
 - (14) Floor Coverings (exempt from 10,000 sq. ft. limit)
 - (15) Frame Shop
 - (16) Gift Shop
 - (17) Hardware Store (exempt from 10,000 sq. ft. limit)
 - (18) Hobby, Toy or Game Shop
 - (19) Home Improvement Store (exempt from 10,000 sq. ft. limit)
 - (20) Jewelry Store
 - (21) Music Shop
 - (22) News Dealer
 - (23) Paint / Wall Cover Store
 - (24) Pet Store
 - (25) Shoe Store
 - (26) Supporting Goods Store
 - (27) Stationary and Book Store
 - (28) Tobacco Store
 - (29) Variety Store
 - (30) Video Tape Rental and Sales

- (vii) Retail Food Sales and Service
 - (1) Bakery
 - (2) Neighborhood Market (no gasoline sales)
 - (3) Dairy Bar / Ice Cream Store / Yogurt Store (retail sales)
 - (4) Delicatessen
 - (5) Farmers Market
 - (6) Grocery (exempt from 10,000 sq. ft. limit)
 - (7) Liquor Store
 - (8) Meat Market
 - (9) Restaurant (with or without outdoor seating, with or without accessory liquor sales) (exempt from 10,000 sq. ft. limit)

- (viii) Recreation
 - (1) Dancing, Aerobics, Gymnastics Studio

* - See Section VI – Administration, sub-Section 3 regarding Additional Use Specific Regulations.

3. Additional Uses Permitted in the Open Space Form Area:

In addition to the Uses set forth in sub-Section 1 above, the following uses shall be permitted in the Open Space Form Area:

(a) Primary Uses:

Nature Preserve, Picnic Areas, Shelters, Trails, Wetland Mitigation Areas, Drainage Facilities and other utilities.

(b) Open Space Uses in OI Form Area or Village Form Area

Notwithstanding anything in this Section II to the contrary, Open Space Uses, such as Trails, Parks, Outdoor Seating Areas, Scenic Viewing Areas, and the like, may be developed as an ancillary element of any project in Dow Park and shall count toward the minimum 20% Open Space requirement for Dow Park.

III. OI Form Area – Development Standards and Architectural Requirements.

The OI Form Area is intended to provide for the establishment office, research, technology and light industrial uses. The standards and requirements of the OI Form Area shall be applicable to all portions of Dow Park not located with the Village Form Area or Open Space Form Area.

1. Development Standards:

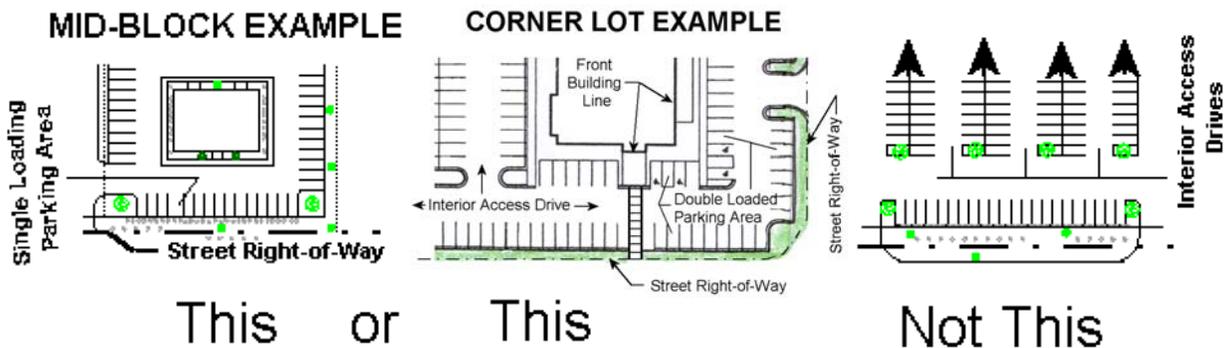
- (a) Water and Sanitary System Requirements - attachment to public water and sanitary sewer facilities shall be mandatory for development in Dow Park.
- (b) Minimum Lot Width and Frontage - each Lot shall have a minimum Lot Width of 50 feet on a Public Street or Private Street.
- (c) Yards and Setbacks.
 - (i) Front - a minimum Front Yard and Building Setback measured from the Right-of-Way shall be provided as follows:
 - (1) 106th Street / Dahlia Drive: forty (40) feet, provided, however, the minimum Front Yard and Building Setback may be reduced to a minimum of twenty (20) feet provided that the landscaping required for said yard shall be increased to Level A landscaping, per the landscaping requirements of Section 3.12, Tables A, B, and C of the Zionsville Zoning Ordinance.
 - (2) Internal Public or Private Streets: twenty (20) feet.
 - (ii) Minimum Side and Rear Yard and Setback - shall be provided from the Lot Line as follows:
 - (1) Minimum Side Yard – ten (10) feet.
 - (2) Minimum side Bufferyard – fifty (50) feet.
 - (3) Minimum Rear Yard – ten (10) feet.
 - (4) Minimum rear Bufferyard – fifty (50) feet.
 - (iii) Use of Minimum Yards.

Use of Minimum Yards - all Minimum Yards shall be landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials and shall remain free from Structures except where expressly permitted below:

- (1) Minimum Front Yards - may include Driveways and shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in Section

3.12 of the Zionsville Zoning Ordinance applicable to the I-1 District.

- (2) Minimum Side and Rear Yards - minimum Side and Rear Yards may include Interior Access Driveways connecting to adjoining Lots provided that the remainder of said yards shall be maintained as open space free from Buildings or Structures in compliance with the landscaping requirements set forth in Section 3.12 of the Zionsville Zoning Ordinance applicable to the I-1 District.
- (3) Minimum Side and Rear Bufferyards -shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained in compliance with the landscaping requirements set forth in Section 3.12 of the Zionsville Zoning Ordinance applicable to the I-2 District.
- (4) Minimum Standards and Front Yards for Surface Parking Lots.
 - a. Parking lots located between a front Building line and a Street right-of-way shall be limited to either a single loaded parking area or a double loaded parking area served by not more than one (1) interior access drive, where the interior access drive is located generally parallel to the street right-of-way; and,
 - b. No portion of the parking lot shall be located closer to the right-of-way than twenty (20) feet.



- (iv) Maximum Building Height – 100', provided, however, that the Setback for that portion of the Building or Structure which is in excess of forty-five (45) feet shall be increased by one (1) foot each one (1) foot of Building or structural height above forty-five (45) feet.

