

Special Meeting Zionsville Plan Commission
June 28, 2023

In Attendance: David Franz, Sharon Walker, Jim, Hurst, Mary Grabianowski, Chris Lake,
Cindy Madrick
Absent: Larry Jones

Staff attending: Mike Dale, Dan Taylor, Attorney

A quorum is present.

Franz Welcome to the Plan Commission Special Meeting of June 28, 2023. Please rise and start with the Pledge of Allegiance.

All Pledge of Allegiance.

Franz So would the secretary please take roll?

Dale David Franz?

Franz Present.

Dale Jim Hurst?

Hurst Present.

Dale Mary Grabianowski?

Grabianowski Present.

Dale Larry Jones?
[No response]

Dale Cindy Madrick?

Madrick Present.

Dale Chris Lake?

Lake Present.

Dale And Sharon Walker?

Walker Present.

Franz All right, we do have a quorum if, if there is any business conducted tonight but I don't think there will be. So the present, tonight is about the presentation on the Form Based Code that's being contemplated for the Town of Zionsville. McKenna is here to present so if you would like to step up and proceed please.

Lippins Good evening Commissioners and members of the public. I'm so glad people are here tonight to hear about the adoption draft of the Zionsville Town Code, the Zionsville Ordinance, Zoning Ordinance for the city. If Planning Commissioners

recall, I was here in November and I ambitiously suggested that we may be back in early 2023, possibly even by February with the adoption draft. We have been hard at work and we're pleased to be here tonight. I'll talk a little bit more about the work that we've been doing but the, the bulk of it was conducting a, what we call an internal technical review with the Town staff and a part of that process to it is to ensure that in adopting a new Code your staff, your legal team, your Engineering Department, all the implementors that work with your, your existing Zoning Ordinance on a day-to-day basis understand every word of the new Code, how it relates to the existing regulations to make sure that we are preserving those existing regulations within the framework of a Form Based Code.

So what we've done is we've consolidated and reframed those within the context of form and I'll talk a little bit more about that tonight. A little refresher – this is my team. I actually should've added Hunter Whitehill's email here too. Hunter is one of our technical review experts that actually joined us for the, the last process but this is the team that participated in the charrette which was the major public outreach we conducted as part of this process which happened in the Fall of 2021.

What is a Form Based Code? So, I started off by talking about the Form Based Code without the foundational issues and, and really, a Form Based Code is a code that puts form before function. So, we look at architecture and design before the use and a lot of times when we talk about zoning, we talk about it as being conventional. So, it's – conventional zoning is a zone that describes the use as being the predominantly, the predominant regulating part of the Code and then it describes setbacks and all the things that you can do on the site as a function of use. I actually like to call those codes functional codes as opposed to Form Based Codes because I think it describes more that actually what we're doing here. So, in, in design we talk about do you put function before form or does function follow form or do you put form before function and does form follow function? Those kind of things we talk about a lot. In a conventional code, it really puts the function of development first and then kind of makes the form follow that and what happens is you get a design that's really organized around use and predominantly it's organized around access and in more modern development that means that it's organized around vehicle access because that's, that's the way functionally people access uses.

In a Form Based Code, we reorganize those ideas around the way we want the form of the site to look, how we, and by its nature how do we want people to access that and usually it's a pedestrian, it's a people-oriented design to make sure that we're organizing the form in a way that's human, people can access it and people are actually able to get to the door say right at the sidewalk line. So, what we want in a Form Based Code is predictable building results in a high-quality public realm. So, looking at the physical form first is the way that that's done. Form Based Codes can go across all, all types of areas too.

So, in Zionsville we've got the Village form and I think some of the newer areas that, of Zionsville that are kind of proposed in the new mixed-use districts could actually even have a higher intensity than the Village and then since there are agricultural rural areas in Zionsville too, it's important to also think about the way hamlets are designed but walkable urbanism in all of these places kind of

has very similar traits. So, for instance, a general store in an urban environment still is at the zero lot line. It's still organized at a traffic light and has transparency in the first floor so that you can see into the space, you get safety and then you also have multi-story structures. So that's the building types approach. So we look at what types of buildings create the, the urbanism and the form that is desired and then we put all of the codes to make sure that form happens into a building type standard and that's what you'll see in the adoption draft is you'll see a Code that's organized around building types and then shows you where and how those building types can be developed and it also still relates back to the functional aspects of the city which are what uses need to go in that building type or even within the existing development that's there, what uses would be permitted in a, an adaptive reuse scenario as well. So, we still regulate the function but we regulate the functional aspects after we talk about the form.

We also want the local precedence to become the basis for the Ordinance so, as part of this process, we looked at the Village and the architectural character of the Village to incorporate some of those design characteristics into the building types.

So, Form Based Codes also can regulate use by building story. So, for instance, requiring first-floor retail or requiring upper story residential uses. As opposed to setbacks you have build-to lines so you can require buildings to be built at the property edge and then they also contain architectural regulations. Now this is not to say a functional code doesn't have architectural regulations, often they do, it's just they're stated as in addition to the use, you must meet these design standards. So, it often those codes don't allow you to really distinguish by building type what types of regulations would be required. So, they kind of make every building look the same and list this, meet the same architectural requirements which can work but, in this case, the building type code allows those architectural regulations to vary by building type thereby creating a more natural space, more like the Village today where you have lots of different Village or lots of different buildings that contribute to its character.

Form Based Codes can also require a new development to match a predetermined concept plan. In this case, the Code has a zoning map that will be associated with it and all of the building types are, still go to the zoning map. I'll talk a little bit more about the districts in Zionsville but since this is a Town-wide Code, it was most appropriate to use the zoning map as the form for regulating and controlling what uses go where.

So, the zoning map is organized kind of in a, in a similar to this transect diagram where there's a high place or the Village, which I think is the highest design in the Town of Zionsville, and then from the neighborhood districts to the mixed-used districts, they're all kind of placed in relationship from design and character to what was established in the Village. And as I mentioned, the highest density mixed-use district can actually go a little higher than the Village intentionally.

