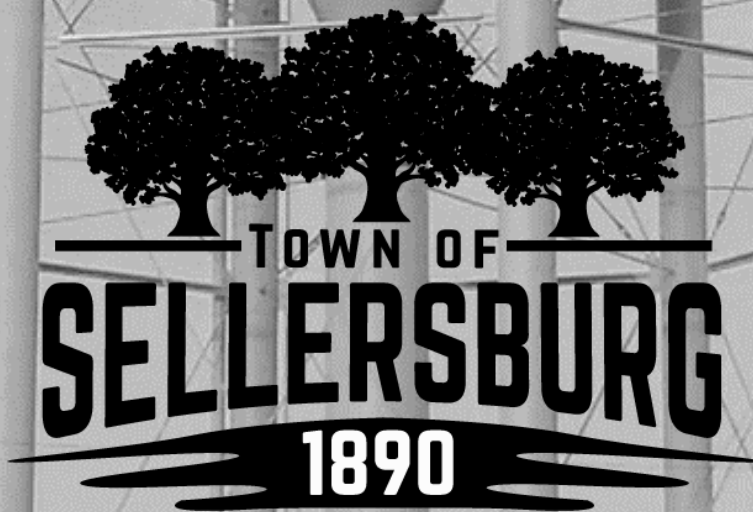


*Welcome to*  
**SELLERSBURG**



Effective Date:  
January 11, 2021

## ACKNOWLEDGEMENTS

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Randall Mobley, District 2  
Terry Langford, District 4  
Matthew Czarnecki, At Large District  
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# CHAPTER 1

## INTRODUCTORY PROVISIONS

- A. TITLE.** This ordinance shall be formally known as the “unified development ordinance,” or the “UDO” for the jurisdiction of the Sellersburg advisory plan commission.
- B. AUTHORITY.** This UDO is enacted by the town council pursuant to the authority granted in IC 36-7-4-600 series and other applicable state and federal statutes as amended from time-to-time.
- C. PURPOSE.** The purpose of this UDO is to combine the Zoning Ordinance and the Subdivision Control Ordinance into a single document in order to reduce redundancy and improve efficiency in the application of land development laws for the jurisdiction.
- 1. Subdivision Control Ordinance Provisions.** The regulations established for the administration of a Subdivision Control Ordinance under IC 36-7-4-700 series are covered specifically in this UDO by Chapters 5, 6, 7, and 10.
  - 2. Zoning Ordinance Provisions.** The regulations established for the administration of a Zoning Ordinance under IC-36-7-4-600 series are covered specifically in this UDO by Chapters 2, 3, 4, 8, 9, and 10.
- D. JURISDICTION.** This UDO shall apply to all land within the jurisdiction of the Sellersburg advisory plan commission.
- E. INTENT.** The intent of this UDO is to promote the public health, safety, morals and general welfare of the jurisdiction, and more specifically to:
- 1.** Accomplish the purposes of IC 36-7-4 series: Local Planning and Zoning; and further such other purposes as are stated hereinafter within specific provisions of this UDO;
  - 2.** Guide the orderly, responsible, and sustainable development and redevelopment in accordance with the Comprehensive Plan and all of its components;
  - 3.** Define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of this UDO;
  - 4.** Establish reasonable standards and procedures for subdivisions, in order to further the orderly layout and use of land;
  - 5.** Protect the character and stability of residential, institutional, business, industrial, farming, and natural areas;



6. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
7. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities;
8. Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this UDO.

**F. APPLICATION.** It is not intended by this UDO to interfere with, abrogate or amend any existing easements, covenants or other agreements between parties, nor is it intended by this UDO to repeal, abrogate, annul or in any way interfere with any existing provisions of laws or ordinances not specifically repealed by this UDO, or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises. This UDO shall not affect valid private covenants whose standards are above and beyond those of this UDO and which are not enforceable by the Plan Commission.

**G. OTHER REQUIREMENTS.** Nothing in this UDO shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the jurisdiction, the state, or federal agency.

**H. DEFINED TERMS.** Specific words and terms relative to this UDO are as defined in *Chapter 10: Definitions*. Words or terms used in this UDO that are not defined shall be as defined by a current dictionary.

**I. ADMINISTRATION.** The administrator shall have the primary responsibility of administering the UDO within the jurisdiction.

**J. SEVERABILITY.** If any provision or the application of any provision of this UDO is held unconstitutional or invalid by the courts, the remainder of the UDO or the application of such provision to other circumstances shall not be affected.

**K. STATUTORY CHANGES.** If any Indiana code cited in this UDO has been amended, this UDO shall be deemed amended in reference to the new or revised code.

**L. REPEALER.** The following titles of the participating jurisdictions are hereby repealed and are replaced by the adoption of this UDO and the Official Zoning Map:

1. Ordinance Number 374 (passed 4-19-83); Amended Ordinance Number 99-709 (passed 1-11-99); Amended Ordinance Number 2011-010 (passed 6-27-11) (Zoning Ordinance of Sellersburg, Indiana); and
2. Ordinance Number 2017-OR-029 (Subdivision Control Ordinance of Sellersburg, Indiana).

**M. TRANSITION POLICIES.** The following policies apply for applications and approvals that are in progress at the time of adoption of this UDO:

1. **Pending Applications.** Applications that are received and complete prior to the adoption of this UDO shall continue their respective process pursuant to the rules and provisions that were in place at the time of filing. This includes applications before the Town Council, the Plan Commission (PC), and the Board of Zoning Appeals (BZA) as well as applications for Improvement Location Permits (ILP).



- 2. Permits Issued.** A permit for an ILP that was issued prior to the adoption of this UDO shall remain valid for the timeframe and provisions established by the regulations that were in effect at the time of filing. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. All permits that have expired per the provisions established by the regulations that were in effect at the time of filing shall be required to be resubmitted and shall subject to the regulations established by this UDO.
  - 3. Subdivisions.** Because subdivisions are subject to two (2) phases of approval (primary plat and secondary plat), the following policies for transition apply:
    - a. **Primary Plat.** Any primary plat that was approved by regulations that were in place prior to the adoption of this UDO, that has not expired, and is otherwise still valid under said previous regulations, shall continue its respective process pursuant to the rules and provisions that were in place at the time of filing. If the previous provisions did not identify an expiration for primary plat approval and an application for secondary plat (all or in part) has not been received and completed within four (4) years of the adoption of this UDO, then said primary plat shall automatically expire four (4) years after the date of the adoption of this UDO.
    - b. **Secondary Plat.** As long as the approved primary plat for a subdivision remains valid and has not expired, the lot standards, structure standards, and utility standards that were in place at the time the primary plat was approved shall apply to the secondary plat (all or in part) included in the primary plat approval.
  - 4. Commitments or Conditions.** Commitments or conditions (whether recorded or not) that were made as part of an approval before the legislative body, PC, or BZA or part of an application for an ILP prior to the adoption of this UDO shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the applicable process outlined in *Chapter 8: Zoning Administration and Procedures* of this UDO and/or the applicable PC Rules and Procedures or BZA Rules and Procedures.
  - 5. Property Not Included.** Property that, for whatever reason, has not been specifically included within a district is hereby declared to be in the Low-Density Residential (R-1) (except for property designated as limited-access or interstate highway right-of-way).
- N. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage by the legislative body.





# CHAPTER 2 | ZONING DISTRICTS



## A. GENERAL PROVISIONS.

- Zoning Districts Identified.** The jurisdictional area is hereby classified and divided into the zoning districts outlined below.

NAME OF DISTRICT	ABBREVIATION
General Agriculture	AG
Low-density Residential	R1
Medium-density Residential	R2
Medium-density Multi-Family Residential	M1
High-density Multi-family Residential	M2
Neighborhood Business	B1
General Business	B2
Highway Business	B3
Downtown	DT
Downtown Neighborhood	DTN
Town Center	TC
Light Industrial	I1
Heavy Industrial	I2
Manufactured Home Park	MHP
Planned Unit Development	PUD



- 2. Overlay Districts Identified.** The following overlay districts outlined below have been established for the purpose identified.

NAME OF DISTRICT	ABBREVIATION
Gateway Overlay District	GO
Airport Overlay District	AO

- 3. Official Zoning Map.** The Official Zoning Map is a geographic coverage layer that is maintained as part of Sellersburg’s geographic information system (GIS) under the direction of the Administrator.
- District Boundaries.** The location and boundaries of the zoning districts are hereby established on a map entitled “Official Zoning Map,” as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this UDO by reference.
  - Interpretation of Boundaries.** All questions concerning the exact location of zoning district boundary lines shall be determined by the Administrator. An appeal of the Administrator’s interpretation may be filed with the BZA per *Chapter 8, Section D.1: Appeals Procedures*.
  - Zoning Map Production.** The Administrator may authorize printed copies of the Official Zoning Map to be produced, and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

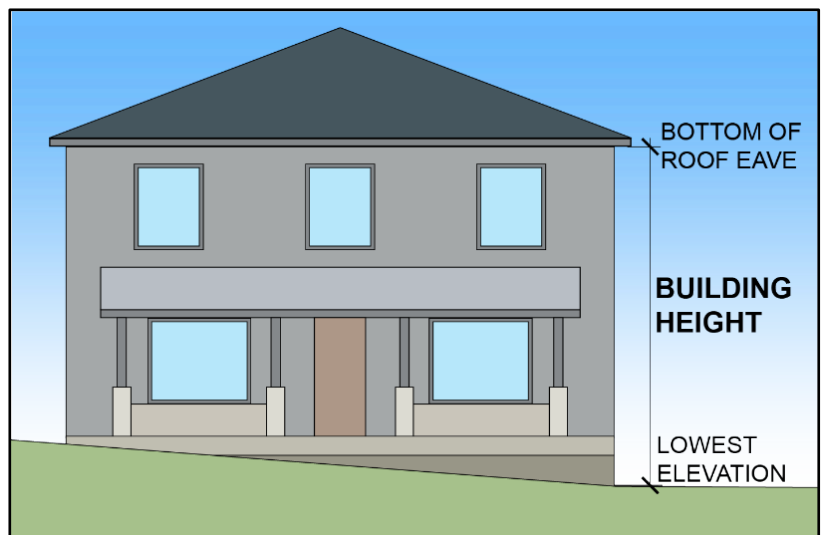
#### 4. Land Uses.

- Land Uses Listed.** The respective section for each zoning district and overlay district identifies the common land uses that are “permitted” or allowed by “special exception.” Any land use not listed for a particular zoning district (or not deemed sufficiently similar to a listed use as described in the process in *Chapter 2, Section A.5.b. Land Uses Not Listed*) shall be prohibited.
- Land Uses Not Listed.** For land uses not listed, the Administrator shall attempt to determine if the desired land use is similar to a listed land use.
  - Comparison to Listed Uses.**
    - Is the Unlisted Use Similar to a Listed Use?** If the desired land use is determined to be similar to a listed land use, the respective process and development standards for the similar use shall be followed, and is subject to BZA approval.
    - Is the Unlisted Use Not Similar to any Listed Uses?** If the Administrator determines that the desired land use is not similar to a listed land use, then the desired land use shall be prohibited.
    - Is there Uncertainty?** In the case of uncertainty or disagreement of classifying a land use, the Administrator may refer the request for land use clarification or classification to the BZA for consideration and final decision.
  - Criteria for Classifying Unlisted Land Uses.** To determine whether an unlisted land use is similar to a listed use, the Administrator or the BZA shall examine the proposed use by the following four (4) criteria:
    - Intensity.** Is the unlisted use similar in intensity and nature to a listed use? Land use intensities are related to the amount and type of activity a parcel hosts.

- (1) Residential, public, and office uses - intensity levels are tied to the number of people using a space.
  - (2) Commercial uses - intensity levels are tied to the gross commercial floor area associated with the primary structure, including hours of operation and anticipated customer volume.
  - (3) Industrial uses – intensity levels are related to the amount of noise, noxious exhaust, and public safety hazards generated on the site. In addition, the types of vehicles used, type of storage (indoor or outdoor), and hours of operation should be considered.
- (b) Character. Does the unlisted use have similar physical characteristics, structures, scale, operational hours, or other features similar to a listed use?
  - (c) Accessory Potential. If the unlisted use is similar to a listed accessory use, is it incidental to, necessary, and compatible with the permitted primary use?
  - (d) Intent. Is the unlisted use compatible with the purpose of the subject zoning district and consistent with the *Comprehensive Plan*?

**5. Development Standards.** The following development standards are generally interpreted as follows:

- a. Lot Width. Lot width is measured at the front building line.
- b. Minimum Front Yard Setback. The minimum front yard setback is measured from the right-of-way. In the event right-of-way does not exist, the front yard setback is measured from the edge of pavement. Note that a corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.
- c. Minimum Side Yard Setback. The minimum side yard setback is measured from the side property line. Note that a corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.
- d. Minimum Rear Yard Setback. Minimum rear yard setback is measured from the rear property line. Note that a corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.
- e. Building Height. The vertical distance measured from the lowest ground level adjacent to the building to the bottom of the eave. Building height does not include roof line, antennas, chimneys, or steeples.

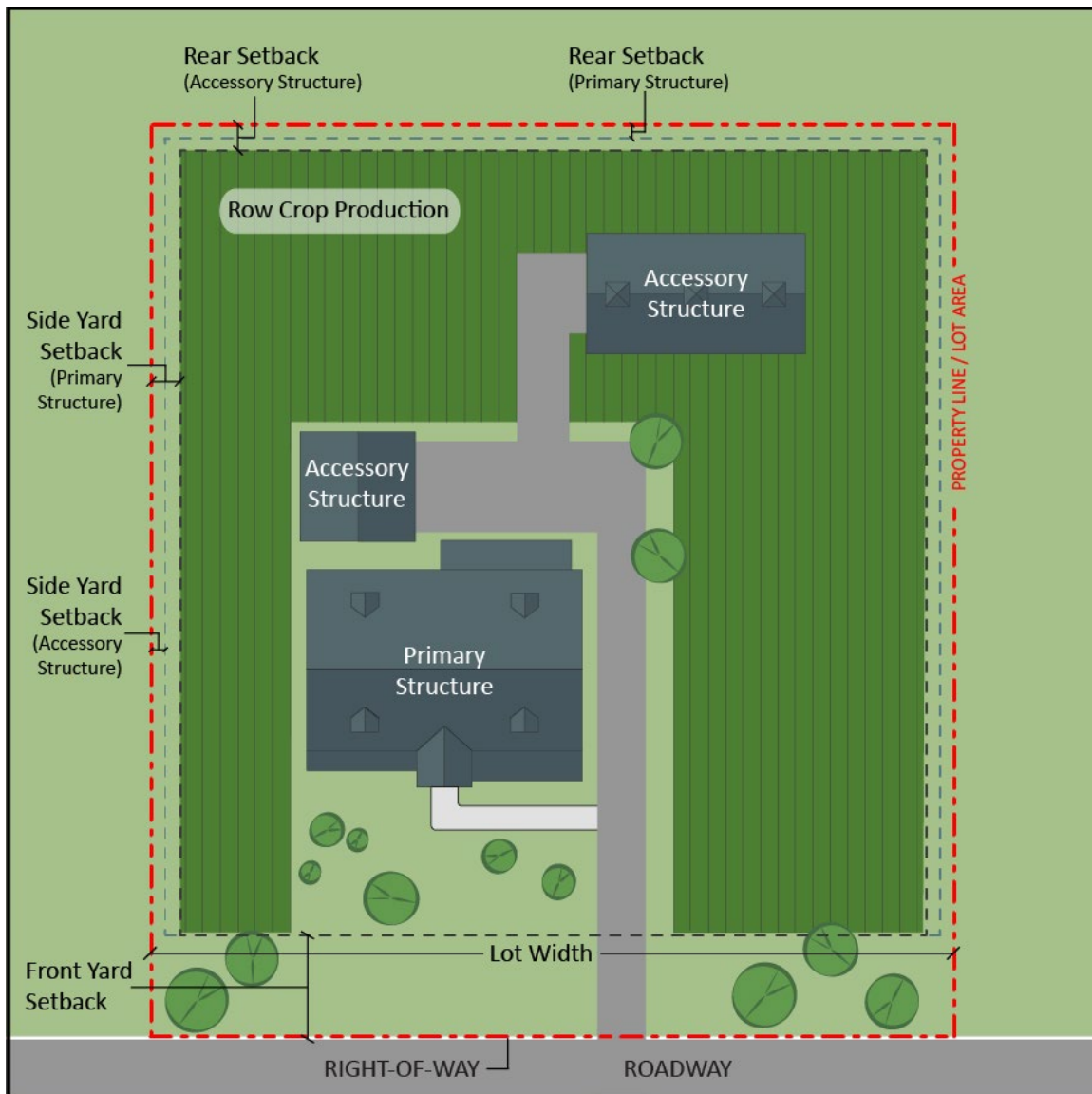


Building Height Measurement

**B. ZONING DISTRICTS.** Permitted Land Uses and Development Standards are included in this chapter for the following zoning types:



# 1. GENERAL AGRICULTURE DISTRICT (AG)



a. **Purpose.** The General Agriculture District (AG) is intended to provide for and protect substantial areas for a broad variety of agricultural uses where little or no urbanization has occurred or is planned to occur. Where possible, non-farm residential uses should be limited to provide for large areas of contiguous farm land.

- i. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section B.5: Exempt Subdivisions*).

Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) is required for all new primary structures except single-family and two-family residential.

**b. Uses & Development Standards.**

**PERMITTED USES – GENERAL AGRICULTURE DISTRICT (AG)**

**ACCESSORY USES**

- \*agritourism
- barn, agricultural or personal
- farm equipment repair
- farmers market
- hobby farm
- roadside produce stand
- solar energy system, personal
- wind energy conversion system (WECS), personal

**AGRICULTURAL USES**

- forestry
- grain elevator
- greenhouse
- livestock production (not requiring IDEM permit)
- orchard
- pasture
- plant nursery
- raising of livestock
- row crop production
- stable, private tree farm
- tree removal, clear cutting
- vineyard
- wildlife/nature preserve

**COMMERCIAL USES**

- equestrian facility
- solar energy facility, commercial

**INSTITUTIONAL USES**

- cemetery/columbaria/
- church or place of worship
- fire station/police station
- governmental offices
- mausoleum
- park, public
- utility facility, public and private

**RESIDENTIAL USES**

- dwelling, single-family

**SPECIAL EXCEPTION USES – GENERAL AGRICULTURE DISTRICT (AG)**

**ACCESSORY USES**

- child care home (in-home child care)
- \*dwelling, accessory
- farm equipment repair
- farmers market
- hobby farm
- roadside produce stand
- skeet/target shooting range, personal
- solar energy system, personal

**AGRICULTURAL USES**

- agricultural barn, personal
- meat processing
- wind energy conversion system (WECS), commercial wind farm

**COMMERCIAL USES**

- animal hospital
- bed and breakfast
- boat launch, public
- \*campground, private or public
- catering facility
- fairground
- farm equipment dealer/repair
- farm supply store
- golf course/driving range
- gun club, public and private
- kennel, public
- philanthropic institution
- recreational facility, public and private
- seed dealer
- \*short-term rental
- skeet/target shooting range, public and private
- \*special event facility
- winery/brewery/distillery

**INDUSTRIAL USES**

- farm chemical supply dealer
- sawmill
- timber processing

**INSTITUTIONAL USES**

- airport, public and private
- heliport
- library
- radio/TV tower
- school
- \*wireless communication facility

**RESIDENTIAL USES**

- \*home occupation

\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.





**DEVELOPMENT STANDARDS – GENERAL AGRICULTURE DISTRICT (AG)**

		Single-family Residential	Non-residential
<b>Structure Standards</b>			
Maximum height of structure	Primary structure	40 feet	50 feet <sup>1</sup>
	Accessory structure	30 feet	50 feet <sup>1</sup>
Minimum living area (per unit)		950 sqft	NA
<b>Lot Standards</b>			
Minimum lot width		100 feet	250 feet
Lot area	With sewer	12,000 sqft	N/A
	Without sewer <sup>2</sup>	40,000 sqft	40,000 sqft
	Uses that don't require sanitary facilities <sup>3</sup>	N/A	20,000 sqft
Minimum front yard setback	Primary structure	40 feet	50 feet
	Parking	N/A	25 feet
Minimum side yard setback	Primary structure	10 feet	20 feet
	Accessory structure	5 feet	10 feet
Minimum rear yard setback	Primary structure	10 feet	20 feet
	Accessory structure	5 feet	10 feet
Maximum impervious surface coverage		35%	75%
<b>Utility Standards</b>			
Municipal water and sewer required		no	no

*No structures can be within platted easement*

*1 - Permitted Uses & Special Exception Uses classified as Agricultural are exempt from this standard.*

*2 - Sufficient area shall be provided for a replacement sewage disposal system.*

*3 - As determined by the Clark County Health Department or available sanitary service provider as appropriate.*

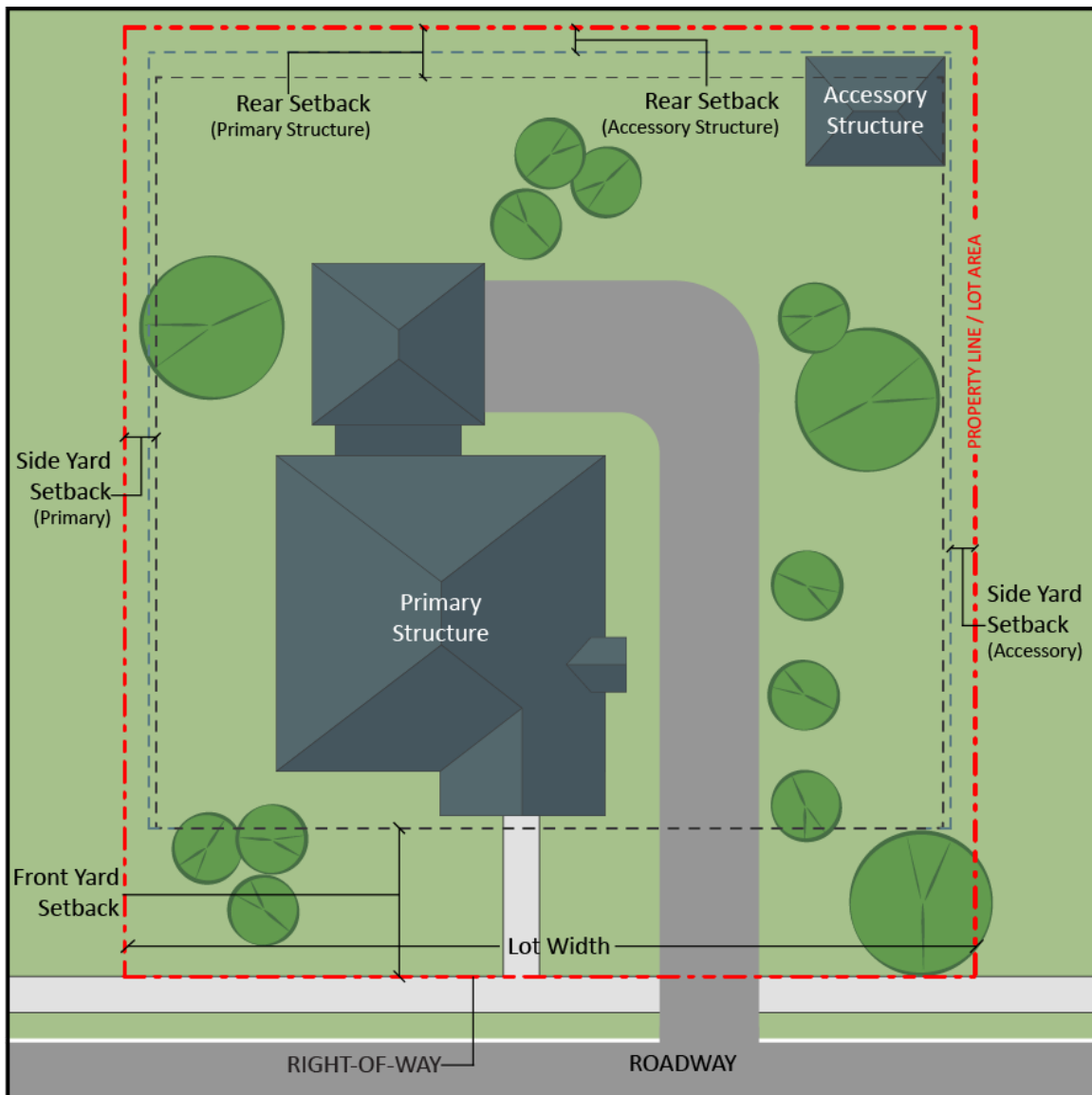
**c. Additional Site Development Standards.**

- i. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

**ADDITIONAL SITE DEVELOPMENT STANDARDS – GENERAL AGRICULTURE DISTRICT (AG)**

- Accessory Structure Standards. (See *Section B.1*)
- Bufferyard & Bufferyard Planting Standards. (See *Section B.3*)
- Driveway & Access Management Standards. (See *Section B.4*)
- Lighting Standards. (See *Section B.5*)
- Lot & Setback Standards. (See *Section B.6*)
- Parking & Loading Standards. (See *Section B.7*)
- Sign Standards. (See *Section B.9*)
- Storage Standards. (See *Section B.10*)
- Structure Standards. (See *Section B.11*)
- Trash Receptacle Standards (See *Section B.12*)

## 2. LOW-DENSITY RESIDENTIAL DISTRICT (R1)



- a. **Purpose.** The Low-Density Residential District (“R1”) is intended for areas of detached homes on larger lots and serves as a transition between suburban development and agricultural areas or open spaces. This area allows for a limited variety of housing, associated facilities, and services designed to meet the needs of residents in the immediate area.
- i. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section B.5: Exempt Subdivisions*).
  - ii. Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) is required for all new primary structures except single-family and two-family residential.

b. Uses & Development Standards.

PERMITTED USES – LOW-DENSITY RESIDENTIAL DISTRICT (R1)	
<b>INSTITUTIONAL USES</b> <ul style="list-style-type: none"> <li>▪ church or place of worship</li> <li>▪ park, public and private</li> </ul>	<b>RESIDENTIAL USES</b> <ul style="list-style-type: none"> <li>▪ dwelling, single family</li> </ul>
SPECIAL EXCEPTION USES – LOW-DENSITY RESIDENTIAL DISTRICT (R1)	
<b>INSTITUTIONAL USES</b> <ul style="list-style-type: none"> <li>▪ fire station</li> <li>▪ governmental offices</li> <li>▪ library</li> <li>▪ park, skate</li> <li>▪ school</li> <li>▪ utility facility, public and private</li> </ul>	<b>RESIDENTIAL USES</b> <ul style="list-style-type: none"> <li>▪ child care home (in-home child care)</li> <li>▪ *dwelling, accessory</li> <li>▪ *home occupation</li> <li>▪ *short-term rental</li> </ul>

\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.



**DEVELOPMENT STANDARDS – LOW-DENSITY RESIDENTIAL DISTRICT (R1)**

		Single-family Residential	Non-residential
<b>Structure Standards</b>			
Maximum height of structure	Primary structure	35 feet	35 feet
	Accessory structure <sup>1</sup>	20 feet	20 feet
Minimum living area (per unit)		950 sqft	N/A
<b>Lot Standards</b>			
Minimum lot width		60 feet	250 feet
Minimum lot area		7,200 sqft	N/A
Minimum front yard setback	Primary structure	30 feet or 20 feet in platted subdivision	50 feet
	Parking	N/A	25 feet
Minimum side yard setback	Primary structure	8 feet	50 feet
	Accessory structure	5 feet	5 feet
Minimum rear yard setback	Primary structure	10 feet	50 feet
	Accessory structure	5 feet	5 feet
Maximum impervious surface coverage		60%	60%
<b>Utility Standards</b>			
Municipal sewer and water required		yes	yes

*No structures can be within platted easement*

*1 - Accessory structure cannot exceed height of primary structure*

**c. Additional Site Development Standards.**

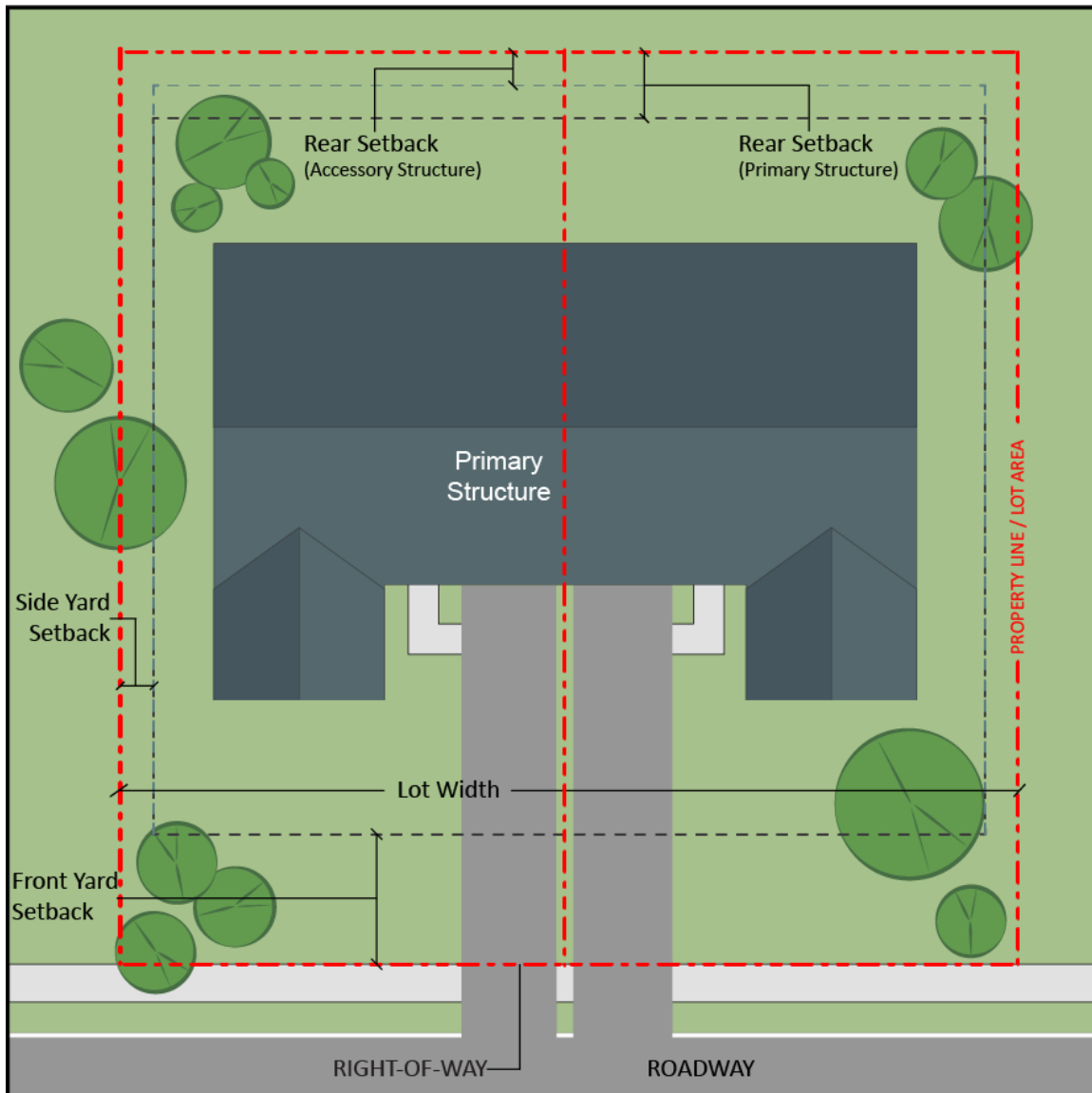
- i. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

**ADDITIONAL SITE DEVELOPMENT STANDARDS – LOW DENSITY RESIDENTIAL DISTRICT (R1)**

- Accessory Structure Standards. (See *Section B.1*)
- Bufferyard & Bufferyard Planting Standards. (See *Section B.3*)
- Driveway & Access Management Standards. (See *Section B.4*)
- Lighting Standards. (See *Section B.5*)
- Lot & Setback Standards. (See *Section B.6*)
- Parking & Loading Standards. (See *Section B.7*)
- Sign Standards. (See *Section B.9*)
- Storage Standards. (See *Section B.10*)
- Structure Standards. (See *Section B.11*)
- Trash Receptacle Standards (See *Section B.12*)



### 3. MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)



- a. **Purpose.** The Medium-density Residential District (“R2”) is intended to provide for the development of neighborhoods while ensuring compatibility with existing patterns of development. New development may contain mixed residential densities and lot sizes, varied single-family and two-family housing types, and non-residential services where supported by adjacent land use patterns. New development shall also contain a high level of street connectivity and be supported by adequate public services where possible.
- i. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section B.5: Exempt Subdivisions*).
  - ii. Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) is required for all new primary structures except single-family and two-family residential.

