

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 22-18

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP ADOPTED BY
REFERENCE IN UNIFIED DEVELOPMENT ORDINANCE NO. 20-29 (PROPOSED
REZONING OF APPROXIMATELY 16 ACRES LOCATED AT 374 N. EMERSON
AVENUE**

WHEREAS, the Greenwood Advisory Plan Commission (hereinafter, "Commission") conducted a public hearing on the petition for the rezoning of approximately 16.383 acres of land located at 374 Emerson Avenue within the corporate boundaries of the City of Greenwood, from the current zoning of IL – Industrial Large Format Zone to RMC – Residential Multi-Unit Complex Zone, to allow for the development of an apartment community comprised of twenty-two (22) two-story residential buildings, a one-story clubhouse building, and a swimming pool, dog park, mail kiosk, small maintenance building with dog wash, and trash compactor enclosure amenities for residents;

WHEREAS, the Commission requested, and the Owner agreed to, the following commitments regarding the use and development of said real estate:

1. Multi-Unit Complex buildings shall be no greater than two (2) stories
2. Coordination and approval from Federal Aviation Administration ("FAA") addressing all concerns or issues.
3. All detention must be dry or located underground.
4. Place a large bufferyard against the north, west and south property line.
5. The following improvements to be incorporated and addressed during plan review:
 - A. The City Engineer may determine accel/decel lanes are necessary based off the Traffic Study. Emerson Avenue improvement shall include milling and resurfacing all through lanes within the limits of the accel/decel or alternate design as approved by the City Engineer.
 - B. The City Engineer may determine that improvements at the intersection entrances are required.
 - C. The applicant shall address and correct all plan review comments during plan review.
 - D. All improvements will be performed in accordance with the Technical Review Committee.
 - E. Internal private roads will need to meet City standards.
6. Landscaping of the site shall comply with the following requirements unless a waiver is granted by the Plan Commission for the corresponding UDO requirement:
 - A. Applicability

The standards of this section shall apply to new development and expansions greater than 20%, as described below:

 1. Expansion of a structure or use beyond 20% requires that the entire site must be compliant with the standards herein;
 2. If the expansion is less than 20%, then only the expanded part of the use, building or site must be compliant with these standards; and
 3. If only the site, and not the use or building, is expanded by more than 20%, then only the site must be compliant with these standards.
 - B. Enforcement

Failure to implement the approved landscape plan shall constitute a violation of the Greenwood Unified Development Ordinance.
 - C. Maintenance

All landscaping shall be maintained in accordance with the approved landscape plan with landscaped areas maintained with plantings in good health, and free of refuse or debris.
 - D. Vegetation

All proposed plant material shall be:

 1. Included on the Greenwood Planting Guide kept on file at the Department of Planning and Buildings, as approved by the Plan Commission;
 2. All plants must be non-invasive species;
 3. Not more than 30% of any single plant genus; and
 4. Living, disease free, undamaged, and free of material defects.
 - E. Mature Tree and Plant Conservation

