

Section 4.1. Development Plans Required for Development in Certain Districts.

In order to assure the compatibility of new development or major additions to existing development with the surrounding community, all new construction, Building additions, new or expanded surface Parking Areas, exterior Building renovations, and Freestanding or Building Signs located in the following Districts shall be subject to the approval of a Development Plan by the Plan Commission:

- Urban RE (Equestrian Estate Residential District)
- Urban R-SF-1 (Urban Single Family Residential District 1)
- Urban R-SF-2 (Urban Single Family Residential District 2)
- Urban R-SF-3 (Urban Single Family Residential District 3)
- Urban R-SF-4 (Urban Single Family Residential District 4)
- Urban R-MF-1 (Multi-family Residence District 1)
- Urban R-MF-2 (Multi-family Residence District 2)
- Urban R-V (Urban Special Residential District)
- Urban B-0 (Office District)
- Urban B-1 (Neighborhood Business) District
- Urban B-2 (General Business District)
- Urban B-3 (Highway Business District)
- Urban VBD (Village Business District)
- Urban I-ORT (Office/Research/Technology/ Industrial District)
- Urban I-1 (Light Industrial District)
- Urban I-2 (General Industrial District)
- Urban I-3 (Heavy Industrial District)
- Urban All SU (Special Use) Districts
- Urban O-1 (Urban Open Land District)
- Urban FP (Urban Floodplain Secondary District)
- Urban MRO (Urban U.S. Highway 421-Michigan Road Corridor Overlay District)
- Rural C (Rural Conservation District)
- Rural AP (Rural Agricultural Preservation District)
- Rural General Agricultural District
- Rural RE (Rural Equestrian District)
- Rural R-1 (Rural Single Family Residential)
- Rural R-2 (Rural Single & two-family Residential)
- Rural R-3 (Rural Single & two-family Residential)
- Rural R-4 (Rural Single & two-family Residential)
- Rural MF (Rural Multi-family Residential)
- Rural LB (Rural Local Business)
- Rural PB (Rural Professional Business)

- Rural UB (Rural Urban Business)
- Rural GB (Rural General Business)
- Rural AB (Rural Accommodation Business)
- Rural I 1 (Rural Light Industrial)
- Rural I 2 (Rural General Industrial)
- Rural MRO (Rural U.S. Highway 421-Michigan Road Corridor Overlay District)
- Rural AZ (Rural Airport Zoning District)

In addition, Cluster Subdivisions proposed for the R-SF-I and R-SF-2 Districts also shall be subject to the approval of a Development Plan by the Plan Commission.

A. Development Requirements.

Land in each of the Districts noted above is subject to the following Development Requirements:

1. Each site shall demonstrate compliance with all Development Standards of the applicable District and all applicable provisions of the Subdivision Control Ordinance.
2. Submission of a Site Plan, Overall Plan, Building Elevations, Sign Plan, Landscape Plan, and Lighting Plan, as set forth in **Section 4.2** of this Ordinance.

In review of the proposed Development Plan, the Plan Commission shall assess whether said Development Plan addresses the findings as enumerated in B. below.

B. Findings.

The Plan Commission shall make written findings concerning any decision to approve or disapprove a Development Plan filed under this Article.

The Plan Commission shall grant Development Plan Approval upon written finding that the proposed development:

1. The proposed development is consistent with the intent and purpose of the Comprehensive Plan;
2. The proposed Development Plan satisfies the Development Requirements specified in this Ordinance; and,

3. The proposed Development Plan otherwise complies with the Development Standards and requirement for Development Plan Approval required by this Ordinance.

Section 4.2. Plan Documentation and Supporting Information

Except as expressly provided otherwise in this Ordinance, a Development Plan shall contain a Site Plan, Overall Plan, Building Elevations, Sign Plan, Lighting Plan and Lighting Plan that comply with the following requirements:

A. Site Plan.

A site plan filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

1. North arrow and scale.
2. Address of the site.
3. Proposed name of the development
4. Area map insert showing the general location of the site referenced to major Streets and section lines.
5. Legal description of the real estate.
6. Boundary lines of the site including all dimensions of the site.
7. Names, center-lines and Right-of-Way widths of all Streets, Alleys and easements.
8. Layout, number and dimension of all Lots and Out Lots with zoning Setback Lines or Building Setback Lines.
9. Location and dimensions of all existing Structures, including paved areas.
10. Location and dimensions of all proposed Structures, including paved areas, and indicated by crosshatching.
11. Location and name of all existing and proposed Public or Private Streets, Access easements and Rights-of-Way within two-hundred (200) feet of the real estate.
12. Location of all Floodway and Floodway Fringe areas within the boundaries of the site.

13. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric. gas, telephone and cable.
14. Use of each Structure by labeling including approximate density or size of all proposed uses and Structures on the site (e.g. parking -# of Parking Spaces required and provided, residence -# of Dwelling Units per acre, office -Gross Floor Area).
15. Structures proposed for demolition should be indicated as such.
16. Distance of all Structures from Front, Rear and Side Lot Lines. (This distance is measured as a line from the point where the Structure is closest to the Lot Line. This line is perpendicular to the Lot Line.).
17. Location of any proposed or existing Driveway and its width at the Lot Line. (Any connection to an Alley must also be indicated).
18. All Improvements to Street system on-site and off-site.
19. Sidewalk plan or alternate plan for pedestrian ways.
20. Measurement of curb radius or taper.
21. Names of legal ditches and streams on or adjacent to the site.
22. Location, dimensions, and type (e.g. ground, pole, Wall) of all Signs on the site. Include separate elevations of proposed Sign Structures with all dimensions drawn to scale.
23. Location, size and species of all proposed and existing trees over six (6) inches in caliper at four and one-half (4 -1/2) feet above Grade and all proposed and existing landscaping.
24. Areas reserved for park, recreation, conservation, wetland, common area. lake or other similar uses.

25. Drainage Plan for all watersheds in and around the proposed development. indicating the general drainage pattern of Streets and Lots, the location of all drainage channels and sub-surface drainage structures, the proposed method of disposing of all stormwater runoff from the proposed development including data to show that the proposed outlet(s) are adequate to accommodate the drainage requirements of the development, and all existing and proposed detention facilities.
26. A preliminary erosion control plan for all areas of site disturbance.
27. Any other information requested in writing by the Plan Commission or Building Commissioner.

Building Commissioner, in its sole discretion, may waive or relax any of the Site Plan requirements listed above, as circumstances dictate.

B. Overall Plan.

An Overall Plan shall be required when the proposed development is a part of a larger development (example: a Lot, an outlot. or a building within an Integrated Center, Industrial Park, or multifamily project).

An Overall Plan filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

1. North arrow and scale.
2. Address of the site.
3. Proposed name of the development.
4. Area map insert showing the general location of the site referenced to major Streets and section lines.
5. Legal description of the real estate.
6. Boundary lines of the site including all dimensions of the site.
7. Names, center-lines and Right--of Way widths of all Streets, Alleys and easements.
8. Layout, number and dimension of all Lots and Out Lots with zoning Setback Lines and Building Setback Lines.

9. Location and name of all existing and proposed Public or Private Streets. Access easements and Rights-of Way within two-hundred (200) feet of the real estate.
10. Location of all Floodway and Floodway Fringe areas within the boundaries of the site.
11. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable.
12. All Improvements to Street system on-site and off-site.
13. Sidewalk plan or alternate plan for pedestrian ways.
14. Location, dimensions, and type (e.g. ground, pole, wall) of all Signs on the site. Include separate elevations of proposed Sign Structures with all dimensions drawn to scale.
15. Areas reserved for park, recreation, conservation, wetland, common area, lake or other similar uses.
16. Any other information requested in writing by the Plan Commission or Building Commissioner.

Building Commissioner, in its sole discretion, may waive or relax any of the Overall Plan requirements listed above, as circumstances dictate.

C. Building Elevations.

Building Elevations shall be required when the proposed development includes the construction, addition to or renovation of a Building.