- (v) Off-Street Parking - see Section 3.8 of the Zionsville Zoning Ordinance.
- (vi) Off-Street Loading - see Section 3.9 of the Zionsville Zoning Ordinance.
- (vii) Signs - See Article 6 of the Zionsville Zoning Ordinance applicable to the I-ORT and Industrial Districts.
- (viii) Vision Clearance Areas - see Section 1.21 of the Zionsville Zoning Ordinance.
- (ix) Landscaping and Screening Requirements - see Section 3.12 of the Zionsville Zoning Ordinance applicable to Industrial Districts (unless otherwise specified herein).
- (x) Outside Storage and Operations:
 - (1) Operations:

All operations, servicing and processing (except Off-Street Parking and Off-Street Loading) shall be conducted within completely enclosed Buildings.
 - (2) Storage:

All storage of materials or products within six-hundred (600) feet of any "R" District boundary, or within two-hundred and fifty (250) feet of the right-of-way of 106th Street or Dahlia Drive, shall be either:

 - a. within completely enclosed Buildings; or,
 - b. screened within a lattice, slatted chain link, wood shadow box or similar type fenced area, with ornamental, non-solid or chain link gates. The height of said fence shall be at least six (6) feet and shall not exceed eight (8) feet. Materials or products stored within the enclosure shall not exceed the height thereof. The storage area shall be surrounded by landscaping installed at the edge of such storage area in compliance with the following:
 - i. any storage area oriented toward a Residential District or a public right of way shall be screened by a Level C Buffer Yard and Perimeter Yard Landscaping per Section 3.12 of the Zionsville Zoning Ordinance; or,

- ii. any side of a storage area oriented toward any other side or rear yard shall be screened by a Level A Buffer Yard and Perimeter Yard Landscaping per Section 3.12 of the Zionsville Zoning Ordinance.

(3) Amount of Outside Storage:

The total area devoted to Outside Storage shall not exceed ten (10) percent of the Gross Floor Area of enclosed Structures or Buildings on the Lot.

(xi) Pedestrian Connectivity:

All new construction shall include a walkway or pedestrian/bikeway system in compliance with the following requirements:

- (1) Sidewalk Connection – A private walkway or pedestrian/bikeway system shall functionally connect primary building entries with public sidewalks or bike trails on each public street frontage of a lot;
- (2) Greenway Connection – Any lot which abuts the north right-of-way line of 106th Street shall provide a private walkway or pedestrian/bikeway system to provide a direct linkage to the existing bike trail along the north side of 106th Street; and,
- (3) Delineation – A private walkway or pedestrian/bikeway system shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever a private walkway or pedestrian/bikeway system crosses an interior access drive or interior access driveway.

2. Architectural Requirements:

All Lots in an OI Form Area shall comply with the following Design Requirements:

(a) Architectural Design:

(i) Building Design **

Any new Building or Building addition shall be designed to incorporate the salient features of and be consistent with or complementary to the Zionsville Theme, incorporating the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles.

(ii) Building Materials **

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below on any facade of the Building that is visible from 106th Street or Dahlia Drive:

- (1) Two (2) or three (3) Building materials (excluding: glass in windows or doors; doors; and roofing material), shall be utilized for any facades visible from 106th Street or Dahlia Drive.
- (2) The primary Building material for any facade visible from 106th Street or Dahlia Drive shall be one of the following: brick; architectural concrete, if the surface of the architectural concrete simulates brick or stone (examples include, but are not limited to: limestone, marble, or, granite); pre-cast concrete, if the surface of the pre-cast concrete is: a) painted; b) textured (e.g. rough, striated, imprinted with a pattern or form); or c) designed to simulate brick or stone (examples include, but are not limited to: limestone, marble, or, granite); External Insulation and Finish System (E.I.F.S.); or, stone.
- (3) The primary Building material shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of any facade visible from 106th Street or Dahlia Drive.
- (4) The exterior Building material selection shall be supplemented by the use of multiple colors, textures (e.g. rough, smooth, striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on facades visible from 106th Street or Dahlia Drive.
- (5) Determination of a Façade Visible from 106th Street or Dahlia Drive.

Any façade which is located parallel to or closest to being parallel to a front lot line along 106th Street or Dahlia Drive based upon a line which is perpendicular to a line which represents the minimum setback of a building to the applicable front lot line shall be considered a front façade visible from 106th Street and Dahlia Drive and shall be subject to full compliance with the provisions of this Section.

(6) Side Façade Indirectly Visible from 106th Street or Dahlia Drive.

Any side façade, i.e. any façade generally parallel with a side lot line, shall include either:

- a. Architectural treatments consistent with the front façade;
or,
- b. An appropriate combination of: architectural relief; multiple building materials or colors; or, landscape screening.

** Eligible for "Waiver of Design Requirements" as set forth below.

(iii) Roofs:

(1) Pitched Roofs:

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

(2) Shed Roofs:

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4:12 to 14:12.

(3) Flat Roofs:

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.

(4) General Roof Design Guidelines:

In no case shall rooftop mechanical equipment be visible from 106th Street or Dahlia Drive based upon an elevation view of the building.

All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the selected architectural design of the Building.

(iv) Entrances:

The main Building or tenant space pedestrian entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the selected architectural style and details of the Building as a whole. The location, orientation, proportion and style of doors shall reflect the chosen style of the Building.

(v) Windows:

All window designs shall be compatible with the style, materials, color, details and proportion of the Building. The number of panes, the way the window opens, and the trim around the window shall be consistent with the selected architectural style of the Building.

(vi) Awnings and Canopies:

In addition to the provisions of Section 6.4, K., of the Zionsville Zoning Ordinance fixed or retractable Awnings or Canopies are permitted, provided:

- (1) they complement the Building's architectural style, Building materials, colors, and details;
- (2) do not conceal architectural features (such as cornices, columns, pilasters, or decorative details);
- (3) do not impair facade composition; and,
- (4) are designed as an integral part of the facade.

Backlit, internally illuminated or plastic Awnings or Canopies are prohibited.

(b) Lighting Requirements:

Lighting of all Off-Street Parking Areas, Off-Street Loading Areas or Outside Storage Areas shall be regulated as follows:

- (i) Light standards and fixtures on a Lot, including free-standing light fixtures and those attached to Buildings, security lights, and architectural lights, shall be of consistent design and material.
- (ii) Parking Lot lights shall be of uniform size, design and height.
- (iii) All free-standing lights shall be of either: a "down lighting" style with the light element completely shielded on all sides and the top; or, be equipped with a refractor so as to direct light downward onto the Lot.
- (iv) Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way in excess of one (1) foot candle.
- (v) Architectural or sign lighting shall be so directed and shielded so that the light element is not visible from any point along' an adjacent public Right-of-Way.

(c) Building Orientation:

- (i) Rear Building facades shall not face 106th Street or Dahlia Drive.
- (ii) No Loading Spaces shall be permitted to face 106th Street or Dahlia Drive.

3. Waiver of Design Requirements:

(a) Building Design Findings:

The Plan Commission may grant a waiver of the Design Requirements within Dow Park and approve a Building design which does not incorporate the salient features of the Zionsville Theme, or incorporate the architecture, design and overall aesthetic exterior character of, a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles upon finding that:

- (i) the Building design represents an innovative use of Building materials or design, or site design features which will not be detrimental to the use or value of area properties;
- (ii) the proposed Building is appropriate when compared to the architecture, design and overall exterior character of other Buildings on the site and surrounding sites;

- (iii) the Building design is consistent with and compatible with other development located along the Street; and,
- (iv) the proposed Building is consistent with the intent and purpose of this Ordinance.

(b) **Building Materials Findings:**

The Plan Commission may grant a waiver of the Building materials Development Requirements within Dow Park and approve the use of alternate exterior Building materials on any facade of a Building that is visible from 106th Street or Dahlia Drive upon finding that:

- (i) the Building materials utilized represent an innovative use of said materials which enhance the overall aesthetic exterior character of the Building and will not be detrimental to the use or value of area properties;
- (ii) the Building materials utilized are appropriate when compared to the Building materials utilized on other Buildings on the site and surrounding sites;
- (iii) the Building materials utilized are consistent with and compatible with other Building materials utilized on, and with the overall exterior character of, other Buildings within Dow Park; and,
- (iv) the Building materials utilized are consistent with the intent and purpose of Dow Park.

