

ORDINANCE NO. 776

A PROPOSAL FOR AN ORDINANCE AMENDING THE YORKTOWN ZONING ORDINANCE and MAPS (“First Amendment to the Zoning Ordinance”)

Whereas, the Town of Yorktown is about to break ground on a new City Hall, which is the first part of the redevelopment of its downtown core; and

Whereas, the current zoning for the downtown area is inconsistent with the redevelopment plan and should be amended to ensure uniform redevelopment amongst those parcels; and

Whereas, additional overlay districts should be created to ensure those separate areas of the Downtown are properly redeveloped, giving due concern to environmental factors considering the neighboring park and waterway, and appropriate balance and density of residential and commercial development;

Whereas, the attached Exhibit A outlines the new district, its overlays, and visuals for recommended development;

Whereas, the attached Exhibit B includes the new maps to be added to the current zoning maps;

Now, therefore, the following amendments (new language shown in underlined type, language to be deleted in ~~strike through~~) should be made to the Yorktown Zoning Ordinance:

1.18 Summary of Powers and Duties of the Zoning Administrator

A. Zoning Administrator Duties

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7. Provide information to the Yorktown Town Council, Plan Commission, ~~and~~ Board of Zoning Appeals, and the Architectural Review Board prior to their meetings in regards to community planning, zoning, or subdivision control. This may also include specific recommendations to the Yorktown Town Council or the Planning Commission, but not the Board of Zoning Appeals or the Architectural Review Board.

1.19 Summary of Powers of Architectural Review Board

The powers and duties of the Architectural Review Board are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional.

A. Architectural Review Board Duties:

1. Review, hear, and approve or deny all applications for Downtown Development permits based on the provisions of Indiana Code and the Zoning Ordinance.

2. Make rules governing the hearing of cases under a Combined Hearing procedure.
3. Other duties as permitted by Indiana Code.

B. Architectural Review Board Powers:

1. Powers as permitted or required by Indiana Code.

~~1.1920~~ Plan Commission Certification

~~1.201~~ Effective Date

1.22 This First Amendment to the Zoning Ordinance was certified for adoption on _____ by the Yorktown Plan Commission after holding a legally announced public hearing. This First Amendment to the Zoning Ordinance was certified by a ___ to ___ vote. This certification is validated by the following Plan Commission Members:

(signature lines to follow)

1.23 This First Amendment to the Zoning Ordinance, Ordinance # _____, shall become effective on _____ [date]. This First Amendment to the Zoning Ordinance was approved by the Town Council of Yorktown, Indiana on the _____ day of _____, 201__.

(signature lines to follow)

2.1 K. **HM--Heritage Mixed Use:** This District is established ~~for special issues and land use goals for the downtown area in the Town of Yorktown~~ to create a village atmosphere in the Cammack area, encouraging a mix of low density commercial uses and residential.

2.1 P. DD - Downtown District: This district is established for special issues and land use goals for the downtown area in the Town of Yorktown, including walkability, aesthetic consistency, harmonious balance of residential and commercial availability, and community connectivity.

2.2 For the purpose of the Zoning Ordinance ~~two (2)~~ Five (5) Overlay Districts have been established as stated below.

C. POK-OL - Park Overlook Overlay: This overlay district includes areas within Downtown that are directly adjacent to existing green spaces and waterways. Developments located in this overlay shall preserve, protect, and enhance the natural landscape, promote walkability within Downtown, and connect residents and visitors to the environment. This overlay shall act as a transition zone between the Downtown Core and the existing parks and waterways.

D. **DCR-OL - Downtown Core Overlay:** The Core is where people can live, work, shop, dine, and play; it is a destination for residents and visitors alike due to its mixture of uses providing a vibrant, unique atmosphere. This is the most “urban” of the zones and is the location of the majority of retail and restaurant uses as well as multi-family residential structures. This overlay sets the framework for a walkable small business district as well as the location of primary civic functions such as Town Hall and the Library.