**b. Uses & Development Standards.**

<b>PERMITTED USES – MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)</b>	
<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>▪ church or place of worship</li> <li>▪ park, public and private</li> </ul>	<p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ dwelling, single-family</li> <li>▪ dwelling, two-family</li> </ul>
<b>SPECIAL EXCEPTION USES – MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)</b>	
<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ child care/day care center</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>▪ assisted living facility/extended care/nursing home</li> <li>▪ fire station</li> <li>▪ governmental offices</li> <li>▪ kindergarten/preschool</li> <li>▪ library</li> <li>▪ park, skate</li> <li>▪ school</li> <li>▪ utility facility, public and private</li> </ul>	<p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ child care home (in-home child care)</li> <li>▪ group home</li> <li>▪ *home occupation</li> <li>▪ *short-term rental</li> </ul>

*\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*



**DEVELOPMENT STANDARDS – MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)**

		Single-family and Two-family Residential	Non-residential
<b>Structure Standards</b>			
Maximum height of structure	Primary structure	35 feet	35 feet
	Accessory structure <sup>1</sup>	20 feet	20 feet
Minimum living area (per unit)	Single-family units	950 sqft	N/A
	Two-family units	750 sqft for 1 bedroom 850 sqft for 2 bedrooms 1,000 sqft for 3 or more bedrooms	N/A
<b>Lot Standards</b>			
Minimum lot width		40 feet	50 feet
Minimum lot area	Single-family units	4,000 sqft per unit	9,600 sqft
	Two-family units	2,000 sqft per unit	
Minimum front yard setback	Primary structure	20 feet	50 feet
	Parking	N/A	25 feet
Minimum side yard setback	Primary structure	5 feet; or 0 feet on one side if duplex	50 feet
	Accessory structure	5 feet	5 feet
Minimum rear yard setback	Primary structure	10 feet	50 feet
	Accessory structure	5 feet	5 feet
Maximum impervious surface coverage		70%	70%
<b>Utility Standards</b>			
Municipal sewer and water required		yes	yes

*No structures can be within platted easement*

*1- Accessory structure cannot exceed height of primary structure*

**c. Additional Site Development Standards.**

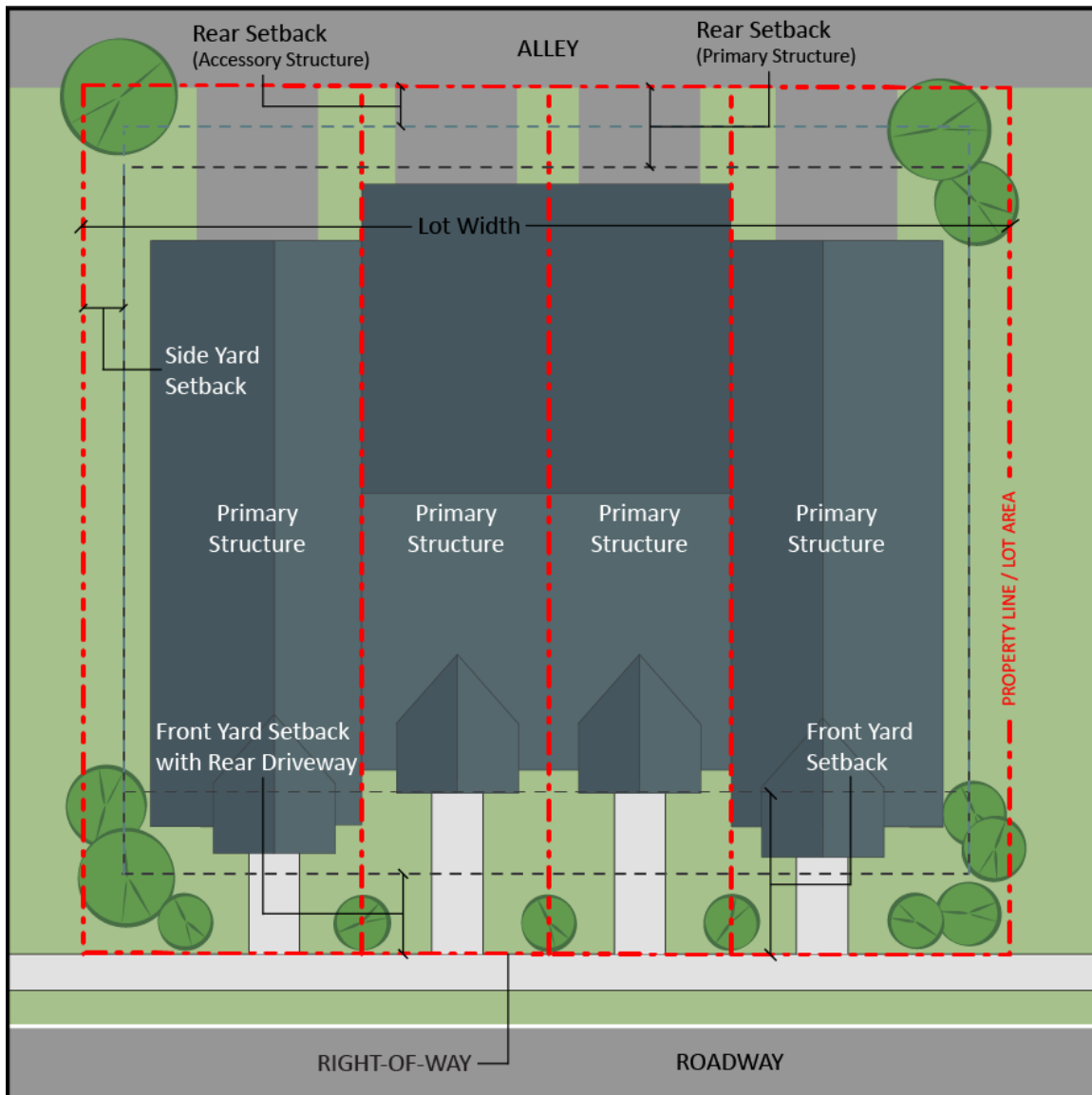
- i. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

**ADDITIONAL SITE DEVELOPMENT STANDARDS – MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)**

- Accessory Structure Standards. (See *Section B.1*)
- Bufferyard & Bufferyard Planting Standards. (See *Section B.3*)
- Driveway & Access Management Standards. (See *Section B.4*)
- Lighting Standards. (See *Section B.5*)
- Lot & Setback Standards. (See *Section B.6*)
- Parking & Loading Standards. (See *Section B.7*)
- Sign Standards. (See *Section B.9*)
- Storage Standards. (See *Section B.10*)
- Structure Standards. (See *Section B.11*)
- Trash Receptacle Standards (See *Section B.12*)



## 4. MEDIUM-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (M1)



- a. **Purpose.** The Medium-density Multi-Family Residential District (“M1”) is intended to provide for the development of neighborhoods while ensuring compatibility with existing patterns of development. New development is encouraged to contain mixed residential densities and lot sizes, varied single-family, two-family and attached single-family housing types, and non-residential services where supported by adjacent land use patterns. New development shall also contain a high level of street connectivity and be supported by adequate public services where possible.
- i. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section B.5: Exempt Subdivisions*).
  - ii. Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) is required for all new primary structures except single-family detached and two-family residential.

b. Uses & Development Standards.

PERMITTED USES – MEDIUM-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (M1)	
<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>▪ church or place of worship</li> <li>▪ park, public and private</li> </ul>	<p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ dwelling, single-family</li> <li>▪ dwelling, single-family attached</li> <li>▪ dwelling, two-family</li> </ul>
SPECIAL EXCEPTION USES – MEDIUM-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (M1)	
<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ *adult day care facility</li> <li>▪ child care/day care center</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>▪ assisted living facility/extended care/nursing home</li> <li>▪ fire station</li> <li>▪ governmental offices</li> <li>▪ kindergarten/preschool</li> <li>▪ library</li> <li>▪ park, skate</li> <li>▪ school</li> <li>▪ utility facility, public and private</li> </ul>	<p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ child care home (in-home child care)</li> <li>▪ *dwelling, multi-family</li> <li>▪ group home</li> <li>▪ *home occupation</li> <li>▪ *short-term rental</li> </ul>

\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.



**DEVELOPMENT STANDARDS – MEDIUM-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (M1)**

		Single-family	Two-family & Single-family Attached	Multi-family	Non-residential
<b>Structure Standards</b>					
Maximum height of structure	Primary structure	35 feet	35 feet	35 feet	60 feet
	Accessory structure <sup>1</sup>	20 feet	20 feet	20 feet	25 feet
Minimum living area (per unit)		950 sqft	750 sqft for 1 bedroom 850 sqft for 2 bedrooms 1,000 sqft for 3 or more bedrooms		N/A
<b>Lot Standards</b>					
Minimum lot width		30 feet	30 feet	N/A	100 feet
Minimum lot area		3,000 sqft	2,000 sqft per unit	2,000 sqft per unit	9,600 sqft
Minimum front yard setback	Primary structure	20 feet; or 10 feet in platted subdivision with rear driveway		20 feet	30 feet
	Parking	N/A	N/A	10 feet	15 feet
Minimum side yard setback	Primary structure	5 feet	5 feet (0 feet on side if duplex or attached)	5 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet	5 feet
Minimum rear yard setback	Primary structure	10 feet	10 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet	5 feet
Maximum impervious surface coverage		75%	75%	75%	75%
<b>Utility Standards</b>					
Municipal sewer and water required		yes	yes	yes	yes

*No structures can be within platted easement*

*1 - Accessory structure cannot exceed height of primary structure*



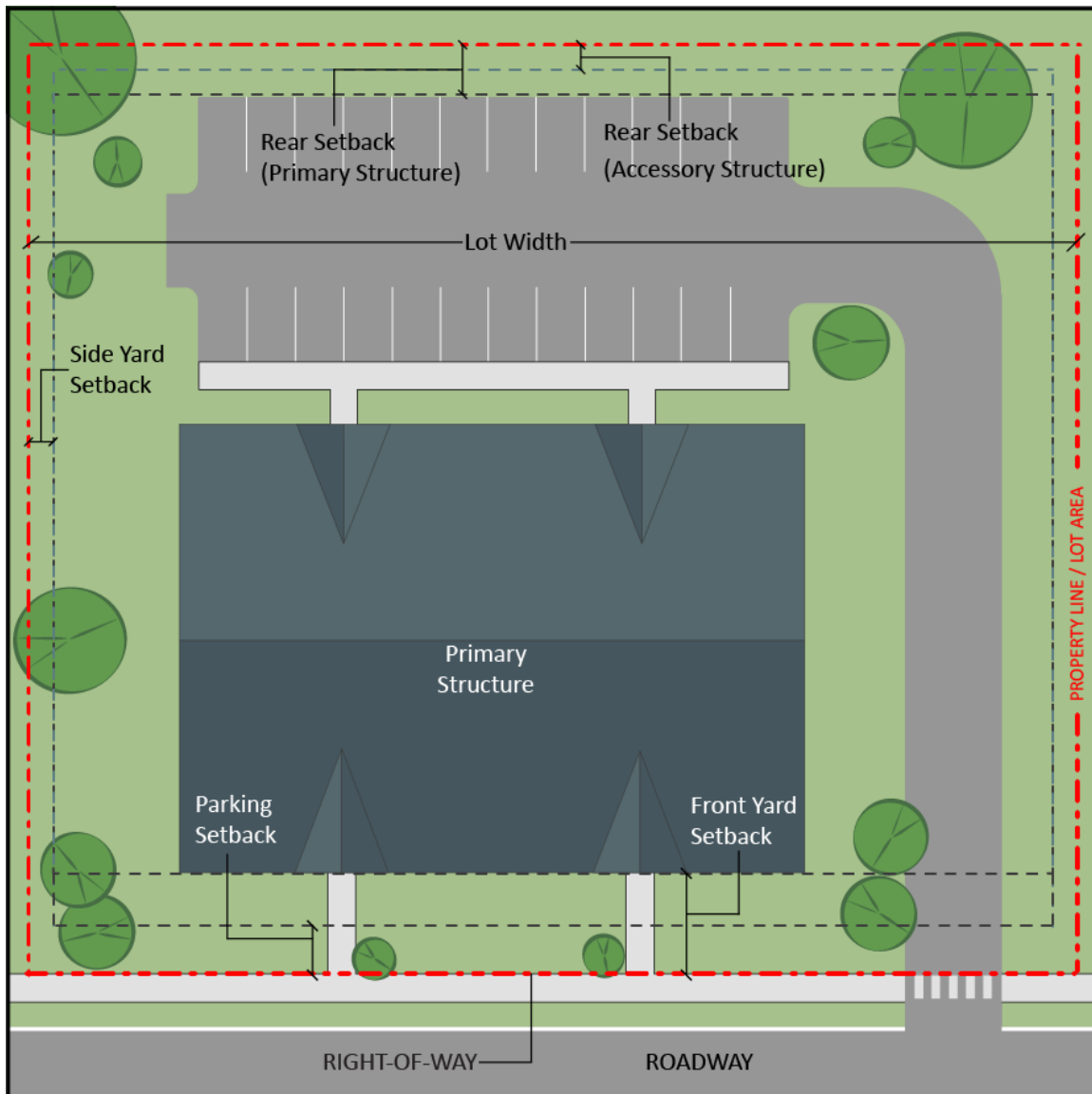
**c. Additional Site Development Standards**

- i. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

**ADDITIONAL SITE DEVELOPMENT STANDARDS – MEDIUM-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (M1)**

- Accessory Structure Standards. (See *Section B.1*)
- Bufferyard & Bufferyard Planting Standards. (See *Section B.3*)
- Driveway & Access Management Standards. (See *Section B.4*)
- Lighting Standards. (See *Section B.5*)
- Lot & Setback Standards. (See *Section B.6*)
- Parking & Loading Standards. (See *Section B.7*)
- Sign Standards. (See *Section B.9*)
- Storage Standards. (See *Section B.10*)
- Structure Standards. (See *Section B.11*)
- Trash Receptacle Standards (See *Section B.12*)

## 5. HIGH-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (M2)



- a. **Purpose.** The High-density Multi-Family Residential District (“M2”) is intended to provide for the development of neighborhoods while ensuring compatibility with existing patterns of development. New development is encouraged to contain mixed residential densities and lot sizes, varied single-family, two-family, attached single-family housing types, and multi-family, and non-residential services where supported by adjacent land use patterns. New development shall also contain a high level of street connectivity and be supported by adequate public services where possible.
- i. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section B.5: Exempt Subdivisions*).
  - ii. Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) is required for all new primary structures except single-family detached and two-family residential.

b. Uses & Development Standards.

**PERMITTED USES – HIGH-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (M2)**

**INSTITUTIONAL USES**

- church or place of worship
- park, public and private

**RESIDENTIAL USES**

- \*dwelling, multi-family
- dwelling, single-family
- dwelling, single-family attached
- dwelling, two-family
- group home

**SPECIAL EXCEPTION USES – HIGH-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (M2)**

**COMMERCIAL USES**

- \*adult day care facility
- child care/day care center

**INSTITUTIONAL USES**

- assisted living facility/extended care/nursing home
- fire station
- governmental offices
- kindergarten/preschool
- library
- park, skate
- school
- utility facility, public and private

**RESIDENTIAL USES**

- child care home (in-home child care)
- \*home occupation
- \*short-term rental

*\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*



**DEVELOPMENT STANDARDS – HIGH-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (M2)**

		Single-family	Two-family & Single-family Attached	Multi-family	Non-residential
<b>Structure Standards</b>					
Maximum height of structure	Primary structure	35 feet	35 feet	65 feet	60 feet
	Accessory structure <sup>1</sup>	20 feet	20 feet	20 feet	25 feet
Minimum living area (per unit)		950 sqft	750 sqft for 1 bedroom 850 sqft for 2 bedrooms 1,000 sqft for 3 or more bedrooms		N/A
<b>Lot Standards</b>					
Minimum lot width		30 feet	30 feet	N/A	100 feet
Minimum lot area		3,000 sqft	1,500 sqft per unit	1,500 sqft per unit	9,600 sqft
Minimum front yard setback	Primary structure	20 feet; or 10 feet in platted subdivision with rear driveway		20 feet	30 feet
	Parking	N/A	N/A	10 feet	15 feet
Minimum side yard setback	Primary structure	5 feet	5 feet (0 feet on side if duplex or attached)	5 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet	5 feet
Minimum rear yard setback	Primary structure	10 feet	10 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet	5 feet
Maximum impervious surface coverage		75%	75%	75%	75%
<b>Utility Standards</b>					
Municipal sewer and water required		yes	yes	yes	yes

*No structures can be within platted easement*

*1 - Accessory structure cannot exceed height of primary structure*





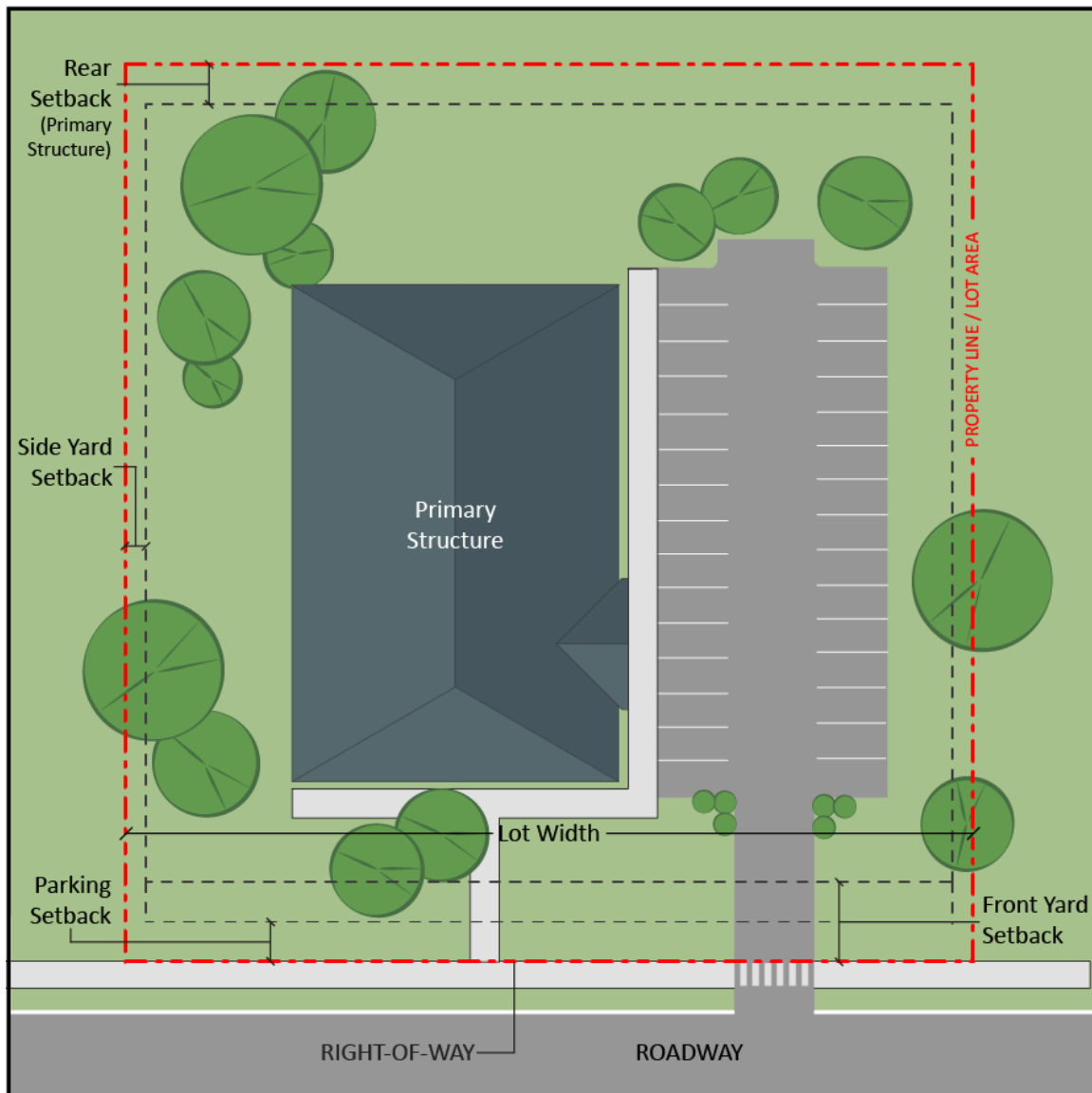
**c. Additional Site Development Standards.**

- i. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

**ADDITIONAL SITE DEVELOPMENT STANDARDS – HIGH-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (M2)**

- Accessory Structure Standards. (See *Section B.1*)
- Bufferyard & Bufferyard Planting Standards. (See *Section B.3*)
- Driveway & Access Management Standards. (See *Section B.4*)
- Lighting Standards. (See *Section B.5*)
- Lot & Setback Standards. (See *Section B.6*)
- Parking & Loading Standards. (See *Section B.7*)
- Sign Standards. (See *Section B.9*)
- Storage Standards. (See *Section B.10*)
- Structure Standards. (See *Section B.11*)
- Trash Receptacle Standards (See *Section B.12*)

## 6. NEIGHBORHOOD BUSINESS DISTRICT (B1)



- a. Purpose.** The Neighborhood Business District (“B1”) is intended to foster a sense of neighborhood identity and provided limited small-scale retail goods and service businesses required for the regular or daily convenience of adjacent residential neighborhoods.
- All outdoor storage or display of merchandise must be within an enclosed building or not visible from any public street.
  - All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section B.5: Exempt Subdivisions*).
  - Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) is required for all new primary structures except single-family detached and two-family residential and may be subject to the *Sellersburg Drainage Ordinance and Technical Standards*.

b. Uses & Development Standards.

PERMITTED USES – NEIGHBORHOOD BUSINESS DISTRICT (B1)

COMMERCIAL USES

- child care/day care center
- children's home
- general retail:
  - EXCLUDING automotive repair
  - EXCLUDING automotive sales, new
  - EXCLUDING automotive sales, used
  - EXCLUDING boat/farm equipment/motorcycle/recreational vehicle sales & repair
  - EXCLUDING storage units
- professional/business offices, EXCLUDING clinic/medical office
- service-oriented retail

INSTITUTIONAL USES

- church or place of worship
- kindergarten/preschool
- park, public or private

RESIDENTIAL USES

- \*dwelling, multi-family

SPECIAL EXCEPTION USES – NEIGHBORHOOD BUSINESS DISTRICT (B1)

COMMERCIAL USES

- \*adult day care facility
- clinic/medical office
- philanthropic institution
- storage units

RESIDENTIAL USES

- child care home (in-home child care)
- dwelling, single-family
- dwelling, two-family
- \*home occupation

INSTITUTIONAL USES

- assisted living facility/extended care/nursing home
- cemetery/columbaria/mausoleum
- comprehensive care center
- fire station/police station
- hospital
- library
- school
- utility facility, public and private
- \*wireless communication facility

\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.

DEVELOPMENT STANDARDS – NEIGHBORHOOD BUSINESS DISTRICT (B1)			
		Residential	Non-residential
<b>Structure Standards</b>			
Maximum height of structure	Primary structure	35 feet	50 feet
	Accessory structure	20 feet	20 feet
Minimum living area (per unit)		Single-family Detached: 950 sqft	
		All Other Residential: 750 sqft for 1 bedroom 850 sqft for 2 bedrooms 1,000 sqft for 3 or more bedrooms	N/A
Maximum ground floor area		N/A	5,000 sqft
<b>Lot Standards</b>			
Minimum lot width		30 feet	50 feet
Minimum lot area		Single-family Detached: 3,000 sqft	
		All Other Residential: 1,500 sqft per unit	5,000 sqft
Minimum front yard setback	Primary structure	20 feet; or 10 feet in platted subdivision with rear driveway	30 feet
	Parking	Multi-family: 10 feet All Other Residential: N/A	15 feet
Minimum side yard setback	Primary structure	5 feet; or 0 feet on side(s) if duplex or attached	5 feet
	Accessory structure	5 feet	N/A
Minimum rear yard setback	Primary structure	10 feet	10 feet
	Accessory structure	5 feet	N/A
Maximum impervious surface coverage		75%	75%
<b>Utility Standards</b>			
Municipal sewer and water required		yes	yes

*No structures can be within platted easement*



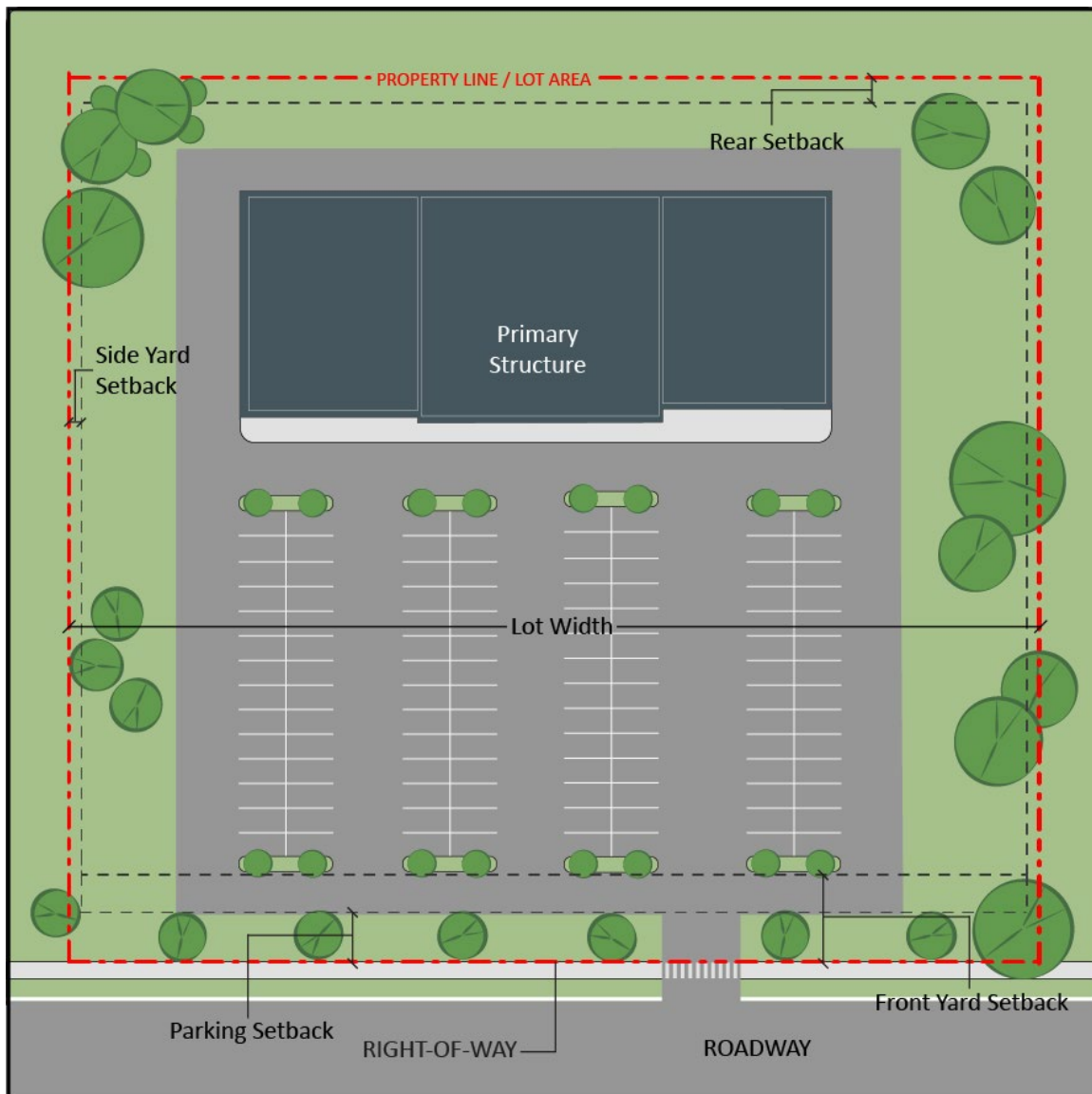
**c. Additional Site Development Standards.**

i. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

**ADDITIONAL SITE DEVELOPMENT STANDARDS – NEIGHBORHOOD BUSINESS DISTRICT (B1)**

- Accessory Structure Standards. (See *Section B.1*)
- Bufferyard & Bufferyard Planting Standards. (See *Section B.3*)
- Driveway & Access Management Standards. (See *Section B.4*)
- Lighting Standards. (See *Section B.5*)
- Lot & Setback Standards. (See *Section B.6*)
- Parking & Loading Standards. (See *Section B.7*)
- Sign Standards. (See *Section B.9*)
- Storage Standards. (See *Section B.10*)
- Structure Standards. (See *Section B.11*)
- Trash Receptacle Standards (See *Section B.12*)

## 7. GENERAL BUSINESS DISTRICT (B2)



- a. **Purpose.** The General Business District (“B2”) is intended to provide business and commercial areas along local roadways and collectors that accommodate a wide range of commercial and service centers that are accessible to the general community and surrounding neighborhoods.
- i. All outdoor storage or display of merchandise must be within an enclosed building or not visible from any public street.
  - ii. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section B.5: Exempt Subdivisions*).
  - iii. Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) is required for all new primary structures except single-family detached and two-family residential and may be subject to the *Sellersburg Drainage Ordinance and Technical Standards*.

b. Uses & Development Standards.

**PERMITTED USES – GENERAL BUSINESS DISTRICT (B2)**

**COMMERCIAL USES**

- animal hospital
- child care/day care center
- children's home
- general retail:
  - EXCLUDING automotive repair
  - EXCLUDING automotive sales, new
  - EXCLUDING automotive sales, used
  - EXCLUDING boat/farm equipment/motorcycle/recreational vehicle sales & repair
- hotel/motel
- philanthropic institution
- professional/business offices, EXCLUDING clinic/medical office
- recreational facility, public and private
- service-oriented retail
- water park
- winery/brewery/distillery

**INSTITUTIONAL USES**

- church or place of worship
- fire station/police station
- governmental offices
- hospital
- kindergarten/preschool
- library
- park, public or private
- park, skate
- school

**SPECIAL EXCEPTION USES – GENERAL BUSINESS DISTRICT (B2)**

**COMMERCIAL USES**

- \*automotive repair
- bed and breakfast
- clinic/medical office
- club, private (EXCLUDING gun club)
- kennel, public or private
- parking garage/lot, commercial or public

**INSTITUTIONAL USES**

- assisted living facility/extended care/nursing home
- bus station
- cemetery/columbaria/mausoleum
- comprehensive care center
- crematoria
- funeral home
- mortuary
- railroad passenger station
- utility facility, public and private
- \*wireless communication facility

*\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*

DEVELOPMENT STANDARDS – GENERAL BUSINESS DISTRICT (B2)		
<b>Structure Standards</b>		
Maximum height of structure	Primary structure	60 feet
	Accessory structure	20 feet
Maximum floor area		100,000 sqft
<b>Lot Standards</b>		
Minimum lot width		50 feet
Minimum lot area		5,000 sqft
Minimum front yard setback	Primary Structure	35 feet
	Parking	20 feet
Minimum side yard setback	Primary structure	5 feet
	Accessory structure	5 feet
Minimum rear yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Maximum impervious surface coverage		75%
<b>Utility Standards</b>		
Municipal water and sewer required		yes

*No structures can be within platted easement*

**c. Additional Site Development Standards.**

- i. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

ADDITIONAL SITE DEVELOPMENT STANDARDS – GENERAL BUSINESS DISTRICT (B2)	
<ul style="list-style-type: none"> <li>• Accessory Structure Standards. (See <i>Section B.1</i>)</li> <li>• Bufferyard &amp; Bufferyard Planting Standards. (See <i>Section B.3</i>)</li> <li>• Driveway &amp; Access Management Standards. (See <i>Section B.4</i>)</li> <li>• Lighting Standards. (See <i>Section B.5</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards. (See <i>Section B.6</i>)</li> <li>• Parking &amp; Loading Standards. (See <i>Section B.7</i>)</li> <li>• Sign Standards. (See <i>Section B.9</i>)</li> <li>• Storage Standards. (See <i>Section B.10</i>)</li> <li>• Structure Standards. (See <i>Section B.11</i>)</li> <li>• Trash Receptacle Standards (See <i>Section B.12</i>)</li> </ul>





## 8. HIGHWAY BUSINESS DISTRICT (B3)



- a. **Purpose.** The Highway Business District (“B3”) is intended for a variety of high-intensity commercial development along major thoroughfares and is accessible to local and regional patrons.
- i. Outdoor storage and display of merchandise that is visible from a public street is permitted but shall be located on private property (unless specified otherwise in this UDO) and shall be limited to materials that are immediately available for purchase. Any other storage or display of merchandise that are not immediately available for purchase, such as bulk materials, shall be within an enclosed building or not visible from any public street.
  - ii. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section B.5: Exempt Subdivisions*).
  - iii. Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) is required for all new primary structures except single-family detached and two-family residential and may be subject to the *Sellersburg Drainage Ordinance and Technical Standards*.

b. Uses & Development Standards.

**PERMITTED USES – HIGHWAY BUSINESS DISTRICT (B3)**

**COMMERCIAL USES**

- animal hospital
- auditorium
- \*automotive sales, new
- bar/tavern/night club
- dance hall
- general retail:
  - EXCLUDING automotive repair
  - EXCLUDING automotive sales, used
  - EXCLUDING barn/storage building sales
  - EXCLUDING boat/farm equipment/motorcycle/recreational vehicle sales & repair
- hotel/motel
- philanthropic institution
- professional/business offices, EXCLUDING clinic/medical office
- recreational facility, public and private
- service-oriented retail
- water park
- winery/brewery/distillery

**INSTITUTIONAL USES**

- church or place of worship
- fire station/police station
- governmental offices
- hospital
- kindergarten/preschool
- library
- park, public or private
- park, skate
- school

**SPECIAL EXCEPTION USES – HIGHWAY BUSINESS DISTRICT (B3)**

**COMMERCIAL USES**

- \*adult day care facility
- \*automotive repair
- \*automotive sales, used
- barn/storage building sales
- bed and breakfast
- \*boat/farm equipment/motorcycle/recreational vehicle sales & repair
- clinic/medical office
- club, private (EXCLUDING gun club)
- kennel, public or private
- parking garage/lot, commercial or public
- race track
- stadium

**INSTITUTIONAL USES**

- assisted living facility/extended care/nursing home
- bus station
- cemetery/columbaria/mausoleum
- comprehensive care center
- crematoria
- funeral home
- mortuary
- railroad passenger station
- utility facility, public and private
- \*wireless communication facility

*\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*



DEVELOPMENT STANDARDS – HIGHWAY BUSINESS DISTRICT (B3)		
<b>Structure Standards</b>		
Maximum height of structure	Primary structure	60 feet
	Accessory structure	20 feet
Maximum floor area		N/A
<b>Lot Standards</b>		
Minimum lot width		50 feet
Minimum lot area		N/A
Minimum front yard setback	Primary structure	35 feet
	Parking	20 feet
Minimum side yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Minimum rear yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Maximum impervious surface coverage		75%
<b>Utility Standards</b>		
Municipal water and sewer required		yes

*No structures can be within platted easement*

**c. Additional Site Development Standards.**

- i. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

ADDITIONAL SITE DEVELOPMENT STANDARDS – HIGHWAY BUSINESS DISTRICT (B3)	
<ul style="list-style-type: none"> <li>• Accessory Structure Standards. (See <i>Section B.1</i>)</li> <li>• Bufferyard &amp; Bufferyard Planting Standards. (See <i>Section B.3</i>)</li> <li>• Driveway &amp; Access Management Standards. (See <i>Section B.4</i>)</li> <li>• Lighting Standards. (See <i>Section B.5</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards. (See <i>Section B.6</i>)</li> <li>• Parking &amp; Loading Standards. (See <i>Section B.7</i>)</li> <li>• Sign Standards. (See <i>Section B.9</i>)</li> <li>• Storage Standards. (See <i>Section B.10</i>)</li> <li>• Structure Standards. (See <i>Section B.11</i>)</li> <li>• Trash Receptacle Standards (See <i>Section B.12</i>)</li> </ul>

## 9. DOWNTOWN DISTRICT (DT)

- a. Purpose.** The Downtown District (“DT”) is intended to serve as a mixed-use district in the downtown area of the community. It is designed to support a variety of retail, entertainment, restaurant, service, institutional, office, and residential uses while ensuring pedestrian access and comfort. This district is also intended to preserve the historic character of the original downtown through additional standards.
- i. All outdoor storage or display of merchandise must be within an enclosed building or not visible from any public street.
  - ii. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section B.5: Exempt Subdivisions*).
  - iii. Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) is required for all new primary structures except single-family detached and two-family residential and may be subject to the *Sellersburg Drainage Ordinance and Technical Standards*.