IV. Village Form Area – Development Standards and Architectural Requirements.

The Village Form Area is intended to provide for the establishment of mixed-use structures that are developed in general conformity with the Village Business District regulations, both in terms of Development Standards and Architectural Requirements. The standards and requirements of the Village Form Area shall be applicable as follows:

- (a) Village Form Area Development Standards and Architectural Requirements shall be applicable to all Lots within the area bounded by 106th Street on the north, Dahlia Drive on the east, Old 106th Street on the south and Zionsville Road on the west;
- (b) Village Form Area Development Standards and Architectural Requirements may be applied to all Lots located so that all portions of the Lot are:
 - (i) north of 106th Street and within four-hundred (400) feet of the north right-of-way line of 106th Street, and within an east-west distance of seven-hundred and fifty (750) feet of the centerline of Dahlia Drive; and,
 - (ii) southeast of the intersection of 106th Street and Dahlia Drive and within one-thousand (1,000) feet of to the intersection of 106th Street and Dahlia Drive;

provided, however, that no Lot located between the subject Lot and the intersection of 106th Street and Dahlia Drive has been approved for development by the Plan Commission under the OI Form Area Development Standards and Architectural Requirements (in which case, the subject Lot shall be governed by the OI Form Area Development Standards and Architectural Requirements). Provided further, however, that should a Lot located within the potential limits of the Village Form Area be developed, any vacant Lot located between such Lot and the intersection of 106th Street and Dahlia Drive shall be regulated by the Village Form Area Development Standards and Architectural Requirements.

1. Development Standards:

- (a) Water and Sanitary System Requirements - attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.
- (b) Minimum Lot Width and Frontage - each Lot shall have a minimum Lot Width and Frontage on a Public Street of forty (40) feet and gain Access from said Public Street or abutting Alley.
- (c) Maximum Gross Floor Area - No building shall exceed thirty thousand (30,000) square feet of Floor Area on the ground floor.

(d) Yards and Setbacks:

- (i) Minimum Front Yard for any Building or Structure (except surface Parking) shall be as follows:

	<u>Minimum</u>	<u>Maximum</u>
106 th Street / Dahlia Drive	0'	10'
Internal Public or Private Streets	0'	N/A

- (ii) Building Placement for Lots abutting 106th Street / Dahlia Drive:

For sites containing one Building – in elevation view from the Front Lot Line, at least fifty percent (50%) of the length of the façade of the Building facing a Street shall be located at or between the Front Lot Line and a ten (10) foot Setback.

For sites containing multiple Buildings – in elevation view from the Front Lot Line, at least fifty percent (50%) of the visible façades of the Buildings facing a Street shall be located at or between the Front Lot Line and a ten (10) foot Setback.

- (iii) Minimum Standards and Front Yards Required for Surface Parking Lots.

- (1) Primary Use:

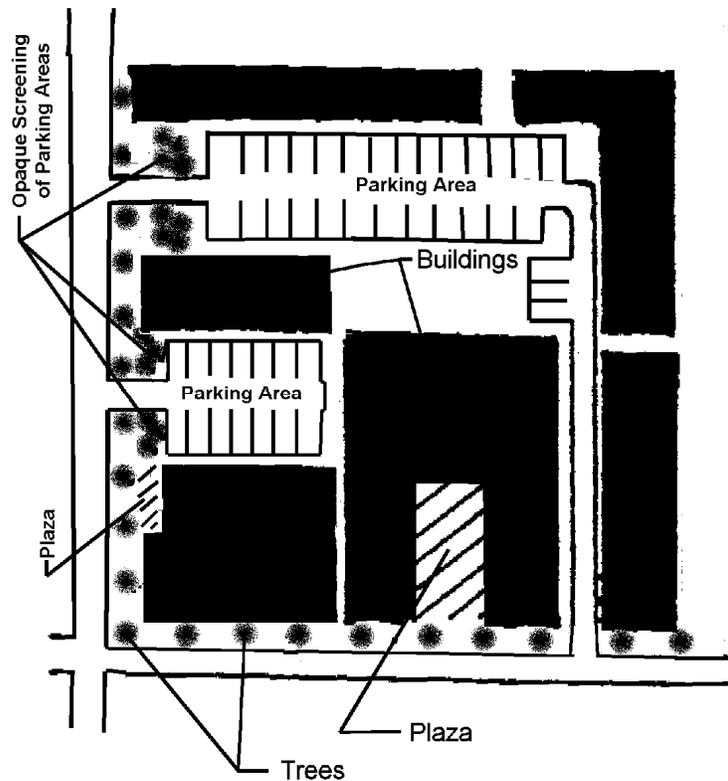
Depth of yard - six (6) feet, measured from and paralleling the Right-of-Way. Except where interrupted by a Driveway, all minimum Front Yards shall be free from Buildings or Structures, landscaped with grass or other suitable ground cover materials and shall include the following:

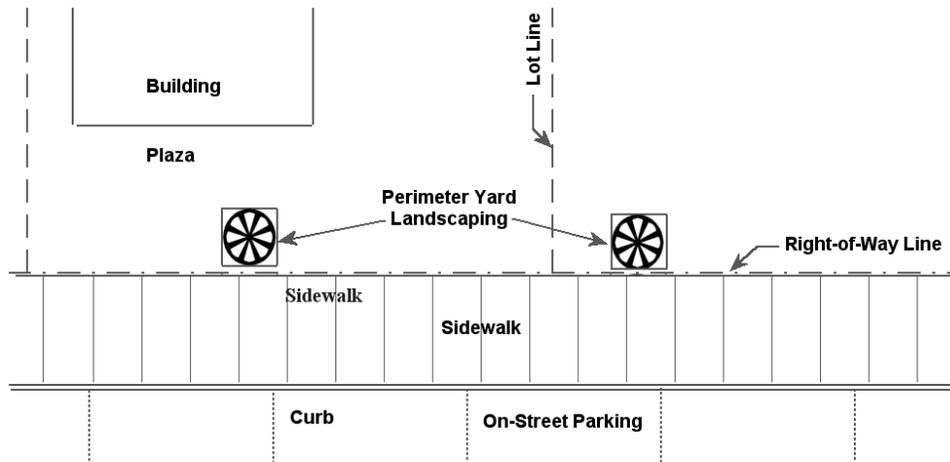
Landscaping - one (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every thirty (30) feet of Frontage along the required Front Yard. The Minimum size of trees to be planted shall be as required in Table 3.12-C of the Zionsville Zoning Ordinance. If trees have already been installed on an abutting lot, the on-center spacing shall be measured from the existing trees. Overall tree location shall begin in any block from the edge of the nearest Vision Clearance Area.

- (2) Accessory Use:

Parking Lots shall not be permitted between a Front Building Line and a Front Lot Line.

- (3) Use of Minimum Front Yards –
- a. along 106th Street / Dahlia Drive – may include: driveways; outdoor seating or outdoor display (as regulated by sub-Section 1. (k) – Outdoor Operations below); or, signs, and shall otherwise be developed as plazas in compliance with the following requirements:
 - i. shall be located adjacent to a Building;
 - ii. shall be surfaced with concrete, brick or other form of hardsurface paver appropriate for the proposed development, except for those areas required for trees, foundation landscaping or planters; and,
 - iii. shall maintain surface areas at a slope of less than 3%, surface areas may be stepped, where appropriate, as necessary to accommodate natural topography.