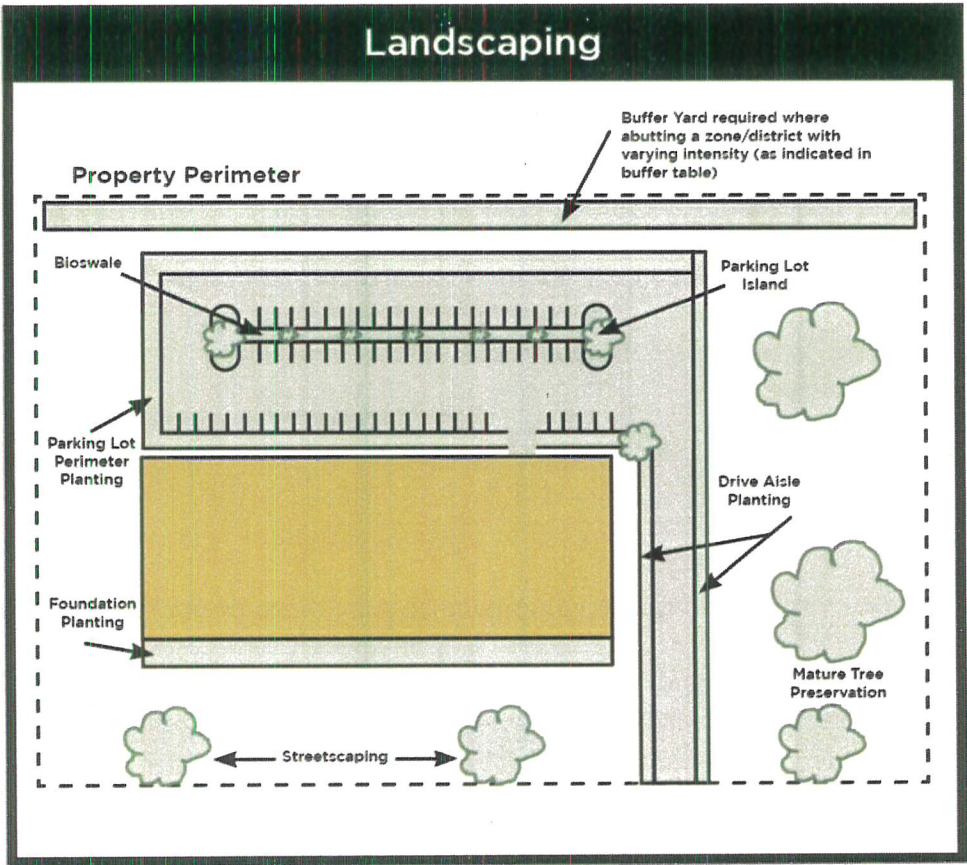
The preservation of plants and trees that exist on a site shall count toward the requirements of this Ordinance, provided that:

- 1. Existing preserved trees must be greater than 6 inches in caliper measured diameter;
- 2. Existing vegetation is clearly indicated on the landscaping plan;
- 3. Existing vegetation is not an invasive species; and
- 4. Existing vegetation is in good health or can reasonably be brought into good health.

F. Types of Landscaping

The following types of landscaping described in this section are illustrated in the graphic below.

- 1. Mature Tree Preservation
- 2. Foundation Planting
- 3. Parking Lot Perimeter Planting, Parking Lot Islands, Drive Aisle Planting
- 4. Streetscaping
- 5. Buffering



G. Foundation Plantings

Foundation landscaping shall be provided as per the property groupings listed below:

Standard	Single-family residential properties and duplexes	Multi-family properties	Commercial properties under 25,000 sf of GFA and institutional properties	Industrial Properties, and any commercial property over 25,000 sf of GFA
Front Yard Landscaping	Planting strip with minimum width of three (3) feet along the full length of the foundation facing a street.	Planting strip with minimum width of five (5) feet along the full length of the foundation facing a street.	Planting strip with minimum width of 10 feet along the full-length of the foundation facing a street.*	Planting strip with minimum width of 15 feet along the full length of the foundation facing a street.*

Type of Planting	Five small shrubs and one shade tree per street frontage.	Shrubs, flowers, long grasses, shade or evergreen trees at the recommended spacing by plant type. Spacing distance for plantings may not be greater than the recommended spacing by plant type.	Shrubs, flowers, long grasses, shade/ evergreen trees at the recommended spacing by plant type. Spacing distance for plantings may not be greater than the recommended spacing by plant type.	Shade, ornamental and/or evergreen trees are required at one (1) per 40 feet of linear foundation length facing the front street. Shrubs, grasses, and flowers may be interspersed at the recommended spacing by plant type. Spacing distance for plantings may not be greater than the recommended spacing by plant type.
	*If a decorative masonry wall is erected, the planting strip may be decreased to four (4) feet in width.			
	Old Town development where the structure physically abuts the public sidewalks shall be exempt from the foundation landscape requirement.			

