

**TOWN OF BARGERSVILLE, INDIANA
ORDINANCE NO. 2005- 5**

**AN ORDINANCE AMENDING SECTIONS II, III AND V OF THE
ZONING ORDINANCE (ORDINANCE NO. 2003-7) OF BARGERSVILLE, INDIANA**

WHEREAS, a proposal to amend the text of the Zoning Ordinance of the Town of Bargersville, Indiana (Ordinance No. 2003-7), was initiated by the Bargersville Plan Commission, and;

WHEREAS, the Bargersville Plan Commission held a public hearing on the zoning proposal and recommended to the Bargersville Town Council that the text of the Zoning Ordinance of the Town be so amended, and;

WHEREAS, the Town Council has by majority vote accepted the recommendation of the Plan Commission;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bargersville, Indiana that:

1. The Bargersville Zoning Ordinance, (Ordinance No. 2003-7 of the Town of Bargersville) be and hereby is amended as follows:

A. Section II – Definitions is amended to add the following definitions:

Section II - Definitions

Corridor Greenbelt

That portion of the front of a lot that is immediately adjacent and parallel to the right-of-way of State Road 135 having a minimum depth of twenty (20) feet from the road right-of-way line.

Corridor Street

Any major or minor arterial, or major or minor collector street, as indicated in the Bargersville Comprehensive Plan, that intersects State Road 135 within the boundaries of the Corridor Overlay District.

Interior Greenbelt

That portion of the front of a lot that is immediately adjacent and parallel to the right-of-way of State Road 135 Corridor Streets having a minimum depth of ten (10) feet from the street right-of-way line.

B. Section III – Zoning Districts, page 47, is amended to read as follows:

Section III - Zoning Districts

3.1 ESTABLISHMENT

The Town and its jurisdictional area are divided into the following districts for purposes as stated:

Within the corporate limits of the Town of Bargersville, the following districts:

- R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
- R-2 SINGLE FAMILY RESIDENTIAL DISTRICT
- R-3 SINGLE OR MULTI-FAMILY RESIDENTIAL DISTRICT
- A-1 APARTMENT DISTRICT
- C-3 COMMERCIAL DISTRICT
- C-2 SPECIAL COMMERCIAL DISTRICT
- C-1 GENERAL COMMERCIAL DISTRICT
- I-1 INDUSTRIAL DISTRICT
- L-1 LIGHT INDUSTRIAL DISTRICT
- PD-R PLANNED DEVELOPMENT RESIDENTIAL DISTRICT
- PD-B PLANNED DEVELOPMENT BUSINESS DISTRICT
- PD-I PLANNED DEVELOPMENT INDUSTRIAL DISTRICT
- PD-M PLANNED DEVELOPMENT MIXED DISTRICT
- CO CORRIDOR OVERLAY DISTRICT

Within the extraterritorial (fringe area or buffer zone) jurisdiction of the Town of Bargersville, the following districts:

- A-1-F AGRICULTURAL
- R-R-F RURAL RESIDENTIAL
- R-1-F RESIDENTIAL
- R-3-F RESIDENTIAL
- B-2-F BUSINESS
- PD-R PLANNED DEVELOPMENT RESIDENTIAL DISTRICT
- PD-B PLANNED DEVELOPMENT BUSINESS DISTRICT
- PD-I PLANNED DEVELOPMENT INDUSTRIAL DISTRICT
- PD-M PLANNED DEVELOPMENT MIXED DISTRICT
- CO CORRIDOR OVERLAY DISTRICT

PLANNED DEVELOPMENT DISTRICTS

Planned Development Districts are established with the intent of providing greater design flexibility in the development of land when consistent with the Comprehensive Plan and the intent of this Ordinance. Planned Development Districts shall only be established under the conditions set forth in Section VI hereof.