(iv) Awnings and Canopies may encroach over the sidewalk onto Public Right-of-Way, provided:

(1) Awnings:

- a. When the width of all Awning along the direction of a particular Building facade is ten (10) feet or less, the horizontal projection of such Awnings shall not exceed six (6) feet from the facade of any supporting Building (See Diagram 1 – Awning Requirements). The vertical distance from the top to the bottom of such Awnings shall not exceed six (6) feet, including any valance (See Diagram 1 – Awning Requirements).
- b. When the width of all Awnings along the direction of a particular Building facade exceed ten (10) feet, the horizontal projection of such Awnings shall not exceed four (4) feet from the facade of any supporting Building (See Diagram 1 – Awning Requirements). The vertical distance from the top to the bottom of such Awnings shall not exceed four (4) feet, including any valance (See Diagram 1 – Awning Requirements).
- c. The horizontal projection of any Awning may extend to a point not closer than two (2) feet from any Street curb, pavement edge, or edge of an Interior Access Drive.

- (2) Canopies:
- a. The maximum width of any Canopy shall be ten feet (See Diagram 2 – Canopy Requirements).
 - b. The horizontal projection of any Canopy may extend to a point not closer than two (2) feet from any Street curb, pavement edge, or edge of an Interior Access Drive (See Diagram 2 – Canopy Requirements).
 - c. The outer column support shall be located in the outer one third (1/3) of the walk area (See Diagram 2 – Canopy Requirements).
 - d. In no case shall the minimum distance between the entry and the column support be less than four (4) feet.
 - e. The vertical distance from the top to the bottom of the Canopy shall not exceed an average of four (4) feet, including any valance. The highest point of the Canopy shall not be higher than four (4) feet above the door opening or sixteen (16) feet.
 - f. Canopies shall not be spaced closer than twenty (20) feet from each other, measured from center line to center line (See Diagram 2 – Canopy Requirements).

- (3) Minimum Clearance - Awnings and Canopies Height above finished Grade:

All portions of any Awning or Canopy, excluding the column supports for a Canopy, shall be not less than nine (9) feet above the finished Grade (See Diagram 1 – Awning Requirements and Diagram 2 – Canopy Requirements). An Awning or Canopy valance shall be not less than eight (8) feet above the finished Grade. (See also Section 6.5, On-Premise Signs: VBD Village Business District of the Zionsville Zoning Ordinance).

- (4) Backlit, internally illuminated or plastic Awnings or Canopies are prohibited.

Diagram 1 – Awning Requirements

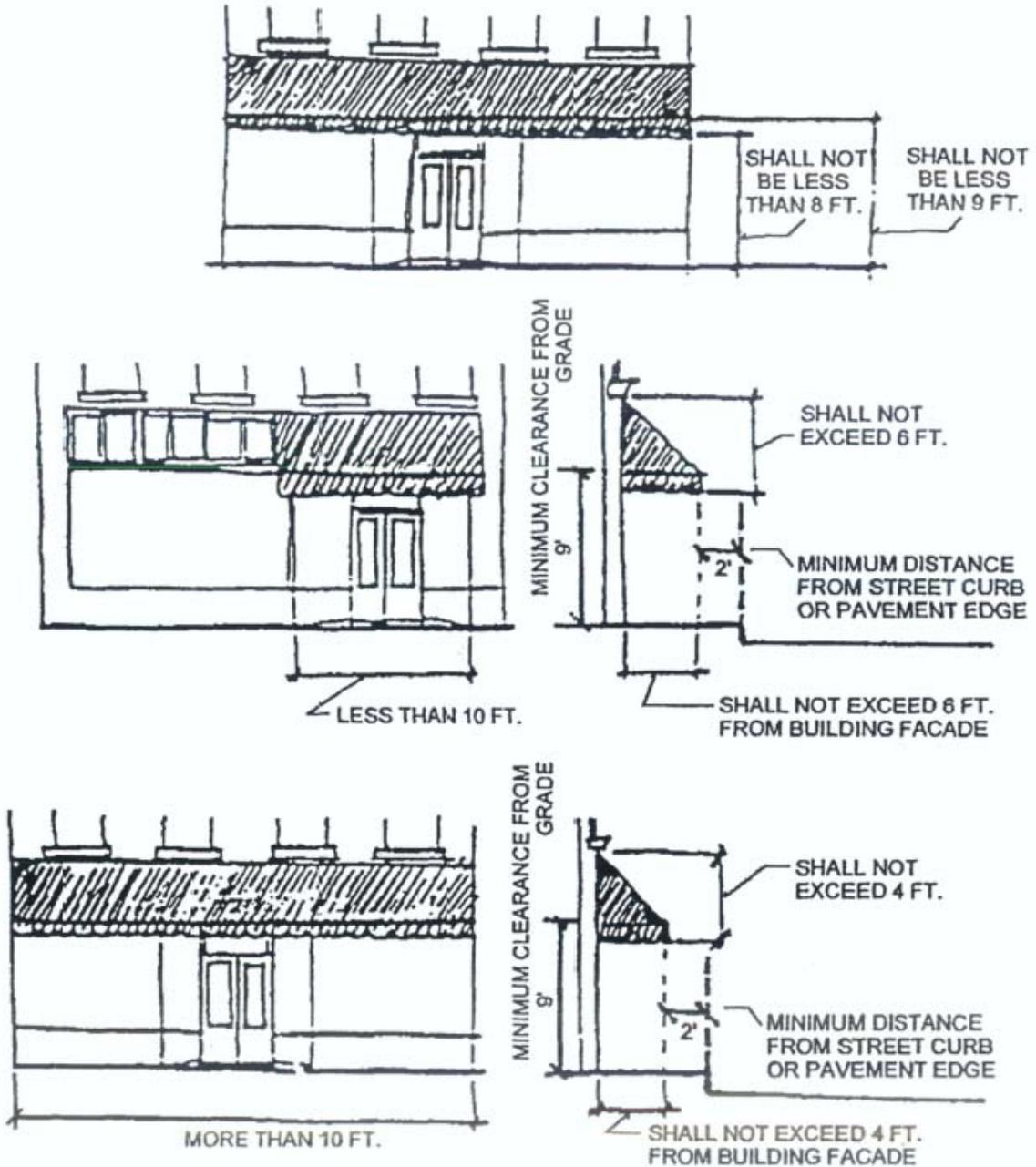
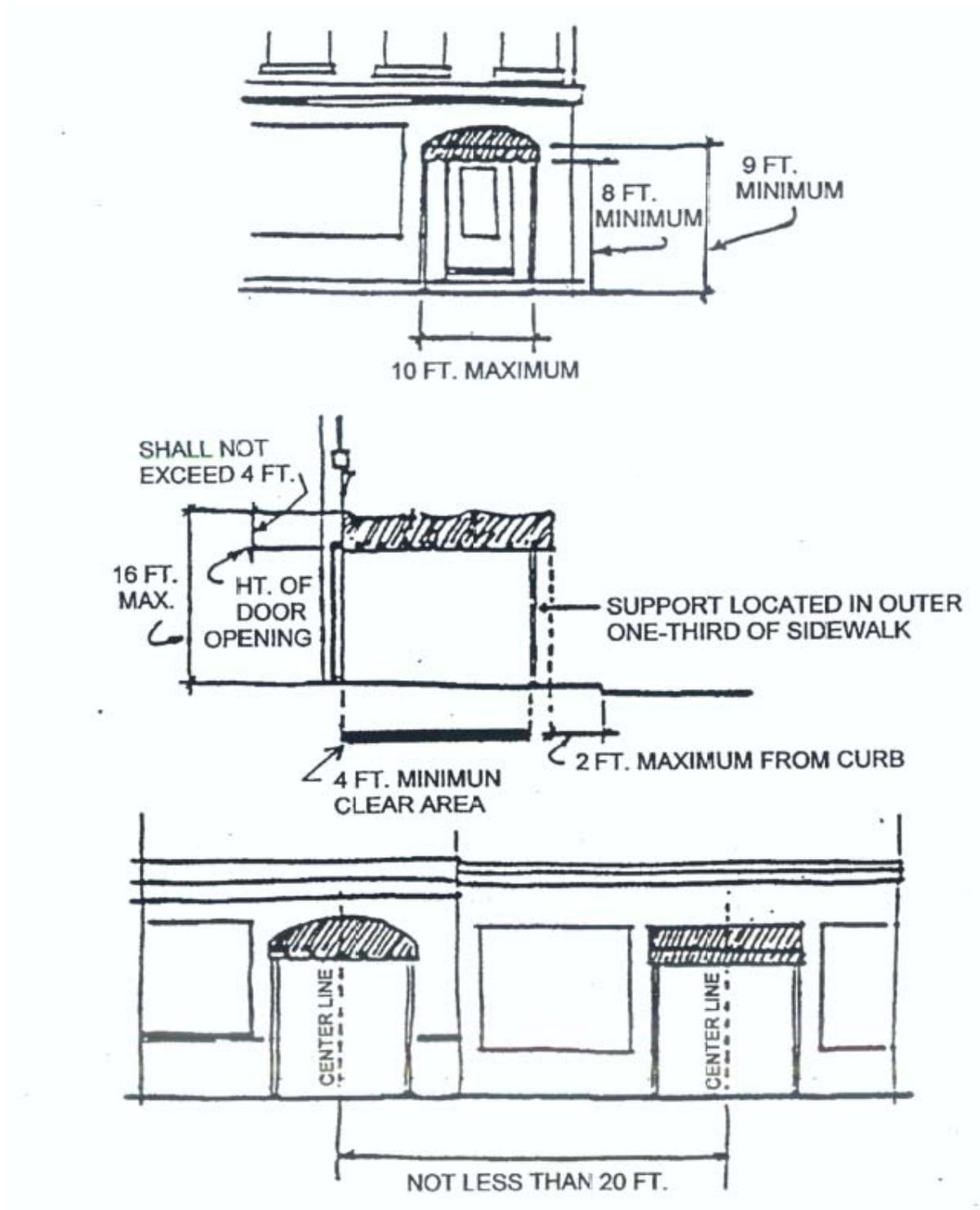


