

AMENDED 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 has broken ground on a new Town 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 and is fully incorporated herein;

Whereas, the attached Exhibit A, pages 7-8, includes the new maps, which are incorporated herein by reference, to be added to the current zoning maps;

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

1.18 Summary of Powers and Duties of the Zoning Administrator

A. Zoning Administrator Duties

...

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 March 11, 2019 by the Yorktown Plan Commission after holding a legally announced public hearing. This First Amendment to the Zoning Ordinance was certified by a 4 to 0 vote. This certification is validated by the following Plan Commission Members:

(signature page attached as Exhibit B)

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 _____, 2019.

(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

...

Mixed Use District: HM and DD; and

...

2.5 Overlay Zoning District Land Uses

...

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</u></p>	<p><u>The permitted uses within the Downtown District vary due to the Overlays; see Chart for Development Types as marked 1.10 in Exhibit A.</u></p>	<p><u>The special exception uses within the Downtown District vary due to the Overlays; see Chart for Development Types as marked 1.10 in Exhibit A.</u></p>

<p><u>and downtown character through flexible design 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>		
---	--	--

3.32 DD District Development Standards
(see Exhibit A, Chart 1.9)

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</u></p>	<p>(see Exh. A Chart 1.10)</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> <u>Primary Structure Minimum</u></p>

<u>Downtown while connecting residents and visitors to the 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>		<u>Height: 1 story/14 feet</u> <u>Primary Structure Maximum</u> <u>Height: 2 stories/24 feet</u> <u>Accessory Structure Minimum</u> <u>Height: none</u> <u>Accessory Structure Maximum</u> <u>Height: 15 feet</u> <u>Accessory Structure Maximum</u> <u>Overall Size: 600 sq.ft.</u> <u>Lot Coverage Maximum: 70%</u>
--	--	--

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>
<u>The Downtown Core is where</u>	(See Exh. A, Chart 1.10)	<u>Front Setback: minimum 0</u>

<p>people can live, work, shop, dine and play. It is a destination 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.</p>		<p>feet, maximum 5 feet Side Setback: minimum 0 feet, maximum 10 feet Rear Setback: minimum 0 feet, maximum 30 feet Building Separation Minimum: 0 feet</p> <p>Primary Structure Minimum Height: 2 stories/25 feet Primary Structure Maximum Height: 4 stories/60 feet</p> <p>(Accessory Structures not permitted)</p> <p>Lot Coverage Maximum: 95%</p>
---	--	---

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>
<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>	(See Exh. A, Chart 1.10)	<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> <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> <u>Lot Coverage Maximum: 60%</u>

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: 9 feet
 - b. Minimum Length, Perpendicular Stall: 20 feet
 - c. Minimum Width, Parallel Stall: 8 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 6.5.

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, and all proposals shall be evaluated on a case by case basis.
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.
7. Two or more adjacent properties may establish shared parking areas with approval from the Town of Yorktown; shared parking shall count towards the total number of required parking for each proposed development.

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.
2. Accessible parking requirements shall be established in accordance with the Americans with Disabilities Act guidelines, as may be amended from time to time.

Loading Areas

1. Where feasible, loading areas shall be incorporated within parking areas adjacent to the structure.
2. When not possible for loading areas to be located within parking areas, loading shall occur within alleyways.
3. On-street loading spaces are discouraged. Loading may take place within on-street parking stalls with Town of Yorktown approval.

Driveways

Driveways shall be no wider than 30 feet. Twenty-four (24) feet maximum width is recommended, but drive width shall be determined by vehicle turning movements.

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.

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, animated, and automated messaging signs are not permitted. Signs and displays showing motion 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 elevated signage located within the right-of-way shall require ARB approval.
- f. Permanently anchored ground signs are not permitted in the right-of-way.