C. Section V – Development Standards is amended by adding the following as Section 5.10 after Section 5.9 on page 89:

Section V – Development Standards

5.10 CORRIDOR OVERLAY DISTRICT

A. Purpose, Intent and Authority

1. Statement of Purpose

It is the purpose of this district to establish standards for the design of sites, buildings, structures, plantings, signs, street hardware and such other improvements that are visible to the public and affect the physical development of land within the State Road 135 corridor. (Other Corridor Overlay Districts may be established by amendment to this Ordinance.) The standards in this district shall not apply to agricultural operations, as defined in this Ordinance, or to the sale of produce from land on which the agricultural operation takes place. The following standards shall be considered in evaluating projects proposed within a Corridor Overlay District:

- a. All structures will be evaluated on the overall appearance of the project and shall be based on the quality of its design and its relationship to the surrounding area.
- b. The quality of design goes beyond the materials of construction to include scale, mass, color, proportion, and compatibility with adjoining developments.
- c. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
- d. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.

2. Statement of Intent

These standards are intended to promote high quality creative development that will combine imagination, innovation and variety in the appearance of buildings and sites in the overlay district. These standards are further intended to preserve and enhance property values and to promote the public health, safety and welfare by providing for consistent and coordinated treatment of the property encompassed by the established corridors. The impact of new development upon these corridors creates a setting that commands the highest standards of development which encourages efficient use of land, promotes coordinated development, permits innovative site designs, establishes development standards and preserves the integrity of the roadways within the corridors.

3. Authority

Authority underlying creation of the Corridor Overlay Districts is provided in IC 36-7-4-201 et. seq. and IC 36-7-4-601 et. seq.

4. Statement of Significance

a. State Route 135 is a high volume highway traversing Johnson County through White River, Union, and Hensley Townships that links Indianapolis to southern Indiana. The highway serves as both a commuter route for persons working in Marion County and as a "Main Street" that provides local service and community facilities to the residents. The northern portion of the corridor has experienced substantial commercial development and this development pressure is expected to occur further south. Further development along State Route 135 will continue to change the rural character of this corridor into a more intense urban environment.

B. Boundaries

1. State Road 135. The boundaries of the State Road 135 Corridor Overlay Districts are hereby established and the Director is hereby authorized to show said boundaries on the Official Zoning Map of Bargersville. The boundaries of this Corridor Overlay District is located five hundred (500) feet from and on either side of the centerline of said road within the corporate limits of the Town of Bargersville and also within the extraterritorial (fringe area or buffer zone) jurisdiction of the Town of Bargersville.

C. Plan Commission Approval

Approval by the Plan Commission, or its duly appointed or designated representative, shall be required for any proposed or revised development plan, structure or structural alteration in a Corridor Overlay District. Plan Commission approval of the architectural design, landscaping, drainage, sewerage, parking, signage, lighting and access to the property shall be necessary prior to: (1) the establishment of any use of the land; (2) the issuance of any improvement location permit; (3) the erection, construction or structural alteration of any building(s); or (4) modification or revision of any site development plan. The Plan Commission, in reviewing applications, shall examine factors concerning the site, site plan, and the surrounding area, which include but are not limited to the following items:

1. Topography;
2. Zoning on site;
3. Surrounding zoning and existing land use;
4. Streets, curbs, gutters, and sidewalks;
5. Access to public streets;
6. Driveway and curb cut locations in relation to other sites;

7. General vehicular and pedestrian traffic;
8. Internal site circulation;
9. Special and general easements for public or private use;
10. On-site and off site surface and subsurface storm and water drainage;
11. On-site and off-site utilities;
12. The means and impact of sanitary sewage disposal and water supply technique;
13. Dedication of streets and rights-of-way;
14. Protective restrictions or covenants and/or recorded commitments;
15. Provisions for adequate and acceptable setbacks, lighting, signage, screening, landscaping, and compatibility with existing platted residential uses; and
16. Effects the proposed project may have on the entire Corridor Overlay District.

D. Building Design Standards

1. Architectural Design Requirements

a. Exterior metal walls shall be prohibited on all buildings erected, constructed, altered, repaired or used which abut or are adjacent to Corridor Streets.

b. Building facades may be constructed from masonry or glass, as defined below, or other materials or products which provide the same desired stability and quality, such as composite stone, plaster, or "Dryvit." Products other than those listed must be approved by the Plan Commission or its duly appointed or designated representative.

(i) Masonry Construction: Includes all masonry construction which is composed of solid, cavity, faced, or veneered-wall construction, unless otherwise approved by the Plan Commission or its duly appointed or designated representative.