So, I think it's important to reference, since the charrette did happen a while ago now, that the process that we went through in drafting the Code and then in reviewing the Code with Town staff, was faithful to all of the outcomes that we learned in the charrette. So, at no point did we make any decision that we felt was

different than the, what we learned during the charrette process and we, we actually also talked about if we did something like that we would need to conduct more outreach which we didn't make that decision because at every point where we kind of were faced with a question like that we always deferred to what we learned from residents during the outreach process. So, this Code I confidently say is the Code that we wanted to create on day one when we finished the charrette and the intent at that time was to thoroughly vet a draft Code with Town staff and a lot of towns skip this process. It's a very important part, part of the process because it actually ensures that you have something that can be adopted at this time.

So, this is where we went, right? So, we started and, actually, this is the same graph that I've been showing or image that I've been showing the whole time it's just we're going further along, right? So, we started with analysis. We looked at the existing Code and created a diagnostic review of the issues that we thought needed to be completed based on Indiana State law and prior plans that have happened in the Town of Zionsville then we conducted a charrette using those findings, we went out to the public, we spent a week talking with people who are thoroughly invested in the development of Zionsville as landowners, also some as business owners and some as Town officials. We, we talked about what's going on here. What is happening in the development process? What are the things that really need to be fixed that are happening kind of in a way that residents didn't see as beneficial to the Town? What types of things are good? What types of things are happening that really people want to see more of? I think one of the main reasons to do a Form Based Code is actually to protect the character that the Town has, right? It's not necessarily as much about do we like what's here but it's also about do we want the rest of the undeveloped area to match and contribute to what we have or are we willing to take the risk that it will be much different if we don't revisit the Codes? And that was mostly what we'd hear, heard during the charrette was that a num, a number of the greatest architectural assets, the development style in the Village was highly desirable. It's why people choose to live in Zionsville and that there was a lot of new development happening in the region that people were interested in kind of Zionsville looking different, having a different approach and having its own unique character. And that's what this Code is designed to do. It's designed to permit and facilitate new, new development but to permit and facilitate new development in a manner that's consistent with the assets and character of this Town today.

So we learned about that during the charrette and then this is the staff draft that we created. So the first draft we called it a technical review draft. We produced that in September of 2022 and that draft was intently, intentionally produced for staff to review and edit and this is where I'm going to kind of mention why this part of the process is so important. It's because our approach, my firm's approach to zoning is to make sure that we don't just throw out old regulations, right? That we understand all of the regulations that are in place, what works with the development process and make sure that we're not replacing one regulation with something that's a little bit different without really thinking about why. So in every case if we can kind of consolidate, reduce language, simplify language but keep the intent and purpose of the Code the same, that is what we want to do. So if you're really familiar with the Zionsville Code as is, you'll read through this

draft Ordinance and you'll say oh, I recognize that language. I recognize that because that's actually how we've been doing things here for 40 years or 20 years. But you'll see that maybe it's been reduced, maybe it reads a little clearer now or maybe it actually relates to a part of this Form Based Code now that previously it didn't but we've thought through every word of that and just to give your staff credit, you work with a number of very competent, everybody's competent, but also diligent professionals. The people who work for the Town of Zionsville really care about this community and they took the time to make sure that they fully understood this Code. We proposed five technical review meetings in our original proposal and with the Town of Zionsville's staff we completed more than 20. Many of those meetings were in excess of three hours and every word in this Code has been debated, talked about and, and many times left the same, right? So, a lot of times we talked about it and we, we validated it. We validated things that really did not need to be changed and were working the city and that's what a technical review process should do. We should not be changing regulations in the Town of Zionsville without purpose. So, in every case when we could, we left it the same and really what we did was a restructuring of that, those processes and then adding detail, adding a level of detail where it really was needed to address some of the regulatory issues that staff was seeing and this is where connecting what residents see as landowners to what staff see as implementors is really important because there's actually a lot of overlap and in really doing that work with both of those groups, we were able to create a document that we believe we'll use, will be usable, meaningful and defensible on day one.

So, now we've got the technical feedback. We were able to issue the adoption draft. So that's the, the draft that we put up on the website actually, it was Monday, and including the existing proposed ordin- or zoning map which will relate to this Ordinance and that's out there for review. We are in front of a public hearing process which will be the next step for Planning Commission and Town Council. I think it's important to note though even after this Ordinance is adopted, zoning can be updated. Most of our communities do a year out a list of 10 or 20 amendments because it is a fluid process where you learn things about zoning while you do it and that's nothing new. I'm sure this Town does, and I know we reviewed all the, the Ordinances as part of this process, but you probably do five amendments a year or maybe three amendments a year in some places but it's not uncommon to do amendments and I think it's important to understand the value of adopting something like this that does have many advances in the way the regulatory process happens, understanding that it's a work in progress and there will still be some things and changes that you want to make down the road.

I put this in here just to remind everybody about that charrette process. It was a really fun week and it involved not just multiple events but different styles of talking to people so that we could like hear the same information multiple ways. So whether it's a visioning tour or doing mapping exercises or conducting squad analysis through focus groups or listening sessions all around the Town, we really wanted to make sure that we heard all the issues so that we could document what needed to be addressed in the drafting process.

So what did we hear? We heard that it was important that new developments match the existing character. So that was predominantly one of the lenses that we drafted this Ordinance with. Overall, height, height limits two to four stories in the Village was appropriate. This is one of the reasons why we thought some of the other mix, mixed-used districts could go higher. And, enforcing variance standards is important. Also allowing for more housing types, sometimes called middle housing, duplexes, triplexes, upper story apartments and accessory dwelling units. These are all building types that are included within the Form Based Code framework. We also heard that lot coverage was an issue so looking at lot sizes, making sure that the requirements for lot sizes were the right size according to the Village lots, understanding the variation of the existing structures in the Village and making sure that the new Code would permit a variety in building, building types and sizes and, as I mentioned, permitting ADUs and, and carriage houses.

We also heard about the Town outside of the Village that the idea of creating hamlets in rural areas as, as opposed to vehicle-oriented, commercial development that sprawls many miles was desirable, so condensing development. Here's an example of a one-acre development on 40 lots that really doesn't do a very good job of preserving open space and maybe you have a market that has a vehicular orientation and you've got to just preserve every ounce of green space for stormwater detention as opposed to taking those 40 acres and preserving open space but having lots that are more at an 5,000, 8,000 square foot per lot like the Village has developed and then orienting your commercial uses around a, a square at the edge and having some park space as well. This type of development we heard was desirable so we created a hamlet zoning district that can be utilized in the rural areas of the Town as well. As I mentioned, this idea of then also creating, in addition to preserving, land through the agricultural zoning, allowing for areas where more intense development could take place, this is that more intense mixed-use district that is spaced actually in the areas shown on this map here where we've zoned to allow for more urban style development and I would call these, this is aligned with the idea of a polycentric town. So, in addition to just having the Village a town, you would have other locations around Town with building types that then would replicate the character of, of downtown. It's, it's a pretty exciting idea that mixes both growth management through agricultural preservation with the idea of intentional growth through creating new mixed-use town centers.