Building Elevations filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:

1. Address of the site.
2. Proposed name of the development.
3. Scale.
4. Elevations for each facade of the Building.

5. Specification of the type of Building materials to be used for all wall, window, roof and other architectural features.
6. Specification of the color(s) proposed for all materials and features.
7. Placement, size, color and illumination details for any proposed Wall Sign.
8. Details of any exterior architectural lighting proposed on or around the Building.
9. Any other information requested in writing by the Plan Commission or Building Commissioner.

Building Commissioner. in its sole discretion, may waive or relax any of the Building Elevation requirements listed above, as circumstances dictate.

D. Sign Plan.

A sign plan shall be required when the proposed development includes freestanding or Building Signs.

Sign Plans filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:

1. Address of the site.
2. Proposed name of the development.
3. Scale
4. A site plan indicating the location of any existing or proposed Freestanding Signs or the placement of any existing or proposed Wall Signs.
5. Elevation of proposed Signs including size, materials and color.
6. Illumination details for proposed Signs.
7. Placement, size, color and illumination details for any proposed Wall Sign superimposed on an elevation of the applicable facade of the Building.
8. Any other information requested in writing by the Plan Commission or Building Commissioner.

Building Commissioner, in its sole discretion, may waive or relax any of the Sign Plan requirements listed above, as circumstances dictate.

E. Landscape Plan.

Landscape Plans filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

1. Address of the site.
2. Proposed name of the development.
3. Scale.
4. The location of any existing or proposed Freestanding Signs.
5. Outline of all existing or proposed Buildings or Structures, including Parking Areas, Loading Areas, and walkways.
6. Boundary lines of the site.
7. Location of all Floodway and Floodway Fringe areas within the boundaries of the site.
8. All existing elevations and proposed land contour lines having at least two (2) foot intervals.
9. Proposed sidewalk or alternate plan for pedestrian ways.
10. Size, species and spacing (on center) of all proposed trees, landscaping and ground cover.
11. (If tree preservation is proposed), Survey of existing trees in Required Yards and Yards which abut upon an "R" District, indicating exact location of existing trees over six (6) inch caliber at four and one-half (4 -112) feet above Grade and all flowering trees, shrubs and evergreens over six (6) feet in height.
12. (If tree preservation is proposed), Description of methods to preserve trees without injury and with sufficient area for the root system to sustain the tree.
13. (If tree preservation if proposed), Description of protective care and physical restraint barriers at the drip line to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction.

14. Any other information requested in writing by the Plan Commission or Building Commissioner. Building Commissioner, in its sole discretion, may waive or relax any of the Landscape Plan requirements listed above, as circumstances dictate.

F. Lighting Plan.

Lighting Plans shall be required if the proposed development includes any exterior Building or site lighting.

Lighting Plans tiled in connection with the submission of a Development Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

1. North arrow and scale.
2. Address of the site.
3. Proposed name of the development
Boundary lines of the site including all dimensions of the site.
4. Outline of all existing or proposed Building or Structures. including Parking Areas, Loading Areas. and walkways.
5. Type and location of all exterior of lighting fixtures. including, wattage and type of light.
6. Intensity of lighting at base of light Structure and at the Lot Line measured in foot candles.
7. If architectural Building lighting is proposed, elevations for each facade of the Building indicating the location, type and intensity of Lighting on each Building facade and the intensity of such lighting at the Lot Line measured in foot candles.

Building Commissioner, in its sole discretion, may waive or relax any of the Lighting Plan requirements listed above, as circumstances dictate.

Section 4.3. Procedures for Submission and Review of Development Plans

A. Application.

1. Application for Development Plan Approval by the Plan Commission shall be in compliance with the following procedures:
 - i). Who May File.

Development Plans may be initiated by a petition signed by:

- (a) the owner(s) of the land involved in the petition; or
- ii). the owner(s) authorized agent. with submission of a notarized consent form from the owner(s)
- iii). Filing Deadline

All Development Plan petitions shall be filed at least thirty (30) days prior to the initial public hearing at which they are to be considered by the Plan Commission.

- iv). Form of Filing

All Development Plan Approval petitions shall be on forms provided by the Town of Zionsville. In addition, site plans, surveys, legal descriptions, Building elevations, Sign details, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality.

- v). Findings of Fact

The petitioner shall; at the time of filing of the petition, file proposed detailed written findings of fact.