**b. Uses & Development Standards.**

PERMITTED USES – DOWNTOWN DISTRICT (DT)	
<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ bar/dance hall/night club</li> <li>▪ bed and breakfast</li> <li>▪ general retail:                             <ul style="list-style-type: none"> <li>▪ <u>EXCLUDING</u> automotive repair</li> <li>▪ <u>EXCLUDING</u> automotive sales, new</li> <li>▪ <u>EXCLUDING</u> automotive sales, used</li> <li>▪ <u>EXCLUDING</u> barn/storage building sales</li> <li>▪ <u>EXCLUDING</u> boat/farm equipment/motorcycle/recreational vehicle sales &amp; repair</li> </ul> </li> <li>▪ professional/business offices, <u>EXCLUDING</u> clinic/medical office</li> <li>▪ service-oriented retail:                             <ul style="list-style-type: none"> <li>▪ <u>EXCLUDING</u> drive thru establishments</li> <li>▪ <u>EXCLUDING</u> gas station</li> </ul> </li> <li>▪ winery/brewery/distillery</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>▪ church or place of worship</li> <li>▪ fire station/police station</li> <li>▪ governmental offices</li> <li>▪ hospital</li> <li>▪ kindergarten/preschool</li> <li>▪ library</li> <li>▪ park, public or private</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ *dwelling, multi-family</li> <li>▪ dwelling, single-family attached</li> <li>▪ dwelling, two-family</li> </ul>
SPECIAL EXCEPTION USES – DOWNTOWN DISTRICT (DT)	
<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ *adult day care facility</li> <li>▪ child care/day care center</li> <li>▪ clinic/medical office</li> <li>▪ club, private (<u>EXCLUDING</u> gun club)</li> <li>▪ drive thru establishment</li> <li>▪ gas station</li> <li>▪ hotel/motel</li> <li>▪ parking garage/lot, commercial or public</li> <li>▪ philanthropic institution</li> <li>▪ *short-term rental</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>▪ assisted living facility/extended care/nursing home</li> <li>▪ cemetery/columbaria/mausoleum</li> <li>▪ comprehensive care center</li> <li>▪ school</li> <li>▪ utility facility, public and private</li> <li>▪ *wireless communication facility</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ child care home (in-home child care)</li> <li>▪ dwelling, single-family</li> <li>▪ group home</li> <li>▪ *home occupation</li> </ul>

*\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*

DEVELOPMENT STANDARDS – DOWNTOWN DISTRICT (DT)				
		Single-family and Two-family	Multi-family	Non-residential
<b>Structure Standards</b>				
Maximum height of structure	Primary structure	35 feet	45 feet	45 feet
	Accessory structure	20 feet	25 feet	20 feet
Maximum ground floor area		NA	NA	10,000 sqft
Minimum living area		Single-family, detached: 950 sq ft	750 sqft for 1 bedroom	
		Two-family & Single-family attached: 750 sqft for 1 bedroom 850 sqft for 2 bedrooms 1,000 sqft for >3 bedrooms	850 sqft for 2 bedrooms 1,000 sqft for >3 bedrooms	N/A
<b>Lot Standards</b>				
Minimum lot width		40 feet	45 feet	45 feet
Minimum lot area		Single-family, detached: 3,000 sqft		
		Two-family & Single-family attached: 1,500 sqft per unit	1,500 sqft/unit	3,000 sqft
Front yard setback	Minimum	0 feet	0 feet	0 feet
	Maximum	10 feet	10 feet	10 feet
	Parking	Behind front elevation of primary structure	Behind front elevation of primary structure	Behind front elevation of primary structure
Minimum side yard setback	Primary structure	0 feet	0 feet	0 feet
	Accessory structure	0 feet	0 feet	0 feet
Minimum rear yard setback	Primary structure	10 feet	10 feet	10 feet
	Accessory structure	10 feet	10 feet	10 feet
Maximum impervious surface coverage		90%	90%	90%
<b>Utility Standards</b>				
Municipal sewer and water required		yes	yes	Yes

*No structures can be within platted easement*



**c. Additional Site Development Standards.**

- i. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

ADDITIONAL SITE DEVELOPMENT STANDARDS – DOWNTOWN DISTRICT (DT)	
<ul style="list-style-type: none"><li>• Accessory Structure Standards. (See <i>Section B.1</i>)</li><li>• Architectural Standards. (See <i>Section B.2</i>)</li><li>• Bufferyard &amp; Bufferyard Planting Standards. (See <i>Section B.3</i>)</li><li>• Driveway &amp; Access Management Standards. (See <i>Section B.4</i>)</li><li>• Lighting Standards. (See <i>Section B.5</i>)</li><li>• Lot &amp; Setback Standards. (See <i>Section B.6</i>)</li></ul>	<ul style="list-style-type: none"><li>• Parking &amp; Loading Standards. (See <i>Section B.7</i>)</li><li>• Sidewalk &amp; Pedestrian Amenity Standards. (See <i>Section B.8</i>)</li><li>• Sign Standards. (See <i>Section B.9</i>)</li><li>• Storage Standards. (See <i>Section B.10</i>)</li><li>• Structure Standards. (See <i>Section B.11</i>)</li><li>• Trash Receptacle Standards (See <i>Section B.12</i>)</li><li>• Utility Standards. (See <i>Section B.13</i>)</li></ul>

## 10. DOWNTOWN NEIGHBORHOOD DISTRICT (DTN)

- a. Purpose.** The Downtown Neighborhood District (“DTN”) is intended to serve as a primarily residential district with supporting neighborhood commercial uses in the downtown area of the community. It is designed to support a single-family, two-family, and multi-family residential uses and small businesses while ensuring pedestrian access and comfort. This district is also intended to preserve the historic character of the original downtown neighborhoods through additional standards.
- i. All subdivisions require Subdivision approval unless exempt (See *Chapter 5, Section B.5: Exempt Subdivisions*).
  - ii. Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) is required for all new primary structures except single-family detached and two-family residential and may be subject to the *Sellersburg Drainage Ordinance and Technical Standards*.
- b. Uses & Development Standards.**

### PERMITTED USES – DOWNTOWN NEIGHBORHOOD DISTRICT (DTN)

#### COMMERCIAL USES

- general retail:
  - EXCLUDING automotive repair
  - EXCLUDING automotive sales, new
  - EXCLUDING automotive sales, used
  - EXCLUDING barn/storage building sales
  - EXCLUDING boat/farm equipment/motorcycle/recreational vehicle sales & repair
- professional/business offices, EXCLUDING clinic/medical office
- service-oriented retail:
  - EXCLUDING drive thru establishment
  - EXCLUDING gas station

#### INSTITUTIONAL USES

- church or place of worship
- fire station/police station
- governmental offices
- hospital
- kindergarten/preschool
- library
- park, public or private

#### RESIDENTIAL USES

- \*dwelling, multi-family
- dwelling, single-family attached
- dwelling, single-family detached
- dwelling, two-family

### SPECIAL EXCEPTION USES – DOWNTOWN NEIGHBORHOOD DISTRICT (DTN)

#### COMMERCIAL USES

- \*adult day care facility
- child care/day care center
- clinic/medical office
- drive thru establishment
- gas station
- parking garage/lot, commercial or public
- \*short-term rental

#### INSTITUTIONAL USES

- assisted living facility/extended care/nursing home
- school
- utility facility, public and private
- \*wireless communication facility

#### RESIDENTIAL USES

- child care home (in-home child care)
- group home
- \*home occupation

\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.



**DEVELOPMENT STANDARDS – DOWNTOWN NEIGHBORHOOD DISTRICT (DTN)**

		Single-family and Two-family	Multi-family	Non-residential
<b>Structure Standards</b>				
Maximum height of structure	Primary structure	35 feet	45 feet	45 feet
	Accessory structure	20 feet	25 feet	20 feet
Maximum ground floor area		NA	NA	5,000 sqft
Single-family, detached: 950 sq ft				
Two-family, Single-family attached, and Multi-family:				
Minimum living area	750 sqft for 1 bedroom			N/A
	850 sqft for 2 bedrooms			
	1,000 sqft for >3 bedrooms			
<b>Lot Standards</b>				
Minimum lot width		40 feet	45 feet	45 feet
Minimum lot area	Single-family, detached: 3,000 sqft		1,500 sqft/unit	3,000 sqft
	Two-family & Single-family attached: 1,500 sqft per unit			
Front yard setback	Minimum	10 feet	10 feet	10 feet
	Maximum	30 feet	30 feet	30 feet
	Parking	N/A	Behind front elevation of primary structure	Behind front elevation of primary structure
Minimum side yard setback	Primary structure	5 feet; or 0 feet on side(s) if duplex or attached	5 feet	5 feet
	Accessory structure	5 feet	5 feet	5 feet
Minimum rear yard setback	Primary structure	10 feet	10 feet	10 feet
	Accessory structure	10 feet	10 feet	10 feet
Maximum impervious surface coverage		75%	75%	75%
<b>Utility Standards</b>				
Municipal sewer and water required		yes	yes	Yes

*No structures can be within platted easement*

**c. Additional Site Development Standards.**

- i. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

**ADDITIONAL SITE DEVELOPMENT STANDARDS – DOWNTOWN NEIGHBORHOOD DISTRICT (DTN)**

- Accessory Structure Standards. (See *Section B.1*)
- Architectural Standards. (See *Section B.2*)
- Bufferyard & Bufferyard Planting Standards. (See *Section B.3*)
- Driveway & Access Management Standards. (See *Section B.4*)
- Lighting Standards. (See *Section B.5*)
- Lot & Setback Standards. (See *Section B.6*)
- Parking & Loading Standards. (See *Section B.7*)
- Sidewalk & Pedestrian Amenity Standards. (See *Section B.8*)
- Sign Standards. (See *Section B.9*)
- Storage Standards. (See *Section B.10*)
- Structure Standards. (See *Section B.11*)
- Trash Receptacle Standards (See *Section B.12*)



## 11. TOWN CENTER DISTRICT (TC)

- a. **Purpose.** The Town Center District (“TC”) is intended to serve as a mixed-use district. It is designed to support a variety higher-density uses including retail, entertainment, restaurant, service, institutional, office, and residential uses while serving as a gateway to the community.
  - i. All subdivisions require Subdivision approval unless exempt (See Chapter 5, Section B.5: Exempt Subdivisions).
  - ii. Development Plan Approval (See Chapter 8, Section D.2: Development Plan Procedures) is required for all new structures.
- b. **Uses & Development Standards.**

PERMITTED USES – TOWN CENTER DISTRICT (TC)	
<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ general retail:                             <ul style="list-style-type: none"> <li>▪ <u>EXCLUDING</u> automotive repair</li> <li>▪ <u>EXCLUDING</u> automotive sales, new</li> <li>▪ <u>EXCLUDING</u> automotive sales, used</li> <li>▪ <u>EXCLUDING</u> barn/storage building sales</li> <li>▪ <u>EXCLUDING</u> boat/ farm equipment/ motorcycle/ recreational vehicle sales &amp; repair</li> </ul> </li> <li>▪ professional/business offices, <u>EXCLUDING</u> clinic/medical office</li> <li>▪ service-oriented retail:                             <ul style="list-style-type: none"> <li>▪ <u>EXCLUDING</u> drive-thru establishment</li> <li>▪ <u>EXCLUDING</u> gas station</li> </ul> </li> <li>▪ winery/brewery/distillery</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>▪ church or place of worship</li> <li>▪ fire station/police station</li> <li>▪ governmental offices</li> <li>▪ library</li> <li>▪ park, public or private</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ *dwelling, multi-family</li> <li>▪ dwelling, single-family attached</li> </ul>
SPECIAL EXCEPTION USES – TOWN CENTER DISTRICT (TC)	
<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ drive-thru establishment (attached to rear of primary structure only)</li> <li>▪ hotel/motel</li> <li>▪ parking garage/lot, commercial or public</li> <li>▪ philanthropic institution</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>▪ child care home (in-home)</li> <li>▪ utility facility, public and private</li> <li>▪ *wireless communication facility</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ dwelling, single-family detached</li> <li>▪ *home occupation</li> </ul>

\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.

DEVELOPMENT STANDARDS – TOWN CENTER DISTRICT (TC)			
		Single-family Attached & Multi-family Residential	Non-residential
<b>Structure Standards</b>			
Maximum height of structure	Primary structure	45 feet	45 feet
	Accessory structure	20 feet	20 feet
Minimum height of primary structure		20 feet	20 feet
Maximum ground floor area		N/A	10,000 sqft
		750 sqft for 1 bedroom	
Minimum living area	850 sqft for 2 bedrooms		N/A
	1,000 sqft for >3 bedrooms		
<b>Lot Standards</b>			
Minimum lot width		45 feet	45 feet
Minimum lot area		1,500 sqft/unit	3,000 sqft
Front yard setback	Minimum	0 feet	0 feet
	Maximum	10 feet	10 feet
	Parking	behind rear elevation of primary structure	behind rear elevation of primary structure
Minimum side yard setback	Primary structure	0 feet	0 feet
	Accessory structure	0 feet	0 feet
Minimum rear yard setback	Primary structure	10 feet	10 feet
	Accessory structure	10 feet	10 feet
Maximum impervious surface coverage		90%	90%
<b>Utility Standards</b>			
Municipal sewer and water required		yes	yes
Sidewalks and streetscape lighting required		yes	yes

*No structures can be within platted easement*



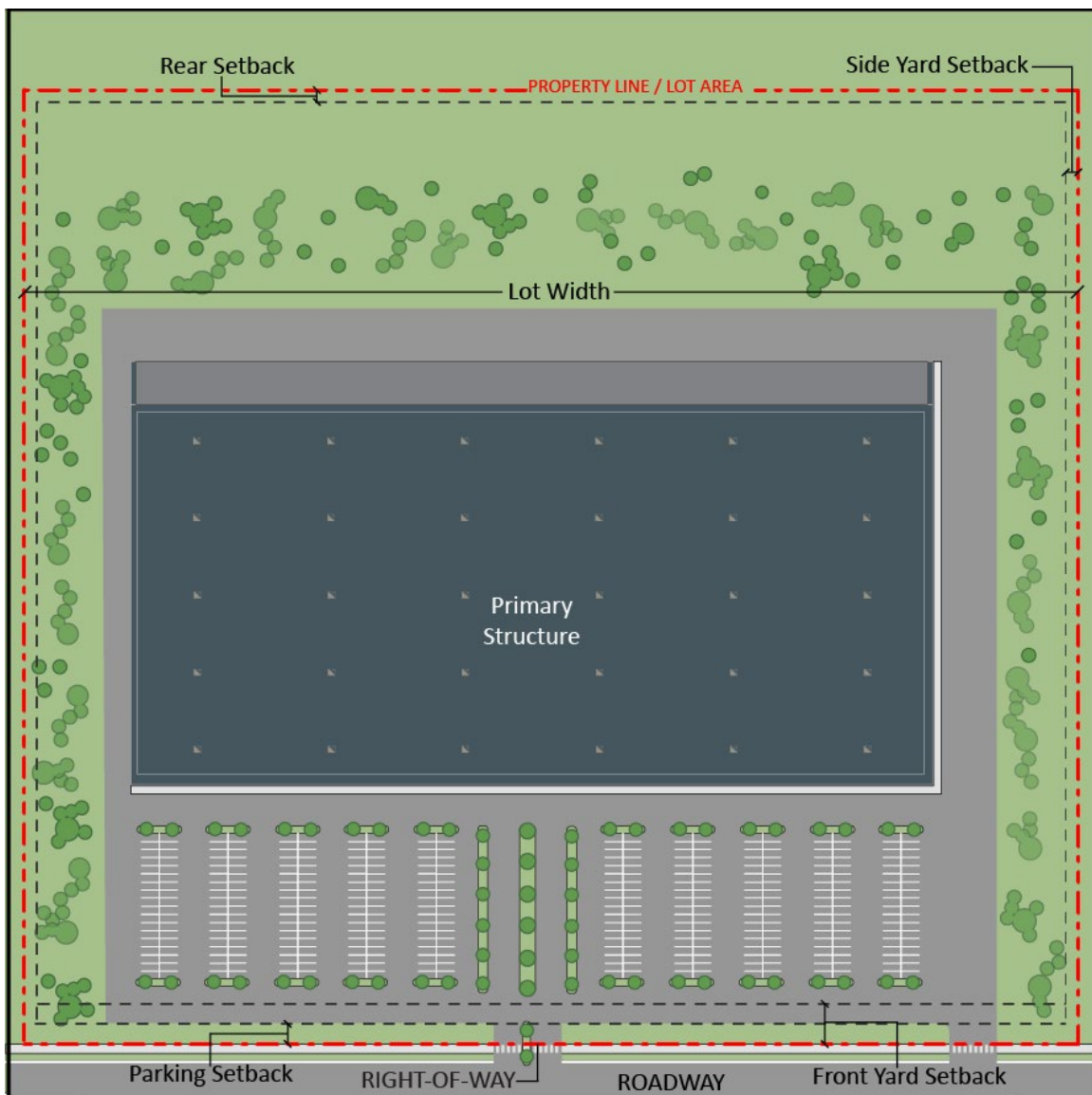
### c. Additional Site Development Standards.

- i. Any area between front property line and front building elevation must be incorporated as a public plaza/space with dedicated public access unless building has zero (0) foot setback.
- ii. Any total development larger than two (2) acres shall incorporate a public space with dedicated public access into the site that is a minimum of one-thousand (1,000) square feet.
- iii. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

#### ADDITIONAL SITE DEVELOPMENT STANDARDS – TOWN CENTER DISTRICT (TC)

- Accessory Structure Standards. (See *Section B.1*)
- Architectural Standards. (See *Section B.2*)
- Bufferyard & Bufferyard Planting Standards. (See *Section B.3*)
- Driveway & Access Management Standards. (See *Section B.4*)
- Lighting Standards. (See *Section B.5*)
- Lot & Setback Standards. (See *Section B.6*)
- Parking & Loading Standards. (See *Section B.7*)
- Sidewalk & Pedestrian Amenity Standards. (See *Section B.8*)
- Sign Standards. (See *Section B.9*)
- Storage Standards. (See *Section B.10*)
- Structure Standards. (See *Section B.11*)
- Trash Receptacle Standards (See *Section B.12*)
- Utility Standards. (See *Section B.13*)

## 12. LIGHT INDUSTRIAL DISTRICT (I1)



- a. **Purpose.** The Light Industrial District (“I1”) is intended for low-intensity and light intensity industrial activities that are within an enclosed building; do not produce noise, fumes, smoke, odors, glare, or health and safety concerns outside of the building or lot where such processes occur; and are compatible with surrounding zoning districts.
- i. No more than 10% of the gross floor area can be dedicated or used for retail and/or showroom activities.
  - ii. All subdivisions require Subdivision approval (See *Chapter 5, Section B.5: Exempt Subdivisions*).
  - iii. All new primary structures, accessory structures, and additions require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to the *Sellersburg Drainage Ordinance and Technical Standards*.

b. Uses & Development Standards.

**PERMITTED USES – LIGHT INDUSTRIAL DISTRICT (I1)**

**COMMERCIAL USES**

- \*automotive repair
- \*automotive sales, used
- \*automotive sales, new
- \*boat/farm equipment/motorcycle/recreational vehicle sales & repair
- funeral home
- general retail
- mortuary
- philanthropic institution
- professional/business offices, EXCLUDING clinic/medical office
- recreational facility, public and private
- service-oriented retail

**INDUSTRIAL USES**

- manufacturing, light
- research/development
- storage, non-hazardous
- warehousing/distribution

**INSTITUTIONAL USES**

- church or place of worship
- fire station/police station
- governmental offices
- hospital
- park, public or private
- park, skate

**SPECIAL EXCEPTION USES – LIGHT INDUSTRIAL DISTRICT (I1)**

**ACCESSORY USES**

- mobile office

**AGRICULTURAL USES**

- livestock auction stockpen

**COMMERCIAL USES**

- clinic/medical office
- parking garage/lot, commercial or public
- race track
- stadium

**INSTITUTIONAL USES**

- airport, public and private
- bus station
- heliport
- penal/correctional facility
- railroad passenger station
- utility facility, public and private
- \*wireless communication facility

*\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*

DEVELOPMENT STANDARDS – LIGHT INDUSTRIAL DISTRICT (I1)		
<b>Structure Standards</b>		
Maximum height of structure	Primary structure	60 feet
	Accessory structure	20 feet
<b>Lot Standards</b>		
Minimum lot width		100 feet
Minimum lot area		N/A
Minimum front yard setback	Primary Structure	50 feet
	Parking	25 feet
Minimum side yard setback	Primary structure	15 feet
	Accessory structure	15 feet
Minimum rear yard setback	Primary structure	15 feet
	Accessory structure	15 feet
Maximum impervious surface coverage		75%
<b>Utility Standards</b>		
Municipal water and sewer required		yes
<i>No structures can be within platted easement</i>		

**c. Additional Site Development Standards.**

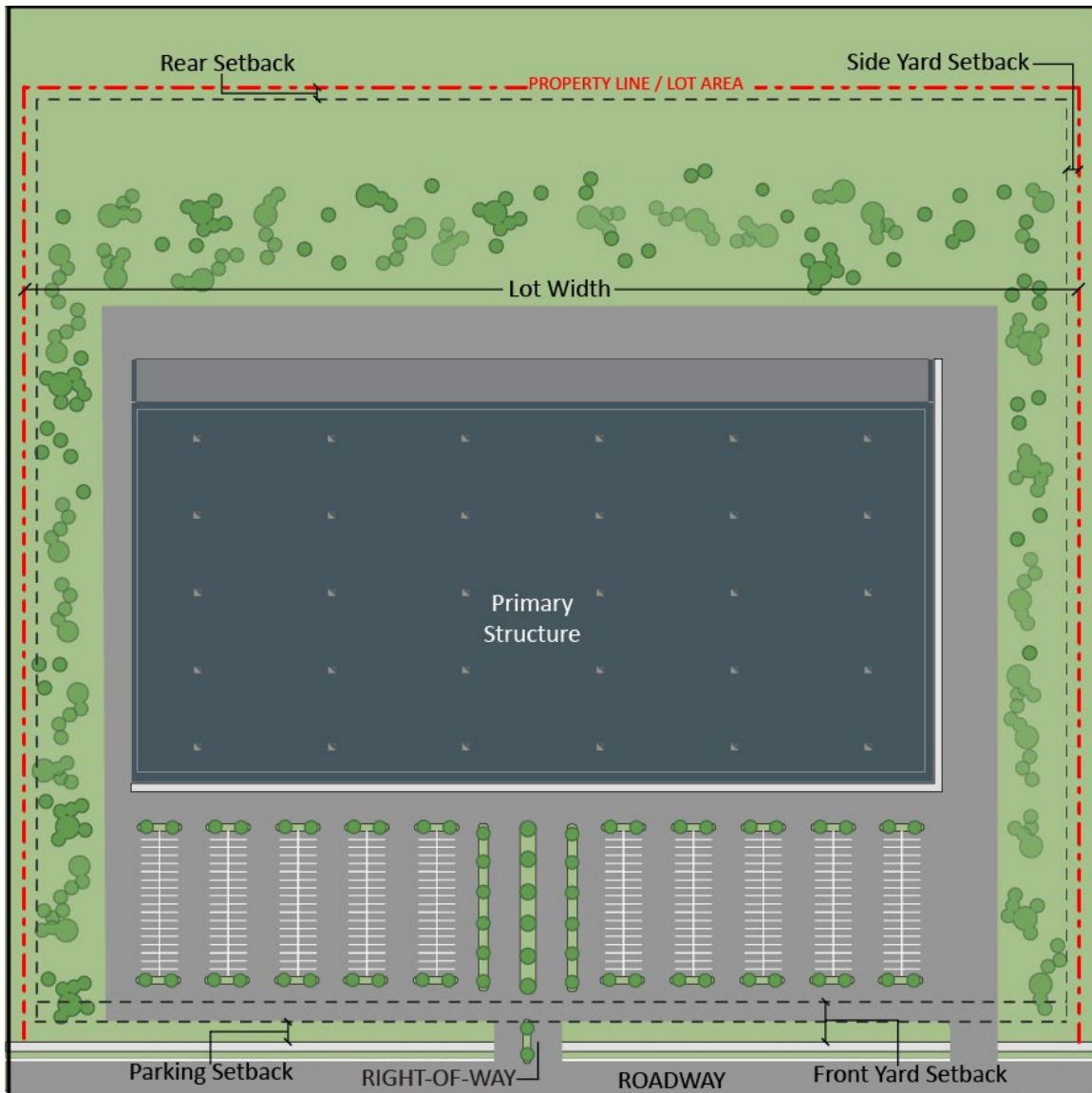
- i. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

ADDITIONAL SITE DEVELOPMENT STANDARDS – LIGHT INDUSTRIAL DISTRICT (I1)	
<ul style="list-style-type: none"> <li>• Accessory Structure Standards. (See <i>Section B.1</i>)</li> <li>• Bufferyard &amp; Bufferyard Planting Standards. (See <i>Section B.3</i>)</li> <li>• Driveway &amp; Access Management Standards. (See <i>Section B.4</i>)</li> <li>• Lighting Standards. (See <i>Section B.5</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards. (See <i>Section B.6</i>)</li> <li>• Parking &amp; Loading Standards. (See <i>Section B.7</i>)</li> <li>• Sign Standards. (See <i>Section B.9</i>)</li> <li>• Storage Standards. (See <i>Section B.10</i>)</li> <li>• Structure Standards. (See <i>Section B.11</i>)</li> <li>• Trash Receptacle Standards (See <i>Section B.12</i>)</li> </ul>





## 13. HEAVY INDUSTRIAL DISTRICT (I2)



- a. **Purpose.** The Heavy Industrial District (“I2”) is intended to provide for employment centers for more intense industrial uses that typically generate heavy demands on the transportation system or rail system. These uses may cause odors, dust, noise, and vibrations as well as generate significant amounts of truck and freight traffic.
- i. All subdivisions require Subdivision approval (See *Chapter 5, Section B.5: Exempt Subdivisions*).
  - ii. All new primary structures, accessory structures, and additions require Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) and may be subject to the *Sellersburg Drainage Ordinance and Technical Standards*.

**b. Uses & Development Standards.**

PERMITTED USES – HEAVY INDUSTRIAL DISTRICT (I2)	
<p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ *automotive repair</li> <li>▪ *automotive sales, used</li> <li>▪ *automotive sales, new</li> <li>▪ *boat/farm equipment/motorcycle/recreational vehicle sales &amp; repair</li> <li>▪ funeral home</li> <li>▪ general retail</li> <li>▪ mortuary</li> <li>▪ philanthropic institution</li> <li>▪ professional/business offices, <u>EXCLUDING</u> clinic/medical office</li> <li>▪ recreational facility, public and private</li> <li>▪ service-oriented retail</li> </ul> <p><b>INDUSTRIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ manufacturing, heavy</li> <li>▪ manufacturing, light</li> <li>▪ research/development</li> <li>▪ mining</li> </ul>	<p><b>INDUSTRIAL USES (cont.)</b></p> <ul style="list-style-type: none"> <li>▪ recycling/salvage</li> <li>▪ storage, hazardous or bulk</li> <li>▪ storage, non-hazardous</li> <li>▪ trucking terminal</li> <li>▪ vehicle impound lot</li> <li>▪ warehousing/distribution</li> <li>▪ waste transfer/landfill</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>▪ church or place of worship</li> <li>▪ fire station/police station</li> <li>▪ governmental offices</li> <li>▪ hospital</li> <li>▪ park, public or private</li> <li>▪ park, skate</li> </ul>
SPECIAL EXCEPTION USES – HEAVY INDUSTRIAL DISTRICT (I2)	
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>▪ mobile office</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>▪ livestock auction stockpen</li> </ul> <p><b>COMMERCIAL USES</b></p> <ul style="list-style-type: none"> <li>▪ *adult business/sexually oriented business</li> <li>▪ auditorium</li> <li>▪ clinic/medical office</li> <li>▪ parking garage/lot, commercial or public</li> <li>▪ race track</li> <li>▪ stadium</li> </ul>	<p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>▪ airport, public and private</li> <li>▪ bus station</li> <li>▪ heliport</li> <li>▪ landfill, public</li> <li>▪ marina</li> <li>▪ penal/correctional facility</li> <li>▪ railroad passenger station</li> <li>▪ utility facility, public and private</li> <li>▪ *wireless communication facility</li> </ul>

*\* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*



DEVELOPMENT STANDARDS – HEAVY INDUSTRIAL DISTRICT (I2)		
<b>Structure Standards</b>		
Maximum height of structure	Primary structure	100 feet
	Accessory structure	40 feet
<b>Lot Standards</b>		
Minimum lot width		100 feet
Minimum lot area		N/A
Minimum front yard setback	Primary	50 feet
	Parking	25 feet
Minimum side yard setback	Primary structure	15 feet
	Accessory structure	15 feet
Minimum rear yard setback	Primary structure	15 feet
	Accessory structure	15 feet
Maximum impervious surface coverage		75%
<b>Utility Standards</b>		
Municipal water and sewer required		yes
<i>No structures can be within platted easement</i>		

**c. Additional Site Development Standards.**

- i. The following site development standards also apply to development in this district. See *Chapter 3: Site Development Standards*.

ADDITIONAL SITE DEVELOPMENT STANDARDS – HEAVY INDUSTRIAL DISTRICT (I2)	
<ul style="list-style-type: none"> <li>• Accessory Structure Standards. (See <i>Section B.1</i>)</li> <li>• Bufferyard &amp; Bufferyard Planting Standards. (See <i>Section B.3</i>)</li> <li>• Driveway &amp; Access Management Standards. (See <i>Section B.4</i>)</li> <li>• Lighting Standards. (See <i>Section B.5</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards. (See <i>Section B.6</i>)</li> <li>• Parking &amp; Loading Standards. (See <i>Section B.7</i>)</li> <li>• Sign Standards. (See <i>Section B.9</i>)</li> <li>• Storage Standards. (See <i>Section B.10</i>)</li> <li>• Structure Standards. (See <i>Section B.11</i>)</li> <li>• Trash Receptacle Standards (See <i>Section B.12</i>)</li> </ul>

## 14. MANUFACTURED HOME PARK (MHP).

- a. **Purpose.** The purpose of the Manufactured Home Park (MHP) District is to ensure a high-quality living environment within a manufactured home park and to assist in providing opportunities for low and moderately priced single-family housing. Development Plan Approval (See *Chapter 8, Section D.2: Development Plan Procedures*) is required.
- b. **General.** Conditions of soil, groundwater level, drainage, geologic structures and topography shall not create hazard to the park site or to the health and safety of occupants, nor shall the site be subject to the hazards of objectionable smoke, odor or noise, or the possibility of subsidence, sudden flooding or severe erosion.
- c. **Nonconforming Development.**
  - i. Nonconforming development shall be brought into compliance with all district standards as well as all other standards of this UDO if any of the following occur:
    - (a) There is a change of use on the parcel; and/or
    - (b) There is a change in ownership of the parcel;
- d. **Structure Standards.**
  - i. **Area.** Minimum area of a residential structure within a manufactured home park shall be six hundred (600) square feet.
  - ii. **Maintenance.** Wrecked, damaged, or dilapidated homes shall not be kept or stored within the manufactured home park at any time. The administrator shall determine if a home is damaged or dilapidated to a point which makes the home unfit for human occupancy. Whenever such a determination is made, the home shall be vacated and removed from the premises.
  - iii. **Other Standards.** All construction or alterations within the manufactured home park shall meet the applicable state and local health and safety standards.
- e. **Lot Standards.**
  - i. Each park shall provide either one or more central storage structures available to all manufactured home sites or a single structure for each manufactured home site. Such structures shall be waterproof or water-resistant so they remain relatively unaffected by water and/or weather and are suitable for storage of goods and the usual effects of persons occupying the park.
  - ii. Each park shall provide storm shelter(s) that are available to residents during inclement weather. Such shelter(s) shall provide a minimum of fifteen (15) square feet of unobstructed flood space per manufactured home lot in structures either below ground or above ground where the structure is designed to withstand a wind load of two hundred (200) miles per hour.
  - iii. Each manufactured home site shall be provided with a stand consisting of a solid concrete slab, two concrete ribbons, or concrete pillars of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons and pillars shall be filled with a layer of crushed rock or stone. All manufactured homes shall be properly underpinned and anchored with anchors or straps according to manufactures specifications.

**iv. Area.**

- (a) Home Site. The minimum area of an individual home site shall comply with all applicable development standards in *Chapter 2: Zoning Districts*.
- (b) Overall Development. The minimum area of the overall development shall be five (5) acres and the maximum shall be forty (40) acres.

**v. Setbacks.**

- (a) Home Site. The minimum setbacks for an individual home site shall comply with all applicable development standards in *Chapter 2: Zoning Districts*.
- (b) No manufactured home and enclosed accessory structures designed for living space shall be located closer than twenty (20) feet from any other manufactured home, permanent building, or structure within the manufactured home park.

**f. Use and Operational Standards.**

- i. No manufactured home park shall be maintained without proper supervision or a resident manager, who at all times shall see that ordinances and laws regulating said park are observed.
- ii. Every person who owns or operates a manufactured home park shall maintain a current register of all occupants, which shall include the names of all persons residing in the manufactured home park, the make, type and serial or license number of each manufactured home, and a designation of the space occupied.
- iii. No site or lot in a manufactured home park may be occupied unless a manufactured home is located upon the site or lot.
- iv. No transient or nonpermanent manufactured home or travel trailers shall be located in a licensed manufactured home park.
- v. If not located a Business District (B1, B2, B3), coin-operated laundries, laundry and dry-cleaning pickup stations and other commercial convenience establishments may be permitted in manufactured home parks provided:
  - (a) They are subordinate to the residential character of the park;
  - (b) They are located, designed, and intended to serve only the needs or persons living in the park;
  - (c) The establishments and parking areas related to their use shall not occupy more than ten percent of the total park area;
  - (d) The establishments shall present no visible evidence of their commercial nature to areas outside the park.

**g. Development Standards.****i. Bufferyards and Fencing.**

- (a) The perimeter of each manufactured home park shall be fenced/screen with a minimum of four (4) feet in height with:
  - (1) An approved woven wire fence on sides not abutting onto public street with, and

- (2) With a block fence or combination of wood and masonry or metal and masonry, as the area dictates, on all public streets.
  - (b) Fences or free-standing walls shall be installed where necessary around laundry areas, refuse collection points, sanitary facilities, sewage disposal facilities and playgrounds for screening and protection of the residents.
  - (c) Screening, fencing and walls shall be set back from sidewalks and streets so as not to interfere with convenient and safe use of these facilities. Vision clearance at street intersections shall be maintained.
- ii. **Driveways.** Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.
- iii. **Parking and Loading.** Two (2) parking spaces that are adjacent to each other shall be provided for each manufactured home stand. The spaces shall be provided either in common facilities within one hundred (100) feet of the stand or within the stand.
- iv. **Utilities.**
  - (a) The park shall have a master meter for water and sewer, and the park shall be responsible for all water and sewer utilities.
  - (b) Each manufactured home site or lot shall be provided with adequate utility connections required to service the manufactured home, and said utility connections shall be located in the rear quarter of the manufactured home site or lot in an area not to exceed two (2) feet by three (3) feet, with a concrete base of not less than eighteen (18) inches by thirty (30) inches by four (4) inches thickness poured at grade level, sloped to drain. All services stubbed through this slab shall be sleeved or wrapped to allow for settlement or movement. All utility lines within a manufactured home park boundary shall be installed underground, and may be in a common trench as state safety requirements permit.
- v. **Trash.** All trash and refuse must be placed in closed containers or within an enclosure that is fenced or walled, containing closed containers. All trash and refuse shall be disposed of through private trash collection.
- vi. **Lighting.** All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park. Each manufactured home park shall provide sunset to sunrise illumination at the entrance, sufficient to allow prompt recognition of the entrance, and sufficient artificial lighting at the walkways to resident facilities such as community building and laundry room facilities.
- vii. **Sidewalks.**
  - (a) Paved pedestrian sidewalks shall be installed on one side of all streets. All sidewalks shall be at least four (4) feet in width, a minimum of four and one-half inches in thickness, and paved with a suitable material for use in all weather conditions.
  - (b) Individual sidewalks shall be provided from a public sidewalk, street, or parking area to the individual manufactured home stands within close proximity to the front door of the manufactured home. These walks shall be at least three (3) feet in width and should be paved with a suitable material for use in all weather conditions.



**viii. Streets.**

- (a) Roads shall be private and maintained by the park.
  - (b) Manufactured home parks shall have direct access to an adequate public thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of manufactured homes into and out of the park. The entrance shall be landscaped and walled with an appropriate method of signing, to provide adequate identification from the serving highway or street.
  - (c) Design of all streets shall provide for emergency vehicle access.
  - (d) Internal manufactured home park streets shall meet minimum standards for design and construction as required this UDO.
  - (e) No street name, public or private, shall duplicate any other street name in the Town.
- ix. **Recreational Area.** Each park shall provide a recreational area or areas equal in size to at least ten percent (10%) of the area of the park, generally in a central location. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.
- x. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

**h. Procedures.**

- i. **Application.** Development Plan approval is required for the establishment of a manufactured home park.
- ii. **Permits.** Permits shall be required for the placement of individual manufactured homes and their accessory structures.

## 15. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

### a. Purpose.

#### i. Intent.

- (a) The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and the intent of the zoning provisions of this Ordinance. The use of Planned Unit Development zoning classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and/or are compatible with surrounding areas and/or foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.
- (b) The PUD regulations and procedures may apply to the redevelopment of presently developed lands, or the development of open or vacant lands, and may apply to parcels of relatively small size as well as large-scale developments and their relationship with other surrounding uses and the overall characteristics of the area in which they are located.
- (c) PUD regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life.
- (d) PUD projects should also encourage a more efficient use of land that reflects the changes in the technology of land development so that resulting economies may accrue to the benefit of the community at large.

#### ii. Permitted Districts.

- (a) Location of PUD Districts. Only the following standard zoning districts may be rezoned to PUD:
  - (1) General Agriculture District (AG)
  - (2) Low-density Residential District (R1)
  - (3) Medium-density Residential District (R2)
  - (4) Medium-density Multi-family Residential District (M1)
  - (5) High-density Multi-family Residential District (M2)
  - (6) Neighborhood Business District (B1)
  - (7) General Business District (B3)
  - (8) Highway Commercial District (B3)
  - (9) Downtown (DT)
  - (10) Downtown Neighborhood (DTN)
  - (11) Town Center (TC)





**b. Uses.**

- i. All uses are subject to the discretion and approval of the PC as part of the PUD adoption process. Mixed uses will be considered and may be encouraged when appropriate. All land uses proposed in a PUD must be non-conflicting and in the spirit of the Comprehensive Plan, the surrounding land uses, and the surrounding zoning districts.