Sign Types

Figure 5.2 identifies signs types and allowable zone locations for each type of signage and shall be considered fully incorporated herein

Projecting Signs

- A. Projecting signs are only allowable on structures that are two stories and higher.
- B. Projecting signs shall not protrude above the structure roofline.
- C. All petitioners wishing to have a projecting sign shall provide proper information verifying the structure façade can handle signage weight and wind loads.
- D. Projecting signs may be fully located within the right-of-way with approval from the Town Council and Redevelopment Commission.
- E. Changeable copy is not permitted on projecting signs.
- F. A maximum of two projecting signs per façade per street frontage is allowable.
- G. Maximum area allowable for a projecting sign shall be 20 square feet per side.
- H. Maximum height for projecting signs shall be six feet for structures 24 to 36 feet in height and eight feet for structures over 36 feet in height. Maximum sign width shall be two feet.
- I. Projecting sign size guidelines shall be dictated by the height of the structure's continuous, vertical front face. Recessed upper floors shall be excluded from front face height.
- J. Projecting signs shall not protrude from building more than 18 inches.
- K. Illumination is not permitted.

Canopy / Awning Signs

- A. Canopy and awning signage shall only be located at the leading edge of structure.
- B. Copy shall not exceed 10 inches in height and shall not occupy more than 60 percent of the canopy or awning's leading edge.
- C. Illumination is not permitted.

Ribbon Signs

- A. Ribbon signs shall be a single row of text.
- B. Copy shall not exceed 16 inches in height.
- C. External illumination is permitted.

Ground / Free-standing Signs

- A. Ground and free-standing signs shall only be permitted on lots in which the building has a minimum setback for eighteen feet from the right-of-way.
- B. Construction materials shall consist of masonry, metal, concrete or a combination of these materials.
- C. Landscaping or decorative pavement treatments shall be required at ground and free-standing sign foundations.
- D. Sign face shall not exceed 20 square feet per side. Signs shall be a minimum of 30 inches wide and a maximum of four feet in height.
- E. Ground signs shall adhere to local road vision clearance triangle standards using a 20 feet basis of design. Coordinate all applicable signage with the Indiana Department of Transportation (INDOT) when located within INDOT jurisdictional boundaries. Final ground sign locations and setbacks shall be approved by the ARB.
- F. Ground and free-standing signs shall not be located in the right-of-way, except civic and monument signage may be approved by the Town Council.
- G. External and/or internal illumination is permitted.

Pedestrian Blade Signs

- A. Each tenant shall be allowed one pedestrian blade sign maximum per street frontage.
- B. Pedestrian blade signs shall be a maximum of five square feet per side. Maximum sign height and width shall be 30 inches.
- C. Pedestrian blade signs shall not protrude from the building more than 18 inches.
- D. Signs may be fully located within the right-of-way with approval from the ARB.
- E. Copy shall not be changeable.
- F. External illumination is permitted.

Sandwich Board Signs

- A. Sandwich board signs shall not exceed 42 inches in height and 30 inches in width.
- B. These signs may only be used during business hours.
- C. Only tenants with entries from sidewalks shall be permitted to use sandwich board signs.
- D. Sandwich board signs shall be constructed of durable materials and be of Downtown aesthetic quality.
- E. Sandwich board signs shall be located on the curb side of the sidewalk, and shall be located to maintain clear pedestrian paths of travel.
- F. Illumination is not permitted.

Wall Signs

- A. Wall signs shall be constructed of durable materials and match the aesthetic of the architecture to which the sign is affixed.
- B. Wall signs shall be a single row of text and shall be permitted at the top of a structure's façade (upper wall sign) and between the first and second floors (lower wall sign).
- C. Upper wall signs shall not exceed 24 inches in height. Such signs are only permitted on structures three or more stories in height. Maximum length for upper wall signs shall not exceed 10 feet.
- D. Lower wall signs shall not exceed 16 inches in height. Maximum length for lower wall signs shall not exceed eight feet.
- E. Each tenant is permitted one lower wall sign per street frontage.
- F. Only one upper wall sign shall be permitted per street frontage.
- G. All upper and lower wall signs shall have text approximately the same height, within ten percent, as adjacent developments with similar sign types.
- H. Wall signs may be mounted directly to the structure or on a raceway. Raceways shall match the color of structure which it is affixed.
- I. Lower wall signage shall have a minimum separation of 20 feet on center.
- J. Using both upper and lower wall signs on the same façade to represent the same entity is prohibited.
- K. External illumination is permitted for lower wall signs only.