E. **DND-OL - Downtown Neighborhood Overlay:** This district is established to maximize the residential population surrounding Downtown via a mixture of dense single-family, multi-family, and townhouse style structures. This overlay promotes a walkable, friendly neighborhood concept for residents desiring easy access to Downtown and a transition zone from the Downtown Core to the existing less dense residential areas.

2.4 Standard Zoning District Land Uses

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Mixed Use District: HM and DD; and
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2.5 Overlay Zoning District Land Uses

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Vehicular Safety Overlay District: VS-OL; and
Water Quality Overlay District: WQ-OL-;
POK-OL - Park Overlook Overlay;
DCR-OL - Downtown Core Overlay; and
DND-OL - Downtown Neighborhood Overlay.

3.31 DD District Intent, Permitted Uses, and Special Exception Uses

<u>District Intent</u>	<u>Permitted Uses</u>	<u>Special Exception Uses</u>
<p><u>The DD (Downtown District) is intended to be used as follows:</u></p> <p><u>To create a walkable and vibrant downtown area, a destination for residents and visitors alike, by promoting designs that illustrate durability and downtown character through flexible design</u></p>	<p><u>The permitted uses within the Downtown District vary due to the Overlays; see Chart 1 for the applicable Overlay for specifics on permitted uses.</u></p>	<p><u>The special exception uses within the Downtown District vary due to the Overlays; see Chart 1 for the applicable Overlay for specifics on special exception uses.</u></p>

<p><u>requirements.</u></p> <p><u>DD shall promote vibrant plantings, pedestrian spaces, bicycle racks, parks, retail, government services, and dining options. It shall be compact and dense yet complementary to the existing small town atmosphere.</u></p> <p><u>DD shall promote a harmonious structural and physical presence for all buildings within it; while encouraging diversity in use, it will also strive for similarity in appearance to create an appealing and congenial architectural standard throughout the District.</u></p>		
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3.32 DD District Development Standards
(see attachment)

4.8 POK-OL - District Intent, Permitted Uses, and Development Standards

<u>District Intent</u>	<u>Permitted Uses</u>	<u>Development Standards</u>
<p><u>The Park Overlook district includes areas within Downtown that are directly adjacent to existing green spaces and waterways. Developments located in this district shall preserve, protect, and enhance the natural landscape, and they should promote walkability within Downtown while connecting residents and visitors to the</u></p>	<p>(see Chart 1)</p>	<p><u>Front Setback: minimum 0 feet, maximum 10 feet</u> <u>Side Setback: minimum 0 feet, maximum none</u> <u>Rear Setback: minimum 0 feet, maximum none</u> <u>Building Separation Minimum: 0 feet</u></p> <p><u>Primary Structure Minimum Height: 1 story/14 feet</u> <u>Primary Structure Maximum</u></p>

<p><u>environment.</u> <u>Developments, especially signature developments, shall be designed to allow for outdoor connections and clear views to the natural environment. The Park Overlook will act as a transition zone between the Downtown Core to the existing parks and waterways.</u></p>		<p><u>Height: 2 stories/24 feet</u> <u>Accessory Structure Minimum Height: none</u> <u>Accessory Structure Maximum Height: 15 feet</u> <u>Accessory Structure Maximum Overall Size: 600 sq.ft.</u></p> <p><u>Lot Coverage Maximum: 70%</u></p>
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4.9 Jurisdictional Boundaries for the Park Overlook Overlay District

A. The jurisdictional boundaries for the Park Overlook Overlay District (POK-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the Park Overlook Overlay District (POK-OL).

4.10 Additional Development Standards for the Park Overlook Overlay District

The following development standards are required in order to promote the intent of this zoning district and meet the goals of the Yorktown Comprehensive Plan and the Downtown Redevelopment Plan.