This is where these next three outcomes, which we heard about during the charrette process, is where we really have been working with staff to implement and these are kind of the procedural elements of a Code that staff deals with on a day-to-day basis but we heard there was a need to update procedures so we went through in this new Code created, revisited and looked at standards for site plan development, special exception uses and particularly criteria for certain special exception uses. We looked at the PUD process. We looked at the variance process for incorporating standards for variance approval. We looked at the procedures for amending the Code, the penalties and the permitting process. We also did a little bit of work on special exception uses as well as, including expirations and modifications to special exception uses and most of the work here was creating standards for some of the special exception uses which are

included in one of the chapters. We also did some reorganizing to combine all of those different sections into one so it's easier to use.

Another thing we heard we needed to do which we worked on during the technical review process was consolidating the general regulations. As I mentioned, standards for specific uses, some of those uses are actually not special exception uses but still have standards attached to them. Revisiting the parking and loading standards, landscaping and screening. And, of course, everyone can read but I think it's important to highlight these things that, that we have vetted all of these issues and while some of them will remain the same, we had very long discussions about when and to change them. So, if there are changes, they are intentional changes that we've talked about in detail with Town staff.

This is one of kinda the, the bigger things that you'll see in this Ordinance and this is, I think, something's that important to understand because you're going to pick up this Ordinance and you're going to think oh my God, this is an entirely new Ordinance. How, how can we change the regulation in this Town because every property in this Town is affected by this. And it's true but I think the important thing to understand is that this is a reorganization of the existing regulations, okay? So, enacting this new Ordinance is not much difference than making a change to each district and they, they can be even minor changes. So, this is why sometimes I'll use the term defensible, right? What you need to know from a Town standpoint is does your Ordinance essentially keep most of the regulation for most of the Village the same? In other words, can I do basically the same thing on my property that I could do before? Yes, right? The other thing is – if I am changing that, is it, is there a valid reason to do that? And in this case there is a valid reason to do, to make those changes because it's the result of two years' worth of public engagement, staff engagement as well as review of all of the planning documents that the Town has done over the last 10 years. We've also reviewed all of the variances that the Town has done over the last five years. So, the research that has been applied into these changes are consistent with Town policy and the Town actively made the decision to develop a Form Based Code, right? So you took the step of saying this is something we want to budget for, we're going to release an RFP for this, we're going to invest thousands of staff hours into this process and hire a consultant to do this process for us so that we have a document at the end that's adoptable.

So all of those actions, all of those policy steps that the Town has made has brought to this point which makes this a defensible project and then to top it off, we've also created tons of value because many of the properties that can do new things are actually new things that are at a higher density, higher value than was previously approved. So, when you think about building with these building types, you're building 50, 100-year structures that will have a lot of value and in many cases those types of uses weren't permitted on those sites before. So, what we've done is we've done is we've reframed the Code and reframed it in a way that makes new, high-quality development highly desirable and highly valuable. We've also created a procedure process that, that should make people comfortable with developing in that manner. Should this be adopted, they will know that the standards in this Code have been vetted through a public process and approved by your Planning Commission and Town Council so from a business owner perspective, they'd be more likely to take a risk in a community

like this that has thought through in such detail the development process and is prepared to support high-quality development.

Moving on – reorganizing and simplifying. Here’s a simple thing: This is a simple thing that makes the Code a lot easier to use. You see a click, you can click on it and it will take you to that part of the Code and a lot of what we want to do in zoning, which is why we leave a lot of the regulatory standards the same, is just make it easier to use. Like, for instance, the permitted use table, right? There were always permitted uses in every district, the only thing is you had more than almost 30 districts and the permitted uses were scattered over 300 pages. Now there’s one table that you can look at and that’s something about adding, you know, we created graphics, obtuse and obsolete text. It’s kinda funny but it’s true – obtuse and obsolete are really tough, they’re difficult words, right? But we want to get rid of those words by using them, I guess. But plain English is better so that means make sure whenever possible you use plain talk, write in language that a sixth grader can read and understand. And we’ve updated the definitions which is a big deal.

So, this is the consolidation. If you look on the right, you see all of your, I said almost 30, it’s 38 districts. So you have 38 zoning districts in the Town. This process has consolidated those districts to 15 districts and we’ve done so in a manner where we’ve looked at every single bit of text that applies to each one of those 38 districts, every single use that was permitted and created a home for them in the new framework in the new districts. So, they’re act, these new districts actually mean something and they control effectively the land uses that previously had been regulated in 38 districts. We’ve also, as I just mentioned, we’ve taken all of the uses that were permitted in all of those 38 districts, we’ve assessed them to see what they actually are – like, do we have a need to have an umbrella salesman defined? Do we have a need to have a haberdashery and a millinery? Probably not. Let’s just call it retail and let’s define retail in terms of size and this is kind of what we’ve done. So we looked really functionally about what uses should be regulated, is there a purpose and governance regulating, defining these uses and then how should they be applied within these districts? So anything that you could do in a previous district, you can still do in that district. That’s the intent of this Code. And if there’s any variation in that, it’s defensible because of the project that, process that we’ve gone through and it’s also amendable, right? So, if you had a specific landowner that came and said I just found this and my property is different, there’s no reason why you can’t amend – do a map change to a different district or amend the Code slightly. These things are, it’s a part of land regulation and there, it’s very common to make those types of changes.

So, we’ve done your regulating plan. This is a new zoning map that consolidates all of those districts into the new districts and we’ve gone through several edits with staff that know, know the Town very well to do due diligence on how these districts were applied. So it’s been checked and cross checked and we’re comfortable with where this map is at today.