Directory / Wayfinding Signs

- A. Directory and wayfinding signs can be free-standing or affixed to a structure.
- B. Signs may be located in the right-of-way. Directory and wayfinding signs within the right-of-way shall not impede vehicular sight triangles and maintain six clear feet for pedestrian paths of travel.
- C. Maximum sign panel height shall not exceed five feet for free-standing and four feet for affixed signage. Maximum sign panel width shall not exceed three feet. Maximum overall height shall not exceed seven feet, including sign base and any architectural

treatment to the sign top.

- D. Materials shall consist of masonry, metal, concrete, or a combination of the three.
- E. External and/or internal illumination is permitted.

Window Signs

- A. Window signs shall be not occupy more than 40 percent of the glass upon which they are affixed.
- B. Window signs that are not affixed to glass they shall not cover more than 20 percent of the window area.
- C. Window signs shall only be permitted on ground floor windows.
- D. Illumination is permitted. Window signs shall not flash. Window signs with illumination shall not exceed ten percent of the window area.

Parking Signs

- A. Parking signs shall consist only of directional signage.
- B. Parking signs shall not exceed four square feet per side.

Petitioners and tenants are encouraged to incorporate a variety of sign types for each building use.

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 -

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. Ginkgo biloba 'Autum Gold' - Autumn Gold Ginkgo

ii. Gleditsia triacanthos inermis - Imperial Honeylocust

iii. Nyssa sylvatica - Sourgum

iv. Ostrya virginiana - American Hophornbeam

V. Platanus x acerifolia - London Plane Tree

vi. Tilia tomentosa "Sterling" - Bur Oak

vii. Ulmus americana - American Elm

Viii. Zelkova serrata 'Green Vase' - Green Vase Japanese Zelkova

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.

Foundation and Lot Plantings

a. Foundation planting shall be required for all proposals within the Park Overlook and Downtown Neighborhood Overlay Districts in the Downtown District.

i. Plantings shall be located within ten (10) feet of the foundation wall.

ii. Plantings shall be twenty-five (25) percent evergreen.

iii. Shrubs and groundcovers shall be continuous along street frontages where allowable.

iv. At least two (2) shrubs or one (1) ornamental tree shall be planted for every fifteen (15) lineal feet of building perimeter

b. Trees, shrubs, and planting beds shall be required within the Downtown Core Overlay District in the Downtown District.

i. Lots under 15,000 square feet shall be required to plant at least one (1) canopy tree.

ii. Lots over 15,000 square feet but less than 30,000 square feet shall be required to plant at least three (3) canopy trees.

iii. Lots over 30,000 square feet shall be required to plant at least (5) canopy trees.

iv. Any area of a site not covered by a structure or parking lot shall be planted with a minimum of one (1) tree per six hundred (600) square feet.

- v. Any area of a site not covered by a structure or parking lot shall be planted with a minimum of one (8) shrubs per six hundred (600) square feet.
- vi. Planting beds within the right-of-way are strongly encouraged where feasible. Planting beds shall be no less than four (4) feet in width and six (6) feet in length.

Parking Lot Plantings

- a. Parking lot plantings are required for all surface parking lots. Surface lots shall provide full perimeter landscape regardless of lot location. Surface lots may elect to provide half perimeter landscape with the incorporation of interior landscaped islands.
- b. Perimeter Landscaping: Surface lots with eight (8) or more stalls shall have full perimeter landscaping.
 - i. Plant material shall be planted at a maximum ratio of one (1) shrub per four (4) lineal feet around the perimeter and be maintained at a height of at least thirty-six (36) inches tall at maturity in order to minimize headlights projecting into adjacent properties. Minimum size at planting shall be twenty-four (24) inches in height. A minimum of forty percent (40%) of shrubs shall be evergreen.
 - ii. Fencing or masonry walls may substitute for landscape parking lot screening. When a fence or wall is used they shall be a minimum of thirty (30) inches and a maximum of thirty-six (36) inches in height when adjacent to a street or public sidewalk. Walls and fences shall be a minimum of thirty-six (36) inches in height between adjacent properties when no sidewalk or street is present.

