

## **ORDINANCE NO. 2003-Z-\_\_**

### **AN ORDINANCE AMENDING THE CLARKSVILLE ZONING ORDINANCE ADDING THERETO THE VETERAN'S PARKWAY CORRIDOR ZONE**

The Clarksville Zoning Ordinance hereby amended by adding the following section:

#### **Section 2.15 Veteran's Parkway Corridor Zone (VPCZ)**

The VPCZ is intended to provide more development flexibility than is possible through the customary application of the Clarksville Zoning Ordinance or the Clarksville Subdivision Regulations. The VPCZ Ordinance recognizes the rapid changes in design and technology applicable to the building industry, and it is the intent of this ordinance to meet these changes in a manner that will be consistent with the best interests of the Town.

##### **2.15.1 Purpose of the Ordinance**

The purpose of the VPCZ is to achieve flexibility and incentives for the development of all permitted land uses in the jurisdiction of the Clarksville Plan Commission to serve the general neighborhood and town. While also producing a wider range of choices in satisfying the changing needs of the Town, it is the purpose and intent of this ordinance to accomplish the following:

1. Establish standards to ensure that large retail building development is compatible with the surrounding area and contributes to the unique community character of the Veterans Parkway Corridor and the Town of Clarksville.
2. Provide for the designation of parcels within the jurisdiction of the Clarksville Plan Commission particularly those that are part of the Veteran's Parkway Corridor Zone (VPCZ).
3. Specify uses or a range of uses permitted in the VPCZ.
4. Specify development standards and requirements in the VPCZ.
5. Specify plan documentation and supporting information required for consideration of development in the VPCZ.
6. Specify any limitations applicable to the VPCZ.
7. Establish procedures to govern and administer the VPCZ, including regulations, review considerations for approval and modifications to development in the VPCZ.
8. Provide a flexible alternative in accomplishing the purposes of the Clarksville Zoning Ordinance and Clarksville Subdivision Regulations.

##### **2.15.2 Permitted Uses**

Any residential, commercial, civic, entertainment, park, business or office use permitted by the Clarksville Zoning Ordinance may be permitted in a VPCZ provided such use meets the developmental standards and requirements set forth in this Ordinance.

### **2.15.3 Prohibited Uses**

Any permitted by right, special exception or contingent use in an I-1 or I-2 zone district.

### **2.15.4 Large Retail Building Standards**

The following standards shall be applied to large retail building of 16,000 square feet or larger.

#### **2.15.4.1 Facades and Exterior Walls:**

- 1) Facades or exterior walls exceeding 125 feet in length, as measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the façade or wall.
- 2) Street level façades that face public streets shall have arcades, display windows, intrigue areas, awnings and other such features as long as no less than 35 percent of the horizontal length of the ground floor façade.
- 3) Building façades shall include at least two of the following:
  - a. Color change
  - b. Texture change
  - c. Material change
  - d. Architectural or structural change that may include among other architectural or structural elements projecting ribs or offsets.
  - e. Other similar change in the façade meeting the intent and purpose of this ordinance.
- 4) Roof shall have parapets that conceal rooftop equipment such as HVAC units from public view. Parapet should not exceed one-third of a height of the supporting wall.

#### **2.15.4.2 Materials and Colors**

Materials and colors should be high-quality materials, including, but not limited to brick, stone, or stone and tinted/textured concrete masonry units.

#### **2.15.4.3 Entryways**

Entryways of large retail establishments should have clearly defined, highly visible customer entrances identified through the use of any of the following:

- 1) Canopies or porticos
- 2) Overhangs
- 3) Recesses/projections
- 4) Arcades
- 5) Raised cornice parapets over the door
- 6) Peaked roof forms
- 7) Arches
- 8) Outdoor patios
- 9) Display windows

- 10) Architectural details that are integrated into the building structure and design
- 11) Planters or wing walls that are incorporated into the landscape areas and/or places for sitting.