- A. Front Setback: minimum 0 feet, maximum 10 feet
- B. Side Setback: minimum 0 feet, maximum none
- C. Rear Setback: minimum 0 feet, maximum none
- D. Building Separation Minimum: 0 feet
- E. Primary Structure Minimum Height: 1 story/14 feet
- F. Primary Structure Maximum Height: 2 stories/24 feet
- G. Accessory Structure Minimum Height: none
- H. Accessory Structure Maximum Height: 15 feet
- I. Accessory Structure Maximum Overall Size: 600 sq.ft.
- J. Lot Coverage Maximum: 70%

4.11 DCR-OL - District Intent, Permitted Uses, and Development Standards

<u>District Intent</u>	<u>Permitted Uses</u>	<u>Development Standards</u>
<p><u>The Downtown Core is where people can live, work, shop, dine and play. It is a destination</u></p>	<p>(See Chart 1)</p>	<p><u>Front Setback: minimum 0 feet, maximum 5 feet</u> <u>Side Setback: minimum 0 feet,</u></p>

<p><u>for residents and visitors alike due to its mixture of uses that provide a vibrant, unique atmosphere. The Downtown Core is the most ‘urban’ of the Zones and provides the majority of ‘main street’ retail shops and restaurants. In addition, multi-family residential offers the downtown living experience within vertically mixed buildings. The Downtown Core will contain several building types supporting a diversity of scale and use throughout the core. This diversity sets the framework for a character of small shops, restaurants and tree-shaded sidewalks. The Downtown Core brings vibrancy to the Downtown by providing activities, events, and services. Primary civic functions including municipal government, library, and similar uses are located within this zone.</u></p>		<p><u>maximum 10 feet</u> <u>Rear Setback: minimum 0 feet, maximum 30 feet</u> <u>Building Separation Minimum: 0 feet</u></p> <p><u>Primary Structure Minimum Height: 2 stories/25 feet</u> <u>Primary Structure Maximum Height: 4 stories/60 feet</u></p> <p><u>(Accessory Structures not permitted)</u></p> <p><u>Lot Coverage Maximum: 95%</u></p>
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4.12 Jurisdictional Boundaries for the Downtown Core Overlay District

A. The jurisdictional boundaries for the Downtown Core Overlay District (DCR-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the Downtown Core Overlay District (DCR-OL).

4.13 Additional Development Standards for the Downtown Core Overlay District

The following development standards are required in order to promote the intent of this zoning district and meet the goals of the Yorktown Comprehensive Plan and the Downtown Redevelopment Plan.

- A. Front Setback: minimum 0 feet, maximum 5 feet
- B. Side Setback: minimum 0 feet, maximum 10 feet

- C. Rear Setback: minimum 0 feet, maximum 30 feet
- D. Building Separation Minimum:0 feet
- E. Primary Structure Minimum Height: 2 stories/25 feet
- F. Primary Structure Maximum Height: 4 stories/60 feet
- G. (Accessory Structures not permitted)
- H. Lot Coverage Maximum: 95%

4.14 DND-OL - District Intent, Permitted Uses, and Development Standards

<u>District Intent</u>	<u>Permitted Uses</u>	<u>Development Standards</u>
<p><u>To maximize the resident population surrounding downtown, the Downtown Neighborhood will consist of residential building types including multi-family developments, townhouses, and single family dwellings. These building types provide a character of a tightly knit community that is ‘in town’, with buildings pulled close to primary streets while creating frontages that promote interaction of neighbors. The Downtown Neighborhood will act as a denser residential transition zone between the Downtown Core to the existing residential neighborhoods.</u></p>	<p><u>(See Chart 1)</u></p>	<p><u>Front Setback: minimum 10 feet, maximum 30 feet</u> <u>Side Setback: minimum 10 feet, maximum 30 feet</u> <u>Rear Setback: minimum 10 feet, maximum 60 feet</u> <u>Building Separation Minimum: 15 feet</u></p> <p><u>Primary Structure Minimum Height: 1 story/14 feet</u> <u>Primary Structure Maximum Height: 2 stories/20 feet</u> <u>Accessory Structure Minimum Height: none</u> <u>Accessory Structure Maximum Height: 15 feet</u> <u>Accessory Structure Maximum Overall Size: 600 sq.ft.</u></p> <p><u>Lot Coverage Maximum: 60%</u></p>

4.15 Jurisdictional Boundaries for the Downtown Neighborhood Overlay District

A. The jurisdictional boundaries for the Downtown Neighborhood Overlay District (DND-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the Downtown Neighborhood Overlay District (DND-OL).