Diagram 2 – Canopy Requirements



- (v) Minimum Side and Rear Yard and Setback - shall be from the Lot Line as follows:
 - (1) Minimum Side Yard - zero (0) feet.
 - (2) Minimum Rear Yard - zero (0) feet.

- (e) Building Height:
 - (i) Primary Structure:
 - (1) Minimum Height - twenty-two (22) feet.
 - (2) Maximum Height – forty-five (45) feet and not over three (3) stories.
 - (ii) Accessory Structure: twenty-two (22) feet.
 - (iii) Maximum Building Height shall be the vertical distance measured from finished Grade to the highest point of the Building, including parapets, towers, chimneys or any other ancillary Structure or embellishment.

- (f) Off-Street Parking - The total number of Off-Street Parking Spaces required for any use the Village Form Area, calculated per the provisions of Section 3.8 of the Zionsville Zoning Ordinance, shall be reduced by fifty (50) percent.

- (g) Off-Street Loading - see Section 3.9 of the Zionsville Zoning Ordinance.

- (h) Signs - See Article 6 of the Zionsville Zoning Ordinance applicable to the Village Business District.

- (i) Vision Clearance Areas - The provisions of Section 1.21 of the Zionsville Zoning Ordinance shall not apply to the Village Form Area.

- (j) Outdoor Operations - Except for the following uses or operations which may be conducted outdoors, all uses and operations in the Village Form Area shall be conducted completely within enclosed Buildings:
 - (i) Outdoor seating for restaurants may be conducted subject to the following regulations:
 - (1) shall not reduce the effective sidewalk width, measured from the back of curb, to less than five (5) feet;
 - (2) shall be located against the Building façade;

- (3) shall not block access points to the business or Building; and,
 - (4) if located in a public right-of-way, shall require approval from the Safety Board.
- (ii) Outdoor display of merchandise may be conducted subject to the following regulations:
- (1) shall not reduce the effective sidewalk width, measured from the back the curb, to less than five (5) feet;
 - (2) shall be located against the Building facade;
 - (3) shall not block access points to the business or the Building;
 - (4) shall be permitted only along the business' tenant bay or storefront facade;
 - (5) shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day; and,
 - (6) if located in a public right-of-way, shall require approval from the Safety Board.
- (iii) Off-Street Parking, Off-Street Loading and delivery.
- (iv) Walk-up customer service windows or Automated Teller Machines (ATMs), provided they are not free standing and are set flush with the facade of the Building.
- (v) Trash container(s) exceeding thirty-six (36) cubic feet shall:
- (1) be completely screened on all four (4) sides with a solid-walled or opaque fenced enclosure with gate not less than six (6) feet, nor greater than eight (8) feet in height above Grade;
 - (2) be located behind the established front Building line; and,
 - (3) not be located within a required yard.

(vi) Pedestrian Connectivity:

All new construction shall include a walkway or pedestrian/bikeway system in compliance with the following requirements:

- (1) Sidewalk Connection – A private walkway or pedestrian/bikeway system shall functionally connect primary building entries with public sidewalks or bike trails on each public street frontage of a lot;
- (2) Greenway Connection – Any lot which abuts the north right-of-way line of 106th Street shall provide a private walkway or pedestrian/bikeway system to provide a direct linkage to the existing bike trail along the north side of 106th Street; and,
- (3) Delineation – A private walkway or pedestrian/bikeway system shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever a private walkway or pedestrian/bikeway system crosses an interior access drive or interior access driveway.

2. Architectural Requirements.

All Lots in a Village Form Area shall comply with the following Design Requirements:

(a) Architectural Design:

(i) Building Design **

Buildings shall be designed to incorporate the salient features of and be consistent with or complementary to the Zionsville Theme, incorporating the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles.

(ii) Building Materials **

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below. In addition, the exterior Building material selection shall be supplemented the use of multiple colors, textures (e.g. rough, smooth, striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on each facade. Two (2) or three (3) Building materials (excluding glass in windows or doors and roofing material) shall be utilized for all facades visible from a Street. The primary Building material shall be one of the four options noted in (2) below and

shall constitute a minimum of sixty (60) percent of the available wall area (exclusive of window and doors) of each applicable facade.

- (1) Exposed foundations shall be constructed of one (1) or more of the following:
 - a. Brick in a color historically consistent with the selected architectural style;
 - b. Stone (limestone, granite, fieldstone, etc.); or,
 - c. Architectural concrete, if surface looks like brick or stone.

