

Exhibit A

ORDINANCE NO. 2022-_____

**THE TOWN COUNCIL
OF THE TOWN OF PITTSBORO, INDIANA**

An ordinance to amend Section 5.2 Jeff Gordon Boulevard / CR 275 E. Overlay District of the Unified Development Ordinance (No. 2015-02), for the Town of Pittsboro, Indiana.

WHEREAS, the Town Council of the Town of Pittsboro, Hendricks County, Indiana (the "Town") previously adopted the Town of Pittsboro Unified Development Ordinance ("UDO") and wishes to modify Section 5.2; and

WHEREAS, the Advisory Plan Commission of the Town (the "Commission") has given due public notice of hearing relating to the UDO amendment, has held such public hearing, and has sent a favorable recommendation to the Town Council with a vote of _____ ayes and _____ nays at its February 22, 2022 meeting; and

WHEREAS, the action of the Commission has been certified to the Town Council by the President and Secretary of the Commission on February 22, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PITTSBORO, INDIANA, THAT:

Section 1. Section 5.2 is amended as follows:

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5.2 JEFF GORDON BOULEVARD / CR 275 E. OVERLAY DISTRICT

A. DESCRIPTION OF DISTRICT

The purpose of the Jeff Gordon Boulevard / CR 275 E. Overlay District is to protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering the corridor in this district. It is recognized that Jeff Gordon Boulevard is an important entrance corridor into the Town of Pittsboro. Therefore, it is the further purpose of the Overlay District to promote coordinated, quality development per the land use recommendations set forth in the comprehensive plan; to establish basic standards for structures, landscaping, and other improvements on the properties within this Overlay District which promote high quality, innovative site design and at the same time encourage efficient land usage; to establish development standards which will encourage capital investments for the development of those properties along and abutting Jeff Gordon Boulevard / CR 275 E.; and to promote the steady flow of traffic.

This overlay district further seeks to foster development that will provide this district with a special sense of place that will increase property values, protect existing residential uses, and attract new businesses. More specifically, the creation of this special sense of place shall be encouraged by means of a coordinated set of design principles for buildings, site planning, landscaping, and signs. These principles are intended to guide individual development activities so that they will work together visually in support of the common architectural theme described below.

B. DISTRICT BOUNDARIES

The boundaries of the Jeff Gordon Boulevard / CR 275 E. Overlay District are hereby established as shown on the Zoning District Map for the Town of Pittsboro. The boundaries include any lands within the Town of Pittsboro that fall within four hundred (400) feet east and west as measured parallel to the Jeff Gordon Boulevard / CR 275 E. right-of-way from one mile north of I-74 and to Wall Street / CR 750 North. —If lands are annexed into the Town of Pittsboro and they fall within this 400 foot area, the Jeff Gordon Boulevard / CR 275 E. Overlay shall be applied to them in addition to the base zoning district recommended at the time of annexation.

C. INTERPRETATION

The overlay zoning regulations apply in addition to the underlying zoning district regulations to impose additional development standards for properties within the corridor. In the case of a conflict between the Jeff Gordon Boulevard / CR 275 E. overlay district regulations of this Section and other regulations in this Ordinance, the regulations of this Section shall control. Where no special Overlay District regulation is stated, the regulations of the underlying zoning shall control.

D. PLAN COMMISSION APPROVAL

1. The Plan Commission must approve, approve with conditions, or disapprove a Site Development Plan for any tract of land in the Jeff Gordon Boulevard / CR 275 E. Overlay District per the provisions of Chapter 11. Site Development Plan approval by the Plan Commission is not required for individual single or two family lots.
2. For lots only partially within the Overlay District, a Development Plan shall be submitted to the Commission for the entire tract to be developed.
3. All Development Plan applications shall be in accordance with the requirements and specifications set forth in Section 11.11.

E. PERMITTED USES

All uses which are permitted in a given site's underlying zoning district, except those expressly excluded in Subsection G below, are permitted in the Jeff Gordon Boulevard / CR 275 E. Overlay District.