4.16 Additional Development Standards for the Downtown Neighborhood Overlay District

The following development standards are required in order to promote the intent of this zoning district and meet the goals of the Yorktown Comprehensive Plan and the Downtown Redevelopment Plan.

- A. Front Setback: minimum 10 feet, maximum 30 feet
- B. Side Setback: minimum 10 feet, maximum 30 feet
- C. Rear Setback: minimum 10 feet, maximum 60 feet
- D. Building Separation Minimum: 15 feet
- E. Primary Structure Minimum Height: 1 story/14 feet
- F. Primary Structure Maximum Height: 2 stories/20 feet
- G. Accessory Structure Minimum Height: none
- H. Accessory Structure Maximum Height: 15 feet
- I. Accessory Structure Maximum Overall Size: 600 sq.ft.
- J. Lot Coverage Maximum: 60%

Article 6 Development Standards

6.68 PK-07 Downtown District Parking Standards

General Requirements

1. All permanent parking areas, public or private, shall be paved with concrete, pavers, asphalt, or combination of those materials.
2. Parking of any motorized vehicle is prohibited on lawns and planting areas.
3. Parking Space Dimensions:
 - a. Minimum Width, Perpendicular Stall: Nine feet
 - b. Minimum Length, Perpendicular Stall: 20 feet
 - c. Minimum Width, Parallel Stall: Eight feet
 - d. Minimum Length, Parallel Stall: 22 feet
 - e. Minimum Length, Angled Stall: 20 feet from nearest Face of Curb
4. On-street parking options shall include parallel or angled parking.
5. Wheel stops are required for stalls facing sidewalks without curbs.
6. Surface parking lots shall be located in the rear of a structure.
7. Driving aisles and lanes shall be sized appropriately for vehicles to safely enter and leave stalls.
8. Parking stalls and lots shall be clearly striped as to show each parking stall.
9. Structures are encouraged to incorporate parking garages or enclosed parking areas.

Required Spaces

1. The number of require stalls shall be determined by Figure 7.5.
2. A parking and circulation plan shall be required for all proposed developments within the Downtown District.

3. The minimum or maximum number of required stalls may be adjusted by the Town of Yorktown.
4. Parking funded with municipal assistance shall be exempt from the maximum parking standards.
5. All parking is not required to be off-street parking. The use of shared and public parking is encouraged throughout the Downtown District.
6. Single and multi-family homes may count garage spaces as off-street parking spaces.

Public Parking

1. Public parking can be used to satisfy parking demands for a property if parking stalls are within 300 feet of the subject property.

6.69 SI-11 Downtown District Sign Standards

General Requirements

- a. All signs shall complement the materials and detailing of the structure which they are located and shall be constructed of durable materials.
- b. Signage shall be compatible and complementary with the visual characteristics of the surrounding context within the Downtown District and each applicable Overlay Zone.
- c. Signage shall never impede or interfere with vehicular sight lines.
- d. Signage shall never project above the finished roof height of any structure.
- e. All signage on structures within the Downtown District shall maintain a minimum height of eight feet from sidewalks.
- f. Illuminated signage shall be designed to adequately illuminate sign messages while producing minimal glare, light pollution, light cast on directly adjacent structures.

Temporary Signs

- a. Signs to identify new projects are required. These signs are to be temporary and shall be removed before occupancy is granted to a constructed project.
- b. Temporary signs for special events within the Downtown District are permitted. These signs shall be removed within seven days of the special event completion.

