

**Section 2.36. Urban Special Use Districts**

Intent These Districts are composed of uses which have unique physical and operational characteristics which do not allow them to be easily categorized into a specific land use type (residential, commercial, industrial). Uses in these Districts may be appropriate to and compatible with a broader range of adjacent land uses. However, certain operational features of the uses (i.e. parking, hours of operation, intensity of use) require that they be scrutinized in their location within the Town of Zionsville to ensure that these operational features will not have an adverse impact on adjacent uses. Because of this, a greater range of flexibility is built into the review of Development Standards and all SU Districts require Development Plan review and approval by the Plan Commission.

A. Permitted Uses.

1. Primary Uses

- i). SU 1 Schools, or school related facilities
- ii). SU 2 Churches
- iii). SU 3 Golf course, golf driving range
- iv). SU 4 Airport or landing field
- v). SU 7 Charitable and philanthropic institutions
- vi). SU 8 Buildings and grounds used by any department of Town, Township, County, State, or Federal Government
- vii). SU 9 Cemeteries
- viii). SU 12 Swimming pool, commercial
- ix). SU 13 Community center
- x). SU 14 Library
- xi). SU 16 Light and power substation, water tank and similar structures

xii). SU 17 Radio or Telecommunications receiving or broadcasting towers, including Wireless Telecommunications Facilities, and associated accessory buildings

xiii). SU 20 Extracting of gravel, sand, peat and other raw materials.

2. Special Exception Uses

Public Utility Structures and Facilities, including telephone exchanges and minor electrical substations.

3. Accessory Uses See **Section 3.1.**

4. Temporary Uses See **Section 3.2.**

B. Development Standards.

All development permitted within the Special Use Districts shall conform to the Development Standards applicable to the specified zoning District as follows:

<u>Special Use District</u>	<u>Applicable District Development Standards</u>
SU 1	B-O
SU 2	B O
SU 3	B 3
SU 4	I 3
SU 7	B O
SU 8	B 2
SU 9	B O
SU 12	B 3
SU 13	B 1
SU 14	B O
SU 16	I 1
SU 17	I 2, and per the requirements of <b>Section 3.6.</b>
SU 20	I 3, and per the requirements of <b>Section 2.19, D.</b> , below.

C. Development Plan Approval Required.

All Lots located in a Special Use (SU) District shall be subject to the filing of a Development Plan for review and approval by the Plan Commission, as set forth in **Article 4** of this Ordinance. The applicable Development Requirements shall

be those of the Commercial or Industrial District corresponding to the Special Use District noted in **Section 2.19, B.**, above.

D. Additional Development Requirements for the SU 20 District.

In addition to the regulations of **Section 2.19 A., B., and C.** above, the additional Development Requirements of this subsection shall apply to the SU 20 District . In the event of conflict between this subsection and the regulations of **Section 2.19, A., B., and C.**, the most stringent specifications shall govern.

Intent It is the intent of this subsection to establish reasonable and uniform limitations and controls for the production of sand, gravel, borrow, and other mineral or earthen materials through excavation or mining to the extent permitted by applicable Law. Restrictive limitations and controls are deemed necessary and in the public interest to effect practices which will provide for production of sand, gravel, borrow and other mineral or earthen materials which will:

- i). take into consideration the surface use of land;
- ii). the value and character of the existing improvements in the Districts where such production is hereinafter permitted;
- iii). the desirability of the area for residential or other Permitted Uses; and,
- iv). any other factor directly relating to the public health, comfort, safety and general welfare in these Districts.

2. Filing Procedures

- i). The filing procedures and requirements of a Development Plan for review and approval by the Plan Commission, shall be as set forth in **Article 4** of this Ordinance; and,
- ii). The filing of an Operational Plan, per the requirements of **Section 2.19, E.**, **4** below.

3. Permit Required

No extracting of gravel, sand, peat, and other raw materials shall occur unless an Improvement Location Permit has been issued by the Town of Zionsville

and a Development Plan and Operational Plan are approved by the Plan Commission.