F. SPECIAL EXCEPTION USES

All special exception uses which are permitted (upon obtaining special exception approval from the Board of Zoning Appeals) in the underlying zoning district(s), except the uses expressly excluded in Subsection G below, shall be special exception uses in the Jeff Gordon Boulevard / CR 275 E. Overlay District.

G. EXCLUDED USES

The following uses are prohibited in the Overlay District.

1. Bulk storage of petroleum products not used for on-site manufacturing
- ~~2. Car Washes~~
- 3-2. Fertilizer manufacturing, stock yards, slaughtering, leather curing and tanning

~~4.3.~~ Garbage disposal plant/sanitary landfill

~~5.4.~~ Go-cart track

~~6.5.~~ Grain elevator

~~7.6.~~ Junk or salvage yard

~~8.7.~~ Manufactured home dwelling sales

~~9.8.~~ Mini-warehouses or self-storage facilities

~~10. Mobile/Manufactured Home Parks~~

~~11.9.~~ Outdoor storage, with the exception of propane tanks that are for lease or purchase

~~12.10.~~ Outdoor theatre

~~13.11.~~ Penal or correctional institution

~~14.12.~~ Reclaiming processes involving materials or chemicals that are considered dangerous to the health, safety, and welfare of the general public as determined by the State Board of Health or by the Town of Pittsboro

~~15.13.~~ Refining or manufacturing of petroleum products

~~16.14.~~ Refining or manufacturing of asphalt, cement, gypsum, lime, wood preservatives

~~17. Roadside sales stand~~

~~18.15.~~ Sand and Gravel extraction or sales

~~19.16.~~ Sexually Oriented Businesses

~~20. Truck stop~~

~~21. Warehouses~~

H. ACCESSORY BUILDINGS AND USES

All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted, except that any detached accessory building shall be architecturally compatible with the principal building(s) with which it is associated.

I. HEIGHT AND AREA REQUIREMENTS

Maximum Building Height		As specified in the primary zoning district
Front Yard (for parcels with frontage on Jeff Gordon Boulevard / CR 275 E. right-of-way) <u>Minimum Front Setback</u>		The principal building must be located on the build-to line, which shall be 100 feet from the edge of the Jeff Gordon Boulevard / CR 275 E. right-of-way as depicted on the Thoroughfare Plan, which may be adopted as part of the Comprehensive Plan <u>As specified in the primary zoning district</u>
Greenbelt (for parcels with frontage on Jeff Gordon Boulevard / CR 275 E. right-of-way)		30 feet wide, included as part of the front yard, adjacent to the Jeff Gordon Boulevard / CR 275 E. right-of-way
Minimum Side and Rear Setback	Non-residential lot next to existing residential district	50 feet or twice the building height, whichever is greater
	Non-residential lot next to existing business district	15 feet
	Non-residential lot next to existing industrial district	20 feet
	Residential lot next to existing non-residential district	25 feet
	Residential lot next to existing residential district	15 feet
Minimum Gross Floor Area	Non-residential uses	2,500 square feet (accessory structures are exempt from the minimum gross floor area standard)
	Residential uses	As specified in the primary zoning district

J. ARCHITECTURAL DESIGN REQUIREMENTS

In reviewing the architectural design of building(s) proposed to be built in this overlay district, factors to be considered by the Plan Commission shall include but are not limited to the following:

1. Building Proportion

Buildings should avoid long, monotonous, uninterrupted walls or roof planes.

2. Building Facades

Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style. ~~Buildings with continuous facades that are ninety (90) feet or greater in width, shall be designed with offsets (projecting or recessed) not less than eight (8) feet deep, and at intervals of not greater than sixty (60) feet.~~

Facades constructed of more than one material shall only change material along horizontal or vertical lines (not diagonal lines). For material changes at the horizontal line, the heavier material shall always be placed beneath the lighter material. Front and side facades of buildings located on corner lots shall be of the same materials and similarly detailed.

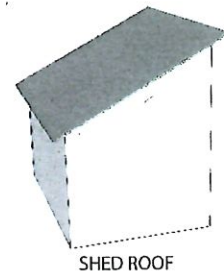
3. Roofs

a. Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

b. Shed Roofs

Shed (single slope) roofs are permitted only when the ridge is attached to an exterior wall of a building, with pitches ranging from 4:12 to 14:12.



c. Flat Roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the building.

d. In no case shall rooftop mechanical equipment be visible from adjoining residential districts.

e. All vents, attic ventilators, turbines, flues, and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters

and downspouts shall be appropriate to or visually integrated with the selected architectural style of the structure.

