

Roll call
5-3

BEFORE THE COMMON COUNCIL FOR CITY OF JEFFERSONVILLE
STATE OF INDIANA

ORDINANCE NO. 2016-OR- 80

**AN ORDINANCE AMENDING PORTIONS OF THE ZONING ORDINANCE (2000-OR-61) TO
ALIGN WITH THE RECENTLY ADOPTED JEFFERSONVILLE COMPREHENSIVE PLAN
UPDATE (2015-OR-58).**

WHEREAS, the Common Council for the City of Jeffersonville ("Council") is the legislative body for the City of Jeffersonville ("City"); and

WHEREAS, the Common Council has the statutory authority to adopt ordinances to protect the health, safety, welfare, aesthetic appearance and orderly development of the community as set forth in Indiana Code subsection 36-1-3 (Article 1. General Provisions - Chapter 3. Home Rule); and

WHEREAS, the Common Council has the statutory authority to adopt ordinances promoting the public health, safety, comfort, morals, convenience, and general welfare of the community as set forth in Indiana Code subsection 36-7-4-601(b) (Article 7. Planning and Development - Chapter 4. Local Planning and Zoning); and

WHEREAS, the Director of Planning and Zoning has recommended such changes; and

WHEREAS, the changes are more consistent with the City's Comprehensive Plan; and

WHEREAS, the Jeffersonville Plan Commission held a public hearing on November 1, 2016 in accordance with I.C. 36-7-4-604, to review and make a recommendation to City Council for the establishment of such changes; and

WHEREAS, the Jeffersonville Plan Commission by a majority vote of its entire membership finds that the proposed changes should be made and that the proposed changes are in the interest of the public health, safety, comfort, convenience, and general welfare of the community;

NOW, THEREFORE, BE IT ORDAINED by the Common Council that the following amendments be made to the Zoning Ordinance:

- A. The "Downtown Residential Overlay District (DRO)" is adopted into Article Five: Overlay Districts as shown in Exhibit "A" (a copy of which is attached).
- B. The zoning map shall be revised to show the DRO as specified in Exhibit "B"; (a copy of which is attached).

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- C. Article 9 is amended to require a development plan for all new projects in the Downtown Residential Overlay District with specific requirements set forth in Exhibit "C" (a copy of which is attached).

This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SO ORDAINED this 21 day of November, 2016.

COMMON COUNCIL OF THE
CITY OF JEFFERSONVILLE, INDIANA

By: 
Matt Owen, President

ATTEST:

Vicki Conlin, Clerk

Presented by me as Clerk to the Mayor of City of Jeffersonville this 22
day of November, 2016.


Vicki Conlin, Clerk

This Ordinance approved and signed by me this 23 day of November, 2016.

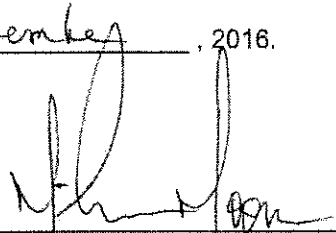

Mike Mobre, Mayor

EXHIBIT "A"
Downtown Residential Overlay (DRO) District

5.4 District Intent & Effect on Uses

<p>DRO; District Intent</p> <p>The Downtown Residential Overlay (DRO) District is intended to guide both new development and redevelopment activities as follows:</p> <ul style="list-style-type: none">• Support the vision and goals set forth in the comprehensive plan whereby the City:<ul style="list-style-type: none">○ Defines "itself through vibrant downtown living options" that "capitalize on improved access and economic potential of [the] Ohio River Bridges."○ Promotes "planned growth that results in distinct and deliberate development."○ Supports "the revitalization and environmental clean-up of areas with potential for infill development"○ Provides "a range of housing options and price ranges to attract a variety of residents"○ Promotes "economic development in targeted focus areas" such as the downtown• The district further intends to:<ul style="list-style-type: none">○ Encourage multifamily housing in the downtown core to utilize existing infrastructure and to provide an additional local customer base for existing and future downtown businesses○ Remove barriers that may otherwise deter residential development in the downtown area○ Build upon existing successful investments that have helped create a compact, walkable core and lively pedestrian environment in the downtown.○ Provide housing options for segments of the population (e.g. millennials, empty nesters, seniors) who are not interested in owning/maintaining a single family residence on the edge of the community○ Increase the number of residential units in the core of the city, thereby increasing property values and tax revenue.
<p>DRO; Applicability</p> <ul style="list-style-type: none">• Properties generally located around the Big Four Station, marina and Historic Spring Street as defined in the official zoning map.
<p>DRO; Effect on Uses</p> <p>Uses within the base zoning district are permitted throughout the Downtown Residential Overlay (DRO) District</p>