#### **2.15.4.4 Site Design and Relationship to Veterans Parkway Corridor**

- 1) Excluding movie theaters, all sides of a large retail building that directly faces and abuts public streets should include at least one customer entrance.
- 2) No more than 85 percent of the off street parking area for a lot, tract or area of land devoted to the large retail establishment shall be located between the front to sign of a large building and abutting streets.
- 3) The rear lot line shall not be less than 35 feet where the façade faces adjacent residential uses or of residential zone, and earthen berm, of sufficient height and containing adequate landscaping shall be provided.
- 4) The site design must provide direct connection and safe street crossings to adjacent land uses. This may be accomplished to the utilization of the network sidewalks and walkways.
- 5) In no instance shall sidewalk be less than 4 feet in width, however sidewalks of sufficient width to separate pedestrians from vehicular related elements such as regulatory signage, fire hydrants, etc. shall be provided and connected to the sidewalks along Veterans Parkway. Internal walkways and sidewalks shall be distinguished from driving surfaces to the use of low maintenance materials such as pavers; bricks are scored concrete in an effort to enhance safety and comfort as well as the aesthetics of the sidewalk.
- 6) In order to preserve the width of the sidewalk wheel stop shall be used at parking spaces or a vegetated area of sufficient width shall be provided to avoid the overhang of any part of a vehicle over a sidewalk.
- 7) Internal pedestrians walkways shall connect with the exterior sidewalks system connecting with the Veterans Parkway.
- 8) Lighting shall not cause a nuisance due to light trespass, spill or glare, or reflected glare, or visual discomfort. The Illuminating Engineering Society of North America [IESNA] are minimum and not a general recipe or “one size fits all” solution to lighting in the Veterans Parkway Corridor. Lighting shall not cause a nuisance due to light trespass, spill or glare or reflected glare or visual discomfort regardless of standards of the Illumination.
- 9) Electrical service to any structure shall be underground.
- 10) Signage shall be in conformance with Clarksville zoning ordinance section 2.13 unless otherwise approved in the development plan review.
- 11) Landscaping shall be in conformance with Clarksville zoning ordinance section 2.14 unless otherwise approved in the development plan review.
- 12) Noise levels shall be as follows: "daytime" for non-stationary sources means six (6) a.m. to eleven (11) p.m. and "night time" for non-stationary sources shall mean eleven (11) p.m. to six (6) a.m.; "daytime" for fixed sources shall mean seven (7) a.m. to nine (9) p.m. and "night time" for fixed sources shall mean nine (9) p.m. to seven (7) a.m. No public address systems shall be permitted

Zones	Time of Day	
	Daytime	Nighttime
Residential	72	62
Business	78	70

**2.15.5 Assurances**

The following assurances may be required for certain developments in the VPCZ.

1. The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Section A of Article IV of the Subdivision Regulations.
2. In conformance with Article IV Section B of the Clarksville Subdivision Regulations adequate provision shall be made for a private organization with legal and direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities jointly shared by such property owners if such facilities are a part of the VPCZ development, and, in such instance, legal assurances shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.
3. Common facilities, which are not dedicated to the public, shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

**2.15.6 Commitments**

Commitments can either restrict or mandate actions to be taken regarding a VPCZ development.

1. Commitments may be required by the Plan Commission as an ingredient for stability and longevity of the VPCZ plan, and may set forth in detail provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation. Said covenant provisions may include specific remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the entire Town, and in such event the Town shall take those remedial steps provided for in such provision.
2. The Plan Commission may require the recording of commitments for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes wherever necessary in conformity with the Land Use Plan of current adoption. Such commitments shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the commitments shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Plan Commission a modified detailed site plan for such land consistent with the approved Preliminary Planned Unit Development. Such modified detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an

entire VPCZ plan.

3. Commitments are binding on the owner of the parcel, subsequent owners of the parcel and any person who acquires an interest in the parcel.
4. Commitments may be enforced by the Plan Commission, Town Council or owners of property adjoining the VPCZ to a depth of two ownerships, but not exceeding six hundred sixty [660] feet from the perimeter of the VPCZ. The identity of the owners shall be determined from the Clark County Assessors office.
5. The Plan Commission has the perpetual right to modify or terminate commitments by decision of the Plan Commission at a public hearing so long as the VPCZ is in existence. Commitments shall automatically terminate upon a rezoning of the property to a different zoning classification.
6. The Plan Commission may require the recording of commitments for any other reasonable purpose, including but not limited to, imposing standards for development of property in the VPCZ. Such development plan may include, but are not limited to, requirements as to the following:
  - a) Total, parcel, tract, lot area.
  - b) Uses.
  - c) Floor area.
  - d) Lot area coverage.
  - e) Ratios of floor space to land area.
  - f) Area in which structures may be built (“Buildable area”).
  - g) Recreation or Open space.
  - h) Front, rear, and side yard setbacks.
  - i) Building separations.
  - j) Storm order management plan.
  - k) Height of structures.
  - l) Off-street parking and loading space locations.
  - m) Phasing of development, if any.
  - n) Outdoor lighting plan.
  - o) Signage plan.
  - p) Landscaping plan.
  - q) Other elements determined by the Plan Commission to be required. These may include, but not limited to, traffic impact.

### **2.15.7 District Development Plan**

An applicant for a building permit shall file a District Development Plan in compliance with Article 3.7.3 of the Clarksville Zoning Ordinance (pages 181-183) or any amendment to said ordinance concerning development plan requirements.

### **2.15.8 Improvement Location Permits**

The Building Commissioner shall not issue a Improvement Location Permit for a VPCZ development unless all requirements of this ordinance have been met by the applicant.

### **2.15.9 Design Guidelines**

Design guidelines are set forth in Appendix A of this Ordinance. These guidelines are intended to recommend certain aspects of development and design for structures and landscaping within the VPCZ.

SO ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

**TOWN COUNCIL FOR THE  
TOWN OF CLARKSVILLE, INDIANA**

**BY:**

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**JOHN H. MINTA, PRESIDENT**

**ATTEST:**

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**CLAY P. BAIRD, CLERK-TREASURER**