I’ve talked a little bit about the building types already but I think this is a large leap forward for the Town in terms of how you regulate form. It’s also pretty easy. If you’re a developer and you want to do something and you can say I want

to put in a mixed-use building, we know where that's permitted. And if you build, come with a plan that looks like the picture in the, in the, in the Code, the Town's going to approve it, right? This takes a lot of the architectural review in terms of having confidence in what your developers are submitting, it takes it out. If you see something and it looks like one of these pictures and your staff recommendation is they find that it looks like the picture, it means that you can approve with confidence. You don't have to debate the minor details at the Planning Commission level because it's in the Code and it's, the Code is intentionally creating transparency in the development review process.

So, we've got accessory dwelling units or carriage units, duplex standards, the creation of a fourplex or a four-unit building, small apartment building, single-story retail office like you see around the Village, that's certainly still permitted, mixed-use, of course, the bank, theater-building type. These are certainly important in any new town center development because having this type of character in or architectural variation in the building types really creates just a nice place to walk around. I mean you'll notice every historic town you go through has these types of buildings. And then the lease loft or a small apartment building also works. The hotel and that's it. So, that's my preview. I thought we would have a little discussion.

In terms of next steps, Plan Commission will hear the plan and make a recommendation to Town Council but one thing I do want to note is that in the State of Indiana if the Planning Commission votes to adopt this document and your Town Council fails to act for 90 days, it will be adopted by statute which I actually think is a good thing. It, what it means is that you can't stall on this process for years, right? So we hope that Planning Commission will vote to adopt this. We also hope that your Town Council votes to adopt it. What we want is a clear decision that this is a step forward in the way the Town of Zionsville will regulate land development and having consensus at Planning Commission and at the Town Council will say to the community that you have regulatory clarity in the process. So that's where we're going and certainly there will be opportunity for you to both make comments and the Town Council to make comments to and through staff to my team and also through the website we'd like to set up a portal to accept comments from, from members of the public to also be reviewed through the adoption process. And, of course, members of the public will be making comments at your Plan Commission when you choose to adopt and your Town Council at those times as well.

Franz All right, all right, thank you.

Lippins Yeah.

Franz At this point in time, I'm going to allow for 15 minutes of any public comments, questions related to this. What I'd like to do if you have questions we'll let the 15 minutes run if you take notes on the questions so you can ask, answer them after.

Lippins And then I'll come back?

Franz Yeah.

Special Meeting Zionsville Plan Commission
June 28, 2023

Lippins Perfect.

Franz So if anybody would like to make a comment, please come forward.

Tousley Thank you and, by the way, thank you for your time and for your service. My name is John Tousley. I live at 305 West Pine Street here in the Village since 1978. My home was built in 1904 by John Hussey when he decided to get married to principal Susan May Aldridge (sp?). So I am neither against nor for the proposal. Simply haven't had enough time to review it because after all it's 290 pages long plus the map first made available yesterday to the public as I understand it and I suspect that was probably about the same day that you got it. Whether passed or not, it's going to have a far-reaching ramification for many years to come. I hope to hear from the Commission how it will provide the public with adequate time to review, discuss and submit its concerns and suggestions before the Commission considers its recommendation to the Town Council. Given the fact that the 90 days that was mentioned by Paul, it would seem like most of the discussion and public input is going to be here because there's less time before the Town Council. Now that we have the actual text, the proposed Ordinance, I believe it would be helpful if a public meeting is scheduled where staff and McKenna would: 1) Explain to all of us why the proposed Ordinance is a specific improvement over the existing one with specifics; 2) Provide specific examples of how the proposed Ordinance would deal with common concerns faced in the Village area and elsewhere in our Town; 3) Provide answers on how the proposed Ordinance would deal with common concerns posed by the public; and 4) Answer any other questions which may be posed by the public. I believe the information for such a meeting will be helpful in guiding the Plan Commission who is handling this matter and I'm reminded of what a former associate of mine once told me when I was about to rush into something. He turned to me and he said "Well, act in haste regret at leisure." Thank you.

Franz All right, thank you. Is there anybody else who'd like to have a comment? Sure, come on up.

Walters As John said, thank you all for this opportunity. It's, it's a good thing. I have a question for you Paul –

Franz Uh, uh, name please.

Walters Oh, Mark Walters, sorry, 545 West Poplar Street in the Village. So Paul, in your opinion, I'm just curious, do you believe this Form Based Code creates more work for the Board of Zoning Appeals or less? Or no, no change?

Franz Okay, we're going to have him answer when he's –

Walters Oh, he's taking them down and then –

Franz Yeah, he's taking them down and then we're –

Walters Okay.

Franz Going to answer so, okay?

Special Meeting Zionsville Plan Commission
June 28, 2023

Walters That's really kind of the crux of mine.

Franz All right, thank you.

Troyer Thank you for the opportunity. My name is Jim Troyer. I live at 8980 East 350 South just north of the Rock Bridge subdivision. A couple questions I, again, as the gentleman said earlier, we just saw this yesterday so I've only found a few things I have questions on so far. You've kind of addressed one, right? The existing lots that don't meet your new zoning, right? I'm looking at this map and we are scheduled or zoned for Neighborhood 2 the same as the Rock Bridge subdivision. We're on a 2-acre lot with a barn, creek running through it. How was that, how was determined? How did you? And right across the road from us surrounded by Rock Bridge are a couple of lots that are N1 not N2 so how did you determine where those borders should be? And then if I understand correctly, your charrette was done in December of '21?

Lippins It was actually October.

Troyer October? So right before, right as omicron was coming out you really feel like you got a representative group to come to you during COVID to talk about what they wanted or what they thought was appropriate? That's it.

Franz All right, thank you.

Troyer Thank you.

Franz Anybody else?

Overbeck Thanks. Chelsea Overbeck, 765 Bloor Lane. I just have a couple, couple of questions. Sorry, I hate public speaking. I'm always the worst at this. Same thing as everyone else – I haven't really looked at it thoroughly since we just got it. I have a question about something you commented on tonight. You said you looked over the past 5+ years of variances. I know specifically in the Village we've had a lot of variances for lot coverage for well over the 35%. I kind of want to know the base, how you guys came up with the determination to keep the lot coverage at 35% based on that. I also would just like a brief explanation on how variances will work in regard to new construction with this new Form Based Zoning Code and existing construction, especially in the Village. A lot of our houses do not fit into the existing zoning as is since they are historic and I'd like to know how that's going to impact us with this new Form Based Code? If I want to put like a patio in my backyard and my house was built in 1900 and it's already at 40% am I just out? So just kind of how it works with new construction versus existing construction. Okay, sorry, thanks.