- f. Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the buildings selected architectural design.

4. Entrances

The main building or tenant space pedestrian entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the selected architectural style and details of the building as a whole. The location, orientation, proportion, and style of doors shall reflect the chosen style of the building. Building facades for industrial and warehouse uses shall be designed with a main entrance and at least two (2) window openings associated with this doorway.

5. Windows

All window design shall be compatible with the style, materials, color, details, and proportion of the building. The number of panes, the way it opens, the trim around it and whether it is embellished with shutters must be consistent with the architectural style of the structure.

6. Awnings

Fixed or retractable awnings are permitted if they complement a building's architectural style, material, colors, and details; do not conceal architectural features (such as -cornices, columns, pilasters, or decorative details); do not impair facade composition; and are designed as an integral part of the façade. Metal, plastic or aluminum awnings are prohibited.

7. Storefronts

Storefronts shall be integrally designed with overall facade character. Ground floor retail, service and restaurant uses should generally have large pane display windows; however, they shall not exceed seventy-five percent (75%) of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common materials, architectural details, signs and lighting consistent with the overall building style.

8. Suitability of Building Materials

Unless otherwise approved by the Plan Commission, building materials shall be consistent with or complementary to existing architecture as follows:

- a. Exposed foundations shall be constructed of one or more of the following:

- i. Brick;
- ii. Stone (limestone, granite, fieldstone, etc.); or,
- iii. Split-face block or architectural pre-cast concrete, if surface looks like brick or stone.

b. Facade walls shall be constructed of any combination of:

- i. Natural or cut stone
- ii. Glass
- iii. Pre-cast concrete
- iv. Brick in a color historically consistent with the architectural style
- v. Architectural metal
- vi. Synthetic products such as cementitious siding and EIFS
- vii. Stucco with smooth finish, or dryvit (or equivalent), not to exceed twenty percent (20%) of the overall non-window facade area

9. Topography

Design in relation to topography of the site, which minimizes cut and fill and limits maximum on-site slope to ten percent (10%).

10. Consistency with Style and Period

Overall aesthetics of proposed building, including color, are consistent with the architectural style and period in the surround area.

11. Building Orientation

The primary building shall be oriented to Jeff Gordon Boulevard / CR 275 E., so that the front of the building faces the corridor. Accessory buildings (including residential garages, storage buildings, etc.) shall be located behind the primary building.

K. LANDSCAPING REQUIREMENTS

1. Landscape Plan

The applicant shall submit a landscape plan to the Plan Commission as part of the development plan application, per Section 11.11 of this Ordinance.

2. Areas to be Landscaped

- a. Greenbelt. The thirty (30) foot greenbelt shall be composed of grass and landscape areas. The incorporation of walkways and bikeways into the

design is encouraged; however, no parking areas, ~~through roads,~~ buildings, accessory structures, etc. shall be established within this area.

- b. Foundation Plantings. Foundation plantings shall be included along all sides of any building. The minimum width of the planting area shall be five (5) feet, except that when adjoining a parking area located in the front yard adjoining Jeff Gordon Boulevard / CR 275 E., the minimum width shall be ten (10) feet.
- c. Peripheral Plantings. Minimum side and rear yard landscaping shall occur per the requirements of the underlying zoning district.
- d. Parking Lots. Per standards specified in Section 8.11 of this Ordinance. The required Greenbelt shall count towards parking lot perimeter landscape requirements when adjacent to a parking area.
- e. Screening Areas. All air conditioning units, HVAC systems, exhaust pipes or stacks, overhead doors, legally non-conforming outside storage areas, and satellite dishes shall be integrated into the overall building design or screened from the Jeff Gordon Boulevard / CR 275 E. right-of-way and adjoining residential zones or uses, by means of walls, fencing, parapets, penthouse screens, landscaping, camouflage, and other approved method.