Installation and Maintenance

- a. Minimum Plant Material Sizes
 - i. Shade and Street Trees: 2.5" cal.
 - ii. Ornamental Trees: 1.5" cal. (single trunk) or 8'-0" tall (multi-stemmed)
 - iii. Evergreen Trees: 8'-0" tall
 - iv. Large Shrubs: 36" height at the time of planting with a maximum mature height of 8'-0"
 - v. Medium Shrubs: 24" height at the time of planting with a maximum mature height of 5'-0"
 - vi. Small Shrubs: 12-18" height at the time of planting with a maximum mature height of 3'-6"
 - vii. Groundcovers: 3-1/4" pots
 - viii. Annuals: as purchased
- b. Mulch: Two (2) inch layer hardwood bark mulch on all exposed planting area soils.
- c. All plant material shall be living and healthy species. Dead, diseased, or artificial plants shall not be recognized as contributions to the required Downtown District landscaping.

- d. Applicants and/or Landowners, and their successors in interest, are responsible for the regular maintenance of all landscaping elements such that they are kept in good condition. Specifically, landscaped areas shall be consistently maintained alive, healthy, and free of disease and pests, and shall be free of weeds and debris.
- e. Landscape installed within the public right-of-way shall be the maintenance responsibility of the petitioner for a period of eighteen months from installation. Thereafter the Town will maintain landscaping in the right-of-way.
- f. Standard maintenance and care shall include, at a minimum, pruning, watering, fertilizing, and mulching. Plant material that constitutes a safety hazard to pedestrian or vehicular traffic (i.e. fallen branches or overgrown vegetation on sidewalk) shall be addressed immediately by property owner.

Invasive Species Plan

- g. All proposals within the Downtown District shall provide an invasive species management plan in addition to the proposed landscape plan.
- h. Petitioners shall not willingly propose and install an invasive plant species as specified by Indiana Native Plant and Wildflower Society (INPAWS), Indiana Wildlife Foundation (IWF), or Indiana Department of Natural Resources (INDNR).
- i. All applicants and/or landowners shall immediately remove all invasive species on their property upon discovery to maintain and protect existing and native plant communities.
- j. Substitutions or alterations of minimal planting may be reviewed and approved by the Zoning Administrator, but shall be equal to or greater than that which is required.
- k. Deviations from minimum plant material sizes may be reviewed and approved by the Zoning Administrator.

Irrigation Guidelines

- a. General Irrigation System Requirements 1. Permanent, automatic underground irrigation systems shall be installed to provided total water coverage to all new planting areas. 2. If native species are planted, a temporary irrigation may be used for initial plant establishment. The temporary systems shall be in place for a minimum of 24 months. 3. Reduced pressure backflow preventers shall be used on all systems. 4. Quick couplers shall be installed on irrigation systems within civic green areas every 150' maximum. 5. Irrigation systems shall be designed and installed to minimize water waste and eliminate overspray on hardscapes.

6.71 LT-01 Downtown Lighting Standards

General Lighting Requirements

- a. Lighting shall be a consistent family of light fixtures and poles to maintain the Downtown District character.