Non-conforming Signs

Property owners shall be held liable and shall immediately correct and/or remove any nonconforming sign once notified by the Town.

Prohibited Signs

- a. Billboards and large format freestanding signs (i.e., gas station sign, fast food business/ad.) are not permitted in the Downtown District.
- b. Flashing or animated signs are not permitted.
- c. No sign, permanent or temporary, shall be attached to trees, fences, or utility structures.
- d. Neon signs are not permitted.

- e. All signage located within the right-of-way shall require Town Council and Redevelopment Commission approval.

Sign Types

Figure 6.2 identifies signs types and allowable zone locations for each type of signage.

6.70 LA-09 Downtown District Landscaping Standards

General Landscape Requirements

1. Planting beds shall expose no bare soils. Exposed soils must be covered by groundcovers, bark mulch, or other approved material.
2. At least ten percent (10%) of plants shall be of a flowering variety. Flowering plants should be used along right-of-ways or in foundation landscaping areas.
3. Plant materials shall not impede with sight design triangles and vision clearances, with the exception of low stature plants (thirty inches or smaller in mature height.
4. Trees shall be located to avoid interference with overhead and / or underground utilities.
5. Plantings are encouraged to be arranged to promoted energy conservation.
6. Plantings shall be located to avoid interference with major pedestrian and vehicular movements.

Street Trees

1. The intent of street trees is enhance aesthetics along public streets and in the Downtown District, provide a barrier between pedestrians on sidewalks and vehicles on the streets, provide pedestrians shelter and relief from weather elements, and better define the street edge for vehicular safety and flow.
2. Trees and tree grates shall be installed at 40 feet on center. Spacing may be adjusted to 25 -

60

- feet on center in locations where utilities and infrastructure interfere.
3. Trees installed within sidewalks shall be installed in decorative tree grates and vaults if not located within an on-street planting area. Tree grates shall be a minimum of five by five feet (5 x 5 ft.).
4. Electrical/Power Outlets: Electrical connections shall be provided at street trees within the Downtown for seasonal and event uses. Electrical connections shall be located at trees with a maximum spacing of sixty (60) feet between Connections.
5. Minimum distance from Sidewalk and Curb: Trees shall be planted a minimum of three (3) feet from face of curb.
6. Recommended Street Trees:
 - i. Acer rubrum - Red Maple
 - ii. Acer saccharum - Sugar Maple

iii. Gleditsia triacanthos inermis - 'Impcole' Imperial Honeylocust

iv. Nyssa sylvatica - Sourgum / Blackgum

v. Ostrya virginiana - American Hophornbeam

vi. Quercus coccinea - Scarlet Oak

vii. Quercus macrocarpa - Bur Oak

viii. Ulmus americana - American Elm

7. Street trees shall consist of a variety of the recommended street tree list. Street tree alternatives may be permitted with approval from the Architectural Review Board.

6.71 MC-09 Downtown Miscellaneous Standards

Materials

- a. Permitted masonry products include brick and stone, including the synthetic versions of these products.
- b. Other permitted exterior materials shall be fiber cement (or other simulated wood synthetic excluding vinyl siding), precast concrete and stucco.
- c. EFIS is permitted for the top floor of multi-story structures and accent areas only. EFIS shall not cover more than 20 percent of the exterior of the structure.
- d. Roofing materials permitted for commercial developments shall be seam metal or a flat roof. Residential developments shall use architectural shingles or a flat roof.
- e. Wood and aluminum may be permitted as storefront and trim accent materials. 1. Wood and aluminum accents shall be limited to first floor façades.