**c. Development Standards.**

- i. Minimum Project Area. The minimum area required for a PUD zoning shall be a gross land area of at least ten (10) acres.
- ii. Minimum Lot Frontage. The minimum lot frontage required for a PUD project shall be at least three hundred (300) feet on a public street from which it will gain access.
- iii. Maximum Lot Coverage. The square footage of all primary structures, accessory structures, and impervious surfaces shall not exceed sixty-five percent (65%) of the overall project area of the PUD.
- iv. Maximum Structure Height. While the PUD shall establish the maximum height of structures, the maximum height for any structure shall be fifty (50) feet.
- v. Density. Because land is used more efficiently in a PUD, improved environmental quality can often be produced with a greater number of structures per gross acre than is usually permitted in a traditionally zoned district. Projects that utilize the PUD process are encouraged to plan for density above and beyond what is traditionally permitted under comparable zoning districts.

**d. Additional Site Development Standards.**

- i. See *Chapter 8, Section D.3* for the specific format, content, and procedures for the PUD District process.
- ii. Unless otherwise specifically addressed in the PUD, all other development standards and procedures of this UDO shall apply.

## 16. GATEWAY OVERLAY DISTRICT (GO)

### a. Purpose.

- i. The intent of the Gateway Overlay District (“GO”) is to ensure quality and aesthetically appealing development along the most visible and heavily traveled corridors that serve as a gateway for the Town of Sellersburg. The associated development standards of this overlay district will contribute to creating a sense of place and identity for Sellersburg through:
  - (a) Ensuring that new construction contributes to the overall aesthetic quality of the identified gateways;
  - (b) Fostering walkability by the incorporation of pedestrian and alternative transportation elements;
  - (c) Maintaining consistent building scale and design that considers architectural features, height, and landscaping; and
  - (d) Incorporating access management features to alleviate traffic and congestion.

### b. Uses.

- i. The permitted uses and special exception uses of the underlying zoning districts are permitted unless excluded below. The following permitted and/or special exception uses are NOT permitted within the Gateway Overlay:
  - (a) Cemetery/columbaria/mausoleum
  - (b) automotive repair
  - (c) automotive sales, new and used
  - (d) barn/storage building sales
  - (e) boat/farm equipment/motorcycle/recreational vehicle sales and repair
  - (f) funeral home
  - (g) kennel
  - (h) mortuary
  - (i) race track
  - (j) stadium
- ii. The following uses are allowed by special exception within the Gateway Overlay:
  - (a) drive thru establishment
  - (b) \*dwelling, multi-family
  - (c) gas station

### c. Development Standards.



- i. The development standards of the underlying zoning district shall apply unless otherwise specified in this section. In the event of conflict, the more restrictive standard shall apply.

**d. Additional Site Development Standards.**

- i. The additional site development standards of the underlying zoning district shall apply unless otherwise specified in this section. In the event of conflict, the more restrictive standard shall apply.
- ii. The following site development standards shall apply to all development in the Gateway Overlay District (See *Chapter 3: Site Development Standards*).
  - (a) Architectural Standards.
  - (b) Bufferyard and Landscape Standards.
  - (c) Driveway and Access Management Standards.
  - (d) Parking Standards.
  - (e) Sidewalk and Pedestrian Amenity Standards.
  - (f) Utility Standards.

**e. Nonconforming Development.**

- i. Nonconforming development shall be brought into compliance with all overlay district standards, including the closure of existing driveway(s) if an alternative means of access is available, as well as all other standards of this UDO if any of the following occur:
  - (a) There is a change of use on the parcel;
  - (b) There is a change in ownership of the parcel;
  - (c) A construction design release is required through Indiana Department of Homeland Security (DHS); and/or
  - (d) A local building permit is required.

## 17. AIRPORT OVERLAY DISTRICT (AO)

### a. Purpose.

#### i. Intent.

- (a) The intent of the Airport Overlay District is to regulate and restrict the height of structures and objects of natural growth, and otherwise regulating the use of the property, in the vicinity of the Clark Regional Airport by creating the appropriate zones and establishing boundaries thereof.
- (b) It is hereby found that an obstruction and certain uses have the potential for endangering lives and property of users of Clark Regional Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Clark Regional Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft; thus tending to destroy or impair the utility of Clark Regional Airport and the public investment therein. Accordingly, it is declared:
  - (1) That the creation or establishment of an obstruction and certain uses have the potential of being a public nuisance and may injure the region served by Clark Regional Airport;
  - (2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation and certain uses be prevented; and
  - (3) It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration, or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes.
- (c) Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulations applicable to the same parcel, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

#### ii. Establishment of Airport Zones.

- (a) In order to carry out the provisions of this district, the following Airport Zones have been established which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Clark Regional Airport. If a parcel is located in more than one (1) of the following zones, the more restrictive height limitations shall apply. The various Airport Zones are hereby established and defined as follows:
  - (1) Airport Approach/Transitional Zone. This zone was established based on the Utility Runway Visual Approach, Runway Larger Than Utility Visual Approach, Precision Instrument Runway Approach, and Transitional Zones as defined by FAA Advisory Circular 150/5190-4A.
  - (2) Airport Horizontal/Conical Zone. This zone was established based on the Horizontal Zone and Conical Zone as defined by FAA Advisory Circular 150/5190-4A.

### b. Uses.

- i. Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for

- pilots to distinguish between airport lights and others; result in glare in eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with landing, takeoff, or maneuvering of aircraft intending to use the airport.
- ii. The following uses are prohibited in a Runway Protection Zones (RPZ):
    - (a) Uses that attract wildlife
    - (b) Churches
    - (c) Schools
    - (d) Hospitals
    - (e) Office buildings
    - (f) Shopping centers
    - (g) Storage or maintenance of above ground flammable liquids or explosive materials in excess of the amount of such liquids or materials normally used at a single-family dwelling

#### c. Development Standards.

- i. **Height Limitations.** Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Section to a height in excess of the applicable height limit herein established for such zone. Such, applicable height limitations are hereby established for each of the zones as follows:
  - (a) Airport Approach/Transitional Zone. The maximum height is identified as the maximum elevation above mean sea level on each sub-section for this zone on the Zoning Map. Generally, maximum height increases as distance increases from the runway.
  - (b) Airport Horizontal/Conical Zone. The maximum height is identified as the maximum elevation above mean sea level on each sub-section for this zone on the Zoning Map. Generally, maximum height increases as distance increases from the runway.
- ii. **Airport Elevation.** Elevation of the airport, as defined in Chapter 10: Definitions, is four hundred and seventy-four (474) feet above mean seal level.
- iii. **Excepted Height Limitations.** Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land based upon elevations as they exist as of the date of this ordinance.

#### d. Nonconforming.

- i. **Regulations Not Retroactive.** The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a legally nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section, and is diligently prosecuted.

- ii. **Marking and Lighting.** Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Clark County Board of Aviation Commissioners to indicate to the operators of aircraft in the vicinity of the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of Clark County Board of Aviation Commissioners.

**e. Permits.**

- i. **General.** No material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Section shall be granted unless a variance has been approved in accordance with the law.
- ii. **Existing Uses.** No permit shall be granted that would allow the establishment or creation of any obstruction or permit a legally nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendments thereto or than it is when the application for a permit is made.
- iii. **Nonconforming Uses Abandoned or Destroyed.** Whenever the Clark County Plan Commission determines that a non-conforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- iv. **Variances.** Any application for a variance from the terms of this Section shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, effective use of navigable airspace. Additionally, no application for variance to the requirements of this Section may be considered by the BZA unless notice of the application has been furnished to the Clark County Board of Aviation Commissioners for advice as to the aeronautical effects of the variance.
- v. **Obstruction Marking and Lighting.** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the BZA, this condition may be modified to require the owner to permit the Clark County Board of Aviation Commissioners at its own expense, to install, operate, and maintain the necessary markings and lights.





# CHAPTER 3 | SITE DEVELOPMENT STANDARDS



- A. GENERAL PROVISIONS.** All structures, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this udo are subject to all of the development standards of this chapter as listed.
- B. DEVELOPMENT STANDARDS FOR SPECIFIC SITE CONDITIONS.** Site development standards are included in this chapter for the following:
- Accessory Structure Standards.
  - Architectural Standards.
  - Bufferyard and Bufferyard Planting Standards.
  - Driveway and Access Management Standards.
  - Lighting Standards.
  - Lot and Setback Standards.
  - Parking and Loading Standards.
  - Sidewalks and Pedestrian Amenity Standards.
  - Sign Standards.
  - Storage Standards.
  - Structure Standards.
  - Trash Receptacle Standards.
  - Utility Standards.





# 1. ACCESSORY STRUCTURE STANDARDS.

## APPLICABLE DISTRICTS: ALL DISTRICTS

### a. General.

- i. Accessory structures may not be constructed within a platted easement.
- ii. Detached garages and secondary structures are not required to be oriented toward a major thoroughfare.
- iii. Accessory structures shall not be erected prior to the primary structure (or the establishment of the associated primary use in the event a primary structure is not applicable) with the exception of agricultural uses in the AG district.
- iv. Accessory structures shall be clearly subordinate in height, area, bulk extent, and purpose to the primary structure, except in the AG, I1, and I2 districts.
- v. The total square footage of all accessory structures cannot exceed the square footage of the primary structure except in the AG, I1, and I2 districts. In addition, no more than four (4) accessory structures are permitted on a single parcel except in the AG, I1, and I2 districts.
- vi. All accessory buildings and structures that require a permit shall be located at or behind the front building façade unless specified otherwise in this UDO. Accessory structures that do not require a permit are allowed in the front yard except swing sets, trampolines, and similar play structures.

### b. Permits.

- i. **Permit NOT Required.** The following accessory structures are permitted in all zoning districts and may be installed without an ILP:
  - (a) Landscape vegetation, swing sets, children’s tree houses, bird baths, bird houses, curbs, lamp posts, mail boxes, name plates, poles for basketball net, utility installations for local/home services (including cable, fiber, and wifi; excluding solar and wind), retaining walls, walks, drainage installations, housing for domestic pets provided it is not for profit and does not constitute a “kennel” as defined in *Chapter 10: Definitions*.
  - (b) Ponds less than one (1) acre.
- ii. **Permit Required.** The following accessory structures are permitted in all zoning districts and require an ILP certifying that all applicable requirements of the ordinance have been met.
  - (a) Accessory buildings and structures such as decks, garages, carports, enclosed patios, fences, above-ground swimming pools, in-ground swimming pools, bath houses, gazebos, cabanas, greenhouses, paved sports courts, solar/wind structures (free standing, co-located, and attached), storage sheds, and stables.
  - (b) All patios and slabs larger than twenty-five (25) square feet (cumulative area).
  - (c) Signs as set forth in this ordinance.
  - (d) Temporary storage containers as set forth in this ordinance.
  - (e) Wireless communications facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.

**c. Fences.**

- i. Fences located in front of or in line with the front façade of the primary structure shall not exceed three (3) feet in height.
- ii. Fences in side or rear yards shall not exceed six (6) feet in height within residential districts (R1, R2, M1, M2, DTN) and ten (10) feet in height in all other districts.
- iii. Fences shall not be located in a platted easement.
- iv. Fence materials that are unsuitable in residential districts are prohibited and include: barbed wire, wooden pallets, and other non-durable or unsafe construction materials.

**d. Swimming Pools.** In accordance with the applicable building code, swimming pools (above ground and below ground) shall be enclosed by either a mechanical pool cover, substantial fence, or other barrier. A fence/barrier shall be at least sixty (60) inches in height, which shall be adequate to prevent persons, children, or domestic animals from danger or harm and shall be equipped with a self-closing, self-latching gate. Such protective barrier may be chain-link, ornamental, solid fence, or other solid vertical barrier, including buildings where the pool structure is used as a barrier. If the barrier is mounted on top of the pool structure, and means of access is a ladder or steps, then the ladder or steps shall be capable of being secured by lock or removed to prevent access, or the ladder or steps shall be surrounded by a protective barrier. Any protective barrier shall be constructed as to prevent the passage of a four (4) inch diameter sphere and not to create a ladder effect.



## 2. ARCHITECTURAL STANDARDS.

### APPLICABLE DISTRICTS: DT, DTN, TC, GO

- a. **General.** The intent of these sign standards is to promote quality design of new residential and commercial structures in order to improve the appearance of development and promote structure longevity.
- b. **Orientation and Entrances.**
  - i. Front of buildings and the primary entrance shall be oriented towards the street with the highest roadway classification or as approved by the Administrator and shall provide convenient access from adjacent buildings, sidewalks, parking, and bicycle paths.
  - ii. Buildings located on corner lots may incorporate a corner entrance.
  - iii. The primary entrance for the primary structure shall have a prominent architectural feature, such as an awning, canopy, or treatment that clearly distinguishes the entrance.
- c. **Building Façade Variations.**
  - i. **DT, DTN, TC, and GO Districts.** All facades shall incorporate at least one (1) change in architectural materials or modulation every fifty (50) linear feet horizontally and every twelve (12) linear feet vertically. Fractions of horizontal and vertical distances shall be rounded up (For example, a façade that is 70 feet in length shall have at least 2 variations). Variations shall include:
    - (a) A modulation of at least two (2) feet;
    - (b) A change in material which also includes a change in color or texture;
    - (c) Window accents (such as trim greater than two (2) inches in width or shutters) within the DTN District only;
    - (d) Or other variation as approved by the Administrator.
  - ii. **DT, TC, and GO Districts.**
    - (a) Facades should include cornices, parapets, or similar architectural elements that are appropriately scaled to the building façade.
    - (b) All facades visible from a public right-of-way shall include a minimum of at least thirty percent (30%) fenestration (openings in façade including windows, doors, and similar) on the upper floors and at least forty percent (40%) fenestration on the ground floor.
      - (1) Fenestration calculations exclude non-transparent parts of an opening (such as lintels, frames, sills, and mullions) that are larger than one (1) inch in any dimension.
    - (c) Window opening dimensions shall be similar in proportion to the building façade and shall be consistent in proportion with any adjacent historic structures.

**d. Awnings.**

- i. **DT and TC Districts.** With approval from the Administrator, awnings or canopies within the DT and TC Districts may be extended into the right-of-way on the front property line by up to four (4) feet as long as the following conditions are met:
  - (a) Any structure is at least two (2) feet from the edge of any roadway; and
  - (b) No supporting structures and/or elements are located lower than eight and a half (8.5) feet above the ground level to ensure safe passage of pedestrians.

**e. Building Materials.**

- i. **DT, DTN, TC, and GO Districts.**
  - (a) **Permitted Materials.** Permitted building materials for all structures, including fences, include brick, tile masonry, native stone, or similar durable materials as approved by the Administrator. Similar building materials shall be used throughout a development with multiple buildings.
    - (1) **Fence Materials.** Aluminum is a permitted material for fences in addition to the permitted building materials.
    - (2) **Accent Materials.** Fiber cement siding and non-corrugated metal sheeting are permitted as an accent building material only and shall not exceed twenty percent (20%) of the total building facade. Pre-cast masonry and gypsum reinforced fiber concrete are permitted for trim/cornice elements only.
  - (b) **Materials Not Permitted.** Unless specified below in *Section B.2.3.i.(c): Exceptions*, vinyl siding, corrugated metal sheeting, and similar materials are not permitted.
  - (c) **Exceptions.**
    - (1) **DT District.** Fiber cement siding and wood siding are permitted as the primary building materials.
    - (2) **DTN District.** Vinyl siding, fiber cement siding and wood siding are permitted as the primary building materials.
- f. **Roofs.** Permitted roofs shall include flat with a parapet wall, hip roof, or gable roof. Long stretches of the same roof form for more than fifty (50) feet shall be avoided. Mechanical equipment shall not be visible from any public right-of-way or public area.
- g. **Dumpsters.** Dumpsters shall not be visible from the public rights-of-way, parking lots, or public areas. Screening shall be at least six (6) feet in height on all sides and be made of the same materials as the front of the primary structure.



### 3. BUFFERYARD AND BUFFERYARD PLANTING STANDARDS.

#### APPLICABLE DISTRICTS: ALL DISTRICTS

- a. Purpose.** Both the amount of land and the type and amount of planting specified for each bufferyard requirement are designed to minimize nuisances between adjacent land uses. The planting units required of bufferyards have been calculated to ensure that they do, in fact, function as “buffers”. Bufferyards shall be required to separate land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly building or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.
- b. Determination of Required Bufferyard.**
- i. Bufferyard and planting requirements apply to all sides of a parcel (front yards, side yards, and rear yards). However, fence and wall requirements, as identified in *Table ##: Bufferyard Planting Requirements*, do not apply to front yards.
  - ii. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. Each developer or owner is required to install a bufferyard on their parcel as it develops, even if the developer on an adjacent parcel has also installed a bufferyard.
  - iii. To determine which bufferyard is required between the subject parcel and each adjacent parcel, refer to *Table ##: Bufferyard Requirements* as follows:
    - (a) Identify the subject zoning district of the proposed land use by referring to the vertical column of the table.
    - (b) Identify the zoning district of each adjacent parcel by referring to the horizontal column of the table.
    - (c) Determine the bufferyard(s) required along the boundary between the subject parcel and each adjacent parcel per the table.
- c. Location of the Bufferyard.**
- i. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.
  - ii. The Administrator has discretion to modify the width of the bufferyard and the placement of plantings to accommodate rights-of-way, drainage easements, and utility easements. While the width of the bufferyard may include all or a portion of rights-of-way, drainage easements, and utility easements, plantings may be shifted or clustered so that they are not placed in rights-of-way or easements.
- d. Planting Requirements.**
- i. Plantings are required as listed in *Table ##: Bufferyard Planting Requirements*. Additional street plantings may be required within the DT, TC, and GO Districts as listed in *Table ##: Street Planting Requirements* (See *Section B.8, Sidewalk and Pedestrian Amenity Standards*).
  - ii. Any fraction of a required tree or shrub shall be rounded up to the whole number.
  - iii. Trees and shrubs may be grouped or clustered to facilitate visually appealing site design.

- iv. Deciduous trees are to be a minimum of two (2) inches in diameter or eight (8) feet tall at the time of planting.
- v. Evergreen trees shall be a minimum of five (5) feet tall at the time of planting.
- vi. Plants listed in *Table ##: Prohibited Tree List* and *Table ##: Prohibited Shrub List* are prohibited.

**e. Substitutions and Modifications.**

- i. Any existing plant material, which otherwise satisfies the requirements of this section, may be counted toward satisfying all such requirements.
- ii. The following plant material substitutions shall satisfy the requirements of this section.
  - (a) In all bufferyards, evergreen canopy trees and evergreen understory trees may be substituted for deciduous canopy trees without limitation.
  - (b) In all bufferyards, evergreen shrubs or conifer shrubs may be substituted for deciduous shrubs without limitation.
- iii. A landscape plan shall be submitted with each applicable application.
- iv. If the development on the adjacent use is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

**f. Wall and Fence Requirements.**

- i. Whenever a wall or fence is required within a bufferyard, the specifications are shown as “Structure Required” in *Table ##: Bufferyard Planting Requirements*.
  - (a) When the subject property and the adjacent property are undeveloped, the subject property shall install the required wall or fence. Subsequent development of the adjacent property shall only install the required plantings.
  - (b) If the adjacent property was developed prior to the enactment of this UDO, the subject property shall install the required wall or fence.
  - (c) Fence and wall requirements do not apply to Front yards.
- ii. Masonry walls required of Bufferyard H are intended to buffer more significant nuisances from adjacent land uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the wall and the noise source.

**g. Maintenance.**

- i. All plant material that dies must be replaced by the property owner within six (6) months so as to maintain the approved bufferyard and landscape plan.
- ii. Landscaped areas shall be properly drained, regularly maintained, and free of weeds, dirt, trash, and debris.
- iii. Landscaped areas within the DT, TC, and GO Districts shall be irrigated.



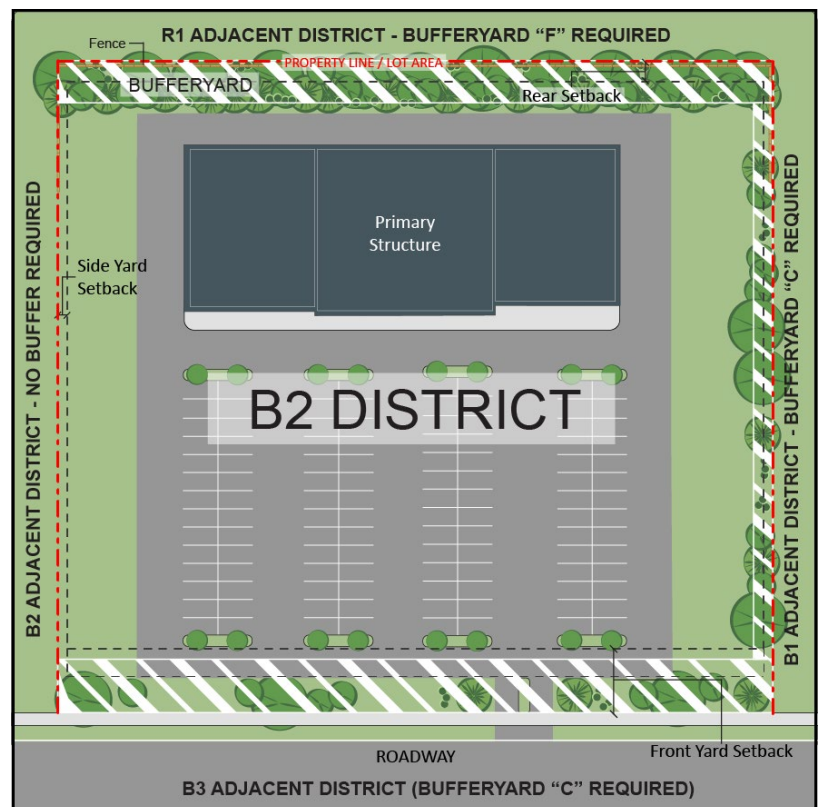
#### h. Other.

- i. If the development borders a jurisdictional boundary outside that of this ordinance, the bufferyard used shall be based on the zoning district most comparable to that of this UDO at the discretion and approval of the Administrator.
- ii. All bufferyard areas shall be live vegetation and seeded with lawn or prairie grasses unless such ground cover is already established.
- iii. Bufferyards may contain natural water amenities or areas established for drainage, provided that planting requirements are still satisfied.
- iv. Bufferyards may overlap with drainage and utility easements, but required plantings must not be placed within the drainage and utility easements themselves.

**i. Use of Bufferyards.** A bufferyard may be used for passive recreation. It may contain pedestrian or bike trails, provided that no plant material is eliminated, the total width of the bufferyard is not reduced, and all other regulations of the ordinance are met. In no event, however, shall permanent structures be permitted in bufferyards including ice-skating rinks, stables, swimming pools, and ball/tennis courts.

**j. Ownership of Bufferyards.** Bufferyards may remain in the ownership of the original developer of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this ordinance.

**k. Bufferyard Between Like Uses.** When a bufferyard is required in a zoning district where the proposed use is similar to existing, surrounding uses in terms of land use, size, density, and lot size, the bufferyard may be reduced or omitted at the discretion of the Administrator. The Administrator's approval or denial to reduce or omit a bufferyard shall be made in writing, justifying the decision.



Example Bufferyard Requirements

**TABLE 1: BUFFERYARD REQUIREMENTS**

SUBJECT DISTRICT	ADJACENT DISTRICT													
	GO	AG	R1	R2	M1	M2	B1	B2	B3	DT	DTN	TC	I1	I2
GO	.1	.1	.1	.1	.1	.1	.1	.1	.1	.1	.1	.1	.1	.1
AG <sup>2</sup>	A	-	A	A	A	A	A	A	A	A	A	A	-	-
R1	A	-	-	B	B	B	C	C	C	C	B	D	D	D
R2	A	-	C	-	C	C	C	C	C	C	B	D	D	D
M1	D	-	D	C	-	C	D	D	D	D	D	D	F	F
M2	D	-	E	E	D	-	D	D	D	D	D	D	F	F
B1	D	-	F	F	F	F	-	C	C	D	D	D	F	F
B2	E	-	F	F	F	F	C	-	C	D	D	F	E	F
B3	E	-	G	G	G	G	D	C	-	D	D	F	F	F
DT	.1	.1	D <sup>1</sup>	D <sup>1</sup>	D <sup>1</sup>	D <sup>1</sup>	D <sup>1</sup>	D <sup>1</sup>	D <sup>1</sup>	.1	B	B <sup>1</sup>	F <sup>1</sup>	G <sup>1</sup>
TC	.1	.1	D <sup>1</sup>	D <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	B <sup>1</sup>	C	.1	F <sup>1</sup>	G <sup>1</sup>
I1	H	A	H	H	H	H	G	G	G	H	H	H	-	E
I2	H	A	H	H	H	H	G	G	G	H	H	H	E	-

1 - Table 1: Bufferyard Requirements and Table 2: Bufferyard Planting Requirements only apply to side and rear yards in the DT, TC, and GO Districts. See Chapter 3, Section B.8: Sidewalk and Pedestrian Amenity Standards for street planting requirements in DT, TC and GO Districts.

2 - Excluding crop production

**TABLE 2: BUFFERYARD PLANTING REQUIREMENTS**

BUFFERYARD	MINIMUM WIDTH	PLANT UNITS REQUIRED PER EVERY 100 LINEAR FEET (inclusive of driveways)				STRUCTURE REQUIRED
		Canopy Trees	Understory Trees	Evergreen Trees	Shrubs	Fence or Wall
A	40 feet	0	0	0	0	-
B	5 feet	1	1	0	0	-
C	10 feet	1	2	1	3	-
D	15 feet	2	4	3	6	-
E	25 feet	3	5	3	9	-
F	20 feet	4	8	5	12	Fence <sup>1</sup>
G	30 feet	5	8	8	18	fence <sup>1</sup>
H	50 feet	6	9	12	18	Wall <sup>2</sup>

1 - 8 feet height, solid opaque fence constructed of either wood or vinyl. Fence requirement does not apply to any front yard.

2 - 8 feet height, solid opaque wall. Any portion of the wall that is visible from an adjacent property or public right-of-way shall be constructed of masonry, split face, stone, brick. Wall requirement does not apply to any front yard.





TABLE 3: PROHIBITED TREE LIST

Genus	Specific Epithet	Common Name	Justification for Prohibition
Acer	platanoides	Norway Maple	Invasive
Ailanthus	altissima	Tree of Heaven	Invasive
Albizia	julibrissin	Mimosa	Invasive
Alnus	glutinosa	Black Alder	Invasive
Fraxinus	species	Ash	Emerald Ash Borer Insect Susceptibility
Morus	alba	White Mulberry	Invasive
Paulownia	tomentosa	Princess Tree	Invasive
Phellodendron	amurense	Amur Cork Tree	Invasive
Pyrus	calleryana	Callery Pear	Invasive, including 'Bradford' and other hybrids
Quercus	acutissima	Sawtooth Oak	Invasive Potential
Triadica	sebifera	Chinese Tallow Tree	Invasive
Ulmus	pumila	Siberian Elm	Invasive

TABLE 4: PROHIBITED SHRUB LIST

Genus	Specific Epithet	Common Name	Justification for Prohibition
Berberis	vulgaris	Common Barberry	Invasive Potential
Berberis	thunbergii	Japanese Barberry	Invasive
Celastrus	orbiculatus	Asian Bittersweet	Invasive
Elaeagnus	angustifolia	Russian Olive	Invasive
Elaeagnus	umbellata	Autumn Olive	Invasive
Euonymus	alatus	Burning Bush	Invasive
Euonymus	fortunei	Wintercreeper	Invasive
Fallopia	x bohemica	Bohemian Knotweed	Invasive, including other hybrids
Fallopia	sachalinensis	Giant Knotweed	Invasive
Frangula	alnus	Glossy Buckthorn	Invasive
Hypericum	perforatum	St. John's Wort	Invasive
Ligustrum	amurense	Amur privet	Invasive Potential
Ligustrum	obtusifolium	Blunt Leaved Privet	Invasive
Ligustrum	ovalifolium	California Privet	Invasive Potential
Ligustrum	sinense	Chinese Privet	Invasive Potential
Ligustrum	vulgare	Common Privet	Invasive Potential
Lonicera	japonica	Japanese Honeysuckle	Invasive
Lonicera	maacki	Amur Honeysuckle	Invasive
Lonicera	morrowii	Morrow's Honeysuckle	Invasive
Lonicera	tartarica	Tartarian Honeysuckle	Invasive
Lonicera	x bella	Bell's Honeysuckle	Invasive
Rhamnus	cathartica	Common Buckthorn	Invasive
Rhamnus	frangula	Tall Buckthorn	Invasive
Rosa	multiflora	Multiflora Rose	Invasive
Rubus	phoenicolasius	Wine Raspberry	Invasive Potential
Spiraea	japonica	Japanese Meadowsweet	Invasive
Viburnum	opulus	European Cranberry	Invasive, including the variety opulus

## 4. DRIVEWAY & ACCESS MANAGEMENT STANDARDS.

### APPLICABLE DISTRICTS: ALL DISTRICTS

- a. Permits.** New driveways and curb cuts require an ILP before being except within platted subdivisions. All driveways must be approved by the Building Commissioner or their designee, applicable roadway authority and, if applicable, the respective homeowners association (HOA). Existing curb cuts on undeveloped property that have not obtained an ILP in the past will need to do so before the property may be developed.
- i. Driveway permits on County and/or INDOT roadways must obtain a permit from the respective body in addition to obtaining an ILP from the Town.
- b. Materials.**
- i. **Agricultural Uses.** Driveways that serve agricultural uses or a single residence within the AG district shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, brick pavers, or other material that will provide equivalent protection against potholes, erosion, and dust for the first thirty (30) feet from the right-of-way. Portions of driveways that are more than thirty (30) feet from the right-of-way are not required to be paved.
- ii. **Residential Uses.** Except for driveways serving a single residence within the AG District, driveways serving residential uses must be graded and surfaced with an all-weather paving material such as asphalt, concrete, brick pavers, or other material that will provide equivalent protection against potholes, erosion, and dust.
- iii. **Commercial and Industrial Uses.** Driveways serving commercial uses and industrial uses must be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust and must be constructed in accordance with the industrial and business road standards as outlined in *Exhibit A: Minimum Standard Design Requirements*.
- c. Dimensional Standards.**
- i. Residential driveways must be at least twenty (20) feet in length between the primary structure and the sidewalk or edge of roadway if a sidewalk does not exist.
- ii. Residential driveways serving one (1) dwelling unit do not have a minimum pavement width but pavement cannot be more than twenty (20) feet in width from the right-of-way to the roadway edge of pavement.



- d. Separation from Intersections.** Driveways shall be adequately separated from roadway intersections in order to minimize conflict with intersection traffic. No driveway shall enter the adjoining street at a point closer than the distances shown below to the intersection of the roadway edge of pavement, or in the case of a rounded property corner, from the intersection of the back of curb extended. If a driveway cannot meet the separation requirements from an intersection because of the parcel width, one (1) driveway is permitted at the furthest point from the intersection. Roadway classification shall be in accordance with the Comprehensive Plan.
- i. Local Road: 50 feet
  - ii. Major Collector or Minor Collector: 75 feet
  - iii. Principal Arterial or Minor Arterial: 100 feet
- e. Shared Access within DT, TC, and GO Districts.** Developments within the DT, TC, and GO Districts shall establish the use of internal cross-easements, frontage roads and/or shared access points where feasible. New development shall anticipate shared access points and shall be required to provide access easements in their design unless already served by shared access or frontage road. All shared access or easements shall be recorded by the property owner and shall have signed and recorded maintenance agreements with all property owners.

## 5. LIGHTING STANDARDS.

### APPLICABLE DISTRICTS: ALL DISTRICTS

- a. **Purpose.** The intent of these standards is to provide a level of illumination necessary for safe, adequate, and efficient movement of persons and vehicles without affecting adjacent properties. Furthermore, these standards apply to every zoning district within the jurisdiction.
- b. **Context.** Permanent outdoor lighting for all uses, except individual lots for single-family residential, shall be of a design and size that is harmonious with the design of the building, the type of land use, and the type of adjacent land uses. All lighting fixtures within a single development must be consistent in style, design, height, size, and color throughout the development.
- c. **Shielding.** All lighting must be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties. Furthermore, all lighting elements used to cast light on building facades, features of buildings, or signs must have cutoff luminaires with “down lighting.”
- d. **Parking Lot Lighting.** Lighting fixtures for parking lots must all be consistent in color, size, height, and design. Furthermore, fixtures shall not exceed twenty (20) feet in height and all lighting elements must have cutoff luminaires with “down lighting.”
- e. **Light Bleed Prohibited.** Lighting from a property may not cause glare beyond the property line of that property.
- f. **Prohibited Lighting.** Excessive brightness, flashing lights, and brilliant colors are not permitted, excluding seasonal displays.



## 6. LOT AND SETBACK STANDARDS.

### APPLICABLE DISTRICTS: ALL DISTRICTS

#### a. Lots.

- i. Every primary structure hereafter erected, except agricultural structures not used for human habitation, shall be located on an individual lot which fronts on a street or private drive. No building or structure shall hereafter be erected or located on a lot unless such lot conforms with the lot area regulations of the district in which it is located or in accordance with *Chapter 9: Non-conforming Lots, Structures, and Uses*.
- ii. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste material of any kind shall be buried in any land, or left deposited on any lot or street at the time the buildings are ready for occupancy.

#### b. Setbacks.

- i. In the case of a through lot or a corner lot, any property line abutting a street shall be considered a front property line and the setback from that line shall conform to the front yard setback regulations of that district. Corner lots shall have two (2) front yard setbacks and two (2) side yard setbacks.
- ii. One-half (1/2) of an alley abutting the rear or side of a lot may be included in the rear yard setback or side yard setback, respectively, but such alley space shall not be included for loading and unloading berths.
- i. Architectural features (cornices, chimney, eave, sill, canopy, or similar feature) or open platforms, porches, or landings may extend into a required side setback or rear setback no more than two (2) feet, and may project into a required front yard no more than three (3) feet, unless specified in this UDO.

## 7. PARKING AND LOADING STANDARDS.

### APPLICABLE DISTRICTS: ALL DISTRICTS

#### a. Intent.

- i. To reduce traffic problems and hazards by eliminating unnecessary on-street parking and loading, every use of land must include on-premises parking and loading sufficient for the needs normally generated by the use, as provided by this section.
- ii. Off-street parking spaces shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing, or continuous storage of vehicles for more than forty-eight (48) hours.
- iii. Automotive vehicles or trailers of any type without plates in an inoperable condition, so as to be deemed dead storage, shall be prohibited in residential districts other than in completely enclosed buildings and shall not be parked or stored in any district unless specifically authorized under the terms of this ordinance.
- iv. Space allotted to loading berths and loading areas shall not be used to satisfy parking space requirements.