- b. Lighting shall be scaled appropriately and match the right-of-way width and adjacent developments.
- c. Existing light poles along Smith Street shall remain. If fixtures or poles along Smith need replacement they shall match existing. Smith Street shall be the only street in the Downtown District with acorn fixtures.
- d. All poles and fixtures shall be black to create a timeless palette complimentary of the landscape and structures throughout the Downtown District.
- e. All light fixtures shall provide full cutoff and minimize glare. No outdoor lighting shall impair the vision of driver, pedestrians or employees or disturb the daily activities of adjacent properties.
- f. Poles shall include electrical receptacles at their base where possible for special-occasion lighting or events.
- g. Fixtures shall be Ouro Post Top by Kim Lighting, or approved equal.
- h. Poles shall be metal, round, 12 foot in height, and tapered. Fluted poles are not acceptable.
- i. All fixtures throughout the Downtown shall be post top fixtures except for parking lot fixtures. Fixtures in parking areas shall be Ouro fixtures on arms and can be single or double-armed mounting.
- j. Pole bases shall be simple and complementary to the light fixture.
- k. Center of light poles shall be located three feet from face of adjacent curb.
- l. Decorative bollards are acceptable for low-level lighting and pathway lighting conditions.
- m. Light poles in the Downtown Core shall alternate with and without banner arms on the street side of the pole only.
- n. Storefronts shall be internally illuminated to prominently and attractively display the business or its products.
- o. Exterior lighting may be affixed to the building.
- p. Lighting levels in the Downtown District shall not exceed two lumens (max) per square foot of hardscape.
- q. Pedestrian passages to parking lots (walkways) must be adequately lit for pedestrian safety.
- r. All exterior architectural, display, decorative, and sign lighting shall be generated from concealed, low level fixtures.
- s. Exterior lighting outside of the right-of-way shall be architecturally integrated with the Downtown District and building style, material, and color. Rooftop lighting shall be prohibited (except low level catenary lighting on accessible rooftops).
- t. The maximum height of lighting standards in parking areas shall not exceed the Building Height or 16 feet, whichever is less. When light standards abut or fall within 90 feet of single-family residential areas, their height shall not exceed 12 feet.
- u. Light pollution onto adjacent residential properties is prohibited.
- v. Amenity Lighting

- i. Low-level bollard lighting along civic and park pathways is encouraged. Lighting shall match color of street and pedestrian poles.
- ii. Catenary or unique lighting systems for cafes, parks, outdoor dining, and signature developments are encouraged for decorative and visual interest.
- iii. Amenity lighting shall be of a white color range.
- w. Prohibitions
 - i. Mercury vapor and metal halide light sources.
 - ii. Low pressure sodium lights.
 - iii. Blinking, flashing, or flickering lights.
 - iv. Fluorescent lights on building exteriors.

6.72 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, seam metal, or a low-slope roof.
- e. Wood and aluminum may be permitted as storefront and trim accent materials. Window materials are exempt.
 - i. Wood and aluminum accents shall be limited to first floor façades.
 - ii. Aluminum parapet coping is acceptable.

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 low-slope roof shall incorporate a cornice, parapet, or other finished treatment that extends above the roof to complete the top of structure walls.
- l. All windows, doors and storefront proportions in the Downtown Core shall be taller than wide.
- m. Facade colors shall be earth tones and shall be compatible with adjacent Downtown structures. Fluorescent, neon, and other high intensity colors are prohibited. Accent colors of brighter hues and contrast are permitted with approval from the Architectural Review Board.

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-of-way in mixed-use development are encouraged to have balconies or patios.
- d. Structure façades on third and fourth stories, where allowable, facing public rights-of-way may be recessed from the structure to create architectural variations.
 - i. Minimum recessed depth: 6 feet
 - ii. Maximum recessed depth: 30 feet
 - iii. Third and Fourth stories may have differing recessed depths, but the top story shall not exceed 30 feet depth from first floor facade.
- e. Structure façade elements (i.e., balconies) may extend five feet maximum beyond the at grade floorplate and requires approval from the Architectural Review Board.
- f. 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. Low-slope 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 accessible routes, 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. Outdoors 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. Colors shall generally match the architecture upon which the awning is affixed. Flourescent, neon, and other high intensity colors are prohibited. Accent colors of brighter hues and contrast are permitted with the approval of the ARB.
- e. Awnings and canopies shall be positioned a minimum of eight feet above the sidewalk.
- f. Awnings and canopies are encouraged on commercial and mixed-use structures in the Downtown Core.
- g. Awnings and canopies shall be properly located above storefront entrances and may extend over storefront display windows.
- h. 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.

Streetscapes

- a. Sidewalks, crosswalks, intersections, and accessible parking stalls shall meet all ADA standards for slopes, cross slopes, and curb ramps.

- b. Sidewalks shall be a minimum width of six feet. All new developments fronting a public right-of-way shall include sidewalks which are harmonious with any existing adjacent sidewalks.
- c. Streetscape materials and detailing shall be pedestrian scaled to promote the “main street” feel and character throughout the Downtown District.
- d. Pedestrian and vehicular paver material shall be clay. Pavers shall be installed on bituminous setting bed.
- e. Pavers shall be sourced from Pine Hall, Belden, Whitacre Greer, or approved equal.