Façade

- a. All structure façades facing a public right-of-way, except for alleys, shall be treated as a front façade.
- b. Front façades shall be designed to provide architectural interest and a sense of quality, permanence, and community-enhancing character.
- c. Structures shall have a clearly defined ground floor, body and cornice or frieze line on façades facing public rights-of-way. These horizontal lines shall be complimentary to the overall structure and adjacent structures. Heavier materials, such as masonry, shall be used along the ground floor.
- d. Front and side façades shall consist of the same materials and be similarly detailed.
- e. A finished elevation is required on all sides of a structure. There shall be no blank façades in the Downtown District.
- f. Façades exceeding 50 feet in width shall break up the structure horizontally with a change in material, texture or color, windows, door and storefront pattern and shape, or a change in parapet height.
- g. Permitted protrusions and projections from the front and side façades of a structure include balconies, awnings, signs, flags, and cornice elements.

- h. Parking structures shall be architecturally similar to the primary structure. The garage does not have to resemble a storefront but must be detailed to be similar in design and style of the primary structure.
- i. Balconies shall be a minimum of three feet in depth.
- j. The structure façade itself may not project over a public right-of-way, including sidewalks.
- k. Structures that have a flat roof shall incorporate a cornice, parapet, or other finished treatment to complete the top of structure walls.
- l. All windows, doors and storefront proportions in the Downtown Core shall be taller than wide.

Entrances

- a. Primary entrances along public rights-of-way shall be accentuated to create an attractive and inviting appearance for residents and visitors.
- b. Each street frontage greater than 40 feet shall have an entry from that street.
- c. All structures with frontages on two public rights-of-ways (except for alleys) shall be required to provide a corner feature that shall include a minimum of one of the following:
 - i. Architectural canopy extending at least six feet from the structure's façade.
 - ii. Recessed, angled structure entry that address both streets.
 - iii. Monumental blade signage.
 - iv. Unique, decorative architectural elements such as metal or masonry that highlight the corner.
 - v. Decorative clear story façade allowing full views of structure interior.
- d. Awnings or canopies above primary entrances are encouraged to protect from weather elements.
- e. Maximum distance between doors in the Downtown Core is 60 feet when a continuous façade consists of multiple uses.
- f. Primary entrances to a structure shall face a public right-of-way.

Windows, Doors, Massing

- a. Any structure façade that faces a public right of-way shall have a minimum of 30 percent transparent glass. Commercial and mixed-use structure façades shall have a minimum of 35 percent transparent glass.
- b. All structure façades that do not face a public right-of-way shall have a minimum of 15 percent transparent glass. Adjoining walls are exempt from transparency requirements.
- c. Windows and doors may be recessed into a structure to create usable space, such as a patio or balcony. Residential unit façades facing public rights-ofway in mixed-use development are encouraged to have balconies or patios.
- d. Structure façades on third and fourth stories facing public rights-of-way may be recessed from the structure to create architectural variations. Structure façade elements (i.e., balconies) may extend five feet maximum beyond the at grade floorplate and requires approval from the Architectural Review Board.

- e. Structures within each district shall have similar heights and setbacks with that of its neighbors. The scale of a structure shall fit within the context of the surrounding area to create proportionate building massing for Downtown.

Roofing

- a. Green roofs and roof gardens are allowed in all Downtown districts.
- b. Flat roofs are allowed in all Downtown districts.
- c. Pitched roof shall be at least 5/12 slope.
- d. For every 100 feet of façade width, the structure shall incorporate varying roof heights of five feet or 10 percent of the structure height, whichever is greater.

Mechanical Equipment

- a. All mechanical systems within the Downtown District shall be screened from primary vehicular and pedestrian travelways, including streets and sidewalks. Screening materials shall match the primary structure and can include masonry, wood, or dense vegetation.
- b. Mechanical systems located at grade shall not be located in any front or side yard. Mechanical equipment shall be located on the roof of a structure, integrally with the structure, or in the rear of the structure. If the equipment is located in the rear of a structure it shall be screened.