3. Landscaping Standards

- a. The interior dimensions, specifications and design of any planting area of planting median shall be sufficient to protect the landscaping materials and planted therein and to provide for proper growth. The following minimum interior widths for planting areas shall be used:
 - i. Canopy Trees: Nine (9) feet;
 - ii. Ornamental Trees: Seven (7) feet;
 - iii. Shrubs (only): Five (5) feet.
- b. All plant material proposed to be used in accordance with any landscape plan shall meet the following specifications:
 - i. Shade trees: a minimum trunk diameter of two and one-half (2 ½) inches at six (6) inches above grade, a minimum height of eight (8) feet, and a branching height of not less than one-third (1/3) or more than one-half (1/2) of tree height.
 - ii. Ornamental trees: a minimum trunk diameter of one and one-half (1 ½) inches at six (6) inches above grade, a minimum height of six (6) feet, and a branching height of not less than one-third (1/3) or more than one-half (1/2) of tree height.

- iii. Evergreen trees: a minimum height of eight (8) feet, and a width of not less than three-fifths (3/5) of the height.
 - iv. Deciduous shrubs: a minimum height of eighteen (18) inches, no less than six (6) main branches upon planting, and a mature height of no greater than thirty-six (36) inches.
 - v. Evergreen shrubs: a minimum height and spread of eighteen (18) inches, maximum mature height of thirty-six (36) inches.
- c. Greenbelt. The primary landscaping materials used in the Greenbelt shall be shade trees, ornamental trees, shrubs, ground covers and grass.
- i. A minimum of three (3) shade trees and one ornamental tree shall be provided per one hundred (100) linear feet of greenbelt.
 - ii. Shade trees planted within the greenbelt parallel to Jeff Gordon Boulevard / CR 275 E. shall be spaced neither less than fifteen (15) feet apart nor more than forty (40) feet apart.
 - iii. Existing shade trees within the greenbelt that have a minimum trunk diameter of four and one-half (4 ½) inches at six (6) inches above grade, are encouraged to be preserved. For each shade tree that is preserved within the greenbelt area, two fewer trees are required to be planted within the applicable one hundred (100) linear feet.
- d. Foundation Plantings. The primary landscaping materials used adjacent to buildings shall be shrubs, groundcovers, and ornamental grasses.

~~e. Parking Lots~~

- ~~i. Interior Landscaping. A minimum of one (1) shade tree and five (5) shrubs shall be planted within each parking lot for every seven (7) spaces provided, or not less than twenty (20) trees per acre of parking.~~

~~However, for buildings and parking areas located in a front yard, with frontage directly on CR 275 E., a minimum of one (1) shade tree and five (5) shrubs shall be planted within each parking lot for every five (5) spaces provided, or not less than twenty four (24) trees per acre of parking.~~

- ~~ii. Parking Lot Perimeter Planting. Where parking areas are located in the front yard, with frontage directly on CR 275 E., a six (6) foot wide perimeter planting area shall be provided along the front and sides of these areas.~~

- ~~a) The required planting unit for this area shall include two shade trees, three (3) ornamental trees, and thirty (30) shrubs per one hundred (100) linear feet.~~
- ~~b) The perimeter planting area shall be provided in addition to the Greenbelt area.~~
- ~~c) Existing shade trees within the greenbelt that have a minimum trunk diameter of four and one-half (4 ½) inches at six (6) inches above grade, are encouraged to be preserved. For each shade tree that is preserved within the greenbelt area, two (2) fewer trees are required to be planted within the applicable one hundred (100) feet.~~

4. Landscaping Installation and Maintenance

- a. Installation. All landscaping approved as part of the landscape plan portion of Development Plan approval shall be installed prior to the issuance of a Certificate of Occupancy. If it is not possible to install the required landscaping because of weather conditions, the property owner shall post a bond prior to the issuance of the certificate of occupancy for an amount equal to 125% of the total installed cost of the required landscaping.
- b. Maintenance. It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs, and other landscaping approved as part of the landscape plan portion of the development plan approval in accordance with the standards set by this Ordinance. This is to include but is not limited to, replacing dead plantings with identical varieties or a suitable substitute approved by the building commissioner, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, rank vegetation, and weeds.
- c. Changes after approval. See Section 8.5 of this Ordinance.
- d. Inspection. The building commissioner or his/her designee may visit any tract within the overlay district to inspect the landscaping and check it against the approved plan on file.