Sidewalks

- a. There shall be no elements (i.e. furnishings, lighting) within thirty (30) inches from the back of any vehicular curb. Compliant planters are exempt.
- b. All sidewalks throughout the Downtown District shall maintain a six foot wide minimum pedestrian clear path of travel.
- c. Sidewalk materials shall be concrete, pavers, or a combination of the two. Pavers are preferred.
- d. Concrete jointing for sidewalks throughout the Downtown District shall be no greater than 3 feet by 3 feet and shall be sawcut or beveled tooled joints.
- e. Specialty pavements, such as colored concrete, at major building entries are permitted and shall have an aesthetic relationship to the adjoining building.
- f. Where sidewalk space allows, trees and planters may be incorporated.
- g. Crosswalk materials shall be pavers with concrete banding or concrete pavement on either side.
- h. Crosswalks crossing Smith Street shall be stamped concrete. Colored concrete is acceptable.
- i. Crosswalks shall be eight feet wide, minimum.

Streets and Alleys

- a. Street materials shall be concrete, pavers, or asphalt. Pavers are preferred. Concrete is recommended as basis of design. Pavers are recommended in areas of high pedestrian traffic.
- b. Canal Street shall be concrete, pavers, or a combination of both.
- c. Where parallel or angled parking is designed and implemented along a Downtown District street, a pedestrian bump out shall be utilized to minimize crossing distances, create additional amenity areas, and incorporate planting where possible.
- d. Curb material shall be concrete.
- e. Alley materials shall be concrete, pavers, or asphalt.
- f. If alley is used predominantly for service, paving material shall be concrete or asphalt.
- g. Every intersection in the Downtown District shall have defined crosswalks to ensure pedestrian safety and vehicular awareness.

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., signature restaurant, cultural business, event space, brewery).
 - iv. Provide direct views or access to public green spaces.
 - v. Greater ground floor transparency for visual connections.
 - vi. Incorporate unique signage and branding elements. Logo and/or branding color accents for facades are encouraged.

Furnishings

General Furnishings Requirements

- i. Petitioners shall be responsible for providing furnishings in directly adjacent rights-of-way.
- ii. Furnishings shall be a consistent aesthetic and family to enhance and maintain the Downtown District character.

- iii. Furnishing materials shall be powder coated metal or stainless steel. Wood accents for benches are acceptable.
- iv. Furnishing color shall be consistent with the feel of Downtown. Recommended color shall be black. Colors other than black shall be approved by the ARB.
- v. Site furnishings outside the right-of-way in support of a specific development, such as an outdoor café or signature development, shall be appropriate in color, character, and texture of the adjacent architecture.

Benches

- vi. Bench model shall be Scarborough by Landscape Forms, or approved equal.
- vii. Benches within the right-of-way shall be six feet minimum and eight feet maximum in length. Benches that are eight feet in length shall utilize a central arm or other skateboard-detering element.
- viii. There shall be a minimum of two and a maximum of six benches per block along public rights-of-way within the Downtown Core and Park Overlook Districts when the adjacent use is not single-family residential.
- ix. When multiple benches are located adjacent to one another (arm to arm), they shall be spaced 12 inches minimum apart from one another. If benches are located facing one another, they shall be separated by a minimum of six feet.
- x. Benches shall be located three feet minimum from face of adjacent curb. Benches located adjacent to curbs shall face the adjacent development.
- xi. Backed benches are preferred, but backless benches are acceptable.
- xii. Benches shall be surface mounted.

Litter Receptacles

- xiii. Receptacle model shall be Scarborough Litter Receptacle by Landscape Forms, or approved equal.
- xiv. Receptacles shall be round in shape with a minimum holding capacity of 30 gallons. 45 gallon holding capacity is preferred.
- xv. Receptacles shall be side opening or top opening with a cap to prevent rainwater and snow from filling the receptacle.
- xvi. Litter receptacles shall be surface mounted.
- xvii. Litter receptacles shall be clearly labeled for proper material disposal.

Bicycle Racks

- a. Bicycle racks shall be an inverted U shape.
- b. Color shall be powder coat black to match Downtown furnishings.
- c. Bicycle racks shall be located three feet clear of curbs, building faces, light poles, tree grates, planters, and other potential obstruction.