(a) Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard or durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.

(b) Brick material used for masonry construction shall be composed of hard fired (Kiln-fired) all-weather standard size brick or other all-weather facing brick.

(c) Concrete finish or precast concrete panel (tilt wall) construction shall be exposed aggregate, bush-hammered, sand blasted, or

other concrete finish as approved by the Plan Commission or its duly appointed or designated representative.

(ii) Glass Walls: Includes glass curtain walls or glass block construction. A glass curtain wall shall be defined as an exterior wall which carries no floor or roof loads, and which may consist of a combination of metal, glass and other surfacing materials supported in a metal framework.

c. The materials and finishes of exposed roofs shall compliment those used for the exterior walls. Standing-seam metal roofs shall be permitted. An exposed roof shall be defined as that portion of a roof visible from ground level of the corridor or any adjacent public thoroughfare or residentially zoned or used area.

d. Roof mounted equipment on exposed roofs shall be screened from view. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.

e. All building mechanical and electrical equipment located adjacent to the building and visible from a public thoroughfare or a residentially zoned or used area shall be screened from view. Such screens and enclosures shall be treated as an integral element of the building's appearance.

f. The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked or otherwise deteriorated shall be refinished, repainted or replaced.

g. Loading berths and exterior work areas shall be screened from view from public ways. Screening shall be accomplished by use of walls, fencing, planting, or combinations of these, and shall be equally effective in winter and summer,

2. Relationship of Buildings to Site

a. The site shall be planned to accomplish a desirable transition with the streetscape and provide for adequate planting, safe pedestrian movement, and parking area.

b. Site planning in which setbacks and yards are in excess of zoning requirements is encouraged to provide an interesting relationship between buildings.

c. Parking areas shall be treated with decorative elements, building wall extensions, plantings, beams, or other innovative means so as to attractively landscape and/or screen parking areas from view from public ways.

d. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

3. Building Orientation

All structures shall be sited to front onto Corridor Streets (as defined herein or give the appearance of a front-like facade on Corridor Streets.

4. Minimum Building Height

All principal structures within the Corridor Overlay District shall have a minimum building height of fourteen (14) feet for structures with a flat roof. However, for structures with a gable, hip, gambrel or other type of pitched roof, the minimum building height shall be twelve (12) feet to the lowest eaves of the structure.

E. Signage Standards

1. Signage shall be designed to be an integral part of the architectural and landscaping plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign shall be restrained.

2. All signs, except private traffic directional signs, are prohibited in the required greenbelt areas.

3. Private traffic directional signs and pavement markings for the direction and control of traffic into, out of, and within the site shall conform to the Manual on Uniform Traffic Control Devices, as published by the Indiana Department of Highways.

4. The integration of project signage to identify multiple businesses is encouraged.

5. Off-premises signs shall be prohibited in all Corridor Overlay Districts.

6. All on-premises signage shall conform to the standards and requirements of the underlying zoning district.

7. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.

8. Each sign shall be compatible with the signs on adjoining premises and shall not compete for attention.

9. Identification signs of standardized design such as corporate logos shall conform to the same requirements imposed on all other signs.

F. Landscaping Plan

1. A landscaping plan shall be submitted to the Director for approval at the same time other plans (i.e. architectural design, lighting, parking, signage, and site plans) are submitted. This plan shall be drawn to scale, including dimensions and distance, shall delineate all existing and proposed structures, private parking areas, walks, handicap ramps, terraces, driveways, signs, lighting standards, steps and other similar structures; and shall delineate the location, size, and description of all landscape materials. Landscape treatment for plazas, roads, paths, and service and private parking areas shall be designed as an integral and coordinated part of the

landscape plan for the entire lot.