Accessory Structures and Outdoor Seating

- a. When possible, trash enclosures should be integral to the structure or the structure's parking garage.
- b. Where trash enclosures are not able to be integral to the structure, a free-standing screen that matches the primary structure shall be used. The screen shall have zero transparency.
- c. Trash enclosures are prohibited from being located in any front yard. Trash enclosures shall be clear of all public rights-of-way to maintain vehicular, pedestrian, and fire access.
- d. Outdoor storage is prohibited. Outdoor café and dining furniture may be stored outdoors within the outdoor café and dining footprint during the summer season only.
- e. Outdoor seating areas are encouraged at retail locations, primarily café and dining. Seating areas shall maintain a six-foot minimum clearance for pedestrian paths of travel.
- f. Outdoor dining areas shall not interfere with handicap accessibility, curbs, ramps, or driveways.
- g. Barriers for outdoor seating areas shall be at least thirty inches in height and match the look of the adjacent architecture. Acceptable barrier materials include wood, composite wood, wrought iron, decorative metal, or a combination of these materials.
- h. Outdoor heaters in outdoor seating areas are acceptable. Outdoor heaters shall be gas or electric. Outdoor heaters shall be operable during business hours only.

Display and Canopies

- a. Outdoor displays for retail uses are acceptable during business hours only. Outdoor displays shall cover a maximum of eight square feet of sidewalk space and maintain a six-foot minimum clearance for pedestrian paths of travel.

- b. Permanent outdoor displays, such as flower pots or planters, are acceptable. Permanent outdoor displays shall be a maximum of ten square feet with a maximum height of thirty inches.
- c. Awnings and canopies shall be consistent with the structure's architectural style, and the primary canopy material shall be constructed of canvas or a durable fabric that can be easily cleaned. Hard plastic, or other materials that could be easily cracked, are discouraged.
- d. Awnings and canopies shall be positioned a minimum of eight feet above the sidewalk.
- e. Awnings and canopies are encouraged on commercial and mixed-use structures in the Downtown Core.
- f. Awnings and canopies shall be properly located above storefront entrances and may extend over storefront display windows.
- g. Commercial storefronts shall have inviting display, lighting, and signage that provide a 'Downtown Main Street' character. The use of neon lighting and colors is prohibited.

Anti-monotony

- a. All structures in the Downtown District are to have unique architectural façades.
- b. All structures over 100 feet wide shall use multiple roof heights as a standard.
- c. Single and multi-family residential structures shall use differing roof heights and designs to establish unique character.
- d. Single-family developments shall have differing setback distances from adjacent neighbors where possible.
- e. Townhomes shall consist of a maximum of four homes per grouping, with a twenty-five (25) foot wide minimum green space required between groupings.

Signature Use Developments

- a. The Architectural Review Board shall deem developments Signature Use based on location, type, and use. Signature Use development locations have been generally identified in the 2016 Downtown Redevelopment Plan, but are in no ways limited or bound to those locations.
- b. Signature Use developments are encouraged to provide unique features and enhanced pedestrian amenities. Encouraged features and amenities may include, but are not limited to:
 - i. Permanent outdoor seating areas
 - ii. Pedestrian amenity spaces
 - iii. Roof decks and/or gardens
 - iv. Enhanced lighting features
 - v. Art
 - vi. Enhanced building entries
- c. Potential features which Signature Use developments differ from developments in the Downtown District may include, but are not limited to:
 - i. Flexibility in materials selection for façades, but detailing and aesthetics of the structure match the character of Downtown.
 - ii. Material accents may extend above the ground floor.

- iii. Building use shall identify as a specialty use (i.e., brewery).
- iv. Provide direct views or access to public green spaces.
- v. Greater ground floor transparency for visual connections.
- vi. Incorporate unique signage.