Franz All right, no problem. Thank you. Is there anybody else who has any comments?

Hall J.D. Hall, 150 North Main. Thank you all for your service. I just have a couple, one question is the main part. So, in this effort for the, this new effort, this – so you had mentioned that you had rolled in all of the efforts from I guess it was last year that would've ended up in a historical district that you rolled all of those

requirements in. I haven't had time to read it. I don't think it does but could you list, list specifically which items that won't apply under this new zoning requirement? What you excluded, for example. If I wanted to make a change to my house, there was going to be a fee for that and it was estimated at \$800. So that would be one item that you would say that's not applicable unless it's buried in here somewhere that I haven't seen. So I'd really like a listing of all of those items that really didn't make it in here. And so I think you alluded to the, it pretty much was in here somehow, someplace. And I think this forced adoption with the 90 days, I don't think that's wise at all. This is, this affects the whole Town.

Franz I don't think you're going to have to worry about this being sat on 90 days by the Town Council so.

Hall Okay.

Dale And that 90 days will be after the hearing.

Franz Right.

Dale That's not today, right?

Franz Yeah, yeah, yeah.

Dale When the Plan Commission has the hearing and votes on a recommendation.

Hall Yeah so. Okay.

Franz Yeah we, and we are, we're months away before making probably any recommendations. There's going to be plenty of time for the public to review this, plenty of time for the Plan Commissioners to review this so there's going to be plenty of opportunities to, to talk about it.

Hall So I don't think anyone is objecting to a Form Based Code but I just want to make sure and the thing is there's a lot of people on far different spectrums here. I don't know if you guys watched the events of last year online or you were here but there was a vast majority of the people, at least in the Village residents, that were not for that and the weird thing is, we're all really for that. We all want to keep these historical buildings but we're going at it totally different and that might be another question I'd have for you like who, who provided input to help you, Paul? Not the, not, not the city staff but residents. I think that will probably tell us a lot too because I don't, I don't think there's a fair weighting of one side or the other with this or at least it wasn't last time so.

Franz All right.

Hall Okay, thank you.

Franz Thank you. Is there anybody else?

Brownlee Good evening. Dan Brownlee, 7317 East 100 North. Just want to understand how the, how the Codes will fit into the Comprehensive or Master Plan for the city or

for the Town? Obviously, with my address I'm rural and just understanding with the rural development what, what the Codes mean and how that's going to play into that Comprehensive Plan. Thank you.

Franz Okay. Thank you. Is there anybody else? All right, if you want to take a stab at answering some of these? I realize some of them might be a little bit difficult because they're pretty detailed so do the best you can.

Lippins This is a really effective way of doing a Q&A. I'm going to what's it, I'm going to do some R&D on this which is rip off and duplicate so. We'll use this again. Thanks for everyone who wanted to ask a question. I appreciate it. John mentioned the need to review and suggested a town hall to, to discuss the Code and he had a, a couple of questions there. It reminded me that something that maybe I didn't cover in, as well in my presentation but is that this meeting we're having tonight was really intended to be an orientation. So, what we knew when the draft was released that there would be people that were interested in the process that maybe hadn't participated in the charrette or maybe didn't even come and talk about the Code when we were doing the historic commission process, which took a while as well, so that was the intent. We would, we would release the Code and then we would do kind of an orientation meeting where everyone would know now the Code can be downloaded online and I'd be here in person to do a presentation and then everyone would know and now is the time when we're reviewing the Code. So, I think, I think that's a good decision. Obviously it's a decision that needs to be made by the Town.

A couple of those questions – why is this Code better? I think in general whatever your opinion is about what I would describe as a functional Code or a Form Based Code, the trend in planning and design is to regulate through a Form Based Code. So I think in and of itself, this represents a step forward in how the Town, Town regulates planned development. Also, I think what's happened over decades in zoning is anytime a new issue comes up, there's an amendment passed, right? Let's pass a new amendment to re-address this form of regulation or make sure now we're permitting this type of use or now we need standards for this type of use and what doesn't happen is then a revisiting of all those regulations and kind of a clearing out of what doesn't work or is no longer relevant and then a consolidation and that process alone, I think, is tremendously valuable. So, even if we weren't attaching any new Form Based regulations to this Code and we were just consolidating districts that really functionally have no difference and consolidate uses that really are the same from a design perspective, those types of things make this Code better, right? So, I mean, I'm definitely comfortable saying that this is a better Code than the one you had but it is different. In terms of how it's different, I think the, the biggest difference is that now there are architectural regulations attached to building types which is even a, a unique way of handling Form Based Code. A lot of the Form Based Codes only regulate frontage or massings so there's different ways of doing it. This Code is designed around building types which is really a way of regulating architectural character and creating a Code that mimics precedences of design and I think in a Town that has a really beautiful Village that has its character that's the reason why people don't even just move to the Village they move outside of the Village because of the Village. That iconic place, iconic location is something that this Code is designed to mimic or at least make sure that in the

future other parts of the Town don't destroy that character by developing in a way that isn't consistent with it.

How it will deal with concerns? I think the, the question of how the Village handles or responds to comments submitted by residents in the process is, it's a good question. It's one that I, I really can't answer. I'll have to work with Mike and, and the Mayor's office on how they want to do that but certainly I think if you were to look at the process the Town went through when it was considering a historic commission, this is a Town that is interested in hearing and responding to what residents say so I'm sure a process will be set up. At the very least, I, I think we'll set up a comment box on the website so we can start documenting things as they come in and when I do that I can print reports. So, transparency is really a goal in that.

And then I think John just asked that the questions be answered prior to adoption. So, I think that's also something to work with Mike on but whether that's a staff memorandum or something that documents it or maybe it's a town hall, I think there's any, any number of ways to address that and I certainly think it's a, it's a good request to have made at a meeting like this.