2. Areas to be Landscaped

a. Greenbelt

The greenbelt shall be suitably landscaped and shall be otherwise unoccupied except for steps, walks, terraces, driveways, lighting standards, and other similar structures, but excluding private parking areas. The greenbelt width is as defined by this Ordinance. Mounding and other innovative treatments are to be especially encouraged in this area.

b. Parking Lot Perimeter

A minimum six (6) foot wide landscaping strip shall be provided around the perimeter of the parking lot. The landscaping strip shall be planted with canopy trees, ornamental trees, and low shrubs. A minimum of one (1) canopy tree or ornamental tree per every forty (40) feet of perimeter shall be provided within the landscaping strip, along with a minimum of one (1) shrub per every four (4) feet.

c. Parking Lot Interior

All parking lot landscaping shall be of a quality to improve and enhance the site and its surrounding area. Effective use of mounding and existing topography is encouraged. Landscaping and planting areas shall be reasonably dispersed throughout the parking area, and not less than five (5) percent of a private parking lot shall be landscaped. (For purposes of this computation, landscaping in the Greenbelt, adjacent to buildings, and on the periphery of the lot shall not be included.) Landscaping shall be specifically provided at the ends of parking rows and as a means of separating parking from major circulation aisles within lots. One (1) shade tree shall be provided for every one hundred twenty (120) square feet of this interior parking lot landscaping area. Plant material within parking lots shall provide for safe visibility and maintain clear site lines between two (2) and eight (8) feet from the top of the curb. Such landscaping shall be provided in any combination of planting islands, planting peninsulas, and entrance ways, and shall be dispersed so as to define aisles and limit unbroken rows of parking to one hundred fifty (150) lineal feet.

3. Landscaping Standards

a. The interior dimensions, specifications and design of any planting area or planting medium proposed to be constructed shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth.

b. Primary landscaping materials used in the Greenbelt shall consist of one or a combination of the following: shade trees, ornamental trees, and shrubs.

c. The primary landscaping materials used in and around private parking areas shall be trees which provide shade at maturity. Shrubbery, hedges, and other planting material may be used to compliment tree landscaping, but shall not be the sole contribution to the landscaping.

d. All shade trees proposed to be used in accordance with any landscaping plan shall be a minimum of eight (8) feet in overall height and have a minimum trunk diameter of two and a half (2 1/2) inches at a height twelve (12) inches above ground at planting. They should be of a variety which will attain an average mature spread greater than twenty (20) feet.

e. Landscaping materials selected should be appropriate to local growing and climatic conditions. Wherever appropriate, existing trees should be conserved and integrated into the landscaping plan. Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Indigenous and other hardy plants that are harmonious to the design, and of good appearance, shall be used.

f. The landscaping plan shall ensure that sight distance is not obstructed for drivers of motor vehicles.

g. Where natural or existing topography patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography shall be permitted where it contributes to good appearance.

h. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade.

i. In location where plants will be susceptible to injury by pedestrians or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.

j. Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged.

k. In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible

4. Landscaping Installation and Maintenance

a. Installation

All landscaping required by the approved landscaping plan shall be installed prior to the issuance of a building occupancy permit if said permit is to be issued during a planting season, or within six (6) months of the date an occupancy permit is issued during a non-planting season.

b. Maintenance

It shall be the responsibility of the owners and their agencies to ensure proper maintenance of the landscaping, in accordance with the standards set by this Ordinance and as indicated on the landscaping plan which has been approved by the Director. This is to include, but not be limited to, replacing dead plantings with identical varieties or a suitable substitute, and keeping the area free of refuse and debris.

c. Changes after Approval

Any change or deviation to an approved landscaping plan shall require the approval of the Director. Changes that do not conform to this Section shall be subject to the procedures for a variance as established in Section 10.4 of this Ordinance. Landscaping improvements made on a site that are not in conformance with the approved landscaping or site plan shall be considered a violation of this Section and subject to the fines and penalties established in this Ordinance. However, landscaping improvements may exceed the minimum requirements shown on the approved plan.

5. Inspection

The Director, or a duly appointed representative, shall have the authority to visit any lot within a Corridor Overlay District to inspect the landscaping.

G. Parking Requirements

Parking is to be discouraged between the required front setback and the building(s) when other suitable areas for parking exist on the property; however, a maximum of twenty (20) percent private parking may be permitted in the area between the front yard set back and the building(s). Efforts to break up large expanses of pavement are to be encouraged by the interspersing of appropriate planting areas wherever possible. The number of parking spaces required is as established in Section 5.5 of this Ordinance, depending upon the zoning and the intended land use. Alternatives to the established parking requirements may be approved for developments which have a mixture of uses with peak parking requirements that do not coincide in time and thereby may share parking spaces. The applicant shall provide expertly prepared justification for seeking such exception (i.e., a reference such as "Shared Parking," Urban Land Institute). There shall be an appropriate number of parking spaces, accessible to the building(s), identified as being reserved for use by handicapped individuals, and these spaces shall be of sufficient width (minimum of twelve (12) feet) to accommodate their needs. All parking standards shall comply with Section 5.5 of this Ordinance.