Downtown Residential Overlay District

Intent

- A. The intent of the Downtown Residential Overlay district is as follows:
- To allow for the creation of urban, infill housing in Jeffersonville's Downtown that is compatible with the surrounding Downtown Commercial (DC) Zoning;
 - To promote development of sufficient density to maximize the return on investment of recent projects in the Downtown area;
 - To promote high quality development that strengthens the quality of life and vibrancy of Downtown through design that contributes to the unique character, vibrancy and walkability of the area.
- B. The following information is required at the time of filing for development plan approval in this District.
- Detailed description of what is required on these plans is provide later in this Article
- Site Plan (see Section 9-11 for more information)
 - Building elevations (see Section 9-12 for more information)
 - Sign Plan (see Section 9-13 for more information)
 - Lighting Plan (see Section 9-14 for more information)
 - Landscape Plan (see Section 9-15 for more information)
 - Tree Preservation Plan – (see Section 9-16 for more information)

Building Form & Setbacks

- C. In order to receive development plan approval the applicant must satisfy all of the development standards of the given zoning district with the following modifications/exceptions:
- a. **Setbacks** - In order to maintain and enhance the pedestrian experience within the downtown area all new buildings shall comply with the following:
- i. All new construction shall be constructed with buildings at a zero-foot maximum setback and occupying at least 75% of the total street frontage and, where located on more than one street, no less than 50% of the street frontage on any one side of the building.
 1. Exception: Maximum Front Yard Setback may be increased to ten (10) feet when a design element enhances the use of public space, otherwise zero (0) feet. Design elements may include: oversized sidewalks; outdoor patio/seating area; pedestrian plaza with benches and/or flexible seating; bike racks or bike parking; or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Plan Commission, adequately enhances the development's community and public spaces. No drives or parking may be included in this additional maximum setback.
 - ii. Buildings located on Spring St. shall maintain a zero-foot maximum setback along 90% of the Spring St. face. Architectural details such as columns, pilasters, arcades, alcoves, recesses, etc, that give added depth at the street level may be provided so long as the predominant face of the building meets the setback requirements.
 - iii. Canopies or awnings may extend over any street-front property line a distance of four (4) feet.
 - iv. Setbacks for accessory structures shall be reduced to two (2) feet. Accessory structures shall be located adjacent to alleys or side lot lines and shall not be placed along street faces.

1. Exception: If on a corner lot and placed within 10' of a public street, accessory structures shall be constructed to meet the architectural standards for the primary building or be screened by an appropriate wall or fence.
 - v. New single family detached construction located between two existing residential units shall have a setback equal to the average of the two adjacent properties' setback.
- b. **Parking lot location** – Parking lots shall not be located in front of any building in the district nor at any street corner. All parking lots shall be located alongside or in the back of any structure. As with any development, off-street parking spaces shall not fully or partially be within a public right-of-way or utility easement.
- c. **Commercial Developments:** All commercial buildings within the district shall be a minimum of two (2) activated stories and include clear, operable windows, materials that are closely matching and not inferior to the first floor, and feature both trim and a building cornice.
- i. First floor heights are encouraged to match adjoining historic buildings (if any) and must be no less than fourteen (14) feet floor to floor where there are no other adjoining buildings.
 - ii. The second story is not required to be in active use at time of construction. However, the following is required: Developer will be required to submit a conceptual floor plan for the second story indicating its intended future use(s) and demonstrating its functionality and compliance with local building code(s). The first story must be structurally designed and constructed to support the proposed, future second story use. A “faux façade” may not be substituted for a second story.
 - iii. Parking requirements in the district shall be reduced by 50%. Developments may enter into a shared parking agreement with another existing parking lot owner in order to satisfy their parking requirements so long as doing so does not reduce the other property owners parking requirement below the 50% threshold.
- d. **Multiple-unit Residential developments or mixed-use residential/commercial developments** with less than 25% of space dedicated to commercial in any zoning classification shall conform to the development standards of the DC zoning classification with the following modifications:
- i. Ground floor retail development is not required except for properties with building faces on Spring Street.
 - ii. Minimum heights shall be 3 stories, although buildings shall “step-down” to two stories within 15' of any existing single family home on an R-3 property.
 - iii. Maximum structure height at all lot lines shall be 40', but buildings may “step-up” to 100' at a line 5' from any street or alley face and 20' from any side yard. When a new building directly shares a property line with an R-3 property the setback for additional height shall be 40'. All buildings with additional height shall have a strong visual cap or cornice that may project up to four (4) feet into this setback.
 - iv. Minimum floor areas per unit may be reduced to 500 square feet in a multiple-unit structure.
 - v. Parking requirements shall be reduced to 1.33 paved off-street parking spaces per dwelling unit. 50% of all required parking spaces must be in either an attached garage or detached garage. In addition, at least one visitor space must be provided for every ten (10) units. Visitor spaces may be provided in a paved lot or in a publicly accessible parking structure. Each space shall be at least nine (9) feet wide and eighteen (18) feet long although up to 30% of the required spaces dedicated to

residents can be reduced to eight (8) feet wide by sixteen (16) feet long and designated as "compact." If any portion of the building is used for a commercial enterprise, the parking requirements for the DC district as modified above shall be followed for that portion of the building.