- d. When multiple bicycle racks are located adjacent to one another, racks shall be spaced three feet on center.
- e. There shall be a minimum of two and a maximum of eight bike racks per block along public rights-of-way within the Downtown Core and Park Overlook Districts when the adjacent use is not single-family residential.
- f. Bicycle racks shall be surface mounted.
- g. Bicycle racks are not preferred to be standalone

Tree Grates

- a. Tree grate model shall be 5' x 5' Divisadero by Iron Age Designs, or approved equal.
- b. Tree grates shall be a consistent size throughout the Downtown District.
- c. Tree grates shall be a minimum of five feet by five feet, but a four by six feet grate is an acceptable alternative if sidewalk width is constrained.
- d. Trees shall be located in street planters where allowable. Tree grates shall be treated as an alternative to a street planter.

Decorative and Removable Bollards

- a. Bollard model shall be Annapolis by Landscape Forms, or approved equal.
- b. Decorative bollards may have a lighting element. Solar lighting shall be acceptable only for removable bollards.
- c. Decorative bollards can be used as security bollards. Security bollards shall be embedded and able to withstand vehicular infringement. Security bollards shall be located in areas where pedestrian security is needed from vehicular travelways.
- d. Decorative bollards are encouraged in green spaces and high use pedestrian gathering spaces.
- e. Removable bollards shall be used within the right-of-way for event control.

Specialty Furnishings

- a. Event closure structures
 - i. Permanent access controls are permitted in public rights-of-way for event and special occasion use.
 - ii. Permanent access controls shall be removable bollards.
 - iii. Removable bollards shall be clearly visible and span the width of the street when in use. Permanent measures shall be located in all necessary travel lanes.
 - iv. Removable bollards shall be spaced 6'-6" on center, maximum.
 - v. Removable bollards shall incorporate reflective or illuminated surfaces near the top of the bollard for clear visibility in low light conditions.
 - vi. Temporary access controls are permitted as secondary access control measures.
- b. Civic Green / Park Spaces
 - i. Custom furnishings are permitted within civic and park spaces.

- ii. Material and color deviations within civic and park spaces are permitted, but the general character of features shall be consistent with the feel of the Downtown District.
- c. Fire Pits (civic spaces and signature uses/dining opportunities)
 - i. Outdoor fire pits are permitted in civic spaces, outdoor dining areas, and signature uses with approval from the ARB.
 - ii. Outdoor fire pits shall be gas and only operable during business hours.
 - iii. Outdoor fire pits shall be 10 feet clear of combustible structures, minimum.
 - iv. Outdoor fire pits shall require review and approval from Police and Fire.
- d. Stone and Boulders
 - i. Decorative and native stone may be permitted within rights-of-way with Town approval.
 - ii. Stone located within view triangles shall not exceed 24" in height.

Public Art

- a. Public art is encouraged throughout the Downtown District within the right-of-way.
- b. Design and placement of art within the public right-of-way, temporary or permanent, shall be approved by the Redevelopment Commission and Architectural Review Board.
- c. Location of art must not interfere with the free movement of pedestrian and vehicular traffic. Art must meet all intersection and ADA clearance standards.
- d. Should art need utility access, petitioners must be in an agreement with Yorktown for services or an agreement to allow private connections.

9.1 Types of Petitions

A. Application Required:

...

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. 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. Notices must be sent in accordance with the Zoning Ordinance and an affidavit submitted affirming all necessary parties were properly noticed.

F. 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.

G. Appeals

Any application denied by the ARB may be appealed by filing a request for an appeal hearing with the Plan Commission within five (5) business days of denial. The appeal shall be heard by the Plan Commission 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.

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. Should any conflicts or inconsistency be found between this Ordinance and its Exhibit A, this Ordinance shall control.

This First Amendment to the Zoning Ordinance shall be in full force and effect as of the _____ day of _____, 2019.

Approved by the Town Council of Yorktown this _____ day of _____, 2019.

Dan Flanagan, Town Council President

ATTEST:

Lance Turner, Town Clerk/Treasurer