H. Streetscaping

Street trees shall be planted at a rate of one tree per 40 linear feet of frontage. Trees shall be planted in the front yard no closer than three feet from the curb or edge of the right-of-way, or if there is a sidewalk then three feet on the sidewalk opposite the street, as the case may be. Tree plantings shall not be placed in the visibility triangle located at an intersection. Street trees may be spaced 30-60 feet apart depending on site conditions provided the spacing averages to one tree per 40 feet of curb line adjacent to the subject properties.

I. Buffering

A landscaped buffer shall be required where districts and zones abut to mitigate the impact of adjacent uses that vary in intensity. Buffer yards shall be categorized as Small, Medium, or Large; the standards for each buffer yard are listed in the table below.

Buffer Yards	Small	Medium	Large
Width (min)	20’*	30’	40’
Canopy or Evergreen Trees (min per 100’)	3	4	5
Ornamental Trees (min per 100’)	2	3	4
Shrubs (min per 100’)	10	15	20
*Where a residential subdivision is being established, a perimeter buffer yard 20 feet in width must be planted along all thoroughfares which abut the subdivision, irrespective of whether front, side or rear yards abut the thoroughfare, and provide access to the subdivision. All such buffers shall be located within common areas and not on an individual lot or lots.			
Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet of contiguous boundary with the conflicting district, zone or use.			
Undulating mounds or berms maybe substituted for a perimeter buffer yards. Mounds or berms shall be a minimum height of six (6) feet, a minimum crown width of two (2) feet, and a side slope not greater than three (3) feet horizontal to one (1) foot vertical. Mounds or berms shall be planted and covered with live vegetation. One tree must be planted on the berm for every 40 feet in length.			
For the Medium and Large buffer yards, the erection of a high-quality fence made of wood or masonry six (6) feet in height as measured from the nearest visible street or adjacent property shall reduce the required buffer yard by 10 feet. Landscape must be installed on the outward side of the fence.			
Buffers shall be located along the outer perimeter of the lot, parallel to and extending along 100% of the shared lot lines, except the lot line abutting the right-of-way.			
If the difference in GFA between a minor commercial use and a major commercial use is less than 10,000 sf of GFA, then a buffer yard is not required.			

The small, medium and large buffering as described above shall be applied at the perimeter of properties that abut a different district or zone. The buffer yard is the responsibility of the developing use, and shall be applied as per the matrix below:

District or Zone Where Developing Use is Located*						
Adjoining District or Zone		RL/RM/RA/OTR	RMC/RMH	CS/OT	CM/CL/IC	IM/IL
	RL/RM/RA/OTR		Small	Small	Large	Large
	RMC/RMH	Small		Small	Medium	Large
	CS/OT	Small	Small		Medium	Large
	CM/CL/IC	Medium	Medium	Medium		Large
	IM/IL	Large	Large	Large	Large	

J. Parking Lot Landscaping:

1. Off-Street Parking Islands

- Within off-street parking lots, a landscaped interior island must be provided every 14 parking spaces and islands must be distributed evenly throughout the parking area.
- Interior islands may be consolidated, or intervals may be expanded in order to preserve existing trees.
- An interior island must be a minimum of 10 feet in width and 180 square feet in area.
- Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.
- All interior islands must contain at least one tree with a minimum diameter of 4 inches.
- Islands are not required to utilize curbs. If desired, roll or stand up curbs may be utilized not exceeding four (4) inches in height.
- Bioswales that include tree plantings may be provided between parking rows in lieu of parking islands so long as 10% of the parking lot is landscaped. Bioswales must contain one shade tree per 40 lineal feet of bioswales.
- For parking lots exclusively serving semi-trucks and trailers, interior islands and any bioswales may be situated along the perimeter of the parking lot; In such instances the islands and bioswales shall be in addition to any applicable buffer requirements herein.
- No landscape interior islands must be included within two rows of parking directly adjacent to a loading dock so that trucks have adequate space to maneuver.