4. Bonding

Prior to the issuance of an Improvement Location Permit, as required by Section 2.19, E., 2. above, applicant shall provide a corporate surety bond for the faithful performance of all applicable requirements of this Ordinance, including the operation and the completion and reclamation of the extraction or mining operations in accordance with the approved Site and Operational Plan, as required by this Ordinance. Such Improvement Location Permit may be issued and bond filed for the total operation or for one (1) or more phases thereof, as shown on the Site and Operational Plan. If the operation is to be accomplished in phases, each new phase of the operation shall require a new Improvement Location Permit, Site and Operational Plan, and corporate surety bond.

The corporate surety bond shall be in an amount equal to one hundred and ten percent (110%) of the estimated cost of performance of all applicable requirements of this Ordinance, as determined by the Town Engineer and be with surety approved by the Town of Zionsville. Said bond shall run jointly and severally to the Town of Zionsville and any other governmental agency requiring a similar bond. Said bond shall specify the time for the completion of all of the applicable requirements of this Ordinance, and shall specify the total operational area, or phase thereof, covered by the bond.

5. Operational Plan

An Operational Plan shall detail the operational area, or phase thereof, covered by the Development Plan. The Operational Plan shall further detail the:

- i). method of extraction or mining;
- ii). hours of operation;
- iii). storage of equipment;
- iv). stockpiling of materials; and,

- v). plan and timetable for reclamation of the real estate within the operational area, or phase thereof, upon completion of extraction or mining within the operational area, or phase thereof.

6. Perimeter Yards

The minimum required depth of required Perimeter Yards surrounding the operation shall be one hundred (100) feet.

No extraction or mining operation, or portion thereof, shall be permitted within said Perimeter Yard.

7. Landscaping

Landscaping of said Perimeter Yard shall conform to Level C requirements as specified in **Section 3.12, Tables A., B., and C.** Said landscaping shall be installed within six (6) months of the commencement of any extraction or mining operations on the real estate.

8. Fencing

Fencing of the entire perimeter of the operational area, or phase thereof, shall be required to ensure safety and restrict access. Said fencing shall be located on or within ten (10) feet of the Lot Line and shall be a minimum of six (6) feet in height, measured from Grade, and shall be no higher than ten (10) feet in height, measured from Grade. Said fencing shall be installed prior to the commencement of any extraction or mining operations on the real estate.

9. All extractions or mining shall either be made to a water producing depth. Such depth shall be not less than eight (8), measured from the low water mark, or graded or back filled with non toxic, non noxious and non flammable solids to assure the following:

- i). That the excavated or mined area shall not collect and permit to remain therein stagnant water.

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- ii). That the surface of such area shall be graded or back filled as necessary so as to reduce the peaks and depressions thereof to a surface which shall result in a gently rolling topography to minimize erosion and which is in substantial conformity to the immediately surrounding land area.
  - iii). That the surface of the area noted in **Section 2.19, E., 7., b.** above is landscaped in compliance with the approved Development Plan.
10. The banks of all excavated or mined areas not graded or back filled as provided in **Section 2.19, E., 7.** above shall be sloped to the water line at a slope which shall be not less than one and one half (1 ½) feet horizontal, to one (1) foot vertical. Said bank shall be surfaced with a minimum of six (6) inches of suitable soil and the same shall be either sodded or seeded with grass seed.
11. Within six (6) months of the completion of the extraction or mining operations, all Buildings, Structures, stockpiles, and equipment associated with the operations shall be removed from the real estate.

**Section 2.37. Urban O-1: Urban Open Land District**

Intent -The 0-1: Open Land Districts are established to include land being used for agricultural activities, flood plain, and other rural uses, located near the periphery of the jurisdictional boundary, which is not expected to develop for intensive urban or suburban uses within the near future. It is the intent of this District to allow Agricultural Uses- to conserve the desirable characteristics of the land, and to protect the open area from the encroachment of scatter urban-type uses that may inhibit the overall development of the community in accordance with the Comprehensive Plan.