Design Guidelines / Development Standards

- D. In addition to the general standards that apply to the building's respective zoning district, the following design guidelines apply to all developments in the overlay district.
- a. *Signage:* All signs must be designed to create a unified and consistent sign package for the development. All signs must be mounted to the building or a screen wall. Signs may not be constructed of materials that are inferior to the principal materials of the building or landscape.
 - b. *Outdoor Storage:* No un-screened outdoor storage is permitted.
 - c. *Mechanical Equipment:* All major mechanical equipment must be screened by vegetation, fencing, wall or a building feature (i.e. a parapet). Screening must eliminate the sight of major mechanical equipment from any publicly accessible spot within 400' of the equipment. Minor mechanical equipment such as utility meters and electrical panels shall be located on the back or side of any building and not located on any street face.
 - d. *Lighting:* All lighting must be designed to create a unified and consistent lighting package for the development. Lighting standards in parking areas may not exceed twenty (20) feet in height. All lighting shall be full cutoff or fully shielded fixtures and be consistent with the architectural style of the primary building.
 - e. *Traffic Management:* The design and location of proposed street access points shall minimize congestion and loss of on-street parking.
 - f. *Pedestrian Access:* The design of the proposed development must provide adequate pedestrian connections within the development. This includes sidewalks along all adjacent streets.
 - g. *Facades:* In order to add architectural interest and variety, promote quality design and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards apply:
 - i. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding ten (10) feet without including at least two (2) of the following: change in plane (recess or projection) greater than 1' in depth, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.
 - ii. For buildings located along street frontages, at least 40% of the street-level façade shall be comprised of windows, doors and other openings.
 - iii. The following materials are prohibited as exterior finishes throughout the district: vinyl siding, unfinished wood products and plywood.
 - iv. The quality and durability of building materials shall be emphasized at the street level. Low quality exterior products such as exterior insulation and finish systems and (EIFS), and sheet or architectural metal shall be prohibited. The second floor may utilize up to 25% of these materials and the third floor may utilize up to 50% of these materials. Materials such as brick, local stone and pre-cast concrete are highly encouraged in the overlay district.
 - v. Concrete masonry units (if used) must be split, split-rib or ground-faced; and must include color banding, changes in texture, or changes in size/shape of units for visual

- interest along the length of the wall. Concrete masonry shall be limited to a maximum of 33% of the building façade.
- vi. All buildings shall take cues from adjacent historical buildings and have a visual base/middle/cap design. The cap or cornice may project into any setback.
 - vii. The scale of facades of the building above the forty (40) foot height level shall be broken down by including at least one change in plane of at least three (3) percent of the length of the facade every fifty (50) feet.
- h. *Roofs*: In order to remain consistent with other downtown buildings, pitched roofs shall be limited to architectural details such as corner features, canopies, decorative window awnings, etc. unless they are visually hidden behind decorative parapets.
 - i. *Roof materials*: in order to reduce the heat-island affect in the downtown area, all roofs must be documented to meet or exceed the U.S. Green Building Council's LEED standards for cool roofing.
 - j. *Service Areas*: No loading docks or trash collection bins may be placed on or along the street frontage of any building.
 - k. *Entrances*: All principal entrances along street frontages shall be clearly defined, highly visible and well lit. Entrances should feature at least two (2) of the following:
 - i. Canopies, awnings or porticos,
 - ii. Recesses/projections,
 - iii. Arched openings / Arcades,
 - iv. Pitched roof forms,
 - v. Display windows, or
 - vi. Architectural details such as tile work, art-glass, sculpture, and moldings which are integrated into the building structure and design.
 - l. *Landscaping*: The landscape standards set forth in the DC district shall apply for all developments within the overlay district. With the following additional provisions
 - i. All trees placed along a street must be placed in a minimum 5'x5' tree well with tree grate or a landscaped median strip between the sidewalk and curb that is a minimum of 4' wide between curb and sidewalk.
 - ii. Trees placed elsewhere on site shall have at least 24 square feet of pervious surface at their base or be placed in an irrigated tree well
 - iii. Screen walls shall be constructed out of high quality materials such as brick, native stone, precast concrete, custom-designed and finished wood panels, etc. The use of chainlink, open wire, razor wire, barbed wire, corrugated metal, bright colored plastic, unfinished concrete block (CMU) or prefabricated wood or vinyl fences is not permitted.
 - iv. Where a new wall or fence would create a continuous surface greater than 20 feet in length, it shall be softened visually with pilasters, a change in materials, a change in plane greater than 5% of the length of the wall and/or with trees, shrubs or vine plantings.

Approval

- E. The Plan commission must make written findings concerning each decision to approve or disapprove a development plan. To approve a development plan in the district, the Plan Commission must find that the proposed development plan:
 - a. Is consistent with the Comprehensive Plan;
 - b. Is consistent with the intent of the Downtown Residential Overlay District; and
 - c. Satisfies the development requirements specified in this Article.

Exhibit B – Downtown Residential Overlay District Map