2. Perimeter Parking Lot Landscaping

- A minimum 5-foot wide, landscaped area with a continuous row of shrubs must be provided at the perimeter of the parking lot. Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 3 feet in height within 3 years of planting.
- Per 35 feet of lineal feet of planting, a minimum of one (1) tree and three (3) shrubs must be planted.
- The required 5-foot landscaped area may be reduced to 3 feet when a 3-foot high masonry wall, wrought iron or wood picket fence is erected.
- Beyond the 5-foot wide landscaped area, when abutting a major thoroughfare, an additional buffer area 10 feet in width must be given between the parking lot landscaping and the edge of the right-of-way.
- Drive aisles must also have perimeter plantings.
- Where parking lot perimeter landscape conflicts with tractor-trailer parking, alternate landscape placement may be approved by the Planning Director.

3. Perimeter Parking Garage Landscaping

- A minimum 5-foot wide, landscaped area with a continuous row of trees and shrubs must be provided at the perimeter of the parking garage. Shrubs must

be a minimum of 18 inches in height when planted and must reach a minimum size of 3 feet in height within 3 years of planting and trees must have a minimum trunk diameter of 2 1/2 inches at the time of planting. Trees and shrubs shall be planted at the minimum recommended plant spacing by genus.

- 4. Landscaping Site Constraints
 - a. Where landscaping site constraints exist and there is not sufficient space to provide all landscaping elements, reconfiguration is permitted only if the required number of vegetative units is provided, albeit in a reconfigured format approved by the Technical Review Committee.
- 7. The structures will comply with the following Multi-Family Residential Building Design Standards and no variance request from the standards will be filed with the City of Greenwood Board of Zoning Appeals:
 - A. Applicability and Purpose
 - 1. The building design standards herein are intended to promote high-quality, aesthetically consistent, but not homogenous or monotonous, design for the promotion of the durability and longevity of buildings and the preservation of property values in the City.
 - 2. The building design standards herein shall apply to all new development, in addition to expansion of an existing structure by an amount greater than or equal to 20% of the gross floor area.
 - 3. Allowed exterior materials are determined by building elevation. Additional design standards specific to certain building elevations and circumstances may also apply as set forth herein.
 - 4. These standards are in addition to the development standards applicable in each district and zone. Where there is a conflict between the development standards and these building design standards, the building design standards herein shall govern and control.
 - 5. Materials percentages stated herein are exclusive of window and door openings.
 - B. Multi-Family Residential Building Design Standards
 - 1. The following table sets forth required design standards for all new structures containing a multi-family use, all new additions to structures containing a multi-family use, and alterations to the front elevation of structures containing a multi-family use:

Multi-Family Residential Building Design Standards	
Feature	Standards
Front Elevation	<ul style="list-style-type: none">A. Front elevations shall be comprised of any one or any combination of the following materials: stone, brick, fiber cement siding, stucco, wood, engineered wood siding, pre-cast concrete, provided that a minimum of 50% of the front elevation shall be clad in mortared masonry.B. The front elevation shall comply with the minimum transparency requirements of the district or zone in which it is located.C. In any event, pre-cast concrete panels shall not exceed an area more than 50% of the front elevation. However, precast panels may be utilized if clad to resemble mortared masonry.D. All columns, pilasters, and pillars on the front elevation shall be clad in stone, brick, or stucco.E. Metal cladding may be permitted on not more than 20% of the front elevation.F. Metal grills and thru-air units are not permitted on the front elevation.G. The front façade must articulate two (2) feet for every 50 feet of facade width.
Side Elevations	<ul style="list-style-type: none">A. Side elevations shall be comprised of a minimum 50% stone, brick, fiber cement siding, engineered wood siding, or stucco, and any remaining portion may be a durable, synthetic material designed and rated for building exteriors.B. The total transparency of each side elevation shall be at least 20%
Rear Elevation	<ul style="list-style-type: none">A. Rear elevations shall be comprised of a minimum 50% stone, brick, fiber cement siding, engineered wood siding, or stucco, and any remaining portion may be clad in a durable, synthetic material design and rated for building exteriors.