- (2) Facade walls shall be constructed of any combination of:
 - a. Stone;
 - b. Wood clapboard siding;
 - c. Brick in a color historically consistent with the selected architectural style; or,
 - d. Wood beaded siding.

** Eligible for "Waiver of Design Requirements". See applicable regulations regarding Building Design Findings and Building Materials Findings in OI Form Area sub-Section 3, above.

(iii) Roofs:

(1) Pitched Roofs:

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

Pitched roofs shall be clad in wood shingles, slate, and composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.

(2) Shed Roofs:

Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4: 12 to 14:12.

(3) Flat roofs:

Flat roofs are permitted when consistent with the selected style of architecture. If edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.

(4) General Roof Design Guidelines:

In no case shall rooftop mechanical equipment be visible from any side of the Building based upon an elevation view of the building.

All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.

Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the selected architectural design of the Building.

(iv) Entrances:

The main Building or tenant space pedestrian entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the selected architectural style and details of the Building as a whole. The location, orientation, proportion and style of doors shall reflect the chosen style of the Building.

(v) Windows:

All window design shall be compatible with the style, materials, color, details and proportion of the Building. The number of panes, the way the window opens, the trim around the window and whether the window is embellished with shutters shall be consistent with the selected architectural style of the Building.

(vi) Storefronts:

Storefronts shall be integrally designed with the overall facade character. Ground floor retail, service and restaurant uses should generally have large pane display windows, however, they shall not exceed seventy-five percent (75%) of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common Building materials, architectural details, Signs and lighting consistent with the overall Building style. Each individual tenant shall have a primary entrance to the storefront from the Public Street.

(vii) Awnings and Canopies:

In addition to the provisions Section IV., 1., (e) (iii), above, fixed or retractable Awnings or Canopies are permitted, provided: they complement the Building's architectural style, Building materials, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair façade composition; and are designed as an integral part of the facade. Metal, plastic, or aluminum Awnings or Canopies are prohibited.

(b) Lighting Requirements:

Lighting of all Off-Street Parking Areas shall be regulated as follows:

- (i) Light standards and fixtures on a Lot, including free-standing light fixtures and those attached to Buildings, security lights, and architectural lights, shall be of consistent design and materials.
- (ii) Parking Lot lights shall be of uniform size, design and height.
- (iii) All free-standing lights shall be of either: a "down lighting" style with the light element completely shielded on all sides and the top; or be equipped with a refractor so as to direct light downward onto the Lot.
- (iv) Lighting shall not cause illumination beyond any Lot Line or onto any Right-of-Way in excess of one (1) foot candle.
- (v) Architectural or Sign lighting shall be so directed and shielded so that the light element is not visible from any point along an adjacent public Right-of-Way.

V. Open Space Form Area.

The Open Space Form Areas are intended to provide for open space of not less than twenty percent of the area of Dow Park.

1. The Open Space Form Areas are anticipated to generally coincide with:
 - (a) any pond areas on of the site;
 - (b) the open area along the east property line and north of 106th Street;
 - (c) the wooded area along Cemetery Creek along the north side of Old 106th Street;
 - (d) the wooded, wetland area near the northern boundary of the site;
 - (e) any: recreation; park; or, other open space uses, in the OI or Village Form Areas within Dow Park that are designed as "open space" on an approved development plan; and,
 - (f) the area of any trail (plus two (2) feet on either side of the improved tail surface) which connects one or more lots within Dow Park to the Pedestrian Trail located along 106th Street.
2. Development may occur within the designated Open Space Form Areas provided that the total area of open space within Dow Park that remains in the identified Open Space Form Areas or designated Open Space Uses in the OI Form Area or the Village Form Area does drop below 26.3 acres or 20% of the area of Dow Park.
3. The final configuration and utilization of each Open Space Form Area shall be monitored as a part of the approval of any final plat or development plan approval, either for a particular Open Space Form Area or of any lot within Dow Park.

VI. Administration.

1. Incorporation of the Town of Zionsville Zoning Ordinance

Certain Sections of the Town of Zionsville Zoning Ordinance, which are in effect as of the date of adoption of the Dow Park rezoning, have been specifically noted in the text above as providing regulations for Dow Park.

2. Subdivision Control

All lots developed within Dow Park shall be approved through the subdivision process as set forth in the Town of Zionsville Subdivision Control Ordinance in effect at the time of application for building permits, regardless of acreage, which shall include the granting of easements, at no cost to the Town of Zionsville, to public utility providers to provide utility services to all lots within Dow Park.

3. Additional Use Specific Regulations

All Uses or use groupings contained in Section II – Land Uses in Dow Park which are identified with an asterisk (*) shall be considered as permitted uses within the applicable Form Area, provided, however, the site development and operations of such Uses shall be subject to additional regulation as follows:

- (a) Industrial Uses – Any Lot containing an Industrial Use identified with an asterisk (*) shall not have any portion of said Lot be less than two-hundred and fifty (250) feet from the right-of-way of 106th Street.
- (b) Drive-Through Service Units – Drive-through service units shall be permitted within the Village Form Area provided such drive-through service units shall either:
 - (i) not be permitted along a façade which is parallel to or within ninety (90) degrees of being parallel to a front lot line;
 - (ii) be located along a façade which is located between ninety (90) and one-hundred and twenty (120) degrees of being parallel to a front lot line, provided that the view of such drive-through service unit is screened from such front lot line by either:
 - (1) a screening wall accompanied by foundation landscaping; or,
 - (2) landscaping screening in compliance with Level B landscape screening of Section 3.12 of the Zionsville Zoning Ordinance;
 - (iii) be located along a façade of a building more than one-hundred and twenty (120) degrees from parallel with any public right-of-way; or,
 - (iv) be designed so as to not appear to be a drive-through service unit (as determined by the Plan Commission).

4. Accessory Uses

- (a) Accessory Uses shall not be permitted on a Lot prior to the erection of the Primary Building.
- (b) Accessory Uses shall not encroach upon any:
 - (i) platted easement; or
 - (ii) recorded easements for infrastructure, utilities, or drainage, or for access to such infrastructure, utilities or drainage; unless specifically authorized by the terms of such platted easement or recorded easement, or by written consent of the agency in whose favor the easement is granted.
- (c) No Accessory Use or Structure shall be permitted in any required Front, Side or Rear Yard unless specifically authorized by the applicable Form Area regulations.

5. Access

- (a) Median Openings along 106th Street - Included in the Dow Park rezoning is a Conceptual Access Plan. The intent of the Conceptual Access Plan is to indicate that there shall be no more than two (2) additional median openings along 106th Street within the boundary of Dow Park and where major or shared drives are likely to be developed. The exact location of any median opening, major or shared drive, or additional curb cuts to serve individual uses shall be determined on a case by case basis as a part of a final plat or development plan approval.
- (b) No Access to Old 106th Street - Direct curb-cut or driveway access to Old 106th Street from Dow Park shall be prohibited.
- (c) Modification of Access Plan - In connection with a primary plat, final plat or development plan, a Traffic Study may be submitted as justification for approval of a revised Access Plan for Dow Park. If such Traffic Study and revised Access Plan are submitted in connection with a final plat or development plan, the Building Commissioner shall forward such Traffic Study and revised Access Plan to the Safety Board and Town Council for determination. If approved by the Safety Board and Town Council, the new Access Plan shall be used to evaluate access within Dow Park, until or unless superseded by a subsequent Traffic Study and Access Plan submitted and approved in the same manner.