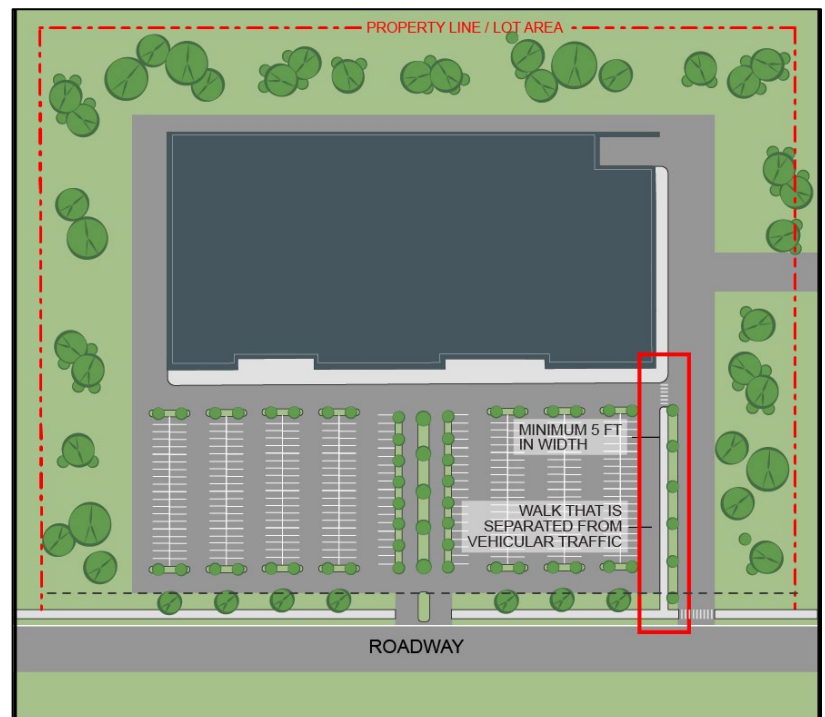
#### b. General Parking Lot and Loading Area Design.

- i. Non-residential parking or loading areas along the street-front should be minimized. When possible, parking or loading areas should be placed to the rear of the structure. All parking or loading areas shall be designed with appropriate means of movement and shall be so arranged that movement can proceed safely without posing a danger to pedestrians or other vehicles. No parking area shall be so designed as to require backing into a public street, public or private pedestrian access way, or from a public alley.
  - (a) At least fifty percent (50%) of parking within the GO District shall be provided behind the front elevation of the primary structure (to the side or rear of the primary structure).
  - (b) All parking within the DT district shall be located behind the front elevation of the primary structure (to the side or rear of the primary structure).
  - (c) All parking within the TC district shall be located behind the rear elevation of the primary structure.
- ii. In order to maintain separation of parking and loading areas from travel lanes and roadways, all parking spaces and loading areas shall maintain a setback of at least ten (10) feet from property lines and rights-of-way, or the width of the required bufferyard, whichever is greater. The following are exempt from this standard:
  - (a) Side and/or rear property line(s) and side or rear right(s)-of-way for all development within the DT and TC Districts is except from this standard for developments with shared parking lots; and
  - (b) Single-family dwellings.
- iii. All parking or loading spaces shall be designed, arranged, and regulated as to open directly upon an aisle or driveway without obstruction.



- iv. All parking areas shall be striped and channelized as appropriate. Parking spaces shall be marked and access lines clearly defined, including directional arrows to guide internal movement and directional signs as necessary.
  - v. All parking or loading areas shall be maintained in good condition and free of weeds, dirt, trash, and debris.
  - vi. Parking areas shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, brick pavers, or other material that will provide equivalent protection against potholes, erosion, and dust.
  - vii. Curbs shall be provided along the perimeter of the parking area so that no part of a parked vehicle will extend beyond the boundary of the parking area.
  - viii. Any use which fronts upon and utilizes access to a primary or secondary arterial shall provide and utilize a common frontage or access lane for the purpose of access, parking, and loading.
  - ix. All parking areas shall conform to state and federal requirements regarding handicap accessibility.
- c. **Design Flexibility.** Due to particularities of any given development, the inflexible application of required parking spaces may result in parking and loading spaces in excess of need. Upon the written request of the applicant, the Administrator may authorize a reduction of required parking spaces not to exceed twenty percent (20%) if there is an agreement for shared parking with adjacent lot(s) or documented justification for the type of use is provided. Approval of a reduction in required parking spaces by the Administrator shall be in writing and shall include justification for allowing such reduction.

- d. **Pedestrian Connection within DT, TC, and GO Districts.** If the total development within the DT, TC, and GO Districts has one hundred (100) or more parking spaces, a pedestrian connection shall be required that provides a safe connection between the public right-of-way, furthest parking space, and the primary entrance. Said pedestrian connection shall be at least five (5) feet in width and separated from vehicular traffic through curbing, landscaping, or similar treatment that provides a separation between pedestrians and vehicular traffic.



Example Pedestrian Connection

**e. Required Parking Spaces.**

- i. In determination of required parking spaces, any fraction of less than one-half (0.50) shall be disregarded, while a fraction of one-half (0.50) or greater shall be counted as one (1) parking space.
- ii. For uses not specified in this section or in the instance requirements for an adequate number of spaces is unclear, the number of spaces shall be determined by the Administrator on the basis of similar requirements, the number of persons served or employed, and the capability of adequately serving the visiting public. Disagreement with this determination may be appealed to the BZA in accordance with *Chapter 8, Section D.1: Appeals Procedures*.
- iii. Unless noted in this section, the number of required automobile parking spaces shall be considered the minimum allowable number of spaces for any particular use.

TABLE 5: MINIMUM PARKING REQUIREMENTS	
LAND USE CATEGORY	MINIMUM PARKING STANDARDS
Accessory Uses	As determined by the Administrator.
Agricultural Uses	1 space per 200 sqft of gross floor area of structures designated for public access.
Commercial Uses	Methodology to be determined by Administrator as: <ul style="list-style-type: none"> <li>▪ 1 space per 8 seats for theater or auditorium;</li> <li>▪ 1 space per 2 employees on the largest shift;</li> <li>▪ 1 space per 400 sqft of gross floor area commercial; or</li> <li>▪ 1 space per 300 sqft office or other use</li> </ul>
Industrial Uses	1 space per 2 employees on the largest shift or as determined by the Administrator.
Institutional Uses	Methodology to be determined by Administrator as: <ul style="list-style-type: none"> <li>▪ 1 space per 8 seats for theater or auditorium;</li> <li>▪ 1 space per 4 beds; or</li> <li>▪ 1 space per 200 sqft of gross floor area</li> </ul>
Residential Uses	Methodology to be determined by Administrator as: <ul style="list-style-type: none"> <li>▪ 2 spaces per single-family or two-family dwelling per unit;</li> <li>▪ 1.5 spaces per 1- or 2-bedroom multi-family dwelling unit and 2 spaces per 3+ bedroom multi-family dwelling unit; or</li> <li>▪ 1 per 2 employees per largest shift and 1 per 2 units for assisted living facilities.</li> </ul>

**f. Joint Use.** Non-residential uses, within the same and/or separate structures, may provide joint parking provided the total number of spaces is not less than the sum of requirements for the various uses. To the extent that developments with joint parking operate at different times, such parking spaces may be credited to both uses.

**g. Satellite Parking.** Parking shall be required on site, except as provided in this section. However, the BZA may grant satellite parking to any non-residential use by Special Exception. At least part of such parking must be within three hundred (300) feet of the proposed use. A site plan must accompany any such application for Special Exception and must include the following:

- i. Adjacent streets, alleys and lots.
- ii. All uses to be served including the location, use and number of parking spaces provided.





- iii. A layout drawn to scale indicating aisles, driveways, entrances, exits, turn-off lanes, parking spaces, setbacks, drainage facilities, landscaping, lighting, pavement, and identification signs including location, size and design.
- iv. All satellite parking shall be developed, maintained and used in accordance with the approved site plan and all other requirements.
- v. Any change or other modification of uses served or number or parking spaces shall require amendment and re-approval by the BZA.

**h. Dimensions of Parking Spaces, Access Aisles, and Driveways.**

- i. Each parking space shall contain a rectangular area nine (9) feet wide and eighteen (18) feet long, exclusive of pedestrian passageways, access drives, aisles, ramps, or landscaped areas. Handicapped parking spaces shall conform to state and federal requirements regarding handicap accessibility.
- ii. Parking areas set aside for parallel parking shall contain a rectangular area nine (9) feet wide and twenty-two (22) feet long.
- iii. Each loading space shall be of a size not less than that required for parking space but scaled larger to delivery vehicles expected to be used.
- iv. Parking aisle widths shall conform to the following table:

TABLE 6: PARKING AISLE WIDTH					
TRAFFIC FLOW	PARKING ANGLE				
	0°	30°	45°	60°	90°
One-way Traffic	10 feet	11 feet	13 feet	18 feet	24 feet
Two-way Traffic	20 feet	20 feet	21 feet	23 feet	24 feet

- v. Driveways shall be a minimum ten (10) feet wide for one-way traffic and twenty (20) feet wide for two-way traffic, except that a ten (10) foot wide driveway is permissible for two-way traffic when the driveway is no longer than fifty (50) feet and provides access to a maximum of five (5) parking spaces.

**i. Loading Areas.** Loading areas shall conform to the following requirements:

- i. Surface. All parking or loading areas shall be developed in accordance with the following standards:
  - (a) Loading areas shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.
  - (b) All areas shall be striped and channelized as appropriate.

**j. Landscape Islands and Plantings for Parking or Loading Areas.**

- i. For parking lots with twenty (20) or more parking spaces, landscape islands shall be provided at the end of every parking row. In addition, no more than fifteen (15) parking spaces can occur in a row without providing one landscape island.
- ii. Landscape islands shall be at least eight (8) feet by sixteen (16) feet in size and be bordered by a concrete curb.
  - (a) Landscape islands that are integrated into a perimeter area shall be considered a landscape island if boarded by parking on at least one side and a concrete curb on at least two sides.
- iii. Landscaped areas and parking lot islands shall be irrigated within the DT, TC, and GO Districts.
- iv. One (1) canopy tree and three (3) shrubs shall be required for every per every required landscape island. Trees and shrubs shall be placed within landscape islands and shall not count towards *Chapter 3.##: Bufferyard Planting Requirements* or *Chapter 3.##: Street Planting Requirements*.
- v. In addition to the required trees, landscape islands shall contain a variety of plantings as well as ground cover, mulch, or stone that is well-maintained and free of weeds, dirt, trash, and debris.

**k. Parking & Loading Screening Standards.**

- i. The following parking and loading screening requirements shall apply to the DT, TC, and GO Districts.
- ii. All surface parking lots and loading areas that are visible from a public right-of-way shall include a screen between the parking and/or loading area and public right-of-way that fully screens vehicles from the right-of-way, excluding driveways. Said screen shall be:
  - (a) Located between the parking lot(s) and loading dock(s) and the public right-of-way; and
  - (b) At least three (3) feet in height at the time of installation.
- iii. Screening may include trees, evergreens, shrubs, berming, and/or masonry walls.
- iv. Any plantings used to satisfy these screening requirements can also be used to satisfy the Bufferyard Planting Requirements and/or Street Plantings Requirements in *Chapter 3.##: Bufferyard and Landscape Standards* as long as no structures are located between said plantings and the public right-of-way.

**l. Lighting.** See *Chapter 3, Section B.5: Lighting Standards*.

**m. Loading and Unloading.** All uses shall provide loading berths, except those that do not receive or transport goods in quantity by truck delivery. Each loading and unloading berth must include a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance. Loading and unloading berths must be a minimum distance of one hundred (100) feet from the nearest residential use. Lighting shall be in accordance with *Chapter 3, Section B.5: Lighting Standards*.

**n. Inspections.** At the time the structure receives its final inspection, the completion of the landscaping in accordance with these requirements shall also be a part of the final inspection. However, if seasonal circumstances do not permit the planting of the required landscaping, the final inspection of the landscaping shall be performed at a reasonable, later date as determined by the Administrator.

**o. Bicycle Parking.**

- i. Provisions for bicycle parking are required as part of any multi-family, commercial, or industrial project including projects requiring Development Plan approval, an ILP submittal for a new commercial or industrial structure, or as determined by the Administrator for an ILP submittal for a structural addition or remodel.
- ii. All uses, except single-family and two-family residential, shall provide space for bicycle parking.
  - (a) Multi-family Uses: one space (1) space per every three (3) dwelling units or fraction thereof.
  - (b) Commercial Uses: one (1) space per use / business or as required by the Administrator based on anticipated bicycle traffic.
  - (c) Industrial Uses: one (1) space per use / business or as required by the Administrator based on anticipated bicycle traffic.
- iii. Parking racks shall be required to support the bicycles. Rack elements shall support the bicycle frame at two (2) locations, prevent the bicycle from tipping over, and enable the frame and one or both wheels to be secured with a user-supplied locking device.
- iv. All required bicycle parking spaces outside a building shall be located within a fifty (50) foot radius of the primary building entrance or in another convenient and accessible location as determined by the Administrator.

**p. Non-Conforming Parking, Enlargement, or Alteration of Existing Structure.**

- i. No use lawfully established prior to the effective date of this section shall be required to provide and maintain the parking and loading requirements of this section, provided that parking and loading spaces required by any previous ordinance pursuant to state statutes shall be continued and maintained.
- ii. For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation, provided, however, it is not necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses.
- iii. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities shall be provided for such increase in intensity of use.
- iv. When the existing use of a building, structure or premises shall be changed or converted to a new use permitted by this ordinance, parking and loading facilities shall be provided as required for the new use.
- v. Parking and loading facilities in existence on the effective date of this section shall not be reduced below or if already less than, shall not be further reduced below, the requirements for a new use under this section.

## 8. SIDEWALK AND PEDESTRIAN AMENITY STANDARDS.

### APPLICABLE DISTRICTS: DT, TC, GO

- a. **General.** The intent of these amenity standards is to provide connectivity within all development within the DT, TC, and GO Districts through safe and inviting facilities.
- b. **Sidewalks Required.**
  - i. Sidewalks within the DT, TC, and GO Districts shall be installed by the developer, at their expense, along all public roads and shall be dedicated as public right-of-way and conveyed to the Town of Sellersburg, if improvements cannot be located within previously dedicated or existing public right-of-way.
    - (a) GO District. Concrete sidewalks shall be installed for all development within the GO District that are a minimum of six (6) feet in width and separated from the edge of roadway pavement by a grass strip of at least eight (8) feet in width, unless an integrated curb and sidewalk is approved by the Administrator. Drainage infrastructure, such as ditches, may be located in the grass strip, but must comply with the Sellersburg Drainage Ordinance and Technical Standards. At the discretion of the Administrator, an asphalt pathway may alternatively be installed and must be at least eight (8) feet in width.
    - (b) DT and TC Districts. Sidewalks shall be installed for all development within the DT and TC Districts that include an integrated curb and sidewalk unless approved by the Administrator and shall comply with the town's minimum design standards for each respective district.
  - ii. All sidewalks and pathways shall comply with the town's minimum design standards for each respective district and shall comply with all current ADA standards.
  - iii. All improvements shall be approved by the Town Engineer prior to installation and dedication. The town shall maintain sidewalks within the public right-of-way after dedication.
- c. **Streetscape Elements Required.**
  - i. Streetscape elements within the DT, TC, and GO Districts shall be installed by the developer, at their expense, along all public roads and shall be dedicated as public right-of-way and conveyed to the Town of Sellersburg, if improvements cannot be located within previously dedicated or existing public right-of-way.
    - (a) DT, TC, and GO Districts. Street Lighting shall be installed by the applicant for all development within the DT, TC, and GO Districts and shall comply with the town's minimum design standards for each respective district.
    - (b) DT and TC Districts. Benches and planters shall be installed by the applicant for all development within the DT and TC Districts and shall comply with the town's minimum design standards for each respective district.
  - ii. All streetscape elements shall comply with the town's minimum design standards for each respective district.
  - iii. All improvements shall be approved by the Town Engineer prior to installation and dedication. The town shall maintain improvements within the public right-of-way after dedication.



**d. Street Plantings Required.**

- i. Street plantings within the DT, TC, and GO Districts shall be installed by the developer, at their expense, along all public roads.
  - (a) DT and TC Districts.
    - (1) Street plantings shall be installed by the applicant for all development within the DT and TC Districts and shall comply with the town’s minimum design standards for each respective district and shall be dedicated as public right-of-way and conveyed to the Town of Sellersburg, if improvements cannot be located within previously dedicated or existing public right-of-way.
    - (2) All improvements shall be approved by the Town Engineer prior to installation and dedication. The town shall maintain improvements within the public right-of-way after dedication.
  - (b) GO District.
    - (1) Street plantings and landscape buffer shall be installed by the applicant for all development within the GO District that is adjacent to a public road as identified in *Table ##: Street Planting Requirements*.
    - (2) Said plantings and landscape buffer shall not be located within the public right-of-way and plantings listed in *Table ##: Prohibited Tree List* and *Table ##: Prohibited Shrub List* shall be prohibited. Plantings within the GO District shall not be dedicated and/or conveyed to the Town and shall be maintained by the property owner.
- ii. All street plantings shall comply with the town’s minimum design standards for each respective district.

TABLE 7: STREET PLANTING REQUIREMENTS (GO DISTRICT)					
IF ADJACENT TO PUBLIC RIGHT-OF-WAY	MINIMUM LANDSCAPE BUFFER WIDTH <sup>1</sup>	PLANT UNITS REQUIRED PER EVERY 100 LINEAR FEET (inclusive of driveways) <sup>2</sup>			
		Canopy Trees	Understory Trees	Evergreen Trees	Shrubs
Front Yard	8 feet	5	3	3	15
Side/Rear Yard	8 feet	3	2	0	5

*1 - All street plantings shall be provided within a minimum of an eight (8) foot wide landscape buffer adjacent to the right-of-way (behind sidewalk). With the exception of permitted signage, no other structures or improvements (such as parking lots, accessory structures, merchandise, etc.) may be placed within this landscape buffer.*

*2 - Any plantings used to satisfy the Street Planting Requirements included in this table can also be used to satisfy the Chapter 3, Section B.3: Bufferyard Planting Requirements and/or Chapter 3, Section B.7: Parking and Loading Standards, but the more restrictive requirements shall apply.*

## 9. SIGN STANDARDS.

### APPLICABLE DISTRICTS: ALL DISTRICTS

- a. **General.** The intent of sign standards is to further the goals of the Comprehensive Plan; avoid the proliferation of signage; encourage signs to be compatible with the scale of buildings and the surrounding area; maintain and enhance the aesthetic environment of the city; eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and promote the health, safety, and welfare of the citizens of Sellersburg.
- i. **ILP.** Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign, or change the permanent copy on an existing sign structure within the jurisdiction of the PC, or cause the same to be done, without first obtaining an ILP from the Planning Administrator or their designee. Legal nonconforming signs shall comply with all provisions of this UDO upon a major change or alterations as defined.
- ii. **Inspection.** A sign for which a permit is required may be inspected periodically by the Administrator for compliance with this UDO and other codes of the jurisdiction.
- iii. **Removal of Signs.** The Administrator may order the removal of any illegal, non-conforming sign erected or maintained in violation of this UDO or any previous ordinance. A ten (10) day written notice describing the violation and ordering either the removal of the sign or requiring the sign to be brought into compliance shall be given to the owner and/or business operator. No notice shall be given for Temporary Signs or Portable Signs. The Administrator may remove a sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public. Any cost associated with signs removed pursuant to the provisions of this UDO, shall be reimbursed by the owner of said sign. Should said sign not be redeemed within fifteen (15) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.
- iv. **Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition. If failure to maintain a sign is determined by the Administrator, a written notice will be given to the owner, business operator, or lessee of the property. Thirty (30) days' notice shall be given to the owner, business operator, or lessee of the property to comply with the regulations. After thirty (30) days, if the owner/business operator fails to comply, penalties shall be imposed according to *Chapter 8, Section F.3: Penalties*.
- v. **Sign Placement.**
- (a) Signs shall not be placed within the right-of-way.
- (b) Signs shall not be placed on private property unless permission has been granted by the property owner.
- vi. **Abandoned Signs.** All signs, their mountings, and related components shall be removed by the owner or lessee of the premises upon which the signs are located when a business is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Administrator shall give the owner ten (10) days written notice to remove it. Upon failure to comply with this notice, the Administrator may remove the sign. Any cost associated with sign removal pursuant to the provisions of this UDO shall be reimbursed by the owner of said sign. Should said sign not be redeemed within fifteen (15) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.

- vii. **Electronic Variable Message Signs (EVMS).** All EVMS must meet the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all signs containing an EVMS as a component in part or in whole shall comply with the following standards:
- (a) The message on the sign cannot flash or resemble emergency lights.
  - (b) The message on the sign must hold for a minimum of eight (8) seconds.
  - (c) The sign must have equipped an automatic dimmer control/photocell sensor, to produce a distinct, stepped luminance change from a higher luminance level to a lower luminance level in order to comply with the luminance levels in subsection *a.viii: Sign Illumination Standards*, and to adjust sign brightness based on ambient lighting levels (i.e. cloudy days). The automatic dimmer control/photocell sensor must be activated at all times that the sign is in operation.
  - (d) The sign shall operate at a luminance level not to exceed seven hundred (700) nits thirty (30) minutes before sunset to thirty (30) minutes after sunrise and not to exceed ten thousand (10,000) nits at all other times.
  - (e) No EVMS shall be located within six hundred (600) feet of a residential zoning district except churches or places of worship.
  - (f) No sign containing an EVMS as a component shall be located within one hundred fifty (150) feet of any signalized intersection of two (2) or more streets.
  - (g) All illuminated elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
  - (h) All electrical wiring for permanent EVMS shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place to the Administrator in the event the sign must be shut off because it presents an immediate threat to the safety of the public or is in violation of other local ordinances.
  - (i) The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
  - (j) The light from any sign shall be so directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.
- viii. **Sign Illumination Standards.** All sign illumination must meet the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all illuminated signs shall comply with the following standards:
- (a) No sign shall have blinking, flashing, rotating, revolving, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
  - (b) All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
  - (c) All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place to the Administrator in the event the sign must be shut off because it presents an immediate threat to the safety of the public or is in violation of any local ordinances.

- (d) The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
  - (e) The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.
- ix. **Exempt Signs.** An exempt sign may be illuminated according to the provisions of this chapter but may not be flashing or animated. The following are exempt from all provisions of this Section.
- (a) Posting of a street address to provide adequate property identification. However, at the discretion of the Administrator, when a street address is used as a commercial message or over two (2) sqft, it shall comply with the sign standards for the applicable zoning district.
  - (b) Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
  - (c) Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction. No commercial messages or logos are permitted on such signs.
  - (d) Public signs of a non-commercial nature and in the public interest erected by or on the order of public officer(s) in the performance of public duty (such as rezoning signs, government sign, signs to promote safety, no trespassing, or traffic signs, memorial plaques, signs of historical interest, and signs directing people to public and quasi-public facilities).
  - (e) Utility signs used to mark cables and lines for public and private utilities except if determined to be a hazard by the Administrator.
  - (f) In accordance with IC 36-1-3-11 as amended, the quantity and size of temporary signs are exempt from regulation only during the period of sixty (60) days prior to an election and six (6) days after an election, provided a sign face is no greater than thirty-two (32) square feet in area. The regulations for the placement of all temporary signs are still applicable.
- x. **Prohibited Signs.** The following types of signs are expressly prohibited in all Zoning Districts.
- (a) Signs that utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.
  - (b) Signs that emit audible sound, odor, or visible matter.
  - (c) Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.
  - (d) Signs that may be construed as a light of an emergency or road equipment vehicle.
  - (e) Signs in or over the right-of-way or sidewalk, placed on utility poles, or that hide from view any traffic or roadway sign, signal, or device.
  - (f) Signs that interfere with the sight triangle as defined in this UDO.
  - (g) Signs that extend above the roof line or parapet of a building or are mounted on or a part of the roof.





- (h) Signs that have blinking, flashing, rotating, revolving, or fluttering lights or which has a changing light intensity, brightness or color, or give such illusion.
- (i) Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure.
- (j) Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during non-business hours or for incidental purposes.
- (k) Inflatable, animated, or signs that move.
- (l) Signs displaying obscene matter, as defined in IC 35-49-2, shall be prohibited.
- (m) Human signs unless located on-premise (not within the right-of-way) and during business hours.
- (n) Any sign that is not expressly permitted in this UDO.

- b. **TEMPORARY SIGNS.** The following Temporary Signs shall be permitted, provided the respective development standards are met. An ILP is required unless otherwise specified.

<b>TEMPORARY SIGNS: AG, R1, R2, M1, M2, DTN, and MHP</b>	
<b>SWING SIGNS AND YARD SIGNS (TEMPORARY)</b>	
<b>Size</b>	Maximum of three (3) sqft per sign face
<b>Quantity</b>	Maximum of two (2) signs per parcel
<b>Height</b>	Maximum height of five (5) feet
<b>Duration</b>	N/A
<b>Placement</b>	Not located in the public right-of-way or the sight triangle
<b>Additional Standards</b>	N/A
<b>Permit Required</b>	ILP not required
<b>SITE SIGNS, SWING SIGNS, AND YARD SIGNS (TEMPORARY) GREATER THAN THREE (3) SQFT PER SIGN FACE</b>	
<b>Size</b>	Maximum of thirty-two (32) sqft per sign face
<b>Quantity</b>	Maximum of one (1) sign with two sign faces per parcel
<b>Height</b>	Maximum height of eight (8) feet
<b>Duration</b>	Property is for sale or lease; Project is under construction; or A legally permitted event is occurring and, in which case, the sign shall not be posted more than ten (10) days prior to the event and shall be removed within seven (7) days after said event has transpired.
<b>Placement</b>	Not located in the public right-of-way or the sight triangle Must be a minimum of ten (10) feet from any property line
<b>Additional Standards</b>	EVMS or EVMS components are not permitted
<b>Permit Required</b>	ILP not required



## TEMPORARY SIGNS: B1, B2, B3, DT, TC, I1, I2, and GO

### BANNERS (TEMPORARY)

<b>Size</b>	Maximum of fifty (50) sqft per sign
<b>Quantity</b>	Maximum of one (1) sign per road frontage
<b>Duration</b>	Signs may be displayed before, during, and after a legally permitted special event is occurring with the following durations: <ul style="list-style-type: none"> <li>No more than a total of thirty (30) consecutive days before, during, and/or after the event, but no longer than ten (10) days after the event has transpired; and</li> <li>No more than twice in a calendar year.</li> </ul>
<b>Placement</b>	Sign must be placed on the primary structure
<b>Additional Standards</b>	EVMS or EVMS components are not permitted
<b>Permit Required</b>	ILP not required

### PORTABLE SIGNS (TEMPORARY)

<b>Size</b>	Maximum of twelve (12) sqft per sign face
<b>Quantity</b>	Maximum of one (1) sign per road frontage; or For multi-tenant buildings, the number of signs permitted shall be determined by the Administrator.
<b>Height</b>	Maximum height of fifteen (15) feet
<b>Duration</b>	Signs may be posted only while the business is open to the public
<b>Placement</b>	<ul style="list-style-type: none"> <li>Not located in the public right-of-way or the sight triangle; and</li> <li>Minimum of ten (10) feet from any property line.</li> <li>DT and TC Districts. Sign may be placed in the public sidewalk but must be placed as long as the sidewalk remains ADA/handicap accessible</li> </ul>
<b>Additional Standards</b>	Signs shall not contain any flashing lights
<b>Permit Required</b>	ILP required within DT, TC, and GO Districts; No ILP required in B1, B2, B3, I1, or I2 Districts

### PORTABLE EVMS SIGNS (TEMPORARY)

<b>Size</b>	Maximum of thirty-two (32) sqft per sign face
<b>Quantity</b>	Maximum of one (1) sign with two sign faces per road frontage
<b>Height</b>	Maximum height of six (6) feet
<b>Duration</b>	Signs shall not be displayed for more than two (2) days in a six (6) month period
<b>Placement</b>	Not located in the public right-of-way or the sight triangle; and Minimum of ten (10) feet from any property line.
<b>Additional Standards</b>	May only be placed in the B1, B2, B3, I1, and I2 districts and are not permitted in DT, TC, and GO Districts; and <i>Section B.9.a.vii: Electronic Variable Message Signs</i> shall apply to all other districts.
<b>Permit Required</b>	ILP required

### SITE SIGNS, SWING SIGNS, AND YARD SIGNS (TEMPORARY)

<b>Size</b>	Maximum of thirty-two (32) sqft per sign face
<b>Quantity</b>	Maximum of two (2) signs per road frontage
<b>Height</b>	Maximum height of five (5) feet
<b>Duration</b>	Signs may be displayed before, during, and after a legally permitted special event is occurring with the following durations: <ul style="list-style-type: none"> <li>No more than a total of thirty (30) consecutive days before, during, and/or after the event, but no longer than ten (10) days after the event has transpired; and</li> <li>No more than twice in a calendar year.</li> </ul>
<b>Placement</b>	Not located in the public right-of-way or the sight triangle; and Must be a minimum of ten (10) feet from any property line.
<b>Additional Standards</b>	EVMS or EVMS components are not permitted
<b>Permit Required</b>	ILP required

- c. **PERMANENT SIGNS.** The following Permanent Signs shall be permitted, provided the respective development standards are met. An ILP is required unless otherwise specified.

<b>PERMANENT SIGNS: AG, R1, R2, M1, M2, DTN, and MHP</b>	
<b>MONUMENT SIGNS (PERMANENT)</b>	
<b>Size</b>	Maximum of thirty-two (32) sqft per sign face
<b>Quantity</b>	Maximum of two (2) signs per vehicular entrance to a residential subdivision or residential complex
<b>Height</b>	Maximum height of six (6) feet, unless integrated into a subdivision or residential complex entrance design and approved by Administrator
<b>Placement</b>	<ul style="list-style-type: none"> <li>Signs may only be placed at the vehicular entrance to a residential subdivision or residential complex;</li> <li>Not located in the public right-of-way or the sight triangle;</li> <li>Must be a minimum of fifteen (15) feet from the right-of-way; and</li> <li>Must be placed within a sign easement.</li> </ul>
<b>Additional Standards</b>	Shall have a masonry/stone base that is at least one (1) foot in height; and EVMS or EVMS components are not permitted.
<b>Permit Required</b>	ILP required
<b>WALL SIGNS (PERMANENT)</b>	
<b>Size</b>	Maximum of one (1) square feet in area
<b>Quantity</b>	One (1) sign per parcel
<b>Placement</b>	Sign must be placed on the primary structure
<b>Additional Standards</b>	No illumination is permitted; and EVMS or EVMS components are not permitted.
<b>Permit Required</b>	ILP not required



PERMANENT SIGNS: B1, B2, B3, and GO	
MAXIMUM CUMULATIVE AREA	
<b>Total Cumulative Area</b>	The total square footage of all combined sign faces per parcel shall be one- and one-half times (1 ½ X) the length of the front elevation of the primary structure, but shall not exceed two hundred fifty (250) square feet. (For example: If a building is 100 feet wide, then 150 sqft of signage would be allowed for the parcel. If a building is 300 feet wide, then the limit of 250 sqft of signage would be allowed for the parcel.)
<b>Permitted Sign Types (See Standards Below)</b>	Awning Sign Monument Sign Projecting Sign Wall Sign Window Sign
<b>Additional Standards</b>	GO District: All signs should match the character, materials and proportions of the building on which they are located at the discretion of the Administrator.
AWNING SIGNS (PERMANENT)	
<b>Size</b>	Maximum of fifty (50) sqft per sign face; and Only the portion of awning with words, copy, or other advertisement shall be included in sign area calculations
<b>Quantity</b>	No limit but total cumulative area for all permanent signs shall not be exceeded
<b>Placement</b>	Signs must be on an awning that is attached to the primary structure
<b>Additional Standards</b>	EVMS or EVMS components are not permitted
<b>Permit Required</b>	ILP required
MONUMENT SIGNS (PERMANENT)	
<b>Size</b>	Maximum area of forty-eight (48) sqft per sign face
<b>Quantity</b>	One (1) sign per parcel; and Total cumulative area for all permanent signs shall not be exceeded.
<b>Height</b>	Maximum height of eight (8) feet
<b>Placement</b>	Not located in the public right-of-way or the sight triangle; and Must be a minimum of ten (10) feet from any property line in B1, B2, and B3 Districts or a minimum of five (5) feet from any property line in GO District.
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>• Shall have a masonry/stone base that is at least one (1) foot in height; Alternative durable materials that are consistent with the building materials of the primary structure may be approved by Administrator;</li> <li>• Any EVMS or EVMS component shall not exceed thirty-two (32) sqft in area;</li> <li>• Signs shall be subject to <i>Section B.9.a.vii : Electronic Variable Message Signs</i>; and</li> <li>• Sign base shall have a landscape area equivalent to the area of all sign face(s), but no less than two (2) feet in width, on any side of the sign that displays content. Landscaping can include any combination of trees, evergreens, shrubs, and/or groundcover that is at least one (1) foot in height.</li> </ul>
<b>Permit Required</b>	ILP required

<b>PERMANENT SIGNS: B1, B2, B3, and GO (Continued)</b>	
<b>PROJECTING SIGNS (PERMANENT)</b>	
<b>Size</b>	Maximum of twelve (12) sqft per sign face
<b>Quantity</b>	One (1) sign per building entrance; and Total cumulative area for all permanent signs shall not be exceeded.
<b>Placement</b>	Sign must be placed on the primary structure
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>The lowest point of the sign shall be no less than eight and one-half (8 ½) feet above grade level except for the supporting building, structure, or column;</li> <li>In no case shall the sign extend more than four (4) feet beyond its supporting structure;</li> <li>Permission must be granted by the Administrator for the sign to extend into the right-of-way; and</li> <li>EVMS or EVMS components are not permitted.</li> </ul>
<b>Permit Required</b>	ILP required
<b>WALL SIGNS (PERMANENT)</b>	
<b>Size</b>	Maximum fifty (50) sqft per sign face
<b>Quantity</b>	One (1) per building; and Total cumulative area for all permanent signs shall not be exceeded.
<b>Placement</b>	Signs must be placed on the primary structure
<b>Additional Standards</b>	EVMS or EVMS components are not permitted
<b>Permit Required</b>	ILP required
<b>WINDOW SIGNS (PERMANENT)</b>	
<b>Size</b>	<ul style="list-style-type: none"> <li>Cannot exceed fifty percent (50%) of the window area; and</li> <li>Signs legible from the right-of-way (as determined by the Administrator) shall be counted towards the cumulative permitted sign area; and</li> <li>Signs with internal or external illumination may not exceed two (2) sqft.</li> </ul>
<b>Quantity</b>	No limit but total cumulative area for all permanent signs shall not be exceeded; and
<b>Placement</b>	Signs must be placed within a window (as defined) on the primary structure
<b>Additional Standards</b>	EVMS or EVMS components are not permitted
<b>Permit Required</b>	ILP required, unless sign is not legible from the right-of-way (as determined by the Administrator)



PERMANENT SIGNS: I1 and I2	
MAXIMUM CUMULATIVE AREA	
<b>Total Cumulative Area</b>	The total square footage of all combined sign faces per parcel shall be two times (2 X) the length of the front elevation of the primary structure, but shall not exceed four hundred (400) square feet. (For example: If a building is 100 feet wide, then 200 sqft of signage would be allowed for the parcel. If a building is 500 feet wide, then the limit of 400 sqft of signage would be allowed for the parcel.)
<b>Permitted Sign Types (See Standards Below)</b>	Awning Sign Monument Sign Projecting Sign Wall Sign Window Sign
AWNING SIGNS (PERMANENT)	
<b>Size</b>	Maximum of fifty (50) sqft per sign face; and Only the portion of awning with words, copy, or other advertisement shall be included in sign area calculations
<b>Quantity</b>	No limit but total cumulative area for all permanent signs shall not be exceeded
<b>Placement</b>	Must be on an awning that is attached to the primary structure
<b>Additional Standards</b>	EVMS or EVMS components are not permitted
<b>Permit Required</b>	ILP required
PERMANENT MONUMENT SIGNS (PERMANENT)	
<b>Size</b>	Maximum of forty-eight (48) sqft per sign face
<b>Quantity</b>	One (1) sign per parcel but total cumulative area for all permanent signs shall not be exceeded
<b>Height</b>	Maximum height of ten (10) feet
<b>Placement</b>	Not located in the public right-of-way or the sight triangle; and Must be a minimum of ten (10) feet from any property line.
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>• EVMS or EVMS component shall not exceed thirty-two (32) sqft in area;</li> <li>• Signs shall be subject to <i>Section B.9.a.vii: Electronic Variable Message Signs</i>;</li> <li>• Shall have a masonry/stone base that is at least one (1) foot in height; Alternative durable materials that are consistent with the building materials of the primary structure may be approved by Administrator; and</li> <li>• Sign base shall have a landscape area equivalent to the area of all sign face(s), but no less than two (2) feet in width, on any side of the sign that displays content. Landscaping can include any combination of trees, evergreens, shrubs, and/or groundcover that is at least one (1) foot in height.</li> </ul>
<b>Permit Required</b>	ILP required
PROJECTING SIGNS (PERMANENT)	
<b>Size</b>	Maximum of twelve (12) sqft per sign face
<b>Quantity</b>	One (1) sign per building entrance but total cumulative area for all permanent signs shall not be exceeded
<b>Height</b>	Height cannot extend beyond to of building structure
<b>Placement</b>	Must be placed on the primary structure
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>• The lowest point of the sign shall be no less than eight and one-half (8 ½) feet above grade level except for the supporting building, structure, or column;</li> <li>• In no case shall the sign extend more than four (4) feet beyond its supporting structure;</li> <li>• Permission must be granted by the Administrator for the sign to extend into the right-of-way; and</li> <li>• EVMS or EVMS components are not permitted.</li> </ul>
<b>Permit Required</b>	ILP required