- vi). Specifying of Request

All Development Plan Approval petitions shall specify the approvals requested. Any items, even if indicated on the proposed plans, shall not be considered a part of the request presented to the Plan Commission for its consideration unless such approvals are specified in the petition.

- vii). Docketing by Staff

Each petition filed in proper and complete form pursuant to the guidelines established by the Plan Commission shall, within ten (10) days of filing, be numbered and docketed by the Staff for an initial hearing by the Plan Commission.

- viii). Investigation of Petitions

Upon assignment of a number and hearing date, the Staff shall distribute a copy of the petition and relevant supporting documentation to the Town Engineer and other applicable Town Officials for review and comment.

ix). Notice Requirements

Notice of all petitions for Development Plan approval public hearing before the Plan Commission shall be given to all interested parties or property owners in the following manner:

(a) Notice by Publication.

Notice shall be published by the Plan Commission in accordance with **I.C. 5-3-1** at least ten (10) days prior to the date of the public hearing.

(b) Notice by Mailing.

Notice, in a form approved by the Secretary in accordance with the requirements on **I.C. 36-7-4-604**, shall be mailed to each interested party.

Notice by mailing shall be given by certified mail. return receipt requested, at least ten.

(10) days prior to the date of the hearing.

Interested parties for a Development Plan approval shall include all owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the area included in the Petition.

In the case of property which has been submitted to the Horizontal Property Law

(**I.C. 36-1-6**), notice shall be given only to the association of co-owners.

(c) Affidavit of Notice.

An Affidavit of Notice shall be filed in compliance with Article V., 54 of the Rules of Procedure, Town of Zionsville Plan Commission.

x). Public Hearings

xi). All public hearings regarding a Development Plan Approval before the Plan Commission shall be conducted in accordance with the procedures set forth in the Rules of Procedure of the Plan Commission.

2. Application for Development Plan Approval by the Building Commissioner shall be accomplished in compliance with the following procedures:
 - i). Compliance with **Section 4.3,A.,1.,a.,c.,d., and e.** of this Ordinance.
 - ii). Contact the Building Commissioner to make an appointment to deliver the required plans and provide a brief explanation of the proposed Development Plan.
 - iii). Building Commissioner shall have a period of not more than ten (10) days in which to review the proposed Development Plan and either make a decision concerning the Development Plan, or request in writing, additional information from the applicant.
 - iv). Building Commissioner may seek the advice and comment from Staff prior to making a decision.
 - v). may occur without public notice and without a public hearing.
 - vi). If: in the sole discretion of the Building Commissioner, the proposed Development Plan is of such a nature. that a full review by the Plan Commission is warranted, the Development Plan may be forwarded to the Plan Commission for its review and approval
 - vii). Any decision of the Building Commissioner under this **Section**, may be appealed by any interested party to the Plan Commission within thirty (30) days of such decision by filing a letter with the Plan Commission requesting a hearing by the Plan Commission. Said appeal shall be heard by the Plan Commission at the Plan Commission ~ next regularly scheduled public hearing for which published notice of the appeal pursuant to **I.C.5-3-1** can be provided.

B. Fees.

In order to defray administrative costs, the fees as set forth in the Fee Schedule as approved by the Plan Commission for Development Plan Approval by the Plan Commission are to be paid by the applicant at the time of filing an application for Development Plan Approval.

C. Findings.

All findings specified above for the approval or denial of a Development Plan shall be reduced to writing and signed by the President or Secretary of the Plan

Commission, or by the Building Commissioner for those Development Plans approved per **Section 4.3, A, 2.**, and retained as a part of the permanent record of the determination.

D. Amendments.

1. Amendments to Development Plans pending determination by the Plan Commission.

Amendments to Development Plans pending determination by the Plan Commission may be made by the Petitioner at any time prior to a vote being called for by the Plan Commission. If, in the sole discretion of the Plan Commission, the proposed amendment is of such a nature that additional time is needed for review, the Plan Commission may continue the consideration of such amended Development Plan to the next meeting of the Plan Commission. The Plan Commission, at its discretion, may require that additional notice be given.