6. Development Timetable

Major infrastructure has been put in place by the Town of Zionsville and development of the site will occur as demand dictates.

7. Determination of Permitted Uses

- (a) Similar and Comparable Uses - It is recognized that the permitted use provisions of this Dow Park rezoning may require interpretation to assign all permitted land uses within the appropriate Form Areas. Therefore, any land use which is not specifically set forth in this Dow Park rezoning shall be reviewed by the Director of Planning for consistency with the intent set forth for each Form Area and for compatibility with land use characteristics typical of land uses permitted within those Form Areas. The Director of Planning shall then determine if the proposed use is appropriate for the Form Area in question.
- (b) Uses Not Specified - If it is determined by the Director of Planning that a particular use is not permitted in any Form Area provided for in this Dow Park rezoning, such use shall be deemed to require a new petition for zone map change.
- (c) Clarification of Determination of Permitted Uses - The Director of Planning may request input from the Plan Commission prior to making a determination regarding a permitted use.

8. Modifications

Amendments, deviations, or other changes from uses or development standards approved for Dow Park shall be processed as a zoning amendment with a public hearing by the Plan Commission and final approval by the Town Council (i.e., any addition of uses, change of plans, or increase in size or density of any Form Area shall require a separate application for amendment of this document and shall follow the same process as other rezoning requests to change the zoning map incorporated by reference into the Town of Zionsville Zoning Ordinance).

9. Appeals

Any final official determination of the Director of Planning under this Dow Park rezoning, including the determination to issue or not issue an Improvement Location Permit, shall be a determination appealable to the Town of Zionsville Board of Zoning Appeals.

10. Severability

It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases of this Petition for Zone Map Change are severable and, if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this Petition for Zone Map Change because the same would have been enacted without the incorporation into this Petition for Zone Map Change of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

VII. Additional Information

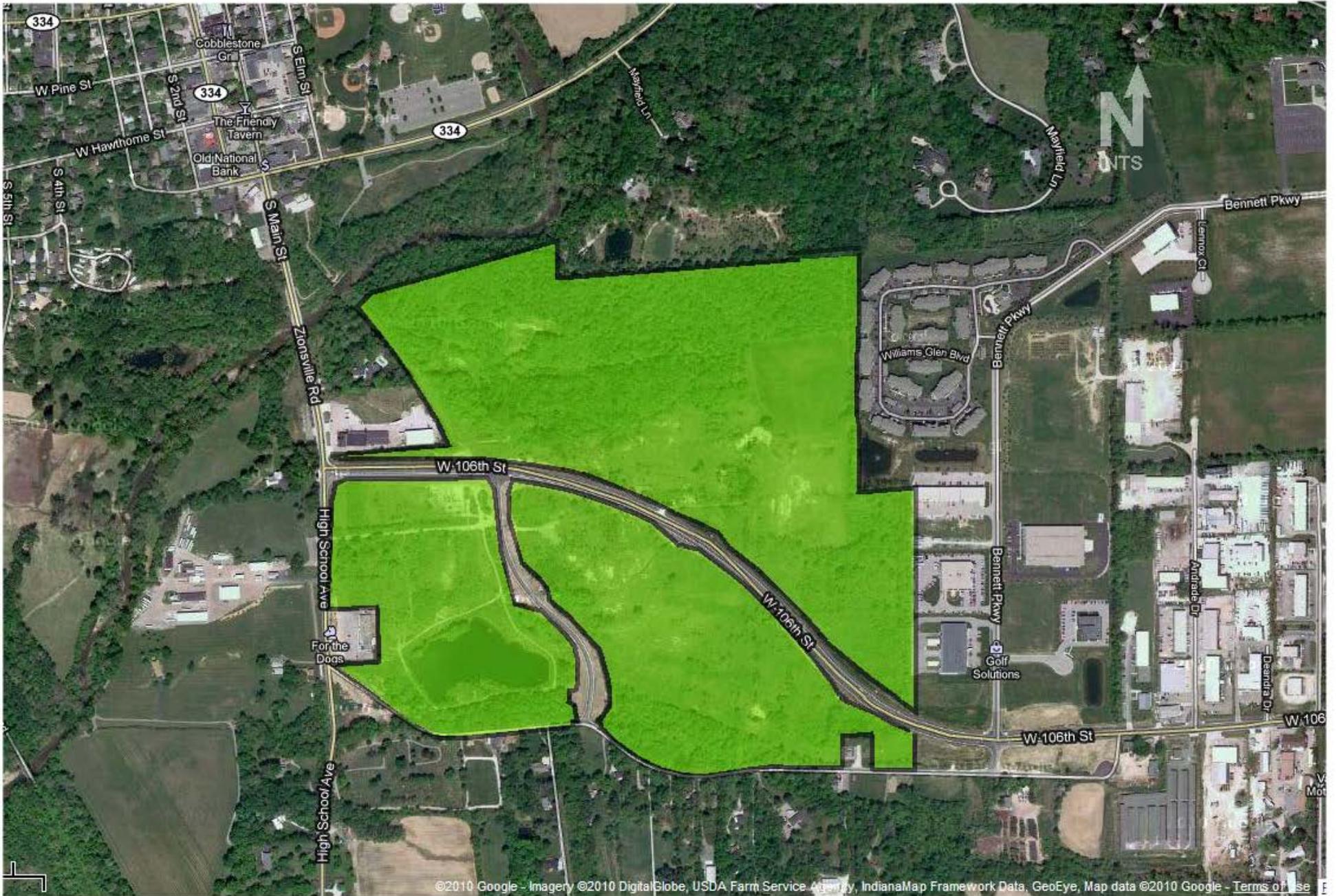
Per Article 5.8 of the Town of Zionsville Zoning Ordinance, the following additional information is required to be submitted.

<u>Additional Information</u>	<u>Response</u>
The proposed title of the project and the name of the engineer, architect, designer, or landscape architect, and the development.	Dow Park
A location map showing the position of the proposed development in relationship to the surrounding area.	See Tab A – Location Map.
A general description of the proposal, stating the purpose and goals of the development, and the design features incorporated for meeting these goals.	See Section I, above.
A discussion of the proposed standards for development, including restrictions on the use of the property, density standards, yard requirements and restrictive covenants.	Incorporated into text of each Form Area, above.
A discussion as to how accessory uses and buildings will be considered.	See sub-Section VII, 5., above.
Location, height, and material of all fences, walls, screens, planting, and landscaping, Plans for protection of abutting properties, including buffers, screening, and landscaping.	As regulated by Section 3.12 of the Town of Zionsville Zoning Ordinance and the Architectural Standards of each Form Area.
Proposed development timetable, including all planned phases of the project.	Development of individual lots will occur as market demand dictates.
The boundaries of the property involved, the location of all existing easements, section lines, and property lines, existing streets, buildings, and other existing physical features in or adjoining the project.	See Tab B – Survey.
The location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas (including numbers of parking and loading spaces), and outdoor lighting systems.	See Tab C – Conceptual Access Plan for general location of major entrances and median openings.