Mark asked if in my opinion this would create more or less work for the ZBA. We did look at ZBA's standards. I think that the intention is to have decisions made at the ZBA in a manner that is consistent and ultimately implements the Code and provides relief from the Code when it's not just consistent with State Code but or with the Town Code but with State law. I think that this Code offers an opportunity to reset precedent and my main, well one of the findings in reviewing the ZBA's work is that with respect to variances there were, there was a lot of relief that has been given to the Code to comply with past decisions. So, in, in a sense, there was a part of the Code that was broken and I think what we've done and I'm using that term kind of loosely but I saw some nods so maybe some people know what I mean, in establishing this Code we've talked with people and we've talked with staff and even the standards that didn't change haven't changed because we feel they should be kept. So if there's a standard in this Code that I think people still want to get feedback on, it certainly would be appropriate to provide that feedback during the adoption process because we've done our best to validate and listen to things but what I would say is if there's a standard in this, this Code, the intent is that unless there is a unique hardship or condition of the property that would meet the test for a variance, that a variance would not be granted and, but, again, that power rests with your Zoning Board of Appeals so they make that decision.

We got, I got a question I think it was from Eric but I might've been a little slow on my notetaking, asked about existing lots that don't meet the zoning code and how it was determined which lots would go in the Code in which districts. So, I showed that chart in my presentation which had a list of the prior 38 zoning districts and how they were consolidated into new districts. So, each property was grouped with like properties and like districts and in the case where I think you maybe mentioned that you had a 2-acre property and maybe your in a district now that has a smaller minimum lot size or I'm not sure if you noticed, but the idea is that your property will be conforming to the new standard even if you were now in a district that had, that permits a smaller lot size, if you have a larger

lot you still conform to that district standard. Additionally, we did a, an analysis of all the lot size, lot sizes in the Town for how they conform to the district regulations so we looked Town wide and showed through analysis that the new district lot conforming standards would reduce the amount of lot, lot non-conformities in the Town overall. So, through a process of analysis of the existing lot sizes and the standards that apply to those lot sizes plus analysis of the zoning permitted uses and lot regulations that apply through all the old, to all the old districts, we were able to create new districts that by and large reduce non-conformity amongst all of the lots within that district. So, that's hopefully an understandable answer but I'd be happy to talk to you offline if you have more questions about that process but what really you should know is that your lot is probably conforming in the new district if it was conforming in your old district, right? If you had a conforming lot, you can do most of the things you used to do and your lot is not non-conforming now and if it is, that might be an instance where you, you should let us know and like everyone if you find that now you're, you were in a district and formerly your lot size conformed to that district and now you don't, that's an issue to let us know, right? I, I don't think we'll have many comments like that.

So, Chelsea asked over the last five years we looked at variances and a lot of them were from the 35% standard and we didn't change that. What was the process that went through it? I would say in, in plain speak I think that we validated that, that coverage partly because one of the reasons for that coverage was the stormwater concerns. So there are competing interests in why that standard is there but I think my finding from that process would be that then it justifies less variances or no variances from the 35% standard. So, I think this is an opportunity either for members of the public to say no we want relief from that standard in the Ordinance and, for example, we want a district-wide stormwater solution as part of that. Or, alternatively, say it's the expectation that the ZBA will no longer grant relief from the standard, right? So, it might be something that could, gets discussed more at, at future meetings but in the end, with the pressure to kind of increase it or decrease it, the number stayed the same.

I didn't actually get a name with this comment but it was about the historic district effort with the historic comm, not the commission, the conservation district. In the end we wanted a conservation district to be considered and for the time being that has been put on pause. If, if this, this Zoning Ordinance does not incorporate any of the draft text from the conservation district. So if it was, if someone took me to say that, I did not mean that. What I meant was what we've done is we've taken all of the prior zoning regulations. So the zoning regulations that are on the books now have been incorporated but the, the conservation district was never adopted. So the best way I can explain how this ordinance might help to implement some of the objectives from residents who agreed with the idea of establishing a conservation district is that through the building type regulations and establishing, also re-looking at the lot and dimensional regulations that apply to the district, we've validated the type of design that new development is intending to have and is permitted to have within the Village. The rest lies on the approval process. So, there are some things that you could do in zoning that we haven't done like not permit demolition of single-family houses, right? I don't actually support that as a zoning regulation but I know some of my

colleagues do and I know we've had clients that have asked us to do that through zoning and we could do it here. I didn't put that in the Ordinance. I, I actually, I think that a conservation district is a good tool for that and it's not a tool that Zionsville necessarily needs. So, it's all about what the community needs. So, it's something we can look at. If anyone wants a no demo rule attached to a district in the Ordinance, just submit that as a comment and we'll ask your, your Town attorney to defend it. I'm joking but it is, it's one of those things.

So there was a comment on the 90 days and I, I, I think it's important to, to note this is State statute. So we have no control over that. Everywhere in the State of Indiana if a zoning, even a text amendment is proposed and adopted by Planning Commission, Plan Commission that, that will automatically be effected into law if there's no Council action within 90 days.

Dale To elaborate a little bit – if the Plan Commission were to have an unfavorable or a negative recommendation, and if the legislative body, being the Town Council, took no action within 90 days, that negative vote would carry. So, the legislative body has to, has to take action within 90 days or whatever the Plan Commission's vote was will carry 1:02:18 down.

Lippins Yeah and, and as was mentioned by the Chair, that's probably not going to happen in Zionsville because the Town is invested in this process. I think you're going to hear from both Boards. I think we're going to have a, a good process through the adoption process. So, but it's worth mentioning because once the Plan Commission does act, there is pressure for the Board to actually follow through, the Council to follow through on that action.

And then there was a comment, I think this was the comment about the charrette happening before Omicron too – I, I, I will say, obviously, the last still I might on a, a little bit of personal information – my parents just got COVID last week. It's still going around but thankfully we've got viral medication, vaccines if you're into that which has lessened the effects but we're, we're in a new world now, right? But that world has been going on for a long time. When we conducted this charrette, we actually didn't know Omicron was coming. So people were actually in the process of returning to normal. We did outside events intentionally but this was also one of the first processes that we did many hybrid meetings so, in addition, we usually do like an open studio where everyone's coming into the studio. This time we set up a studio in the Inn in the Village and we had a lot of interactive meetings which were really cool and then we also intentionally created a lot of the public events were in big, open spaces and so we did one event in the, the airport, the Executive Airport in a big, open hangar. We did another event at the Fire Station in, in Perry with the fire doors open so, and the events were well attended. They were as well attended as really any process I've been at before the pandemic or after the pandemic. So, it is true that we had good attendance and outreach. We've also done a number of events like this. Even this event tonight, believe it or not, this is very well attended. In my, we don't get a lot, a lot of interest a lot of times in these processes so it is, it's pleasing to me that there's an investment in the outcome of the process.