H. Lighting Requirements

In reviewing the lighting plan for a lot proposed to be developed in the Corridor Overlay District, factors to be considered by the Commission shall include but are not limited to:

1. Lighting at the property line (to measure no more than one half (0.5) footcandle);
2. Safety provided by the lighting;
3. Security provided by the lighting;
4. Possible light spillage or glare onto adjoining properties or streets. (Down-shielding is encouraged and spillage or glare onto adjoining properties is prohibited.);
5. Attractiveness of the lighting standards and their compatibility with the overall treatment of the property;
6. Height and placement of lighting standards considering the use;
7. Exterior lighting, when used, shall enhance the building and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the

building and adjacent areas.

I. Access to Individual Sites

1. The Corridor Streets, by their functional nature as primary thoroughfares, must have reasonable restrictions as to the number and location of access points within the Overlay District.

2. State Road 135: Represents a major thoroughfare which must be controlled as to the number of access points (curb cuts) permitted.

3. In order to provide safe and efficient traffic movement to and from adjacent lands and to protect the functional integrity of the corridor's primary thoroughfares, in many cases frontage roads, access roads, and distributors roads will have to be built. Such roads shall be coordinated with those of continuous lots and designed to preserve the aesthetic benefits provided by the greenbelt areas. Access at the side or rear of buildings is encouraged. New access points onto the primary thoroughfares in the corridor shall be coordinated with existing access points whenever possible.

4. Curb cuts shall be established no closer than one (1) for each four hundred (400) feet of frontage. No curb cuts shall be allowed within two hundred (200) feet of any intersection of public roads. Opposing curb cuts shall align squarely or be offset no less than two hundred (200) feet.

J. State Road 135 - Access to Potential Development Sites

Stub streets shall be built in all cases where adjacent lots have reasonable potential for development. Reasonable potential shall include any adjacent parcel of adequate size for commercial or residential development or any adjacent parcel so determined by the Plan Commission or its duly appointed or designated representative.

K. Other Standards

1. Outside Storage Prohibited

No outside, unenclosed storage of refuse (whether or not in containers) shall be permitted on any lot. All refuse shall be contained completely within the principal or accessory building(s).

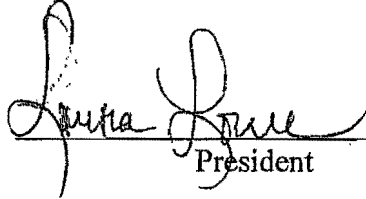
2. Loading Berth Requirements

Loading berth requirements shall be as specified in the underlying zoning district, except that any loading or unloading berth or bay shall be screened from view beyond the site by landscaping or other screening.

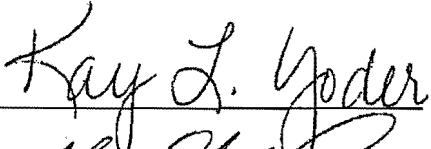
Section 2. This ordinance shall be in full force and effect from and after to its passage and approval according to law.


ADOPTED by the Town Council of the Town of Bargersville, Indiana this 10th day of May, 2005.

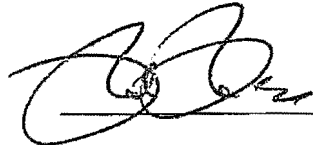
TOWN COUNCIL OF THE TOWN
OF BARGERSVILLE, INDIANA

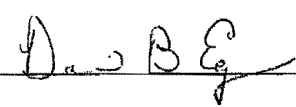


President

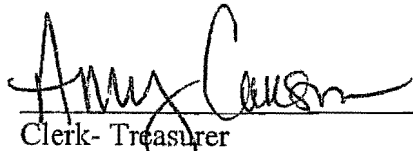








ATTEST:



Clerk- Treasurer