Multi-Family Residential Building Design Standards	
Feature	Standards
Trim	A. All trim on all building elevations shall be clad in painted wood, engineered wood, or fiber cement.
Eaves/Roof Overhangs	A. Eaves and roof overhangs shall be a minimum of 12 inches from any exterior surface on all elevations. B. Gutters shall not count toward this requirement.
Foundation	A. Foundations shall be a minimum of four (4) inches exposed or such greater amount as required by the Indiana Building Code.
Window Profiles	A. Windows shall not be flush with exterior walls. B. Glass shall be inset from the exterior wall and/or frame surface to add relief to the wall surface. C. Bay windows or other windows designed to protrude beyond the exterior wall surface are permitted.
Mechanical Equipment	A. All mechanical equipment located on the ground must be screened in the same manner as a dumpster. Rooftop mechanical equipment shall not be visible; the visibility of rooftop mechanical equipment shall be measured from the opposite right-of-way or at the adjacent property line when not on right of way, 20 feet off of the ground.

8. Concept Plan:
A. Buildings identified as RMC shall follow the following development standards:

The Residential Multi-Unit Complex (“RMC”) zone provides for areas of the City devoted to multi-unit buildings, attached single-family dwellings, and duplexes, arranged and operating as a complex. The RMC zone includes other complimentary principal and accessory uses by right and as special exceptions. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

RMC STANDARDS	Minimum	Maximum
Lot Size (acres)	4 acres	N/A
Lot Width (Ft.)	300	N/A
Units per Acre	N/A	30
Front Yard Setback (Ft.)	20	N/A
Side Yard Setback (Ft.)	20 for each side yard	N/A
Rear Yard Setback (Ft.)	20	N/A
Building Height (Ft.)	30	80
Residential Unit Size (Sq. Ft.)	700	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	70
Accessory Building Location	N/A	N/A
Accessory Building Height (Ft.)	N/A	20
Parking Location	Lot, Driveway or Garage	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

9. The following engineering concerns shall be addressed during design:
 - A. All drainage detention/ runoff rates/ water quality to be per the latest Greenwood Stormwater Technical Manual.
 - B. Guardrails will be required around all detention facilities near roadways and the ends wrapped around the radii as follows:
 1. Vehicular traffic shall be protected from bodies of water on both public and private property and from topographic or geologic hazards, including, but not necessarily limited to, streams, lakes, detention ponds, ditches, ravines, rock outcrops, hillsides, or walls by one of the following:
 - a. "W" Beam guardrail to be installed per Indiana Department of Transportation specifications.
 - b. Steel Backed Timber Guardrail per U.S. Department of Transportation Federal Highway Administration Federal Lands Highway Office Standards listed in Section 617 of the Federal Highway Administration Website or approved equal as supplied by the Cor-Tenn Company of Knoxville, Tennessee.
 - c. Mounding of Dirt at least eight (8) feet in height with maximum slopes of 3:1.
 - C. Access Easements (common areas) to be required to all detention facilities from roadways for easy access for future maintenance
 - D. Water quality structures are to be within 10' to 15' of hard surface pavement to allow for easier maintenance/ cleaning in the future
 - E. Sidewalks/ pathways along all public road frontages shall be constructed in accordance with the following requirements:
 1. Sidewalks shall be labeled upon the improvement plans and installed by the developer in subdivisions, as follows:
 - a. Sidewalks shall be installed in all residential subdivisions, according to the following:

Residential Subdivisions	Required on Both Sides of Street	Required in Mid-Block	Required Along Existing Street Bordering Subdivision	Width (Min. Ft. Clear)	Required Grass Strip Between Sidewalk and Curb	Curb Bump-Outs Required
Sidewalks	Yes	In Plan Commission discretion	In Plan Commission discretion	Residential Perimeter: 6 ft. Residential Internal: 5 ft. Commercial & Industrial: 6 ft. Trails: 10 ft. Old Town District Perimeter: 12 ft. Old Town Internal: 8 ft.	Yes	Yes, where on-street parking spaces are provided