And then there was a question from Dan about how the Code will affect the Comprehensive Plan. This is an interesting question. I've actually done

presentations on this. So, the, the typical process is you plan and then you do an Ordinance. But you're also iteratively planning and doing Ordinances throughout time. So what happens is you'll get an Ordinance that is designed at the right time to fit the planning, the body or the regulatory framework that is created by the plans. You'll get an Ordinance and then two years later you'll get a new Comprehensive Plan and I've actually done, I've done both. I've worked in both ways. I recently did a plan that happened two years after the Form Based Code was adopted and what happens is you look at the Code, you look at the intents of the Code, you understand that that Code was also created through a public process where feedback was happening and you can incorporate the ideas of that Code into the Master Plan process. You can also learn a little bit throughout that process about where you can make refinements to that Code and then recommend amendments through a Comprehensive Planning process which then even more provides strength and validation for any future amendments. So, I would not be concerned that the Town is embarking on a Master Plan now. I would actually say that it's a good time to do it because it offers the public yet again another opportunity to talk about this Code, even talk about the Code when adopted, and recommend changes and refinements to it through the Master or the Comprehensive Planning process which then would even be more likely to be implemented.

And I think those were all the questions that I got.

Dale There's another one, Paul. Someone asked about who had input into this process.

Lippins Yeah, so the, the charrette was a, a publicly advertised process. There were, there was a public meeting or like a town hall meeting every night that was well attended and we spaced those, we did four of them. We spaced them around the, the former townships that had been incorporated. So we did one kind of in each area. We also had stakeholder meetings and meetings with officials that were publicly advertised but then also intentionally invited to and, yeah, I mean, that's the charrette process. I've done some other presentations on the charrette process. So is that, I mean is there other specific details?

Dale Well and you met with staff. Staff had some input on this.

Lippins Oh –

Dale And, of course, McKenna.

Lippins Right.

Dale Were there any others that, to your knowledge, that had input into this process or was it primarily?

Lippins I mean, it's, you're looking at, you're talking about like a Venn diagram or something, right?

Dale Uh huh.

Special Meeting Zionsville Plan Commission
June 28, 2023

Lippins Like I think that's everyone in the world, right? Advertised so that any member of the public could participate –

Dale In the charrette.

Lippins Through the charrette, through public meetings, intentional identification of stakeholders, one second, and then, of course, as I mentioned, it's, having a staff technical review is super important and it's part of the proposal that we put into the Town and I think is, our, our effort to do that is one of the things that makes my firm unique because we implement Codes. We serve as the planner for so many different cities and towns that we know what your Town officials have to deal with and we know they need an opportunity to edit and work on the Code and it was good teamwork. I really enjoyed the process.

And we had one more question here that was – can we take one more?

Franz Sure. Go up and name and –

Boleman I'm Rinkey Boleman, 190 South Sixth Street. And to add to your comments – you guys also had a lot of online participation and I participated at that and I think a lot of people did.

Franz All right, thank you. All right, at this point in time members of the Plan Commission questions/comments?

Lake I participated in that process. I, I will say I moved here for the Village. I don't live in the Village but I moved here for the Village but I moved here because the Village is confined and unique in its own right. I didn't move here because I wanted the Village all over the rest of Zionsville and I think we went too far with the architectural standards for these building types to have a research or office building that looks like a house is not practical. It's, a developer is not going to do it. Businesses aren't going to want to move into it. The BZA is going to be swamped with variance requests. We tell people how big the bricks can be on the building and, by the way, it's only one size of brick. That's it. We tell people how tall the sills of windows can be. I guess as, as an architect I'm out of work if that's what this Code is, is meant to do. It's like asking a painter to paint Starry Night with a black 4-inch, a 4-inch paint brush and black paint, you just can't get there and so while I appreciate how those standards fit very well in the Neighborhood Village District and the MUV district, they don't fit very well spread wholly across the entire Town. I think that was a huge miss in this document.

The rest of the document I do feel like was very well done. The lot coverage issue is a concern to me, not necessarily the 35% but how it's calculated. The issues have been how it's calculated. If I have a garage that is up at the front of my house and I've got a 20-foot long driveway, My driveway is not counted but if I've got a, a garage at the back of the property and my driveway starts at the front I've got way more lot coverage but it's not counted and so we're, add a deck which has gaps in it that the water slowly seeps through and drains into the soil is counted as impervious and it's not and so the, the issues have been brought up over and over by the BZA when evaluating those standards have been wholly

lost in this Code. It's not the percentage, it's how you calculate it. That has been the issue, as I've seen it, from almost three years on the Plan Commission.

You also showed a hotel and a loft building that are not in this Code. I wish they were but they're not in this Code. Oh, where do I want to go next? I loved your plain English but then we use the word "macadam." Anybody know what that is? Stone, by the way. I had to look it up. I'm an architect. It's stone. So let's use plain English. We don't talk about sustainability anywhere. We don't allow for sustainable building design from an exterior material or finished ration perspective. I can't put sunshades over my windows on the south side of a building. I can do awnings if it's an awning but I can't do sunshades and still let in sunlight but keep out the solar heat gain because it doesn't conform with your architectural standards. We don't talk anywhere about electric vehicle charging stations and how those will be accommodated on public streets, how those will be accommodated in – we're actually doing a design right now for what looks like a gas station but it's all electric charging stations and a coffee shop. So how are, how are those types of, of new technologies addressed because they're not. I feel like this address, addresses everything from 1950 really well and nothing from 1950 on. So I guess I'm gonna, I'm gonna stop there. I've got about 200 comments but I will let my fellow members speak.

Franz Would you like to comment to any of those before anybody else says anything?

Lippins No.

Franz Okay, all right. Anybody else?

Hurst It, it's clear I'm sure to everyone that this proposed Code affects every property owner in Zionsville and not only is public comment welcomed, it's, it's needed.

Franz Yeah.

Hurst And so I, I hope as we plan these future public meetings for public comment and contemplation, that they are, are well advertised and not just the statutory and usual places that such things get posted. They did a great job with the charrettes and I am confident I am saying something that Town staff and the gentleman from McKenna already were planning to do but I wanna, wanna make sure that, that folks know when it is and I'll just note that a lot of people travel in the summertime and if we want to reach them, we'll probably reach them this fall.