Dow Park
Petition for Zone Map Change

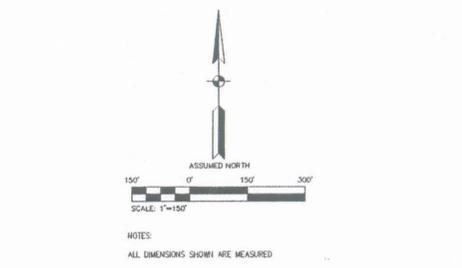
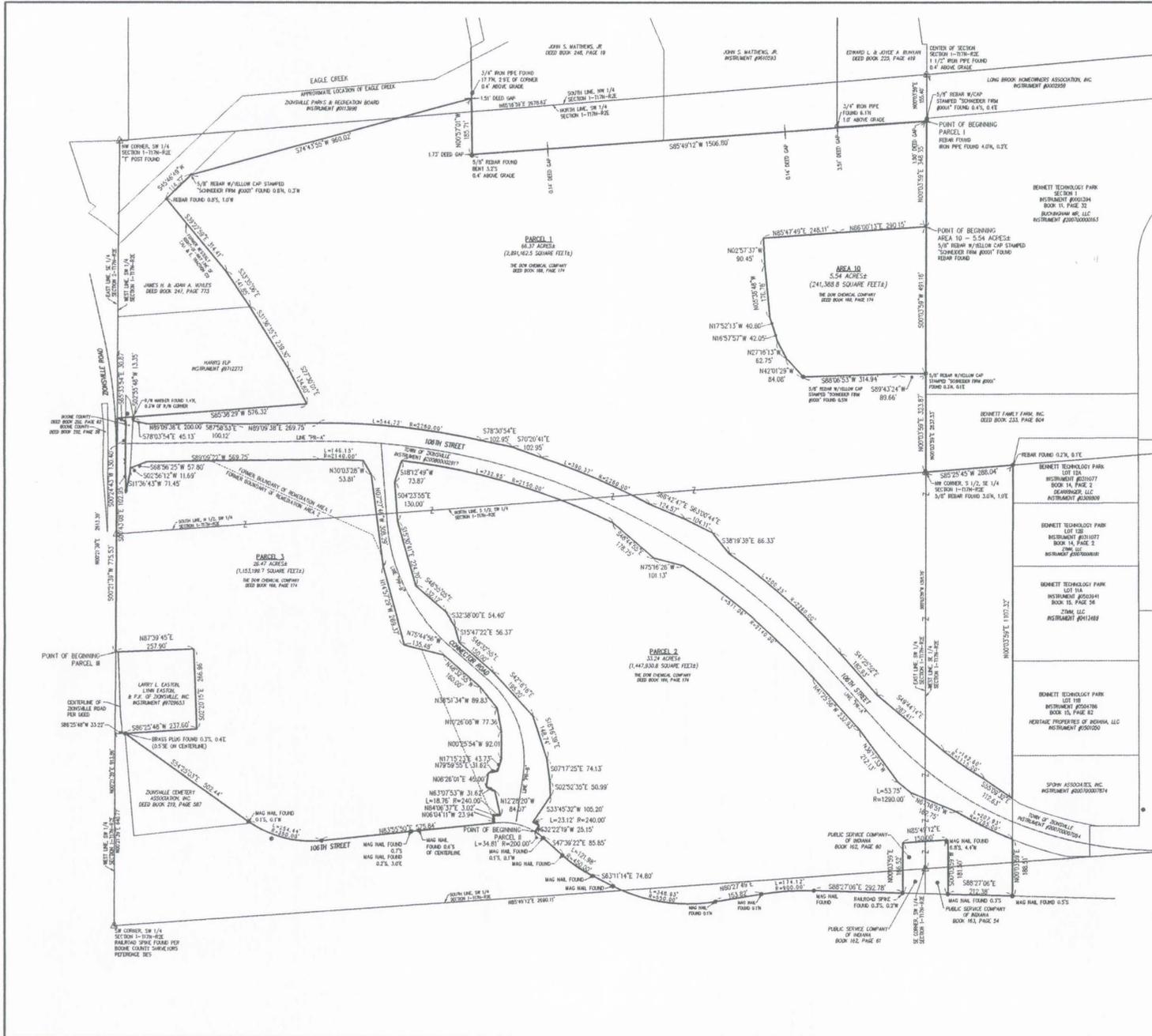
<p>The location and sizes of existing and proposed sanitary and storm sewers, water mains, culverts, and other underground facilities in or near the project.</p>	<p>See Tab D – Easements.</p>
<p>The location of proposed lots, setback lines, and easements, and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.</p>	<p>See Tab E – Conceptual Land Use Plan. Exact location to be determined on a case-by-case basis as part of final plat or development plan approval.</p>
<p>The location and height of all proposed main and accessory buildings and structures, including typical elevations of such structures.</p>	<p>Incorporated into text of each Form Area.</p>
<p>Proposed location, intended use, and character of all buildings, including a tabulation of the total number of dwelling units if proposed.</p>	<p>Incorporated into text of each Form Area. No dwelling units are proposed with Dow Park.</p>
<p>Location, character, size, and height of proposed signs and their orientation in relation to surrounding properties.</p>	<p>Per Article 6 of the Town of Zionsville Zoning Ordinance.</p>
<p>A tabulation of the total number of acres in the project, gross and net, and the percentage square footage thereof proposed to be devoted to different dwelling types, commercial uses, other non-residential uses, off-street parking, streets, parks, schools, green space, conservation areas, and other public and private reservations.</p>	<p>Total Area: ±131.6 acres OI / Village Uses: ±105.3 acres Open Space: ±26.3 acres, minimum Dwelling: 0.00 acres.</p>
<p>A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross and net, as required by district regulations.</p>	<p>No dwelling units are proposed in Dow Park.</p>
<p>A discussion of the mechanism for matters not covered by the PUD to default to zoning regulations of the Town of Zionsville.</p>	<p>Matters not covered by the provisions of the Dow Park rezoning shall be regulated by the applicable provisions of the Town of Zionsville Zoning Ordinance as such provisions relate to the specific matter not otherwise addressed herein.</p>
<p>A detailed legal description of the location of the site</p>	<p>See Tab B – Survey.</p>

Tab A



LOCATION MAP

Tab B



SCALE	REVISIONS	DATE	SHEET NO
1"=150'			1
DATE: 10/30/2008			
DRAWN BY: tms			
CHECKED BY: tms			

Tab C

Conceptual Access Plan



Median Openings
and Aligned Driveways



Major Driveways



Aligned Driveways



NTS



Tab D



2 1
2 1

1 1
1 1

2 1
11 12

1 1
12 12

LOT 13

Block A

SEWER
WATER

SEWER

WATER

SEWER

WATER

SEWER

WATER

SEWER

WATER

SEWER

WATER

Tab E

DOW PARK

VILLAGE
DOWNTOWN

NATURE PARK

SINGLE FAMILY

EAGLE CREEK

WILLIAMS GLEN
APARTMENTS

RETAIL

VILLAGE
BUSINESS

106TH STREET

BENNETT
TECHNOLOGY
PARK

FORM AREAS

-  OI (Office/Industrial)
-  OPEN SPACE
-  OI / VILLAGE
-  VILLAGE

ZIONSVILLE ROAD

RETAIL



CEMETERY

PSI

OLD 106TH STREET

SINGLE FAMILY

FUTURE INDUSTRIAL



NTS