L. PARKING REQUIREMENTS

1. Parking Spaces required, and the dimensions of those parking spaces: See Section 8.12.
2. Landscaping Standards: See Subsection K, above.
3. Parking lots shall be designed to provide coordinated access to parking areas on adjoining tracts or parcels within the overlay district, ~~preferably via a~~

frontage road network. Sites utilizing front-loaded parking areas shall provide for continuous access across the rear of the site to adjoining tracts or parcels. Connection to parking areas on adjacent parcels may also be required by the plan commission. As part of the Development Plan submission, the petitioner shall provide a site circulation plan that illustrates to the plan commission how coordinated access will occur relative to the overall Jeff Gordon Boulevard / CR 275 E.

4. All parking areas and drives (including residential driveways) shall be paved with asphalt or concrete. Brick pavers or other decorative pavements may be used as accents in parking area design. Poured-in-place concrete curbs shall be used.
5. Parking within front yard setbacks shall be limited to a maximum of two (2) rows of the total required parking.

M. ACCESS TO INDIVIDUAL TRACTS

The purpose of this Section is to make the closing of all curb cuts along Jeff Gordon Boulevard / CR 275 E. possible by establishing a common access road to the rear parking lots of all tracts within the overlay district.

1. Frontage streets and common entrances shared by several properties and developments shall be encouraged and may be required at the discretion of the Plan Commission.
2. In those cases where tracts can be accessed via connection to a primary or secondary arterial street, local street, or adjoining parking lot, curb cuts shall not be established on Jeff Gordon Boulevard / CR 275 E.
3. The Plan Commission shall encourage maximum distances between curb cuts to Jeff Gordon Boulevard / CR 275 E.
4. Bicycle and pedestrian circulation to and through the site shall be coordinated with vehicular access, greenbelt design, and parking.
5. Access roads shall be designed to align with one another, where feasible.

N. OTHER REQUIREMENTS

1. Multi-Use Trail

A multi-use pathway shall be provided within the greenbelt along both sides of Jeff Gordon Boulevard / CR 275 E.

- a. The path shall be a minimum of 12 feet wide.
- b. The path shall be paved with asphalt, concrete, or decorative pavers.

- c. The path shall be designed and constructed in accordance with all applicable Federal and State Americans with Disabilities Act standards.
- d. The pathway shall be connected to existing or planned pathways to maximize opportunities for bicycle and pedestrian circulation throughout the corridor.

2. Trash Collection

Trash collection and recycling areas shall be enclosed and screened on all sides, with a minimum six (6) foot tall opaque wall. Trash collection and recycling areas shall be in the rear of all buildings.

3. Loading Areas

Loading areas and trash collection areas shall be permitted per the needs of the business establishments and shall be identified on the development plan. Loading spaces and overhead doors shall ~~face to the rear of all buildings. Should a loading space be located adjacent to or visible from a public right-of-way, or established on the side of a building through any circumstance, it shall be screened per Plan Commission approval~~ not face towards Jeff Gordon Boulevard / CR 275 E.

4. Emergency Access

All emergency access areas and facilities shall be shown on the site plan and reviewed by the Pittsboro Fire Chief.

5. Signs

A sign plan for the proposed development shall be submitted to the Plan Commission for its approval as part of the Development Plan application. Signs for each proposed use shall be uniform in character as to color and architectural design as approved by the Plan Commission.

6. Conforming Uses

A Site Development Plan shall be submitted to the Plan Commission for its approval when a legally established nonconforming use is changed to a conforming use and when either:

- a. Any new building is constructed; or
- b. Any existing building or site development (including addition of parking lot) is expanded by more than twenty five percent (25%).

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be enforced from and after its passage in accordance with Indiana law.

PASSED this _____ day of _____, 2022, by the TOWN COUNCIL of PITTSBORO, INDIANA, by a vote of _____ ayes and _____ nays.

Jarod Baker, President

William Majeske

Melodi Ingalls

Jay Thompson

Randy Price

ATTEST:

Shari L. Ping, Clerk Treasurer