<b>PERMANENT SIGNS: I1 and I2 (Continued)</b>	
<b>WALL SIGNS (PERMANENT)</b>	
<b>Size</b>	Maximum of fifty (50) sqft per sign face
<b>Quantity</b>	One (1) per building but total cumulative area for all permanent signs shall not be exceeded
<b>Placement</b>	Must be placed on the primary structure
<b>Additional Standards</b>	EVMS or EVMS components are not permitted
<b>Permit Required</b>	ILP required
<b>WINDOW SIGNS (PERMANENT)</b>	
<b>Size</b>	<ul style="list-style-type: none"> <li>Cannot exceed fifty percent (50%) of the window area; and</li> <li>Signs legible from the right-of-way (as determined by the Administrator) shall be counted towards the cumulative permitted sign area; and</li> <li>Signs with internal or external illumination may not exceed two (2) sqft.</li> </ul>
<b>Quantity</b>	No limit but total cumulative area for all permanent signs shall not be exceeded
<b>Placement</b>	Signs must be placed within a window (as defined) on the primary structure
<b>Additional Standards</b>	EVMS or EVMS components are not permitted
<b>Permit Required</b>	ILP required, unless sign is not legible from the right-of-way (as determined by the Administrator)





PERMANENT SIGNS: DT and TC	
MAXIMUM CUMULATIVE AREA	
<b>Total Cumulative Area</b>	<p>The total square footage of all combined sign faces per parcel shall be calculated by the following:</p> <ul style="list-style-type: none"> <li>• Ground Floor: One- and one-half times (1 ½ X) the length of the front elevation of the primary structure, but shall not exceed two hundred (200) square feet or two signs, regardless of sign type.</li> <li>• Upper Floors: If the upper-floor(s) of the structure are occupied by a use(s) that is separate and distinct from any use that is located on the ground floor, one (1) additional wall sign is permitted that is one times (1 X) the length of the front elevation of the primary structure but shall not exceed one hundred (100) square feet.</li> </ul> <p>(For example: If a front façade of the building is 100 feet wide, then 150 sqft of ground floor signage and 100 sq ft of upper floor signage would be allowed. If a building is 200 feet wide, then the limit of 200 sqft of ground floor signage and 100 sqft of upper floor signage would be allowed for the parcel.)</p>
<b>Permitted Sign Types (See Standards Below)</b>	<p>Awning Sign Monument Sign Projecting Sign Wall Sign Window Sign</p>
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>• All signs should match the character, materials and proportions of the building on which they are located at the discretion of the Administrator.</li> <li>• It is understood that a multiple story building in these districts may have separate uses on the upper floors that may require signage, and therefore, the following signage provisions and differentiations are made for ground floor uses and upper floor uses An ILP is required unless otherwise specified.</li> </ul>
AWNING SIGNS AND CANOPY SIGNS (PERMANENT)	
<b>Size</b>	<p>Maximum of fifty (50) sqft per sign face; and Only the portion of awning with words, copy, or other advertisement shall be included in sign area calculations</p>
<b>Quantity</b>	<p>No limit but total cumulative area for all permanent signs shall not be exceeded</p>
<b>Placement</b>	<ul style="list-style-type: none"> <li>• Must be on an awning that is attached to the primary structure;</li> <li>• No poles may be utilized for support; and</li> <li>• Permission must be granted by the Administrator for the sign to project into the right-of-way.</li> </ul>
<b>Additional Standards</b>	<p>Internal illumination is not permitted; and EVMS or EVMS components are not permitted.</p>
<b>Permit Required</b>	<p>ILP required</p>

<b>PERMANENT SIGNS: DT and TC (Continued)</b>	
<b>MONUMENT SIGNS (PERMANENT)</b>	
<b>Size</b>	Maximum of forty-eight (48) sqft per sign face
<b>Quantity</b>	One (1) sign per parcel but total cumulative area for all permanent signs shall not be exceeded
<b>Height</b>	Maximum height of eight (8) feet
<b>Placement</b>	Not located in the public right-of-way or the sight triangle; and Must be a minimum of five (5) feet from any property line.
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>• EVMS or EVMS components are not permitted;</li> <li>• If the primary structure is existing, said structure must be set back at least fifteen (15) feet from the right-of-way or sidewalk, whichever is greater;</li> <li>• Shall have a masonry/stone base that is at least one (1) foot in height; Alternative durable materials that are consistent with the building materials of the primary structure may be approved by Administrator; and</li> <li>• Sign base shall have a landscape area equivalent to the area of all sign face(s), but no less than two (2) feet in width, on any side of the sign that displays content. Landscaping can include any combination of trees, evergreens, shrubs, and/or groundcover that is at least one (1) foot in height.</li> </ul>
<b>Permit Required</b>	ILP required
<b>PROJECTING SIGNS (PERMANENT)</b>	
<b>Size</b>	Maximum of ten (10) sqft per sign face
<b>Quantity</b>	One (1) sign per building entrance but total cumulative area for all permanent signs shall not be exceeded
<b>Placement</b>	<ul style="list-style-type: none"> <li>• Must be placed on the primary structure;</li> <li>• Lowest point of the sign shall be no less than eight and one-half (8 ½) feet above grade level except for the supporting building, structure, or column; and</li> <li>• In no case shall the sign extend more than four (4) feet beyond its supporting structure.</li> </ul>
<b>Additional Standards</b>	Permission must be granted by the Administrator for the sign to project into the right-of-way; and EVMS or EVMS components are not permitted.
<b>Permit Required</b>	ILP required
<b>WALL SIGNS (PERMANENT)</b>	
<b>Size</b>	Maximum of fifty (50) sqft per sign face
<b>Quantity</b>	One (1) per building but total cumulative area for all permanent signs shall not be exceeded
<b>Placement</b>	Must be placed on the primary structure
<b>Additional Standards</b>	Internal illumination is not permitted; and EVMS or EVMS components are not permitted.
<b>Permit Required</b>	ILP required
<b>WINDOW SIGNS (PERMANENT)</b>	
<b>Size</b>	Maximum of twenty-five percent (25%) of the window area; and All window signs, regardless of legibility from the right-of-way, shall be counted towards the cumulative permitted sign area.
<b>Quantity</b>	No limit but total cumulative area for all permanent signs shall not be exceeded
<b>Placement</b>	Must be placed within a window (as defined) that is part of the primary structure
<b>Additional Standards</b>	Internal or external illumination is not permitted; and EVMS or EVMS components are not permitted.
<b>Permit Required</b>	ILP required, unless sign is not legible from the right-of-way (as determined by the Administrator)



## 10. STORAGE STANDARDS.

### APPLICABLE DISTRICTS: ALL DISTRICTS

- a. Flammable or Explosive Bulk Storage.** In any district, structures, buildings, or above ground tanks used for bulk storage of flammable or explosive liquids, gases, or other materials shall not be located closer than fifty (50) feet to the property line. Additional information regarding evidence of safety measures may be required in order to determine the public safety therein.
- b. RV Storage.**
- i. **General.** Storage of recreational vehicles shall be limited to two (2) recreational vehicles per parcel within the AG District and one (1) recreational vehicle per parcel within R1, R2, M1, M2, and DTN Districts. Recreational vehicles shall not be stored in any other districts unless identified as a permitted use or special exception use in Chapter 2: Zoning Districts and shall comply with all development standards.
  - ii. **Front Yard RV Storage.** Storage of recreational vehicles is not permitted in the side yard, front yard, or in front of the main residence of the property.
    - (a) Exception. The only exception shall be the temporary parking of the vehicle on a driveway leading to the garage for the purpose of prepping the vehicle for use or cleaning the vehicle after use. In no case shall that period of time exceed seventy-two (72) hours.
  - iii. **Rear Yard RV Storage.** Storage of recreation vehicles in the rear yard is permissible if the following requirements are met:
    - (a) Cannot be used for permanent or temporary occupancy;
    - (b) Cannot be connected to sewer service or utilities;
    - (c) Must be located on a solid surface, such as asphalt, concrete, or gravel.
    - (d) Cannot be visible from any public right-of-way in any residential district; and
    - (e) Cannot be located within a platted Major Residential Subdivision.
- c. Temporary Storage Containers.**
- i. **Residential Zoned Properties.** Temporary storage containers are intended to provide for the temporary storage of household goods on property zoned residential and used primarily for residential purposes.
    - (a) Permit Required. A permit is not required for a residential temporary storage container on private property. A permit is required if located within the right-of-way.
    - (b) Quantity. There shall be no more than one (1) temporary storage container per lot.
    - (c) Size. A residential temporary storage container shall not exceed one hundred twenty-eight (128) square feet in area and shall not exceed the dimensions of eight (8) feet in width, sixteen (16) feet in length, and eight (8) feet in height.
    - (d) Term. Temporary storage containers for general storage may be on site for no more than fourteen (14) days in any calendar year, regardless of size.
      - (1) Storage Associated with a Permit.

- a. Demolition Permit. Temporary storage containers associated with a demolition permit shall be removed within one (1) week of the demolition permit expiration date.
  - b. Building Permit. Temporary storage containers associated with a building permit shall be removed within one (1) week of the date the Certificate of Occupancy/Completion is issued.
- (e) Location. Temporary storage containers shall be located on the driveway or may be located to the rear or side of the primary structure and conform to the setbacks for accessory structures per the standards set forth for the applicable zoning district in *Chapter 2* of this UDO. Temporary storage containers can be located within the right-of-way but must be approved by the Administrator and permitted by Town Council.
  - (1) Types of Containers Permitted. In residential districts, the types of temporary storage containers permitted include: dumpster containers (e.g. construction dumpster) and residential portable storage containers (e.g. PODS, etc.).
- ii. **Commercial and Industrial Zoned Properties.** Temporary storage containers are intended to provide for the temporary storage of business specific goods on property zoned commercial or industrial and used primarily used for commercial or industrial purposes.
  - (a) Permit Required. Temporary storage containers that are two hundred (200) square feet or larger require an ILP prior to the placement of the structure on site. Temporary storage containers less than two hundred (200) square feet and located on private property do not require an ILP, but are still subject to the standards of this section. A permit is required for all temporary storage containers located within the right-of-way.
  - (b) Quantity. There shall be no more than two (2) temporary storage containers per lot.
  - (c) Size. A commercial/industrial temporary storage container shall not exceed five hundred thirty (530) square feet in area and shall not exceed the dimensions of ten (10) feet in width, fifty-three (53) feet in length, and ten (10) feet in height (exclusive of wheels and supports).
  - (d) Term. Temporary storage containers for general storage may be on site for no more than one hundred twenty (120) days in any calendar year, regardless of size.
    - (1) Storage Associated with a Permit.
      - a. Demolition Permit. Temporary storage containers associated with a demolition permit shall be removed within one (1) week of the demolition permit expiration date.
      - b. Building Permit. Temporary storage containers associated with a building permit shall be removed within one (1) week of the date the Certificate of Occupancy/Completion is issued.



- (e) Location. Temporary storage containers shall be located to the rear or side of the primary structure conform to the setbacks for accessory structures per the standards set forth for the applicable zoning district in *Chapter 2* of this UDO. Temporary storage containers can be located within the right-of-way but must be approved by the Administrator and permitted by Town Council.
- (1) Types of Containers Permitted. In commercial and industrial districts, the types of temporary storage containers permitted include: cargo shipping containers, semi-truck trailers, dumpster containers (e.g. construction dumpster), and portable storage containers (e.g. PODS, etc.). No wide load trailers or high load trailers are permitted.

## 11. STRUCTURE STANDARDS.

### APPLICABLE DISTRICTS: ALL DISTRICTS

#### a. Primary Structures.

##### i. Orientation.

- (a) All new construction of any building or structure, or renovation of or addition to an existing building or structure, shall be rear loading if said building or structure is located on a lot or lots adjacent to a major thoroughfare and the building or structure is not separated from the major thoroughfare by another buildable lot. The front elevation of said building or structure shall face the major thoroughfare.
- (b) Except as provided in Item (a) above, all new construction of a building or structure, or renovation or addition to an existing building or structure, shall require the front doorway of the building or structure to be oriented to the front elevation of the building or structure which shall face the nearest improved road.

#### b. Residential Structures.

- i. **Residential Structure Conversions.** Structures originally designed for occupancy by two (2) families or less converted to occupancy by more than two (2) families shall secure an ILP. Such structures shall show no evidence of change to indicate the extra dwelling units. All fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building.

##### ii. Manufactured Homes.

- (a) Permanent Placement. Manufactured Homes shall be permitted provided the following requirements and limitations are met:
  - (1) The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section;
  - (2) The development standards for the respective zoning district, including minimum square footage, shall be met as established in *Chapter 2: Zoning Districts*;
  - (3) The structure shall be attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications;
    - a. The permanent foundation shall be constructed of masonry.
  - (4) The entire area between the floor joists of the structure and the underfloor grade shall be completely enclosed with a permanent perimeter enclosure constructed in accordance with the terms of the appropriate building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council;
  - (5) The structure shall possess all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot;
  - (6) The wheels, axles, and hitches shall be removed;
  - (7) The front door shall face the primary street from which it gains access;

- (8) The structure shall be covered with an exterior material customarily used on site-built structures;
  - (9) The roof of the structure shall be shingled and pitched, rather than flat;
  - (10) A manufactured home shall be no more than five (5) years in age when structure is initially placed; and
  - (11) Any accessory structures associated with the manufactured home shall be placed behind the primary structure and shall not be permitted on the side or front of the primary structure.
- (b) Temporary Residential Occupancy. Temporary residential occupancy is not permitted.
  - (c) Permanent Residential Occupancy. Manufactured homes may be permanently occupied when located in any district where a single-family dwelling is permitted and meets the development standards of the subject zoning district.
- iii. **Recreational Vehicles (RV).** Recreational vehicles are designed only for recreational use and are not built to HUD manufactured home standards. Therefore, recreational vehicles are not permitted to be used for residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (ISDH).
- c. **Commercial and Industrial Structures.** Manufactured homes, trailers, or vans may be utilized as contractor's offices, watchman's shelters, or tool and equipment storage on the project site and only during the period of construction. The ILP shall be valid for twelve (12) months and may be renewed up to two (2) additional six (6) month increments if necessary and at the discretion of the Administrator.
  - d. **Structure Height.** All buildings hereafter shall comply with the height regulations of the district in which it is located, with the exception of the following:
    - i. An agricultural structure in the AG district may be erected or changed to any height necessary for its operation.
    - ii. Spires and church steeples may be erected or changed to any height that is not otherwise prohibited.
  - e. **Structures Relocated.** No buildings or structures shall be moved from one (1) lot or premises to another unless such buildings conform to the regulations of the district to which such building shall be moved and an ILP has been secured.

## 12. TRASH RECEPTACLE STANDARDS.

### APPLICABLE DISTRICTS: ALL DISTRICTS

- a. Non-pedestrian outdoor trash receptacles and trash dumpsters serving commercial or industrial uses shall not be visible from the right-of-way or any adjacent residential use during any time of the year. These receptacles shall be completely screened from view by the use of either solid fencing or evergreen vegetation.

## 13. UTILITY STANDARDS.

### APPLICABLE DISTRICTS: DT, TC, GO

- a. All on-site utilities (outside the public right-of-way) must be underground within the DT, TC, and GO Districts unless approved by the Administrator.
- b. All transformers shall be located underground or behind the rear elevation of the primary structure unless approved by the Administrator.







## CHAPTER

## 4

USE DEVELOPMENT  
STANDARDS**A. GENERAL PROVISIONS.**

1. The conditional uses listed in this chapter shall meet the respective requirements of this chapter in addition to all other chapters of this UDO.
2. In a district in which the specified use is allowed by right, the Administrator shall ascertain that the development standards of this chapter are met.
3. In a district in which the specified use is allowed by special exception, the BZA shall ascertain that the development standards of this chapter are met prior to approval of the special exception unless a variance is obtained.

**B. DEVELOPMENT STANDARDS FOR SPECIFIC USES.** Use development standards are included in this chapter for the following:

- Accessory Dwelling Standards.
- Adult Business Standards.
- Adult Day Care Facility Standards.
- Agritourism Standards.
- Auto-Oriented Business Standards.
- Campground/Recreational Vehicle Park Standards.
- Home Occupation Standards.
- Multi-family Dwelling Standards.
- Short Term Rental Standards.
- Solar Energy System Standards, Personal.
- Special Event Facility Standards.
- Wind Energy System Standards.
- Wireless Communication Facility Standards.



## 1. ACCESSORY DWELLING STANDARDS.

- a. **Purpose.** The purpose of allowing accessory dwellings is to maximize public infrastructure investment; increase mobility alternatives; provide housing options for family members, students, aging residents, in-home health care providers, the disabled, and others; to promote affordable workforce housing; and to allow homeowners to benefit from added income and an increased sense of security. For purposes of this section, a short-term rental does not qualify as an accessory dwelling.
- b. **Structure Standards.**
- i. **Area and Width.** Minimum area shall be three hundred twenty-five (325) square feet. Maximum area shall be fifty percent (50%) of the primary dwelling unit or eight hundred (800) square feet, whichever is least.
  - ii. **Height.** Maximum height of a detached accessory dwelling shall be twenty-five (25) feet or the height of the primary dwelling unit, whichever is least.
  - iii. **Self-Sufficient Unit.** An accessory dwelling shall meet the current building code as a single-family dwelling and be fully independent and a complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, and sanitation.
  - iv. **Accessory Structures.** An accessory dwelling shall not be permitted to have its own accessory structures.
  - v. **Address.** Properties with an approved accessory dwelling shall maintain a single physical address with a separate “unit” number associated with each of the units in accordance with the rules of the applicable Post Master at the time of approval, a new unit address will be assigned and established on the property. The primary structure will be “Unit 100” and the accessory dwelling unit will be “Unit 101”, regardless of which unit the property owner occupies. The Administrator must approve any deviations from the unit addressing above. The Administrator will ensure that the address change is sent to the proper entities for review and approval before being published.
  - vi. **Architecture and Building Materials.** Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling unit and/or the neighborhood character.
  - vii. **Quantity.** No more than one (1) accessory dwelling shall be permitted per primary dwelling unit.
  - viii. **Types of Structures.**
    - (a) Permitted. Accessory dwelling units shall only be allowed in lawfully-built dwelling units that meet building code requirements.
    - (b) Prohibited. Accessory dwelling units shall not be allowed in:
      - (1) A recreational vehicle, travel trailer, or similar structure;
      - (2) A motor vehicle;
      - (3) Any structure not intended for permanent human occupancy; or
      - (4) A structure that is not on a permanent foundation.

**c. Lot Standards.**

- i. The accessory dwelling unit must be on the same lot as the primary residential structure.
- ii. If an adjacent vacant lot is under the same ownership as the lot containing the primary residential structure, the lots shall be legally consolidated before an accessory dwelling may be placed on said lot.

**d. Use and Operational Standards.**

- i. **Location.** The accessory dwelling unit shall only be allowed on lots where an existing, lawfully constructed single-family dwelling unit exists. The accessory dwelling may be attached or detached from the primary single-family dwelling unit.
  - (a) The accessory dwelling shall be permitted only if the primary dwelling unit is an existing, owner-occupied, single-family dwelling.
  - (b) The accessory dwelling shall not be under separate ownership from the primary structure.

**e. Development Standards.**

- i. **Access.** The accessory dwelling shall utilize the existing driveway that serves the primary dwelling; it shall not be granted a separate driveway from any public right-of-way.
- ii. **Location.** A detached accessory dwelling must be located behind the front façade of the primary residential structure, in either the side yard or the rear yard and must be within one hundred (100) feet of the primary structure.
- iii. **Parking and Loading.** Additional on-site parking is not required for an accessory dwelling unit. However, if parking is required for the existing dwelling unit, that parking must either be retained or replaced on-site.
- iv. **Utilities.** The accessory dwelling shall have water and sewage disposal that is approved by the Clark County Health Department or available sanitary service provider as appropriate. The Health Department shall approve connections or modifications to the existing septic system that may be needed to accommodate the accessory dwelling. The accessory unit shall utilize the same water meter as the primary structure. A separate meter shall not be permitted.
- v. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

**f. Procedures.**

- i. **Permits.** An ILP is required to construct and/or establish an accessory dwelling in order to ensure that the structure meets all of the applicable building codes as a complete dwelling unit, is safe and habitable, and all other development standards are met.

## 2. ADULT BUSINESS STANDARDS.

- a. **Purpose.** The intent of the adult business standards is to provide ample reasonable opportunities for these businesses to locate in the jurisdiction. Adult businesses require special supervision from the public safety agencies of the jurisdiction in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of the community. The minimal regulations of this UDO are a legitimate and reasonable means of accountability to ensure that operators comply with reasonable regulations and ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- b. **Structure Standards.**
- i. **Building Construction Standards:** The following building construction standards shall apply in addition to all local, state, and/or federal building code requirements, of which the more restrictive shall apply.
- (a) Any wall or partition which is situated so as to create a room, enclosure or both in which any amusement device is located shall be constructed of not less than one (1) hour fire-resistive material.
  - (b) The width of the aisles in any room where an amusement device is located shall be at least forty-two (42) inches.
  - (c) There shall be no fewer than two (2) doorways at least thirty-six (36) inches wide that provide ingress or egress from any room in which an amusement device is located. All doorways shall be unlocked during business hours.
  - (d) An internally illuminated exit sign with letters at least five (5) inches in height shall be provided over every doorway which provides egress from any room in which an amusement device is located.
  - (e) Each amusement device shall be situated so that the person using the device has a constantly unobstructed view of the doorways which provide ingress or egress from the establishment.
  - (f) All applicable state building codes shall be met.
  - (g) A light level of no less than ten (10) foot candles at floor level shall be maintained in every portion of the establishment to which the public is admitted.
  - (h) The numbers of persons in any room or partitioned portion of a room where amusement devices are located shall not exceed one person per thirty (30) square feet. The maximum occupancy load permitted in any amusement devices are located shall be conspicuously posted by the operator, and shall remain posted, at the entrance of said room.
  - (i) The number of amusement devices shall not exceed the maximum occupancy load permitted in any room or partitioned portion of a room in which an amusement device is located. The maximum number of amusement devices permitted in any room or partitioned portion of a room shall be conspicuously posted by the operator, and shall remain posted, at the entrance of said room.

**c. Use and Operational Standards.**

- i. **Use/District Separation.** The minimum separation between adult businesses and surrounding structures/uses are measured from the front entrance of the adult business and the nearest structure or property line as specified below:
  - (a) Structures with a primary use as a school, park, church, or residential use: minimum separation is three thousand (3,000) feet.
  - (b) Property zoned as a residential district (R1, R2, M1, M2, DTR): minimum separation is three thousand (3,000) feet.
  - (c) Property lines of uses designated for hotels, motels, and transportation depots: minimum separation is three thousand (3,000) feet.
- ii. **Visibility and Display of Adult Materials.**
  - (a) All activity conducted on the premises and products/materials sold shall be conducted within the structure and not observable from any location outside the structure.
  - (b) Adult bookstores and adult motion picture theaters shall not display or exhibit any material depicting human genitals or specified sexual activities in a manner which exposes said material to the view of persons outside the building in which said bookstore or motion picture theaters are located.
  - (c) Adult materials offered for sale from adult news racks shall not be displayed or exhibited in a manner which exposes to public view any pictures or illustrations of human genitals or specified sexual activities.
  - (d) All activity conducted within the structure shall at all times be conducted within visual line-of-sight of the property manager on duty.
- iii. **Operator Responsibilities:**
  - (a) An operator engaging in adult entertainment activities may not permit a person less than eighteen (18) years of age to enter the establishment.
  - (b) An operator engaging in adult entertainment activities shall, at all times, cause the entrance of his establishment to be so attended as to ensure compliance with the requirements contained in Section (ii) above.

**d. Development Standards.**

- i. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

**e. Procedures.**

- i. **Licensing.** See the Sellersburg Municipal Code for the applicable licensing procedures for adult businesses.



### 3. ADULT DAY CARE FACILITY STANDARDS.

- a. **Purpose.** The purpose of regulating adult day care facilities is to ensure that they adequately protect those who are cared for as well as ensuring compatibility with surrounding uses.
- b. **Structure Standards.**
  - i. **Area.** A minimum of one hundred fifty (150) square feet per patient shall be provided.
  - ii. **ADA Requirements.** The structure must meet all commercial ADA requirements.
- c. **Use and Operational Standards.**
  - i. **Hours of Operation.** Hours of operation shall be determined by the BZA.
  - ii. **Staffing.** There shall be a minimum of one (1) staff member per four (4) patients at all times.
- d. **Development Standards.**
  - i. **Bufferyards and Fencing.** A minimum of a six (6) foot tall privacy fence shall be installed in the side yard and/or backyard in order to provide a secure outdoor area for patients to enjoy.
  - ii. **Parking and Loading.** A minimum of one (1) space per staff member plus one (1) additional space shall be provided.
  - iii. **Federal and State Regulations.** The facility shall meet or exceed all federal and state standards as they become enacted.
  - iv. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

## 4. AGRITOURISM STANDARDS.

- a. **Purpose.** The purpose of regulating agritourism is to allow opportunities for limited non-residential activities that make use of the existing rural character and activities in the town. The agritourism use should be accessory to an active agricultural use. For purposes of these standards, a special event facility (See *Chapter 4, Section B.11*), wineries, breweries, and distilleries are not considered an agritourism activity.
- b. **Use and Operational Standards.**
  - i. **Hours of Operation.** Hours of operation must be provided in writing by the applicant. The Administrator and/or BZA may alter the requested hours of operation for the agritourism uses consistent with the character of the land uses in the vicinity and may require additional conditions to ensure adherence to the established hours of operation.
  - ii. **Types of Uses Permitted.**
    - (a) New uses and their buildings shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site.
  - iii. **Types of Uses Prohibited.**
    - (a) Motorized off-road vehicle racing or other similar motor vehicle activities.
    - (b) Other uses that the Administrator and/or BZA determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, visual clutter, or other nuisances.
- c. **Development Standards.**
  - i. **Access.** Access to the facility shall be approved by the Administrator and the Sellersburg Streets and Sanitation Department.
  - ii. **Bufferyards and Fencing.** Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. At a written request of the applicant, the Administrator and/or the BZA may grant relief of the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.
  - iii. **Lighting.** Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution.
  - iv. **Trash Receptacles.** Private trash receptacles shall be provided by the property owner. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by an opaque fence or wall.
  - v. **Sanitation.** Public restroom facilities, temporary or permanent, shall be provided on site and with approval of the Clark County Health Department if required. Year-round operations shall have permanent public restroom facilities. Seasonal operations are not required to have permanent public restroom facilities, unless required by the Clark County Health Department.
  - vi. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.



**d. Procedures.**

- i. **Development Plan Approval.** An agritourism facility requires development plan approval.
- ii. **Narrative.** As part of the application for development plan approval, a written narrative shall be submitted describing the use in detail, including both agriculturally related and non-agriculturally related products and uses; proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; special events; and other information describing the use and which will assist the Administrator and/or the BZA in determining whether the application meets the requirements.

## 5. AUTO-ORIENTED BUSINESS STANDARDS.

- a. **Purpose.** The purpose of these standards is to provide for the sales and temporary storage of vehicles associated with car sales and/or repair while maintaining the aesthetics and safe accessibility to these sites.
- b. **Applicability.** These standards apply to uses associated with new and pre-owned passenger and commercial vehicles, trucks, trailers, motorcycles, boats, and recreational vehicles. This includes the sale and leasing, incidental display and/or storage, repair/servicing, and associated service departments.
- c. **Structure Standards.** A site used for vehicle sales shall include at least one (1) permanent, primary structure for use as an office, repair facility, or retail sales. Said structure shall be at least five thousand (5,000) square feet in area. Parcels used strictly for vehicle sales without a primary, permanent structure are not permitted.
- d. **Use and Operational Standards.**
  - i. All vehicle repair or servicing activities shall be conducted entirely within an enclosed structure.
  - ii. Hours of operation shall be limited to 7:00am to 9:00pm.
- e. **Development Standards.**
  - i. **Bufferyards and Fencing.**
    - (a) The bufferyard requirements of *Chapter 3, Section B.3* shall apply.
    - (b) The perimeter and internal parking lot landscaping requirements of *Chapter 3, Section B.7* shall apply.
    - (c) The Administrator has the authority to approve an alternate landscape plan for the interior parking lot landscaping requirements so long as the total number of planting requirements for the entire site is still met.
  - ii. **Lighting.**
    - (a) All lighting fixtures shall be a cut-off type fixture to prevent glare visible from off-site locations.
    - (b) Floodlights are prohibited.
  - iii. **Noise.**
    - (a) Amplified speaker/public address systems are prohibited except within fully enclosed buildings. Fully enclosed buildings do not include buildings with service bays and/or exterior walls that may be opened.

**iv. Parking/Display of Vehicles.**

- (a) All vehicles, including those being stored, must be parked on a paved, dust-free, improved surface. Vehicles cannot be parked, stored, or displayed on unimproved surfaces.
- (b) Vehicles cannot be parked, stored, or displayed within the public right-of-way. Illegally parked vehicles can be ticketed or towed.
- (c) Exterior display areas shall not be elevated unless the area is a permanent structure attached to the primary building and does not exceed four (4) feet in height.
- (d) Displays on roofs are prohibited.

**v. Signs.**

- (a) All signs shall be in conformance with *Chapter 3 Section B.9: Sign Standards*.
- (b) No signs of any sort may be placed within the public right-of-way. Such signs are subject to confiscation and disposal.

**vi. Storage.**

- (a) The outdoor storage or display of any materials, parts, tires, or other products other than operable vehicles for sale shall be prohibited. No inoperable, wrecked, or partially disassembled vehicles may be visible from any public roadway at any given time.
- (b) Vehicle service storage areas not readily accessible to the public shall be located behind the primary structure.

**vii. Zoning District Standards.** All other development standards of the subject zoning district shall apply.

**f. Procedures.**

- i. Development Plan.** Development plan approval is required for the establishment of a new facility or modifications to an existing facility. In addition to the development plan submittal requirements, the following information shall be submitted:
  - (a) A detailed photometric lighting plan depicting the light levels on the site. The plan shall show the location, type, and height of all fixtures and poles in foot candle output points of calculations on a ten (10) foot by ten (10) foot grid a maximum of thirty (30) feet beyond all property lines.

## 6. CAMPGROUND/RECREATIONAL VEHICLE PARK STANDARDS.

### a. Purpose.

- i. The purpose of these regulations is to provide minimum requirements for the protection of the health and safety of the occupants of public and private campgrounds, recreational vehicle parks, their associated recreation areas, and the general public.
- ii. In addition to these standards, a facility accommodating ten (10) or more tents, recreational vehicles, or campsites are subject to the regulations established by state standards per 410 IAC 6-7.1.

### b. Lot Standards.

- i. Each campsite shall be at least nine hundred (900) square feet in area and clearly marked and identified.
- ii. Maximum density shall be twenty-five (25) campsites per acre.

### c. Use and Operational Standards.

- i. Occupants may not exceed one hundred and eighty (180) overnight stays within twelve (12) consecutive months. Said structures must be removed from the parcel when the campsite is unoccupied.
- ii. No permanent or semi-permanent structures, such as cabins, lean-tos, or other habitable buildings, shall be erected on a campsite.
- iii. Storage of unoccupied recreational vehicles is not permitted. All tents, recreational vehicles, camping trailers, and/or similar camping units must be removed from the parcel when the campsite is unoccupied.

### d. Development Standards.

#### i. Access and Circulation.

- (a) All campgrounds require access to a public or a private roadway. If utilizing a private roadway, said private roadway must access a public roadway and shall also have a recorded private road maintenance agreement.
- (b) Entrance Road. The entrance to the campground shall be at least twenty-four (24) feet in width.
- (c) Internal Circulation. Internal road widths shall be at least ten (10) feet in width for one-lane roads and at least twenty (20) feet in width for two-lane roads.

#### ii. Drainage.

- (a) All campgrounds and recreational vehicle parks must comply with the Sellersburg Drainage Ordinance and Technical Standards.
- (b) Campgrounds are NOT exempt from the Flood Hazard Ordinance, DNR regulations, or FEMA regulations.

**iii. Utilities.**

- (a) Sanitation System. Sanitation facilities (including bathhouses, restrooms, and similar facilities) are required for the campground or recreational vehicle park and shall be designed, constructed, and maintained in compliance with the standards approved by the Health Department or the sewer provider as appropriate.
- (b) Water Supply. A water supply system is required for the campground or recreational vehicle park and shall be designed, constructed, and maintained in compliance with the standards approved by the Health Department or the water provider as appropriate.

**iv. Zoning District Standards.** All other development standards of the subject zoning district shall apply.

**e. Procedures.****i. Application.**

- (a) A campground or recreational vehicle park requires Development Plan approval. In addition, the following information shall be submitted:
  - (1) A detailed management schedule, fee schedule, and operation schedule, which shall include hours of operation, maximum occupancy, emergency contingencies for natural disasters, and a life safety plan.
- (b) In accordance with 410 IAC 6-7.1, prior to making application for Development Plan, a facility accommodating ten (10) or more tents, recreational vehicles, or campsites requires review and approval by the Indiana State Department of Health.

**ii. Permits.** ILPs are required for the construction of primary structures, accessory structures, and all utility hook-ups.

## 7. HOME OCCUPATION STANDARDS.

- a. **Purpose.** The purpose of regulating commercial activities in residential dwellings is to ensure that they are incidental, compatible uses which do not add significant traffic, noise, or other nuisances to the residential areas in which they are located.
- b. **Use and Operational Standards.**
- i. **Location.** The business activity must be conducted entirely within the primary dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit. Any accessory structure must be clearly incidental and secondary to the primary dwelling unit and comply all standards of this UDO.
  - ii. **Types of Uses.**
    - (a) Permitted Businesses. The home occupation shall be limited to an administrative office, design studio, telemarketing office, or similar use which does not generate routine visitation.
    - (b) Prohibited Businesses. Prohibited home occupation include, but are not limited to: beauty/barber shop, caterer, food vendor, equipment and vehicle repair, appliance and small mechanical repair, kennel, veterinary clinic, funeral home, commercial cabinetry shop, welding, trucking, adult oriented business, warehousing, vehicle sales, and other similar uses.
  - iii. **Employees.** No person or persons may be employed in the home occupation at the site other than the resident (or residents) of the site. Any activity that requires the services and/or assistance of persons other the resident(s) of the primary dwelling unit shall not quality as a home business.
  - iv. **Customers.** No clients or business-related visitors shall be allowed on site. There shall be no evidence on the exterior of the premises or visible from the exterior of the premises that the property is used in any way other than for a residential dwelling. Parking, display/storage of products/goods, or other items necessary for the home occupation shall not be visible from the exterior of the premises.
- c. **Development Standards.**
- i. **Context.** The home occupation must be clearly incidental to the residential use of the dwelling unit and must not change the essential character of the dwelling.
  - ii. **Parking and Loading.**
    - (a) In addition to parking required for residents, there shall be no more than two (2) vehicles parked on or in the vicinity of the property as a result of the business at any single time.
    - (b) A maximum of one (1) vehicle for business related purposes is permitted to be parked on-street or on site.
    - (c) Business related vehicles may not include a bus, truck, van, trailer, or other similar vehicle over six thousand (6,000) pounds (as listed on the vehicle registration form). Furthermore, business related vehicles may not exceed a one-ton carrying capacity.
    - (d) No more than one (1) business related trailer, not exceeding twelve (12) feet in length may be used or stored on site.
    - (e) Tow trucks are prohibited and are not permitted as home occupation vehicles.