Franz Yeah, I mean, I, I think we were probably looking at another special meeting next month that's not going to be a hearing, another discussion, get Larry here and then at that point in time figure out what we want to do with that from there so. I think we're still a few months, three months away before we move forward with any sort of action. When I, when I look at this I've, the question I've got is you take a look at a place like Holliday Farms and even if they had the PUD Ordinance post, post-Form Based what would've happened to that internal development of that sub of the, of the PUD? I mean, I'm trying to figure is that, I mean that's pretty modern stuff in many cases. Is that going to be limited then by adjacent properties? I'm just, I'm trying to understand how that's going to work

when you take a look at some of these developments that are, that are going to go up in various areas.

Walker I have the same type of question only just wondering how all of these were determined and how all this would fit in so I understand what you're saying. I understand what Chris said but I'm not an architect so I don't understand all of it but good point.

Lake And when I look at the styles the one thing I was really hoping didn't carry over from the other text was the Zionsville stylist Federalist, Georgian and Victorian. It is in one small area but that just limits – there's some amazing design in, all throughout central Indiana in historic, urban areas that is what I would call modern architecture. It has some nods proportionately to some of those other buildings but the, I can't have a steel column out front. My column's gotta be marble or, or terra cotta or limestone and it, it's just so limiting from an ability to do good design. Good design didn't only happy in the '50s and the '40s and the '30s. Good design is still happening today and we should want good design of all kinds in our Town and this doesn't allow for that and that's why I feel like the BZA is going to be slammed with requests, in particular architecturally to a Board that's largely not architecturally, doesn't have an architectural background and, and being asked to decide then and weigh in on the merits of, of design when 90% of them won't match any of these standards. So –

Franz Anybody else?

Madrick I'll, I'll just say I, I agree with Chris but I also 1:17:27 environmental business and a couple 1:17:31 but to, to not see a nod to any of that was disappointing and I think it, but there's still time to do that but I think that's all aspects of sustainable development are really, really important.

Franz I wonder how this would work with the Gateway plan. I mean it's –

Lake I don't know that it affects the Gateway more than other areas. I'll, I'll pick on one to do in looking at our project today, not in Zionsville but parking garage – 80 foot max width along the front. Eighty (80) foot does not work with a parking garage construction dimension. Successive setbacks of 4 foot on the front of every story, 4 to 8 foot. Structural loads want to go from column to column to column. You know, how does that work? A parking garage wants to be a fairly rectangular box with then appendages that potentially bump out from it. So there were just some things I think that, that aren't practical and, and we will see at some point I believe a parking garage in Zionsville somewhere. We're out of parking. The density is going to require it. So, that archetype will get used at some point, probably once but it'll get used. So just making sure that it allows for functional design not just a, a form that maybe isn't quite attainable with that particular project type. Yeah, it doesn't allow for the Brick Street Inn to have a, at least the current archetype that's in there, a flat roof. Hotels have to have pitched roofs. Can't have a green roof that absorbs rainwater because they have to have a pitched roof. So, just some things like that that I, I feel like they went, the requirements got a little bit too granular and they don't allow for the ability to actually do design.

Special Meeting Zionsville Plan Commission
June 28, 2023

- Franz How did you read this thing [? 1:19:37](#)
- Lake It took me about nine hours in the last two days.
- Franz Is there anything else?
- Hurst I, I will just say as far as a 290-page document getting through – find it on the web, it's a PDF. There are links in there that you're like okay this applies to me you click the link and it takes you to the description.
- Franz Yeah.
- Hurst So whether or not you're going to love what you find in the document, that's all, all of us to figure out. The ability to navigate and understand the document is a drastic improvement over our current zoning.
- Lake Yeah, and I want to be clear – this is a great document. They put a lot of hard work into this. It's very well done in 90% of it. The uses that they have overall, the way they've laid them out zoning wise and, and accommodated what existed in the Town – I've got little nitpicky things here and there in my document but by and large it's the architecture piece that, and, and I'm looking at it too because I'm on the Board of Zoning Appeals and I've had five-hour meetings and six-hour meetings on the BZA and I prefer to not have a bunch more of them so that concerns me a little.
- Lippins I guess the one comment I would make, Chris, is Commissioner Lake, maybe leave with a compliment and the other one I would say you're not the first architect I've met that resists an architectural code. So, surprise, surprise, you know how to design. You're making design comments that a lot of people don't know how to design and those are the people that this Code is for so.
- Lake Yeah, but regulating brick size isn't something we should be doing.
- Lippins I've heard that comment before too so. Yeah.
- Hurst I, I, I will say that Commissioner Lake called for an architectural review committee recently on a building going up in Zionsville so it's not that he's resistant to our architectural forms being, being reviewed.
- Lake I mean I –
- Lippins It's a highly prescriptive architectural code. This is true.
- Lake I had a comment from an architectural review board member of Zionsville today that they were as equally shocked by the requirements as I was so.
- Franz So everybody's got a bunch of stuff written down? So, I think what we're going to do, what I would recommend, hopefully the rest of the Plan Commission would agree is that we hold another special meeting in July –
- Walker Yes.

Special Meeting Zionsville Plan Commission
June 28, 2023

Franz Pretty much on the same timeframe as we did this month's so that would be July, Wednesday, July 26th again at 6:30. So the comments and various questions can be considered. We can meet again, the public will be invited again. I'll give you some opportunity to ask questions again at that time because there's still a lot of people have a lot to read so – is that, does that take a motion to, for a special meeting, Dan?

Taylor Consensus is fine.

Franz Okay.

Taylor It doesn't take a motion –

Franz All right.

Taylor If you, but if you want to do that then you could –

Franz No, I'm fine –

Taylor Pronounce that you're going to do that at 6:30 on that day and then the people –

Franz 6:30, July 26th –

Lake Yep.

Franz Which is Wednesday the 26th.

Hurst I, I would be able to attend if so scheduled.

Franz Okay.

Lake Yeah, same here.

Franz All right. And I'd like to get Mr. –

Grabianowski Jones.

Franz Jones' comments on the record also. So, all right. Is there anything else?

Grabianowski I move we adjourn.

Franz Is there a second?

Lake Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.

Special Meeting Zionsville Plan Commission
June 28, 2023

[No response]

We're adjourned.

I want to thank the public for showing up. Appreciate your comments and time associated with this also.