9.1 Types of Petitions

A. Application Required:

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13. Downtown Development Plan Permit

9.14 Downtown Development Plan Permit

The following procedure applies to a Downtown Development Plan Permit petition:

- A. Permit Required: The Town of Yorktown requires that a Downtown Development Plan Permit be obtained, in addition to a Zoning Compliance Permit and any other applicable permits, for any project within the Downtown area.
- B. Conformance Required: No Downtown Development Plan Permit shall be issued without approval from the Architectural Review Board, said approval being based on conformity with the provisions of the Zoning Ordinance.
- C. Application Review/Assistance of Zoning Administrator: Petitioners are encouraged to contact the Zoning Administrator and schedule a Pre-Submittal Meeting at least thirty days prior to the desired hearing date to review the required documentation and receive advice, as needed. The Zoning Administrator will provide technical assistance to all Petitioners and respond to inquiries from the Architectural Review Committee and/or Plan Commission, but will not advocate for approval or disapproval at the hearing.
- D. Supporting Documentation
In addition to the Application, Petitioner should also submit three (3) hard copies and a digital version (either on a flash drive or emailed to the Zoning Administrator) no later than fourteen (14) days prior to the desired hearing date of the following:
 - 1. Architectural Drawings of all building facades and floor plans with a minimum scale of 1/8" = 1"
 - 2. Site Plan, including building footprints and limits of clearing, sidewalks, trails and/or other pedestrian paths, any easement boundaries and in-ground features or unusual features.
 - 3. Photographs of the subject property and adjacent land/development.
 - 4. Lighting Plan
 - 5. Proposed Signage
 - 6. Agency Authorization Form, if owner is not the individual who will be communicating with the Town and/or presenting at the hearing

E. Pre-Approval of Technical Advisory Committee: The Technical Advisory Committee (“TAC”) consists of the Zoning Administrator, the Town Manager, and other Department Heads for the Town (e.g. Town Marshall, Fire Chief, Utilities Superintendent), and/or utility providers, as needed. The TAC committee members may vary with each application depending on the scope and technical aspects of the application. All completed applications for Downtown Development Plan Permits shall be reviewed by the TAC and a form indicating whether the proposed plans comply with the technical aspects of the Zoning Ordinance shall be completed by the TAC and submitted to the Architectural Review Board for their consideration at the hearing. A copy of the TAC pre-approval form shall also be provided to Petitioner.

F. Public Hearing before Architectural Review Board

Public Hearings shall be held by the Architectural Review Board on the Fourth Tuesday of every month, unless there is no business to be addressed. Pre-approval of the TAC must be obtained at least five (5) days prior to the regularly scheduled hearing in order to be placed on the agenda. Notices must be sent in accordance with the Zoning Ordinance and an affidavit submitted affirming all necessary parties were properly noticed.

G. Continuances

Upon request of applicant or Town, a continuance of public hearing may be granted for up to ninety (90) days if additional approvals, variances, or requested redesign must take place. An application shall expire after six (6) months, unless all delay is attributable to the Town’s requests, and must be resubmitted and a new fee paid.

H. Appeals

Any application denied by the ARB may be appealed by filing a request for an appeal hearing with the Town within seven (7) days of denial. The appeal shall be heard by the Town Council at its next regularly scheduled meeting. Alternatively, a new application for a project with at least a 10% variance of style, material, location, or other major factor from the original denied application may be considered by the ARB, in which case an additional application fee would need to be submitted.

9.145 Schedule of Fees

A fee of Seven Hundred Fifty Dollars (\$750.00) shall be paid at the time an application for a Downtown Development Permit is submitted to the Town.

11.2 Defined Words

The following terms shall have the following meanings:

...

Combined Hearing: When a development would require more than one hearing under Ind. Code 36-7-4 et seq., the Petitioner may request a single hearing to have all petitions heard at the same time. All Combined Hearings are presided over by the Architectural Review Board.

Downtown: See Map attached of Downtown District borders, which shall be incorporated by reference into this Zoning Ordinance and labeled as Appendix A.

All language not shown as being amended in the foregoing Ordinance shall remain as written and in full force and effect. In the case of any conflicts, this Ordinance shall control.

This First Amendment to the Zoning Ordinance shall be in full force and effect as of the _____ day of _____, 201____.

Approved by the Town Council of Yorktown this _____ day of _____, 201____.

ATTEST:

_____, Town Clerk/Treasurer