or per adopted City master plan for Old Town District sidewalks

- b. The Plan Commission may waive the requirements of this sub-section in instances where a park, railroad, extreme topographical conditions or other unusual conditions make sidewalk and pathway installation difficult on both sides of the street.
 - c. Sidewalks and other pathways identified in the Comprehensive Plan shall take precedent over standard sidewalk widths and specifications. Where identified in the Plan, pathways shall be minimum ten (10) feet in width. The City Engineer may reduce the width of these pathways due to slope, grade, topography, or other restrictions encountered in the field.
 - d. All perimeter sidewalks shall be in the right-of-way.
 - e. Sidewalks shall connect to all building entrances from the front right-of-way.
2. Trail Systems.

All proposed subdivisions shall provide for trail systems at two levels:

 - a. Internal trail system within the subdivision to link common areas with the public sidewalk system and to link to perimeter or abutting regional trails; and
 - b. Regional trail systems that abut or traverse the subdivision in conformance with the Comprehensive Plan. Although easements across private property may be

- necessary in some instances, the preferred locations for trails are common areas, public rights-of-way, or easements abutting/paralleling such areas.
- c. All perimeter trails shall be in the right-of-way.
 - d. If there are existing culverts under either County or City jurisdiction – City has the right to require complete removal and replacement depending upon existing condition.
 - e. The City of Greenwood Engineering Division has the right to require additional items at the time of the plan commission process.
10. Should the Developer not close on the purchase the property within twelve (12) months of Greenwood Common Council adoption, the City of Greenwood may initiate a zone map change to revert the parcel back to Agricultural (AG) zoning.

WHEREAS, the Common Council requested, and the Owner agreed to, the following additional commitments regarding the use and development of said real estate:

1. Include a six foot (6') fence around the perimeter of the property.
2. Install an eight foot (8') landscaped berm on the south side of the property.
3. No vinyl may be used as construction material.

WHEREAS, the Commission, after paying reasonable regard to: 1) the Greenwood Comprehensive Plan, 2) the current conditions and the character of the current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the jurisdiction, and 5) responsible development and growth, made a **favorable recommendation (9-0)** regarding said changes in the zone map and certified the same to the Greenwood Common Council;

WHEREAS, the Greenwood Common Council has given notice of its intention to consider this matter; and

WHEREAS, the Greenwood Common Council has considered the recommendation of the Commission and paid reasonable regard to items 1 through 5 referred to above.

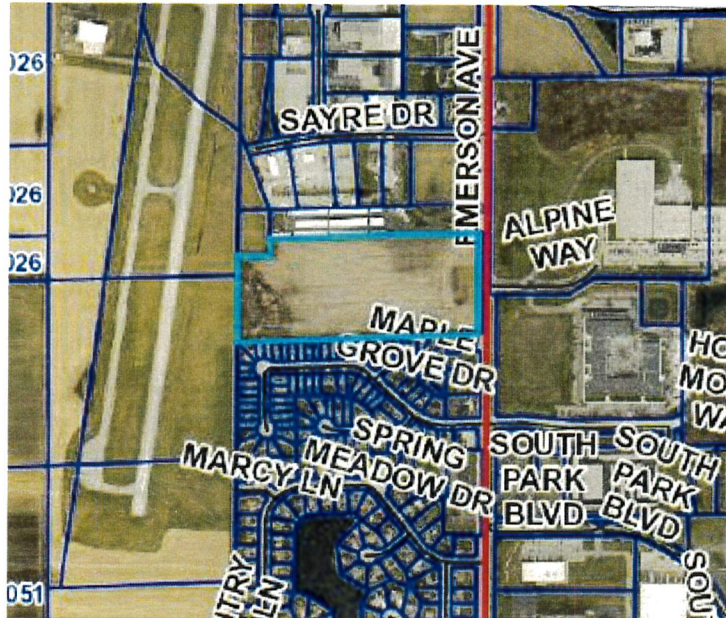
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. The Official Zoning Map referred to in Ordinance No. 20-29, Section 2, is amended to rezone the real estate described and shown below, from IL- Industrial Large Format Zone to RMC – Residential Multi-Unit Complex Zone:

Part of the Southeast Quarter of the Southeast Quarter of Section 28, Township 14 North, Range 4 East in Johnson County, Indiana, described as follows:

Commencing at the Northeast corner of said quarter, quarter section; thence South 02 degrees 02 minutes 19 seconds West 167.36 feet (on an assumed bearing) along the East line of said quarter, quarter section to the point of beginning; thence North 89 degrees 48 minutes 53 seconds West 1164.08 feet parallel with the North line to a point 165.00 feet East of the West line of said quarter, quarter section; thence South 02 degrees 07 minutes 02 seconds West 96.64 feet parallel with said West line; thence North 89 degrees 48 minutes 53 seconds West 165 feet parallel with said North line to a point on the West line of said quarter, quarter section; thence South 02 degrees 07 minutes 02 seconds West 462.52 feet along said West line to a point 636.67 feet North of the Southwest corner of said quarter, quarter section; thence North 89 degrees 19 minutes 08 seconds East 1330.65 feet to a point on the East line of said quarter, quarter section 632.23 feet North of the Southeast corner thereof; thence North 02 degrees 02 minutes 19 seconds East 539.00 feet to the point of beginning; containing 16.383 acres, more or less.

(For Reference Only) Property Address: 374 Emerson Avenue, Greenwood, IN 46143
(For Reference Only) Tax Parcel ID No.: 41-02-28-044-059.000-025



Section 2. The real estate shall be developed and used in conformance with the commitments set forth in the second and third “Whereas clauses” above.


Section 3. The Greenwood Plan Commission is hereby authorized to make the above described changes to the official zoning map of the City of Greenwood.

Section 4. This Ordinance shall have no effect as to changing any other provision of Ordinance No. 20-29, as amended, other than the Official Zoning Map referred to in Section 2 of said Ordinance.

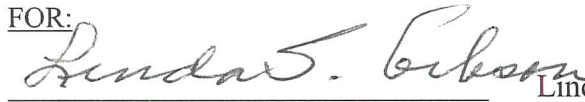
Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law, and after the above-described commitments are made by the owner and recorded in the chain of title of the above described real estate in the office of the Recorder of Johnson County, Indiana.


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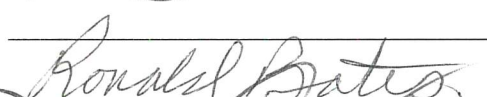
Passed by the Common Council of the City of Greenwood, Indiana, this 18th day of July, 2022.


Michael Campbell, President
Greenwood Common Council

FOR:


Linda S. Gibson


Ezra J. Hill


Michael Williams


Ronald Bates


J. David Hopper


David Lekse

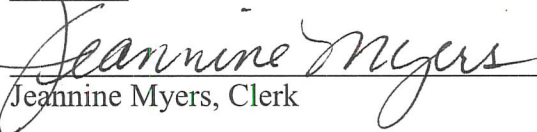

Michael Campbell


Bradley Pendleton

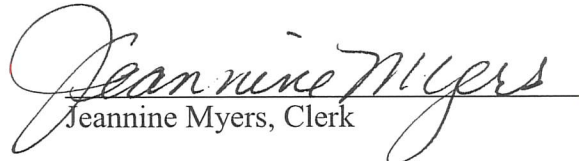

Andrew K. Foster

AGAINST:

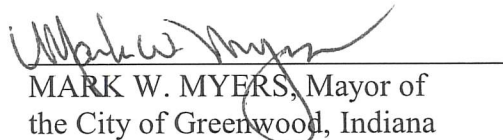
ATTEST:


Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 18th day of July, 2022, is presented by me this 25th day of July, 2022, at 12:30 O'Clock P.M., to the Mayor of the City of Greenwood, Indiana.


Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 18th day of July, 2022, is signed and approved by me this 25th day of July, 2022, at 2:30 O'Clock P.M.


MARK W. MYERS, Mayor of
the City of Greenwood, Indiana