2. Amendments to Development Plans pending determination by the Building Commissioner.

Amendments to Development Plans pending determination by the Building Commissioner may be made by the applicant at any time prior to a determination being made by the Building Commissioner. If, in the sole discretion of the Building Commissioner, the proposed amendment is of such a nature that additional time is needed for review, the amended Development Plan shall be deemed a new filing and shall be reviewed with the time frames set forth above for the review of Development Plans by the Building Commissioner.

3. Amendments to Approved Development Plans.

Minor amendments to Development Plans which have already received approval from the Plan Commission and which do not involve: (a) an increase in height, area, bulk, or intensity or type of land uses; (b) the designation of additional land uses; (c) the reduction in Perimeter Yards; (d) the addition of Driveways or Access points; or, (e) reduction in the amount of Parking for any use, may be authorized by the Building Commissioner without a public hearing in its continuing administration of the Development Plan if, in the determination of the Building Commissioner, the requested minor amendments do not adversely impact the purpose or intent of the overall development.

A minor amendment to an approved Development Plan shall be filed with the Building Commissioner in the form of an application for an Improvement Location Permit, accompanied by a written request from the Petitioner for a minor amendment to the Development Plan. Such written request shall specify the amendment(s) requested. The Building Commissioner shall review the application for an Improvement Location Permit per Article 9 of this Ordinance.

Such minor amendments authorized by the Building Commissioner shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.

If the Building Commissioner determines that the proposed minor modification is of such a nature as to adversely impact the purpose or intent of the overall development, or if the proposed modification includes: (a) an increase in height, area, bulk, or intensity or type of land uses; (b) the designation of additional land uses; (c) the reduction in Perimeter Yard; (d) the addition of Driveways or Access points; or, (e) reduction in the amount of Parking for any use, petitioner shall be required to file a new petition for Development Plan Approval.

Any decision of the Building Commissioner regarding the amendment of Development Plan may be appealed by any interested party to the Plan Commission within thirty (30) days of such determination by filing an Approval Petition.

E. Modification or termination of Development Plan Approval

Any modification to or termination of a previously approved Development Plan shall be filed as an Approval Petition for public hearing before the Plan Commission following the procedures set forth in this Article.

F. Review of Development Plan by the Plan Commission

The Plan Commission may do the following:

1. Impose conditions of the approval of a Development Plan if the conditions are reasonably necessary to satisfy the Development Requirements specified in this Ordinance for approval of the Development Plan; or,
2. Provide that approval of a Development Plan is conditioned on the furnishing to the Plan Commission of a bond or written assurance that:

- i). Guarantees the timely completion of a proposed public improvement in the proposed Development;
 - ii). Is otherwise satisfactory to the Plan Commission; and,
3. Permit or require the owner or real property to make a written Commitment under **Article 8, Section 8.2, D** of this Ordinance.

Section 4.4. Expiration of Approved Development Plans and Development Plan with Commitments

- A. Development Plan approvals granted by the Plan Commission, including approvals receiving modifications and amendments, shall be valid for three (3) years from the date of said approval. If development of the project has not materially progressed and begun before the end of said three (3) year period, the approval expires and a new Development Plan application must be submitted; provided, however, that the Applicant (or party which has been assigned the property being the subject of approval) may appear at a Plan Commission meeting, as a matter of "Other Business," prior to said expiration date and request consideration of an extension of time before such Development Plan Approval expires, in which event any extension of the Plan Commission grants shall not extend beyond a date which is more than seven (7) years after the date of the most recent Development Plan approval, including approval of any modification or amendment thereto.

- B. If the recording of Commitments is required in connection with approval of a Development Plan, including approvals receiving modification and amendments, said approval shall automatically be conditional and shall not become final unless the required Commitments are finalized in a manner satisfactory to the Plan Commission and recorded within ninety (90) days after said Plan Commission approval; consequently, if the required Commitments are not finalized and recorded within said ninety (90) days, such conditional approval shall expire, and notice of a hearing for re-consideration of the subject Development Plan by the Plan Commission shall be served and published by the Applicant (or party which has been assigned the property being the subject of the approval), as required originally, within sixty (60) days after said conditional approval expires or the Development Plan filing shall be deemed to have been withdrawn.