**iii. Visibility.**

- (a) No display of products shall be visible from the street.
- (b) There shall be no evidence on the exterior of the premises or visible from the exterior of the premises that the property is used in any way other than for a residential dwelling.
- (c) The residential character of the structure shall not be altered to accommodate the home occupation.
- (d) There shall be no outside storage of machinery, equipment, or materials associated with the home occupation.

**iv. Signs.** All signage shall comply with *Chapter 3: Site Development Standards*.**d. Procedures.**

- i. **Evaluation Criteria.** When considering the approval of a home occupation, the Administrator or the BZA may also consider:
  - (a) The location of the proposed home occupation in relation to traffic impacts and safety concerns to the adjacent property owners or neighborhood.
  - (b) The impacts the proposed home occupation may have on the residential character of the area or neighborhood.
  - (c) The cumulative impacts of the proposed home occupation in relation to other approved home occupation in the immediate vicinity.
  - (d) If the home occupation is operating in a manner different than what was approved or complaints are filed about the operations, the Administrator or BZA reserves the right to impose conditions and/or reconsider the approval of the home occupation.

## 8. MULTI-FAMILY DWELLING STANDARDS.

- a. **Purpose.** The purpose of the Multi-family dwelling standards is to ensure a high-quality living environment within a multi-family development through providing open space or on-site amenities.
- b. **Development Standards.**
- i. **On-site Amenities.** Multi-family developments shall provide on-site amenities that are accessible to all residents of the development.
- (a) **Number Required.** If the total development has:
- (1) Less than twenty-four (24) units: No on-site amenities are required.
  - (2) More twenty-five (25) units: One (1) on-site amenity is required per seventy-five (75) units. Any fraction of a required amenity shall be rounded up to the whole number.
- (b) On-site amenities may be phased with construction.
- (c) **Qualifying Amenity Types.** On-site amenities shall include:
- (1) Clubhouse (minimum of 1,000 sqft) consisting of enclosed, indoor space for social and/or recreation purposes
  - (2) Co-working space (minimum of 600 sqft) consisting of a shared, indoor work space or office space that contains, at a minimum, desks, chairs, and charging stations or outlets;
  - (3) Dog park (minimum of 1,000 sqft) consisting of an area for dogs to play off-leash in a controlled environment under the supervision of their owner(s) that includes, at a minimum, a fence with gate that encloses the entire area, waste pick up station, and grass or lawn area.;
  - (4) Fitness center/gym (minimum of 600 sqft) consisting of an indoor space that houses exercise equipment;
  - (5) Indoor recreational/game area (minimum of 600 sqft) consisting of an indoor space and contains entertainment features or games (such as pool table, ping pong table, table top games, arcade games, etc.);
  - (6) Outdoor Recreational Area (minimum of 1,000 sqft) consisting of an outdoor space that contains structured sports or activities, such as tennis, basketball, pickle ball, horseshoes, or similar;
  - (7) Park/Open Lawn/Picnic Area (minimum of 5,000 sqft), consisting of a well-drained area that has an open lawn area for passive recreation and/or park features such as picnic tables, pavilion, fitness stations, or similar;
  - (8) Playground/play area (minimum of 1,000 sqft) consisting of an outdoor area specifically design for children to play and contains play/recreational equipment and/or play structures
  - (9) Rooftop Deck/Terrace (minimum of 600 sqft) consisting of an outdoor, flat area on the roof of a structure that is used for entertainment or leisure activities and consists of, at a minimum, seating and other outdoor furniture;



- (10) Swimming Pool (minimum deck area of 800 sqft) consisting of an in-ground structure designed for swimming; or
  - (11) Other as determined by the Administrator.
- (d) An on-site amenity may be repeated up to three (3) times at the discretion of the administrator to satisfy the above requirements. This may include providing up to three (3) of a single qualifying amenity type in multiple locations (i.e., up to three (3) 1,000 sqft playgrounds in separate locations could be considered three (3) amenities) or increasing the size of an amenity by the minimum square footage required (i.e., a pool with a minimum deck size of 2,400 sqft could be considered three (3) amenities).
- ii. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

## 9. SHORT TERM RENTAL STANDARDS.

- a. **Purpose.** The purpose of these short-term rental standards is to comply with the provisions of IC 36-1-24 series as well as:
- i. Set an appropriate balance between the interests of the Town's residents, business owners, visitors to the community, and property owners wishing to engage in short-term rental of dwellings;
  - ii. Ensure issues related to fire safety and life safety codes are met; and
  - iii. Allow homeowners to benefit from added income.
- b. **Structure Standards.**
- i. **Permitted.** Short-term rental units shall only be allowed in lawfully-built dwelling units that meet building code requirements. This includes:
    - (a) All or a portion of the owner's primary residence;
    - (b) An accessory dwelling in accordance with *Chapter 4, Section B.1: Accessory Dwelling Standards*.
  - ii. **Prohibited.** Short-term rental units shall not be allowed in:
    - (a) A recreational vehicle, travel trailer, tent, or similar structure (outside of a campground);
    - (b) A motor vehicle;
    - (c) Any structure not intended for permanent human occupancy.
- c. **Use and Operational Standards.**
- i. **Occupancy.** Maximum overnight occupancy shall be two (2) persons per sleeping area, not to exceed ten (10) people, regardless of the number of sleeping areas.
  - ii. **Other Standards.**
    - (a) A sign shall be prominently posted on site that displays:
      - (1) That the structure is a registered short-term rental;
      - (2) The address of the property;
      - (3) The approved maximum occupancy;
      - (4) That quiet hours are from 10:00pm to 7:00am every day;
      - (5) A 24-hour telephone number where the owner can be reached.
- d. **Development Standards.**
- i. **Parking and Loading.** One (1) off-street parking space is required for every two (2) sleeping areas. The administrator may allow street parking where applicable with a written letter to the file.
  - ii. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

e. **Procedures.**

- i. **Establishment.** An ILP is required to construct a short-term rental in order to ensure that the structure meets all of the applicable building codes and is safe and habitable.
- ii. **Annual Registration Permit.** Each short-term rental is required to be registered separately and annually in accordance with IC 36-1-24-11 and appropriate Sellersburg Municipal Code.
- iii. **Enforcement.** Short-term rental owners who do not comply with the regulations may be subject to enforcement consequences ranging from inspections, citations, and/or revocation of registration.

## 10. SOLAR ENERGY SYSTEM STANDARDS, PERSONAL.

- a. **Purpose.** The purpose of these standards is to provide an opportunity for a solar harvesting operation for personal use while ensuring that specific conditions are met to protect the health, safety, and welfare of the general public.
- b. **Accessory Solar Energy System.**
  - i. **Lot Standards.**
    - (a) Setbacks. Accessory solar energy systems shall conform to the setbacks for accessory structures per the zoning district.
  - ii. **Use and Operational Standards.**
    - (a) Location.
      - (1) Roof-mounted solar energy systems shall be placed only on the roof of a conforming structure.
      - (2) Ground-mounted solar energy systems shall be placed in the rear yard only.
    - (b) Nuisances. Any accessory solar energy system, structure, or portion thereof declared to be unsafe by the Administrator or the Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with best practices.
  - iii. **Development Standards.**
    - (a) Zoning District Standards. All other development standards of the subject zoning district shall apply.
  - iv. **Procedures.**
    - (a) Permits. An ILP is required prior to the construction, erection, placement, modification, or alteration of an accessory solar energy system.

## 11. SPECIAL EVENT FACILITY STANDARDS.

- a. **Purpose.** The purpose of the special event facility standards is to ensure that the use and establishment of the facility remains accessory to the residential or agricultural use of the property and does not have a negative impact on the surrounding agricultural or residential areas.
- b. **Lot Standards.**
  - i. **Setbacks.** All setbacks shall be in accordance with the respective zoning district. This includes any temporary structures such as tents, canopies, stages, and dance floors.
- c. **Use and Operational Standards.**
  - i. **Hours of Operation.** The special event operation period shall be limited to the hours of 8:00am to 12:00am. All events shall comply with all applicable local nuisance and noise ordinances.
  - ii. **Attendance.** Attendance for a single event at the facility shall not exceed five hundred (500) persons or last longer than three (3) days, not including set-up and take-down.
- d. **Development Standards.**
  - i. **Dust Control.** Dust shall be minimized by reducing vehicle speeds on driveways and parking areas. During dry conditions, the application of water or other approved dust controlling measure is required. Parking areas shall be paved and comply with *Chapter 3, Section B.7: Parking & Loading Standards*.
  - ii. **Lighting.** All outdoor lighting associated with the special event shall be turned off by 12:00 am and conform to *Chapter 3, Section B.5: Lighting Standards*.
  - iii. **Signage.** In addition to the permitted signage in *Chapter 3, Section B.9: Sign Standards*, temporary directional signs are allowed during event activities provided they are placed outside of the rights-of-way.
  - iv. **Utilities.** The facility shall provide a potable domestic water supply and an on-site sewage disposal/storage or sewer service connection necessary to accommodate the special events to the satisfaction of the Clark County Health Department.
  - v. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.
- e. **Procedures.**
  - i. **Development Plan Required.** All special event facilities require development plan approval shall include a plan for traffic, parking, sewage disposal/storage, and circulation plan. All required state and local permits and licenses must be provided with the development plan. In addition, the APC or Administrator shall make specific findings and may establish conditions relative to the consideration of:
    - (a) The physical design and operating characteristics of the facility.
    - (b) The intensity of the proposed use and density of the surrounding area.
    - (c) The distance to surrounding sensitive elements, including residents and livestock.

- (d) The type of sound potentially generated by the facility and what allowances for amplified sound may take place.
- (e) The allowed number of events per year and the frequency of events.
- (f) Traffic, parking, and vehicle circulation.
- (g) Sewage disposal and/or storage.
- (h) Compliance with all state and local building permits and licenses.

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## 12. WIND ENERGY SYSTEM STANDARDS.

- a. **Purpose.** The purpose of these standards is to ensure the proper installation of wind energy system components and to minimize the impacts on area residents and the environment.
- b. **On-site Wind Energy System (Accessory).**
  - i. **Applicability.** This section applies to on-site use wind energy systems and anemometer towers of one hundred (100) feet or less. These systems are designed to primarily serve the needs of a home, farm, or business located on the same site as the on-site use wind energy system.
  - ii. **Structure Standards.**
    - (a) Construction Codes. The facility shall comply with all applicable state construction and electrical codes as well as local building permit requirements.
  - iii. **Lot Standards.**
    - (a) Setbacks.
      - (1) For stand-alone wind energy systems, the distance between an on-site use wind energy system and the owner's property lines shall be equal to or greater than the height of the wind energy system tower including the top of the blade in its vertical position.
      - (2) For wind energy systems mounted on a conforming principal structure or conforming accessory structure, the distance between an on-site use wind energy system and the owner's property lines shall be equal to or greater than the height of the wind energy system tower including the top of the blade in its vertical position as measured from where the system is attached to the structure.
      - (3) The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower.
      - (4) No part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines.
  - iv. **Use and Operational Standards.**
    - (a) Electromagnetic Interference: No on site wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No on-site wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

- (b) **Safety.** An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.
- (c) **Sound Pressure Level.** On site use wind energy systems shall not exceed 55 dB(A) at any property line. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

**v. Development Standards.**

- (a) **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

**vi. Procedures.**

- (a) **Permits.** An ILP is required for the construction or establishment of an on-site wind energy system.

**c. Utility Grid Wind Energy Systems (Commercial).**

- i. **Applicability.** All commercial wind energy systems, utility grid wind energy systems, on site use wind energy systems of greater than 30 kW, and anemometer towers over one hundred (100) feet high shall meet the following standards.
- ii. **Structure Standards.**
  - (a) **Construction Codes.** The facility shall comply with all applicable state construction and electrical codes as well as local building permit requirements.
- iii. **Lot Standards.**
  - (a) **Setbacks.**
    - (1) Anemometer tower setbacks shall be the distance equal to the height of the tower from property lines.
    - (2) Utility grid and on-site use wind energy system setbacks shall be at least equal to the height of the tower including the top of the blade in its vertical position from property lines or from the lease unit boundary, whichever is less.
    - (3) An operations and maintenance office building, a sub-station, or ancillary equipment shall comply with the property setback requirements of the respective zoning district. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utilities.





**iv. Use and Operational Standards.**

- (a) **Complaint Resolution Plan.** A complaint resolution plan is required that identifies the process to resolve complaints from nearby residents concerning the construction or operation of the project.
- (b) **Decommissioning Plan.** A decommissioning plan is required that indicates:
  - (1) the anticipated life of the project;
  - (2) the estimated decommissioning costs net of salvage value in current dollars;
  - (3) the method of ensuring that funds will be available for decommissioning and restoration;
  - (4) the anticipated manner in which the project will be decommissioned and the site restored.
- (c) **Electromagnetic Interference.** No utility grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
- (d) **Safety.** The facility shall be designed to prevent unauthorized access to the electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the access drive entrance shall warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be thirty (30) feet for a wind energy system employing a horizontal axis rotor.
- (e) **Sound Pressure Level.** The sound pressure level shall not exceed 55 dB(A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

**v. Development Standards.**

- (a) **Utilities.** Power lines shall be placed underground, when feasible.
- (b) **Visual Impact.** Utility grid wind energy system projects shall use tubular towers and all utility grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.
- (c) **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

vi. **Procedures.**

- (a) Application. In addition to the submittal requirements for a Special Exception, the following shall be provided as part of the application:
- (1) **Airspace Compliance:** The facility shall comply with Federal Aviation Administration (FAA) requirements, and applicable airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility and Federal Energy Regulatory Commission interconnection standards.
  - (2) **Environmental Analysis.** The site plan and other documentation shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in an environmental analysis.
  - (3) **Shadow Flicker Impacts.** A site plan and other documents and drawings shall be submitted to show the mitigation measures to minimize potential impacts from shadow flicker.
  - (4) **Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.**
  - (5) **Proof of the applicant’s public liability insurance for the project.**
  - (6) **A copy of that portion of all the applicant’s lease(s) with the land owner(s) granting authority to install the anemometer tower and/or utility grid wind energy system; legal description of the property(ies), lease unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the lease unit boundary.**
  - (7) **The phases, or parts of construction, with a construction schedule.**
  - (8) **The project area boundaries.**
  - (9) **The location, height, and dimensions of all existing and proposed structures and fencing.**
  - (10) **The location, grades, and dimensions of all temporary and permanent on site and access drives from the nearest street.**
  - (11) **All new infrastructure above ground related to the project.**
  - (12) **A copy of Manufacturers’ Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.**
  - (13) **The decommissioning plan.**
  - (14) **The complaint resolution plan.**
  - (15) **In addition to the above, utility grid wind energy systems only shall also submit the following:**



- a. A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the wind energy system will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the utility grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the Administrator within sixty (60) days of the commercial operation of the project.
- b. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
- c. A copy of an Environment Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- d. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
- e. A second site plan that shows the restoration plan for the site after completion of the project which includes the following supporting documentation:

(b) Additional Requirements.

- (1) Performance Security. As part of the approval for a Special Exception, the BZA may require security for the applicant's performance in the form of a letter of credit, deposit, or bond to ensure that the applicant repairs any damage to public infrastructure or property caused by construction of the wind energy system.

## 13. WIRELESS COMMUNICATION FACILITY STANDARDS.

- a. **Purpose.** The purpose of these regulations is to ensure that the siting of new wireless communication facilities that are located outside of the public right-of-way are appropriately placed and in compliance with current state statute procedures.
- b. **Use and Operational Standards.**
  - i. **Location.** Wireless facilities shall not be located within the boundaries of any legally platted and recorded residential subdivision. 5G towers and/or mini towers are allowed in residential subdivisions and residential districts only if other utilities are aboveground.
- c. **Development Standards.**
  - i. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.
- d. **Procedures.**
  - i. **Permits.** Wireless facilities shall not be constructed, erected, placed, modified, or altered until an ILP has been obtained.
  - ii. **Application.** In accordance with IC 8-1-32.3, the following procedures shall apply to the application and approval for construction of a new wireless support structure, substantial modification of a wireless support structure, or collocation of wireless facilities on an existing structure.
    - (a) Application. To be considered complete, the following information must be submitted with an application for a new wireless support structure, a substantially modified wireless support structure, or collocation of a wireless facility:
      - (1) Application Information.
        - a. A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for each service; and
        - b. The name, business address, and point of contact for the applicant.
      - (2) Location.
        - a. The location of the proposed or affected wireless support structure or wireless facility; and
        - b. Evidence supporting the choice of the location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
          - i. Would not result in the same wireless service functionality, coverage, and capacity;
          - ii. Is technically infeasible; or
          - iii. Is an economic burden to the applicant.

- (3) Construction Plan. A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
  - (4) Findings of Fact. For an application that requires a Special Exception, evidence showing that the application complies with the applicable criteria shall be submitted. The criteria for a Special Exception under IC 36-7-4-918.2 shall comply with *Chapter 8, Section D.4: Special Exception Procedures*.
- (b) Review of Application. Upon receipt of an application for a new or significantly modified wireless support structure, the Administrator shall promptly review it for completeness. Within ten (10) business days of receiving the application, the Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required.
- (1) Failure to Notify. If the Administrator fails to notify the applicant within ten (10) business days whether the application is complete shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.
- (c) Public Hearing.
- (1) Public Hearing Required. When a public hearing is required for a Special Exception, the BZA shall conduct the hearing and take final action within a reasonable period of time.
  - (2) Public Hearing Not Required. When a public hearing is not required, the Administrator shall take final action on the request within a reasonable period of time after the application is filed.
- (d) Deadline for Final Action. For purposes of subsection *b: Review of Application* above, “reasonable period of time” shall be determined as follows:
- (1) Collocation Only. If the request involves an application for collocation only, a reasonable period of time is not more than forty-five (45) days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the BZA, but the Administrator may review the application for compliance with applicable building code requirements before issuing an ILP.
  - (2) New Wireless Support Structure. If the request involves an application for an ILP to construct a new wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.

- (3) **Substantial Modification of a Wireless Support Structure.** If the request involves an application for an ILP for substantial modification of a wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.
  - (4) **Additional Time for Applicant Amendment.** If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed by parts i, ii, or iii above shall be extended for a corresponding amount of time.
  - (5) **Failure to Take Action.** Failure by the Administrator or the BZA to take final action on a request within a reasonable period of time shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.
- (e) **Additional Rules.** In accordance with IC 8-1-32.3 and notwithstanding IC 36-7-4 or any rules adopted by the BZA, the following provisions apply to all application submitted under this section:
- (1) **Limitation on Fees.**
    - a. The Administrator may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application unless the payment of the same or a similar fee for applications for permits for similar types of commercial or industrial structures within the applicable jurisdiction.
    - b. If a fee associated with the submission, review, processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application.
    - c. A fee described in this section may not include:
      - i. Travel expenses incurred by a third party in its review of an application; or
      - ii. Direct payment or reimbursement of third-party fees charged on a contingency basis.
  - (2) **Non-discrimination.** The Administrator or the BZA may not discriminate among communications service providers or public utilities with respect to the following:
    - a. Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
    - b. Authorizing or approving tax incentives for wireless or wireline communications facilities.
    - c. Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the applicable jurisdiction.



- (3) **Fall Zone Limitation.** The Administrator or the BZA may not impose a fall zone requirement for a wireless support structure that is larger than the area within which the structure is designed to collapse, as set forth in the applicant's engineering certification for the structure. However, a fall zone requirement that is larger than the area described above may be imposed if the Administrator or the BZA provide evidence that the applicant's engineering certification is flawed. This evidence must include a study performed by a professional engineer.
- (4) **All Other Land Use and Development Standards Apply.** These additional rules do not affect the ability of the applicable jurisdiction to exercise other zoning, land use, planning, or other development standards with respect to the siting of new wireless support structures; or exempt the applicant from complying with applicable laws and ordinances concerning land use.
- (5) **Federal Standards Apply.** In reviewing applications and conducting hearings, the Administrator and the BZA shall comply with all applicable provisions of Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 as in effect on July 1, 2015.
- (6) **Information Not Required.** Neither the Administrator nor the BZA may require an applicant to submit information about or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
- (7) **Confidential Materials.** All meetings of the BZA are subject to the Open Door Law in accordance with IC 5-14-1.5. However, neither the Administrator nor the BZA may release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (IC 5-14-3) and any other applicable laws.
- (8) **Consolidation of Multiple Applications.** The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities, or for multiple small cell facilities that are located within the applicable jurisdiction and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single ILP for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
- (9) **Conditions for Use of Utility Poles or Towers.** Neither the Administrator nor the BZA may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission tower.

# CHAPTER 5 | SUBDIVISION TYPES



## A. PURPOSE AND INTENT.

1. Define, regulate, and control the different ways that land can be subdivided within the jurisdiction;
2. Secure equitable handling of all subdivision plans by providing uniform procedures and standards;
3. Promote public health, safety, general welfare, and secure the most efficient use of land; and
4. Take guidance from the jurisdiction’s Comprehensive Plan and UDO.

## B. DEVELOPMENT STANDARDS FOR SPECIFIC SUBDIVISIONS.

Development standards are included in this chapter for the following subdivisions:

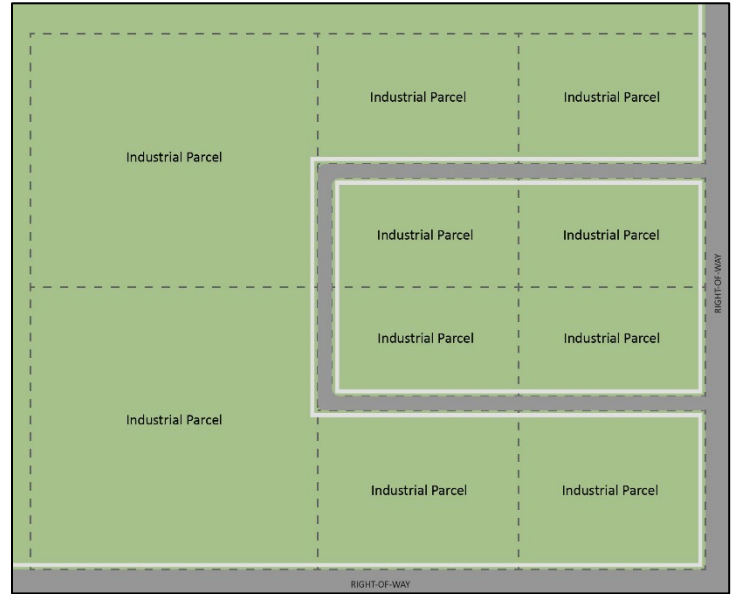
- Commercial and Industrial.
- Minor Residential.
- Major Residential.
- Open Space Residential.





# 1. COMMERCIAL AND INDUSTRIAL SUBDIVISION.

a. **Intent.** A commercial or industrial subdivision is intended to provide development for primarily commercial or industrial uses and other uses as permitted within the subject zoning district. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connections to adjacent parcels and transportation networks. Driveway cuts on to arterial streets shall be limited and frontage streets shall be utilized. In order to allow for end-user flexibility, the secondary platting process may be done by full plat, individual lot, individual lot with development plan, or phase/section, as explained further in *Chapter 7, Section B: Procedures for Subdivisions*.

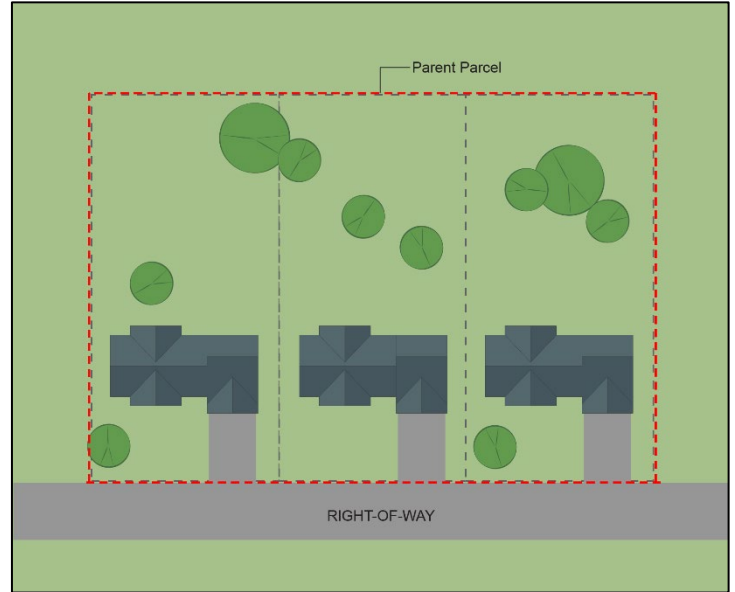


## b. Development Standards.

DEVELOPMENT STANDARDS FOR INDUSTRIAL SUBDIVISIONS	
<b>Districts permitted</b>	B1, B2, B3, DT, DTN, TC, I1, I2, PUD
<b>Internal access</b>	Internal streets may be private, but shall be constructed to the applicable street function standards in <i>Exhibit ##: Standard Design Requirements</i> .
<b>Sidewalks</b>	<ul style="list-style-type: none"> <li>Required to be installed by the subdivider along existing perimeter streets that are immediately adjacent to the subject property. Sidewalks along a public street shall be within the public right-of-way.</li> <li>Required to be installed by the subdivider on both sides of any new street within the subdivision. Internal sidewalks shall be located on private property and maintenance of said sidewalks shall be the responsibility of the abutting property owner(s).</li> </ul>
<b>Development standards for individual lots</b>	<ul style="list-style-type: none"> <li>The development standards for the subject zoning district shall apply to each lot within the subdivision. See <i>Chapter 2: Zoning Districts</i>.</li> <li>Lots must be served by municipal water and sewer.</li> </ul>
<b>Design standards for subdivision</b>	All design standards for the subdivision shall comply with applicable sections of <i>Chapter 6: Subdivision Design Standards</i> .

## 2. MINOR RESIDENTIAL SUBDIVISION.

**a. Intent.** A minor residential subdivision is intended to be an expedited process for subdividing three (3) or fewer lots exclusively for single-family residential use that does not involve the opening or creation of new public rights-of-way, extension of public facilities, or creation of any public improvements. The design shall still allow for adequate vehicular and pedestrian access as well as connections to adjacent parcels where necessary. A shared private driveway or private roadway may be required by the PC to provide safe access to/from public streets and to allow for alternative lot layouts.



**b. Development Standards.**

DEVELOPMENT STANDARDS FOR MINOR RESIDENTIAL SUBDIVISIONS	
<b>Permitted districts</b>	AG, R1, R2, DTN
<b>Internal access</b>	A shared private driveway or private roadway may be utilized for internal access and shall comply with <i>Chapter 6, Section C.8: Roads and Alleys</i> and also be constructed to the applicable street function standards in <i>Exhibit ##: Standard Design Requirements</i> . The shared private driveway or private roadway must be contained within a common area and maintained by the property owner(s) per the written and recorded road maintenance agreement.
<b>Development standards for individual lots</b>	The development standards for the subject zoning district shall apply to each lot within the subdivision. See <i>Chapter 2: Zoning Districts</i> .
<b>Design standards for subdivision</b>	All design standards for the subdivision shall comply with applicable sections of <i>Chapter 6: Subdivision Design Standards</i> .
<b>Other Requirements</b>	One Minor Residential Subdivision is allowed every five (5) years with a maximum of three (3) Minor Residential Subdivisions per parent parcel. Any additional subdivisions of the parent parcel are considered a Major Residential Subdivision and shall follow the respective process.



### 3. MAJOR RESIDENTIAL SUBDIVISION.

a. **Intent.** A major residential subdivision is intended to provide development exclusively for residential uses as permitted within the subject zoning district. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connections to adjacent parcels and transportation networks. Driveway cuts from individual lots onto arterial streets are prohibited.



b. **Development Standards.**

DEVELOPMENT STANDARDS FOR MAJOR RESIDENTIAL SUBDIVISIONS	
<b>Districts permitted</b>	R1, R2, M1, M2, DTN, PUD
<b>Internal access</b>	Internal streets must be public and shall be constructed to the applicable street function standards in <i>Exhibit A: Standard Design Requirements</i> .
<b>Sidewalks &amp; Street Lighting</b>	<ul style="list-style-type: none"> <li>• Required to be installed by the subdivider along existing perimeter streets that are immediately adjacent to the subject property.</li> <li>• Required to be installed by the subdivider on both sides of any new street within the subdivision. An alternate internal pathway/trail network may be substituted for sidewalks on one side of a new street at the discretion of the PC.</li> <li>• Sidewalks shall be within the public right-of-way and constructed to the applicable standards in <i>Exhibit A: Standard Design Requirements</i>.</li> <li>• Street lights shall be required to be installed by the subdivider. Fees for monthly service and replacement of fixtures/infrastructure shall be the responsibility of the HOA.</li> </ul>
<b>Development standards for individual lots</b>	<ul style="list-style-type: none"> <li>• The development standards for the subject zoning district shall apply to each lot within the subdivision. See <i>Chapter 2: Zoning Districts</i>.</li> <li>• Lots must be served by municipal water and sewer.</li> </ul>
<b>Design standards for subdivision</b>	All design standards for the subdivision shall comply with applicable sections of <i>Chapter 6: Subdivision Design Standards</i> .
<b>Other Requirements</b>	Covenants are required for all Major Residential Subdivisions in order to prevent nuisances and avoid conflicts.

## 4. OPEN SPACE RESIDENTIAL SUBDIVISION.

- a. **Intent.** An Open Space residential subdivision is intended exclusively for single-family residential (attached and detached) and two-family residential, and does not include multi-family dwellings. The purpose of the design is to provide density incentives in order to improve the preservation of sensitive environmental resources, provide open space, and enhance the community's character. This is achieved by setting aside a substantial amount of the site as permanent, common open space and then clustering dwellings as a more compact neighborhood on the remaining portion of the site. The open space that is preserved can provide a variety of benefits to the community including, but not limited to, protecting water quality, reducing stormwater impacts, and providing recreational opportunities.



**b. Development Standards.**

DEVELOPMENT STANDARDS FOR OPEN SPACE RESIDENTIAL SUBDIVISIONS	
Permitted districts	AG, R1, R2, M1
Minimum development size	N/A
Minimum open space for the overall development	35% (must meet Open Space Criteria and Open Space Standards)
Maximum number of lots	<ul style="list-style-type: none"> <li>The maximum number of lots shall be calculated by dividing the total area within the subdivision by the minimum lot area for the subject zoning district(s) as outlined in <i>Chapter 2: Zoning Districts</i>.</li> <li>Lots may be reduced for the subject zoning district(s) but no lot shall be smaller than 3,000 sqft.</li> </ul>
Internal access	Internal streets must be public and shall be constructed to the applicable street function standards in <i>Exhibit A: Standard Design Requirements</i> .
Sidewalks	<ul style="list-style-type: none"> <li>Required to be installed by the subdivider along existing perimeter streets that are immediately adjacent to the subject property.</li> <li>Required to be installed by the subdivider on both sides of any new street. An alternate internal pathway network may be substituted for sidewalks on one side of a new street at the discretion of the PC.</li> <li>Pedestrian access must be provided to all common areas and open spaces.</li> <li>Sidewalks shall be within the public right-of-way and constructed to the applicable standards in Exhibit A: Standard Design Requirements.</li> <li>Street lights shall be required to be installed by the subdivider. Fees for monthly service and replacement shall be the responsibility of the HOA.</li> </ul>
Development standards for individual lots	<ul style="list-style-type: none"> <li>Unless otherwise stated, all other development standards for the subject zoning district shall apply to each lot within the subdivision. See <i>Chapter 2: Zoning Districts</i>.</li> <li>Lots must be served by municipal water and sewer.</li> </ul>
Design standards for subdivision	All design standards for the subdivision shall comply with applicable sections of <i>Chapter 6: Subdivision Design Standards</i> .
Other Requirements	Covenants are required for all Open Space Residential Subdivisions in order to prevent nuisances and avoid conflicts.

**c. Open Space Criteria.**

- i. **Required Criteria.** All Open Space Residential Subdivisions must, at a minimum, meet the following criteria:
  - (a) **Drainage.** Development reduces post-development runoff by minimum of twenty-five percent (25%) in a 100-year storm event compared to pre-development, including the areas required detention/retention basins, ponds, lakes, and other drainage features. Plans must comply with the *Sellersburg Drainage Ordinance and Technical Standards*.
  - (b) **Natural Areas.** A minimum of fifteen (15%) of the dedicated open space must be left in a natural or undisturbed state or, if previously disturbed or degraded, restored to a natural state. Areas with maintained lawn/landscape elements or manicured detention/retention basins are not

considered a natural state. Examples of areas in a natural state include, but are not limited to, wetlands, wooded areas, prairie, and natural or restored waterbody(ies). Drainage facilities can only be counted towards this requirement if restored to a natural state.

- ii. **Optional Criteria.** In addition to the required criteria, dedicated open space can be perpetually used for one (1) or more of the following activities or uses:
  - (a) **Active Recreation.** Development provides land and improvements for active recreation, including but not limited to sports court/field, playground, indoor recreation center, clubhouse, swimming pool, or similar.
  - (b) **Environmentally Sensitive Areas.** Development preserves and protects an existing an environmentally sensitive area, including but not limited to habitats for endangered or threatened species as defined by IDNR; protected waterways/bodies of water and buffer areas; wetlands; wooded areas; or similar areas.
  - (c) **Historic Structure.** Development preserves and maintains a historic homestead and/or historic structure(s) on site. Petitioner must provide support letter from Historic Landmarks of Indiana.
  - (d) **Passive Recreation.** Development provides land and improvements for passive recreation, including but not limited to pedestrian/bicycle paths, picnic areas, community commons/open field, or similar. This does not include active recreation areas such as playgrounds, sports fields, or similar.
  - (e) **Public Facilities.** Development dedicates land for future public structure or facility, including but not limited to fire department, library, etc. This does not include land dedicated for public roads, sidewalks, water, sewer, or other infrastructure/utilities. Land shall be dedicated and conveyed to appropriate governmental entity but petitioner is not required to make any improvements to the land. Petitioner must provide support letter from appropriate governmental entity regarding the need and intent for a public structure.
  - (f) **Unlisted Activity or Use.** An applicant may propose an unlisted activity or use that would improve the quality of place of the development for consideration by the PC.

**d. Open Space Standards.**

- i. A minimum of thirty-five percent (35%) of the development’s gross square footage must be dedicated as Open Space.
- ii. No portion of any dedicated open space in an Open Space Residential Subdivision can be sold or conveyed in order to satisfy the open space requirements of a separate Open Space Residential Subdivision.
- iii. No portion of a proposed lot’s front, side or rear yard(s), right-of-way, roads, streets, median strips, parking area, and/or sidewalks can be used to satisfy the open space requirement.
- iv. No portion of any dedicated, reserved, used, or in-use lands for cemetery interment can be used to satisfy the open space requirement.
- v. The required open space may be used for drainage which includes detention and retention basins, and bodies of water such as ponds and lakes.
- vi. Open space shall have a minimum width of twenty (20) feet to allow for maintenance access.



- vii. All open space shall have pedestrian access and all homeowners must have the right to access all open space.
- viii. All Open Space Residential Subdivisions must have a homeowners association and recorded covenants.
- ix. The phasing of development and open space is allowed.