A. Permitted Uses.

1. Primary Uses

- i). Agricultural Uses; including agricultural crop production; tree farms; agricultural livestock production and the harvesting, storage and primary processing of agricultural products produced on the premises; storage of farm vehicles, farm equipment, and farm materials by the operator of such farm;
- ii). Single Family Dwelling -limited to the farmstead for the Agricultural Use;
- iii). Residential Facility for the Developmentally Disabled;
- iv). Residential Facility for the Mentally III, subject to the provisions of **Section 3.4**;
- v). Child Care Home (that is used as the primary residence of the person who operates the Child Care Home);
- vi). Roadside Food Sales Stand (sale of produce grown on the premises);
- vii). Nature Reserve or Preserve, Wildlife Sanctuary.

2. Special Exception Uses

- i). Agricultural Uses
  - (a) Confinement Feeding Yards
- ii). Communications/Utilities

- (a) Communication Relay Tower;
  - (b) Public Utility Substation;
  - (c) Public Wells;
  - (d) Telecommunication Tower
- iii). Recreation
- (a) Private Camp;
  - (b) Campground
  - (c) Ball Fields;
  - (d) Country Club;
  - (e) Riding Stable or Multi-Use rails (i.e. Biking, Cross Country Skiing, Hiking)
  - (f) Golf Course (not including a Golf Driving Range or Miniature Golf Course as the Primary use)
- iv). Industrial Uses
- (a) Liquid Fertilizer Storage and Distribution Commercial);
  - (b) Mineral Extraction, Borrow Pit,
  - (c) Topsoil Removal Storage Areas
- v). Miscellaneous
- (a) Cemetery;
  - (b) Commercial breeding and raising of Non- farm Fowl and Animals; Kennel; Sales Barn for Livestock Sale; Bed & Breakfast
3. Accessory Uses -see **Section 3.1.**
4. Home Occupations -See **Section 3.3.**
5. Temporary Uses -See **Section 3.2.**
- B. Development Standards.



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1. Water and Sewer Requirements -well water and septic systems may be utilized in this District, subject to the approval of the Boone County Health Department or the Indiana State Board of Health.
2. Minimum Lot Area -five (5) acres.
3. Minimum Lot Width -Two hundred fifty (250) feet.
4. Minimum Lot Frontage -Two hundred fifty (250) feet on a Public Street and gain direct Access from said Public Street.
5. Maximum Lot Coverage -ten (10) percent.
6. Maximum Lot Depth to Width Ratio -four to one (4: 1).
7. Minimum Yards and Building Setbacks
  - i). Front -a minimum Front Yard and Building Setback measured from the Proposed Right-of- Way shall be provided as follows:
    - (a) Primary Arterial Street: Sixty (60) feet Secondary Arterial Street: Forty (40) feet Collector/ Local Street / Cul-de-sac or other Street: Forty (40) feet
    - (b) In the case where a proposed Right-of-Way line does not exist, as determined by the Transportation Plan for the Town of Zionsville; Indiana, or where the existing Right-of Way is greater, the existing Right-of-Way line shall be used for the Setback measurement.
  - ii). Side -a minimum Side Yard of fifty (50) feet shall be provided along all Side Lot Lines.
  - iii). Rear -a minimum Rear Yard shall be provided along all Rear Lot Lines as follows:
    - (a) Residential Primary Building -fifty (50) feet
    - (b) Residential Accessory Building -twenty five (25) feet
    - (c) Agricultural Building-one hundred fifty (150) feet

See also **Section 1.18, Obstruction of Easements.**

8. Maximum Building Height-
  - i). Residential Primary Building -thirty-five (35) feet
  - ii). Residential Accessory Building -twenty-two (22) feet
  - iii). Agricultural Building-unlimited, provided that for each additional one (1) foot over thirty-five (35) feet in height, one (1) additional foot shall be added to the Minimum Yard and Building Setback requirements.
9. Minimum Main Floor Area -The minimum Main Floor Area of the Residential Primary Building, exclusive of Garage, Carport, Deck, Patio and open Porches:
  - i). One-story Building -1,500 square feet.
  - ii). Two or more story Building -1,000 square feet, provided, that the total Finished Floor Area shall be at least 1,500 square feet.
10. Off-Street Parking-See **Section 3.8**.
11. Signs -See **Article 6**.
12. Vision Clearance Areas -See **Section 1.21**.