**e. Open Space Conveyance and Maintenance.**

- i. If open space is conveyed as common area through a written commitment, such commitment shall include that each lot within the subdivision shall have access and use to the common area as well as an undivided interest in the title.
- ii. If maintenance is the responsibility of the homeowners association and the homeowners association is dissolved or does not carry out maintenance for any reason, then the cost of necessary maintenance shall be shared equally among all of the lot owners within the development.
- iii. Open space conveyance shall be accomplished in one (1) of the methods listed below. An applicant must provide a letter from the entity stating that it will accept the conveyance of the open space deed into perpetuity or the open space may be platted as common area with a written commitment that said common area cannot be vacated or developed. An Open Space easement must be dedicated with the secondary plat.
  - (a) Homeowners Association. An Open Space easement recorded for open space in perpetuity may be granted to the homeowners association. Maintenance, if any, shall be the responsibility of the homeowners association.
  - (b) Not-for-profit Organization. An Open Space easement recorded for open space in perpetuity may be granted to a not-for-profit organization. Maintenance shall be the responsibility of the not-for-profit organization or the development's homeowners association.
  - (c) Town of Sellersburg or Other Governmental Entity. An Open Space easement recorded for open space in perpetuity may be granted to the Town of Sellersburg, Sellersburg Parks Board, or other governmental entity (Fire District, Library District, School District, etc.), including state and federal, only if such entity agrees to accept the conveyance, and maintenance shall be the responsibility of the entity or the development's homeowners association as determined as determined in the conveyance.

## 5. EXEMPT SUBDIVISIONS.

- a. **Intent.** The intent of this section is to establish criteria that allows lot splits to occur that are not otherwise required to go through the other subdivision processes outlined in this UDO. However, this exempt subdivision provision shall not be used as a means to bypass the subdivision process outlined in this UDO.
- b. **Subdivider's Responsibility.** It is the responsibility of the person subdividing land to verify with the Administrator regarding their subdivision exemption eligibility before recording lot splits. Lots created under this provision are not intended to be nor guaranteed to be buildable or to qualify for the issuance of an ILP.
- c. **Applicability.** The following divisions of land are exempt from the provisions of this UDO.
  - i. A division of land into two (2) or more tracts which are all at least five (5) acres in size.
  - ii. One (1) division of land less than five (5) acres per calendar year per parent parcel.
  - iii. A division of land for the transfer of a tract(s) to correct errors in an existing legal description, or the sale/exchange of tracts between adjoining landowners, provided that no additional principal use building sites are created by the division.
  - iv. A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement.
  - v. A division of land into cemetery plots for the purpose of burial of corpses.
  - vi. A division of land for agricultural uses not involving any new streets or easements of access, provided that the sale or exchange does not create additional residential building sites or is intended for residential development in the future.
  - vii. A division of land that combines/reconstitutes property lines such that no new building lots are created.
  - viii. An adjustment/shift of lot lines as shown on a recorded plat provided there is no reduction in the area, frontage, width, depth, or building setback lines of each building site that would place it below the minimum requirements of this UDO.
  - ix. The sale, exchange or transfer of land between adjoining property owners which does not result in the change of the present land usage or create an additional building site.
  - x. A division of land that is government or court ordered.





# CHAPTER 6 | SUBDIVISION DESIGN STANDARDS



## A. PURPOSE.

1. These subdivision design standards are intended to provide predictability to developers and property owners while ensuring the residents of the Town of Sellersburg benefit from quality residential neighborhood designs and commercial/industrial development that promotes the public health, safety, and general welfare and supports the goals of the Comprehensive Plan and Thoroughfare Plan.

## B. GENERAL PROVISIONS.

1. **Conformance to Applicable Rules and Regulations.** In addition to the requirements established in this Chapter, all plats shall comply with the following laws, rules, and regulations:
  - a. All applicable statutory provisions;
  - b. The UDO, Zoning Map, building and fire codes, Ordinance for Flood Hazard Areas, and all other applicable laws;
  - c. The special requirements of this UDO and any rules of the Clark County Health Department, and/or appropriate state or local agencies;
  - d. The rules of INDOT if the subdivision or any lot contained therein abuts a state highway or connecting public road;
  - e. The standards and regulations adopted by all Sellersburg boards, commissions, agencies, and officials of the jurisdiction;
  - f. Secondary plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies as well as the purposes of this UDO; and
  - g. The Sellersburg Drainage Ordinance and Technical Standards and other plans and ordinances as adopted, including all public roads, drainage systems, and parks (if applicable), at the discretion of the PC.



2. **Extension Policies.** All public improvements and required easements shall be extended to the boundary lines of the parcel on which new development is proposed. Public roads and easements for water lines, wastewater systems, electric lines, and telecommunications lines shall be constructed to promote the logical extension of public infrastructure to adjacent parcels.
3. **Plats Straddling Municipal Boundaries.** Whenever access to the subdivision is required across land in another local government, the PC may request assurance by affidavit from the subdivider that access is legally established. In general, lot lines should be laid out so as not to cross municipal boundary lines.

**C. SUBDIVISION DESIGN STANDARDS.** Design standards for subdivisions are included in this chapter for the following:

- Access and Site Connectivity.
- Blocks and Lots.
- Covenants.
- Sidewalks and Trails.
- Drainage, Stormwater, Swales, and Erosion Control.
- Monuments and Markers.
- Public and Open Spaces.
- Roads and Alleys.
- Sanitary Sewer Facilities.
- Subdivision Name.
- Utilities, Other.
- Water Facilities.

# 1. ACCESS AND SITE CONNECTIVITY.

## a. General.

- i. The area to be subdivided shall have frontage on and access from an existing public road, including an existing town, county, state or U.S. highway, and shall not gain access exclusively from an alley.
- ii. The road and public road design of the subdivision shall provide direct access for lots and parcels of land within the subdivision and shall provide for continuity of arterial or collector roads and public roads. The PC may require the extension of certain roads or public roads to the exterior boundary of the subdivision and may require the subdivider to provide a partial right-of-way along an exterior boundary line to correspond to an existing public right-of-way on adjoining lands, or for the purpose of extending arterial or collector roads. Roads not immediately extended shall terminate in a legal cul-de-sac which may eventually be vacated.
- iii. An easement providing access to a public road shall be prohibited except where the PC has approved its use, control, and maintenance, including minor subdivisions and exempt subdivisions.

## b. Arterials, Collectors, and Railroads. Where a subdivision borders or contains an existing or proposed arterial, collector, or is adjacent to an existing railroad right-of-way, based on the recommendation of the Town Engineer, the PC may require the following design standards. In addition, development must comply with all INDOT and/or County regulations (where applicable).

- i. Frontage or service roads that are located outside the right-of-way of arterial or collector roads and public roads shall be separated from the arterial or collector by a planting area or grass strip and having access at suitable points.
- ii. Design of frontage or service roads shall be based on providing access to the property, maintaining circulation of traffic within the subdivision, and providing for parking requirements and surface drainage.
- iii. Frontage roads and public roads shall be improved and dedicated by the subdivider at its own expense to the full width as required by this UDO when the subdivider's development activities contribute to the need for the road expansion. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the UDO whether the land is to be dedicated in fee simple or an easement is granted to the Town.
- iv. The coordination of public roads from one subdivision to another is essential to the town in order to provide a continuation of not only vehicular access, but also for transportation and distribution lines for most utilities, such as water, sewer, gas, electricity and telephone systems. Therefore, based on recommendations from the Administrator and/or the Town Engineer, the PC may require a developer to construct public access roads to adjoining vacant undeveloped properties. The PC shall determine the need and location of these public access roads at the primary plat hearing.
- v. A series of cul-de-sacs, U-shaped public roads, or short loops entered from and designed generally at right angles to such a parallel public road, with the rear lines of their terminal lots backing onto the freeway/expressway, arterial or collector.
- vi. A five (5) foot no-access easement along individual lots that gain access from a local public road but also have rear or side yards that abut a freeway/expressway, arterial or collector to prohibit access to the freeway/expressway, arterial or collector.

- vii. A non-access easement with screening along the property lines for double frontage lots or deep lots.
- viii. In residential districts that abut railroad rights-of-way and limited access highways that may affect the subdivision of adjoining lands, a twenty-five (25) foot wide buffer strip shall be provided in addition to the setback required in *Chapter 2: Zoning Districts*. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures on this land is prohibited."
- ix. Such other treatment as may be deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

#### c. Access Roads.

- i. If the subdivision has fifty (50) or more residential units, there shall be two (2) separate entrances onto two (2) separate roads. If the subdivision only fronts a single road, the subdivision shall have two (2) entrances onto the road provided there is appropriate distance between entrances and other roadways and intersections. If there is not adequate distance between entrances and other roadways and intersections, then a single entrance is allowed.
  - (a) All subdivision entrances shall provide a median divider to allow proper ingress and egress. Each land shall be at least sixteen (16) feet in width (inclusive of curb) if roll curbs are used or eighteen (18) feet in width (inclusive of curb) if barrier curbs are used. The median shall be twelve (12) feet in width to accommodate a separate left-turn lane, if necessary, in the future. The median divider shall extend from the entrance of the intersection to the first crossroad or first intersection within the subdivision.
- ii. The primary access road in the subdivision must be constructed per the required standards and designed to accommodate emergency vehicles and regular daily traffic, including being above the 100-year FEMA flood elevation unless approved by the Town Engineer, and the sight distance for any entrances of the subdivision onto a public road or public road shall be adequate.

#### d. Connectivity.

- i. Proposed public roads shall be extended to the boundary lines of the tract to be subdivided (such as a stub street or temporary cul-de-sac), unless, at the recommendation of the Administrator or Town Engineer, such extension is not feasible due to topography or other physical conditions, or not necessary or desirable for the coordination of the subdivision with the future development of adjacent tracts.
- ii. At the discretion of the PC, proposed public roads shall connect to a public road that has been extended to an adjacent boundary/parcel with the intent to connect future development (such as a stub street or temporary cul-de-sac).
- iii. The arrangement of public roads shall provide for the continuation of principal public roads between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities.

- e. **Pedestrian Access.** In order to facilitate pedestrian access and connectivity, the PC may require perpetual unobstructed easements, at least twenty (20) feet in width, when it is adjacent to a park, school, or other community public facility. Every such easement shall be indicated on the secondary plat. Where future developments include land that has been identified by the *Comprehensive Plan* as a location for trails, the PC may require the developer to construct the trails within their development, whether or not such trails connect to existing trails outside of the development at the time of construction. All trails shall be constructed in accordance with the minimum design standards in *Exhibit A: Minimum Standard Design Requirements* in addition to current AASHTO (American Association of State Highway Transportation Officials) and Americans with Disabilities Act (ADA) standards.

## 2. BLOCKS AND LOTS.

### a. General.

- i. Proposed commercial or industrial parcels shall be suitable in minimum area and dimensions to the types of industrial development anticipated. Proposals for incremental lot by lot subdivision must be indicated on the preliminary plat and approved by the Administrator and the PC.
- ii. Proposed residential parcels shall comply with the standards of the subject zoning district.

### b. Lot Arrangement.

- i. The width of blocks should be sufficient to allow two (2) tiers of lots. Blocks shall not exceed one thousand (1,000) feet in length, unless the PC determines that a longer length will not be detrimental to local traffic flow. Blocks in residential subdivisions shall not be less than four hundred (400) feet in length. The PC may require the reservation of an easement through blocks longer than one thousand (1,000) feet to accommodate utilities, drainage facilities, or pedestrian traffic. In addition, the PC may require pedestrian ways or cross walks through the center of blocks where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- ii. The layout of the lots shall be compatible with the topography and other physical conditions of the land in order to ensure that compliance with the UDO, Building Code, and other local, state, and federal regulations can be achieved.
- iii. Every lot shall have sufficient and adequate access to a dedicated public or private road constructed, or to be constructed, in accordance with this UDO.

### c. Lot Dimensions.

- i. Lot dimensions shall comply with the minimum standards of the UDO. Lots shall not be designed in such a manner that there would be insufficient area remaining to build on after building setback lines are established in accordance with the UDO.
- ii. Side lot lines shall generally be at right angles to public road lines (or radial to curving public road lines) unless a variation from this rule will give a better public road or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setbacks from both roads.
- iii. The depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide off-public road parking and loading facilities required for the type of use and development contemplated, as established in the UDO.

### d. Lot Orientation.

- i. The lot line common to the public road right-of-way shall be the front line. All lots shall face the front line and a similar line across the public road. Wherever feasible, lots shall be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.
- ii. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

### 3. COVENANTS.

- a. **Purpose.** Covenants are generally a combination of restrictions on the use of property and affirmative obligations imposed by the developer on the owner of a property within a subdivision that are above and beyond the development standards for the jurisdiction. The purpose of these covenants is to give a development a more standard appearance as well as control over the activities that take place within its boundaries so that when enforced by the developer (and subject/subsequent property owners), the property values are uniformly protected.
- b. **General.** All major residential subdivisions (including Open Space Residential Subdivisions) with more than three (3) lots shall establish, adopt, and record covenants.
- c. **Self-imposed Restrictions.** If an owner of property places restrictions on any land contained in a subdivision that are more restrictive than those required by this UDO, such restrictions shall be indicated or referenced on the subdivision plat. All restrictive covenants shall be recorded with the County Recorder.
- d. **Enforcement.** Only regulations specifically found in the UDO are enforceable by the PC. Restrictive covenants will not be enforced by the PC and must be enforced by the Homeowners Association (or the subject property owners) and through the civil courts.
- e. **Drainage.** All drainage shall comply with the Sellersburg Drainage Ordinance and Technical Standards and is subject to approval.
  - i. Maintenance of drainage facilities shall be the responsibility of the developer until it is turned over to the Homeowners Association (HOA).
  - ii. If drainage areas are maintained by a Homeowners Association (HOA) or similar organization and said organization is dissolved, maintenance and associated costs of any drainage facility shall be shared equally between the property owners within the platted subdivision.
  - iii. No secondary plat shall be approved until after approval of the drainage plan that is in compliance with the Sellersburg Drainage Ordinance and Technical Standards.
- f. **Maintenance.** The Homeowners Association (HOA) shall be responsible for the maintenance and cost of:
  - i. All stormwater systems not dedicated to the Town;
  - ii. Decorative street lights and decorative street signs;
  - iii. Monthly service charges and fees for all street lights;
  - iv. Common areas;
  - v. Private driveways and streets; and
  - vi. Sidewalks, if not located in the public right-of-way.



## 4. SIDEWALKS AND TRAILS.

### a. Sidewalks.

- i. Major residential subdivisions with more than three (3) lots, commercial subdivisions, and industrial subdivisions shall install sidewalks on both sides of all internal streets and along all abutting streets.
- ii. Concrete sidewalks shall be included within the dedicated, non-pavement right-of-way of all roads as required by *Exhibit A: Minimum Standard Design Requirements*. A median strip of grassed or landscaped area shall separate all sidewalks from the adjacent road, unless otherwise specified, as required by *Exhibit A: Minimum Standard Design Requirements*. No trees shall be planted in this median strip unless approved by the Administrator.
- iii. If sidewalks exist on adjacent parcels, sidewalks for residential subdivisions may conform to the setback and width of existing sidewalks within the same block but shall not be less than four (4) feet in width.
- iv. In commercial and other congested areas, the PC may require sidewalks of greater width constructed adjacent to the curb.
- v. Sidewalks located within the public right-of-way shall be maintained by the Town, but the owners of property abutting sidewalks are required to remove snow and ice. Sidewalks located on private property shall be maintained at the property owner's expense, by repairing any holes, uneven surfaces, and other defective places that may occur by using materials as similar as possible to that of which the sidewalk is constructed.
- vi. All sidewalks shall conform to Americans with Disabilities Act (ADA) standards.
- vii. The surface of any sidewalk shall, when completed, have a sufficient slope to drain away from the lot and toward the public road. The subgrade of a sidewalk shall be constructed to a depth below the finished surface and shall be thoroughly compacted to a firm, smooth surface.

- b. Paths or Trails.** Asphalt paths or sidewalks may be allowed by the PC along Primary Arterials, Secondary Arterials, and Collectors when a part of a trail system adopted by Town of Sellersburg. All trails shall be constructed in accordance with the minimum design standards in *Exhibit A: Minimum Standard Design Requirements* in addition to current AASHTO (American Association of State Highway Transportation Officials) and Americans with Disabilities Act (ADA) standards.

## 5. DRAINAGE, STORMWATER, SWALES, AND EROSION CONTROL.

- a. **General.** The Subdivider shall comply with the *Sellersburg Drainage Ordinance and Technical Standards* and all state requirements.
- b. **Location.**
  - i. Underground stormwater infrastructure shall not be located in any side yard between dwelling units unless a twenty (20) foot easement is provided. No structures are permitted to be placed in said easement.
  - ii. Stormwater infrastructure that is located in rear yards must be installed underground and approved by the MS4 Coordinator.
- c. **Topsoil.** Topsoil shall not be removed from the development site or used as spoil but may be temporarily shifted on-site to accommodate construction activities. All topsoil shall be redistributed so as to provide at least six (6) inches of cover on all lots and shall be stabilized by seeding or planting. All topsoil shall be free of debris, trash, contaminants, toxins, chemicals, or other byproducts.
  - i. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste material of any kind shall be buried in any land, or left deposited on any lot or street at the time the buildings are ready for occupancy.



## 6. MONUMENTS AND MARKERS.

- a. Monuments shall be installed on all lot corners to the standard as set forth under 865, I.A.C., 1-12-18, as amended.

## 7. PUBLIC AND PRIVATE OPEN SPACES.

- a. **General.** Proposed subdivisions may allocate adequate areas for public parks, schools, or other public recreational purpose to support the goals of the *Comprehensive Plan*. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned. The reserved area shall be shown and marked on the secondary plat, "Reserved for Park, School, or Recreational Purposes." The PC may refer such proposed reservations to appropriate officials or departments for recommendations.
- b. **Existing Natural Features.**
  - i. Existing features that would add value to the development or to the jurisdiction as a whole (such as trees, watercourses and falls, historic sites, and similar irreplaceable assets) shall be encouraged to be preserved in the design of the subdivision.
  - ii. The primary plat shall show all such existing features, including the number and location of existing trees being retained and the location of all proposed trees required by this UDO as outlined in *Chapter 3: Site Standards*. Massing of existing trees can be delineated by the edge of the tree line.
  - iii. All existing trees to be preserved shall be welled and protected against change of grade.
- c. **Open Space.**
  - i. **Commercial/Industrial Open Space Requirements.** No requirements.
  - ii. **Residential Open Space Requirements.**
    - (a) Open space reserved under this UDO shall, when at all possible:
      - (1) Be preserved in its natural state, including floodplains; or
      - (2) Be developed only to the extent required to provide for passive recreational activities; or
      - (3) Be developed into active recreational activity space.
    - (b) All open space reserved under this UDO shall be accessible to the residents of the subdivision and guests by the way of sidewalks, footpaths, trails, or combined bikeways and walkways.
    - (c) Land reserved for active recreational purposes shall be of a character and location suitable for use as a playground, play field, or for other active recreational purposes, and shall be relatively level and dry.
  - iii. **Active Recreational Sites.** An active recreational site for dedication to the Town shall be considered on a case-by-case basis and approved by the appropriate legislative body. Approval and acceptance of the space, pursuant to *Chapter 6, Section C.7: Public and Private Open Spaces*, shall mean that the requirements of this Section have been satisfied.
  - iv. **Open Space.** All open space requirements shall be shown on the primary plat and shall depict the subdivision in full compliance with this UDO and all other applicable health, flood control, and regulations of the jurisdiction as appropriate. All open space shall be set aside as common area and labeled according to its class. If a subdivision is to be developed in sections, the primary plat shall show each section and each section shall be in compliance with the requirements of this Section.

- (a) Review of the Open Space Requirements. The Administrator and PC shall review the open space requirements with the application for primary plat approval and shall be part of the primary plat. In review of the open space requirements, the PC shall be guided by the following criteria:
- (1) The protection of unique topographical features on the site, including, but not limited to, slopes, streams, and natural water features;
  - (2) The protection and preservation of wooded areas and individual trees of significant size. For the purpose of review and consideration by the PC, "significant size" should be interpreted as:
    - a. Healthy trees that are a minimum of thirty-six (36) inches in diameter measured across the trunk at least four (4) feet above the base of the tree, or
    - b. Healthy trees of certain species (such as fruit-bearing and blossoming trees) that, at maturity, do not normally achieve a trunk size that is thirty-six (36) inches in diameter or larger but are desirable to preserve wetlands or other environmentally sensitive areas.
  - (3) The accessibility of the open space areas;
  - (4) The adaptability of the open space to the future development of trails and/or shared-use paths within the jurisdiction;
  - (5) The relationship of the open space to neighboring properties;
  - (6) The minimization of disturbance to important natural site features through the design of lots and public roads; and
  - (7) The diversity and originality of the design for the open space.
- (b) Ownership and Maintenance.
- (1) The PC shall require proof of the ownership and maintenance agreement for the common areas (such as HOA covenants).
  - (2) If open space is conveyed as common area through a written commitment, such commitment shall include that each lot within the subdivision shall have access and use to the common area as well as an undivided interest in the title.
  - (3) The Town shall not assume responsibility for the maintenance and safety of the common areas. If the homeowners association is dissolved or a homeowners association does not carry out maintenance for any reason, any and all maintenance will be the responsibility of all property owners in the subdivision.

## 8. ROADS AND ALLEYS.

- a. **Purpose.** The requirements set forth herein are designed to provide for roads that: are suitable in location, width, and improvement so that they may accommodate prospective traffic; afford satisfactory access to police, fire fighting, snow removal, sanitation, road-maintenance equipment; and compose a convenient traffic system and avoid undue hardships to adjoining properties.
- i. Proposed roads should:
- (a) Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;
  - (b) Be properly related to the goals of the Comprehensive Plan and Exhibit A: Minimum Standard Design Requirements; and
  - (c) Shall be appropriate for the particular traffic characteristics of each proposed development.
- b. **General.**
- i. **Dedication.** In a subdivision that adjoins or includes an existing public road that does not conform to the minimum right-of-way dimension as established by the *Exhibit A: Minimum Standard Design Requirements*, the subdivider shall dedicate additional right-of-way width as required to meet this UDO.
- ii. **Excess Right-of-way.** Right-of-way widths in excess of the standards designated in this UDO shall be required whenever, due to topography, additional width is necessary to provide adequate earthen slopes. Such slopes shall not be in excess of three-to-one (3:1).
- iii. **Other Improvements.**
- (a) Whenever a proposed subdivision borders an existing street, the PC may require the reconstruction or widening of such street as a condition of plat approval. Additional dedication of right-of-way may also be required as determined by the Town Engineer.
  - (b) The subdivider may be required to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public road system when a subdivision connects to a freeway/expressway, arterial (principal or minor), or collector (major or minor).
- iv. **Plantings.** No trees or plantings shall be permitted within the public right-of-way or easements unless approved by the PC.
- c. **Classifications.** All public roads shall be planned to meet the goals of the Comprehensive Plan. All roads shall be functionally classified by the Sellersburg Streets and Sanitation Department and the Thoroughfare Plan.
- d. **Design Requirements.**
- i. The minimum standard design requirements for local roads and alleys are set forth in the UDO, *Exhibit A: Minimum Standard Design Requirements*.
  - ii. Minimum standard design requirements for minor arterials or higher roadway classification shall be designed by a Professional Engineer in accordance with Standard Specifications of the Indiana Department of Transportation (INDOT) and approved by the Town Engineer.

- iii. Roads shall be constructed to grades shown on plans, profiles, and typical cross-sections prepared by a registered Professional Land Surveyor and/or registered Professional Engineer. Individual projects may warrant additional requirements that are dictated by sound engineering practices as determined by the Town Engineer and shall be made conditions of the approval for the primary plat. The Town Engineer shall review, comment, and ultimately approve the plans and shall inspect the road improvements after construction.
- iv. Pavement design shall conform to *Exhibit A: Minimum Standard Design Requirements*. Adequate provision shall be made for culverts, drains, and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to *Exhibit A: Minimum Standard Design Requirements* and shall be incorporated into the construction plans required of the developer for plat approval.
- v. Where a proposed public road is an extension of an existing paved public road which exceeds the minimum dimension set forth herein, the PC may require the developer to taper or match the width of the existing paved public road.

**e. Layout.**

- i. All public roads shall be arranged so as to obtain as many building sites as possible at, or above, the grades of the public roads. Grades of public roads shall not exceed fifteen percent (15%) unless approved by the Town Engineer. A combination of steep grades and curves shall be avoided.
- ii. Minor or local public roads shall be laid out to conform as much as possible to the topography and shall be curved wherever possible to avoid conformity of lot appearance and to discourage use by through traffic. Such public roads shall also be laid out to permit efficient drainage and utility systems, and to require the minimum number of public roads necessary to provide convenient and safe access to property.
- iii. The rigid rectangular gridiron public road pattern is not required, and the use of curvilinear public roads, cul-de-sacs, or U-shaped public roads are permitted where such use will result in a more desirable layout.
- iv. Public road systems in new subdivisions shall be laid out so as not to provide new perimeter half-public roads. Where an existing half-public road is adjacent to a new subdivision, the other half of the public road shall be improved and dedicated by the subdivider. The PC may authorize a new perimeter public road where the subdivider improves and dedicates the entire required public road right-of-way width within its own subdivision boundaries.
- v. The creation of reserve strips shall not be permitted adjacent to a proposed public road in such a manner as to deny access from adjacent property to the public road.
- vi. In commercial and industrial subdivisions, the public roads and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- vii. Roads carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.
- viii. The maximum length of a local street cul-de-sac in a residential subdivision shall be six hundred (600) feet, unless approved by the Town Engineer.

**f. Intersections.**

- i. All intersections, including minimum radii, shall adhere to Exhibit A: Minimum Standard Design Requirements.
- ii. Right-angle intersections must be used wherever practical. When local roads and public roads intersect arterial or collector roads, the angle of intersection of the road centerlines may not be less than seventy-five (75) degrees and the radii shall be determined by a design professional and approved by the Town Engineer.
- iii. Proposed new intersections, wherever practicable, should coincide with any existing intersections on the opposite side of such public road. Intersections involving more than four (4) approaches to the intersection should be avoided. Three-legged intersections may be used wherever appropriate, particularly in residential areas.
- iv. Minimum sight distance at intersections should be determined by a design professional and approved by the Town Engineer.
- v. Intersections shall be designed with a relatively flat grade wherever practical. Where the grade exceeds seven percent (7%), a leveling area shall be provided at the intersection approach with a maximum of two percent (2%) rate slope for a minimum distance of forty (40) feet, measured from the intersection of the centerline.
- vi. No intersection shall create a traffic hazard by limiting visibility.
- vii. At road intersections, property line corners shall be rounded by an arc at twenty-five (25) feet in radius or larger unless approved by the Town Engineer.
- viii. The minimum spacing of roadways along minor collector roads or higher roadway classification shall be a minimum of one thousand and twenty (1,320) feet unless design and justification are provided by a Professional Engineer and approved by the Town Engineer.

**g. Dead-ends.**

- i. **Dead-end Public Road (Permanent).** A permanent dead-end public road or cul-de-sac (permanent), if permitted by the PC, shall terminate in a circular right-of-way. The PC may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turn-around shall be provided at the end of a permanent dead-end public road in accordance with the Exhibit A: Minimum Standard Design Requirements.
- ii. **Dead-end Public Road (Temporary).** If the adjacent property is undeveloped and the public road must temporarily be a dead-end public road, the right-of-way shall be extended to the property line. A temporary cul-de-sac shall be provided on all temporary dead-end public roads, with the notation on the secondary plat that land outside the normal public road right-of-way shall revert to the adjoining land owners when the public road is continued. The developer shall provide barriers and signage for any such temporary dead-end public road. The PC may limit the length of temporary dead-end public roads.

- h. **Bridges and Culverts.** As determined by the PC, bridges of primary benefit to the subdivider shall be constructed at the full expense of the subdivider without reimbursement from the Town. All bridges and culverts shall be designed by a Professional Engineer and approved by the Town Engineer.



**i. Curbs and Gutters.**

- i. The curbs and gutters for all roads within and bounding the subdivision shall conform to the standards shown in *Exhibit A: Minimum Standard Design Requirements*.
- ii. A concrete curb and gutter may be required for all roads when sidewalks are required by this UDO in accordance with the *Exhibit A: Minimum Standard Design Requirements*.

**j. Lights.**

- i. The Subdivider shall install streetlights at his own expense in subdivisions.
- ii. Streetlights shall be installed at every intersection and at a minimum of every five hundred (500) feet adjacent to public roads. Lights shall be shielded to direct light downwards.
- iii. The Town of Sellersburg will not maintain custom streetlight fixtures. Maintenance of custom fixtures shall be performed by the homeowners association or all property owners within the subdivision equally if a homeowners association does not exist.

**k. Public Road Signs, Regulatory.**

- i. Each installed sign shall comply with the standards established in the *Manual on Uniform Traffic Control Devices (MUTCD)* and shall be approved by the Town Engineer.
- ii. The subdivider shall be responsible for the installation of all road signs required by the Town Engineer, including street signs at all intersections within or abutting the subdivision.
- iii. The subdivider shall install all road signs and street signs before the Town Engineer signs the Mylar of the secondary plat.
- iv. The PC may approve public road name signs, poles, or hardware outside of the MUTCD (*Manual on Uniform Traffic Control Devices*) regulatory sign standards if decorative signs, poles, and hardware are requested. The Town of Sellersburg does not own or maintain decorative signs, poles, or hardware, and all maintenance and/or replacement shall be the responsibility of the homeowners association or all property owners within the subdivision equally if a homeowners association does not exist.
- v. Maintenance of all road signs and street signs is the responsibility of the developer, or the property owners within the development, until the road is accepted for maintenance by the Town. The Town of Sellersburg will not maintain custom or decorative road signs or street signs.

- l. Public Road Names.** Proposed public road names shall be submitted with and indicated on the primary plat. The PC shall approve the public road names at the time of primary plat approval. The Administrator shall consult 911 or the appropriate entities prior to rendering its decision. Names shall be sufficiently different in sound and spelling from other road names in the jurisdiction so as not to cause confusion. A road which is (or is planned as) a continuation of an existing road shall bear the same name.

**m. Private Driveways and Private Roadways.**

- i. All driveways must be paved within all subdivisions.
- ii. Private driveways serving one (1) dwelling unit do not have a minimum pavement width but shall not exceed twenty (20) feet at the right-of-way. Private driveways or private roadways serving two to three (2-3) dwelling units shall include a private easement that is at least a twenty (20) feet in width. In addition, there shall be a written and recorded road maintenance agreement with the parcels that access the private driveway that must be reviewed and approved by the Administrator.
- iii. All roadways serving more than three (3) dwelling units shall be public and constructed in accordance with Exhibit A: Minimum Standard Design Requirements.
- iv. Roads within commercial and industrial developments shall be private unless otherwise approved by the PC and shall be constructed in accordance with the Exhibit A: Minimum Standard Design Requirements.
- v. Maintenance of private roads is the responsibility of the developer or property owners as outlined in the recorded covenants, on the plat, and in the written commitments. A road maintenance agreement with the parcels that access the private road is required and must be approved by the PC and recorded.



## 9. SANITARY SEWER FACILITIES.

- a. **General.** The subdivider or developer shall install sanitary sewer facilities or approved on-site sewage disposal system in accordance with the rules, regulations, and standards of the utility provider, the Clark County Health Department, the Indiana Department of Environmental Management (IDEM), and/or other appropriate State and Federal agencies.
- b. **Sanitary Sewerage System Requirements.** Where a sanitary sewer system is available within three hundred (300) feet of any boundary of a proposed subdivision and easements and rights-of-way are in place to access said system, sanitary sewerage facilities shall connect with public sanitary sewerage systems, and shall be installed to serve each lot to grades and sizes required by approving officials and agencies unless the sewer district/provider does not accept or approve the connection. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the Health Officer, participating jurisdiction, and appropriate State agency.
- c. **Location.** Underground sewer infrastructure shall not be located in any side yard between dwelling units unless a twenty (20) foot easement is provided. No structures are permitted to be placed in said easement.
- d. **Individual Disposal System Requirements.** If sanitary sewers are not available, the subdivider shall:
  - i. Receive a letter indicating the soils in the subdivision are generally acceptable for the subdivision from the Clark County Health Department prior to preliminary plat approval. Before the secondary approval, a letter is required from the Clark County Health Department stating that all lots are adequate for individual septic systems.
  - ii. Comply with minimum lot areas shall conform to the requirements of the Clark County Health Department and the standards of UDO establishing lot areas for individual sewerage disposal systems.
- e. **Abutting Access.** If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon a property, the owner thereof shall be required to connect to said sewer for the purpose of disposing waste. It shall be unlawful for any such owner or occupant to maintain upon such property an individual sewage disposal system.

## 10. SUBDIVISION NAME.

- a. The proposed name of a subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision within the jurisdiction and surrounding areas.
- b. The PC shall have final authority to approve the name of the subdivision, which shall be determined at primary plat approval.



## 11. UTILITIES, OTHER.

- a. **Location.** Utilities, including communication and electric, are encouraged to be located underground and may be required subject to *Chapter 3: Site Development Standards*.

## 12. WATER FACILITIES.

- a. General.** Facilities shall be constructed to the applicable construction standards for the respective provider. Requirements for water facilities in the jurisdiction shall include, but are not limited to, the following:
- i. All habitable buildings and buildable lots shall be connected to an approved water system capable of providing water for health and emergency purposes, including adequate fire protection, where available.
  - ii. The local fire authority having jurisdiction over the proposed subdivision shall have authority to approve fire hydrants, including their setting, number, and size of outlets.
  - iii. Prior to construction, fire hydrant locations shall be provided by the Administrator to the appropriate local fire authority having jurisdiction for review and approval.
  - iv. For non-residential subdivisions, special requirements may be imposed by the PC with respect to the installation of public utilities, including water.
- b. Public Water Supply.** When a public water supply is available within three hundred (300) feet of any boundary of a proposed subdivision, the subdivider and/or water company/provider shall construct and install a system of water mains (including fire hydrants) to be connected to the public water supply at the discretion of the water utility. Each lot shall be provided with a connection to the water delivery system. The water delivery system shall be designed and constructed in conformance with the standards and specifications of state or local authorities, and in compliance with the rules and regulations of IDEM.
- c. Private Water Supply.**
- i. **Water Supply.** Where a public water supply is not available within three hundred (300) feet of any boundary of the proposed subdivision, the PC determines that the connection thereto would create a hardship for the subdivider and/or the water company will not supply water, the subdivider shall:
    - (a) Provide a community water supply system to each lot in the subdivision in accordance with the minimum requirements of IDEM; or
    - (b) Provide an individual water supply for each lot in the subdivision in accordance with the minimum requirements of the Indiana State Board of Health and approved by the Clark County Health Department.
  - ii. **Existing Private Wells.** Any existing homes within the development currently served by a private potable well water supply that are to be connected to a new public water supply system shall adhere to the following:
    - (a) The existing well and pumping unit shall be abandoned and the well properly plugged in accordance with the rules and regulations of IDEM and IDNR; or
    - (b) If the homeowner chooses to keep an existing well in service, a physical disconnection (between the existing well supply plumbing and the new public water supply plumbing) must be completed by the homeowner and inspected by the Clark County Health Department. All disconnections of plumbing shall be completed by a plumbing contractor, licensed in the State of Indiana, and shall be made in accordance with the requirements of the ABPA.

## EXHIBIT A: MINIMUM STANDARD DESIGN REQUIREMENTS

### RESIDENTIAL LOCAL ROAD STANDARDS

### COMMERCIAL AND INDUSTRIAL LOCAL ROAD STANDARDS

Minimum Right-Of-Way Widths		
Local Roads	50 feet	50 feet
Cul-de-sac	50 feet/120-foot diameter turnaround	50 feet/120-foot diameter turnaround
Minimum Pavement Widths		
Local Roads	24 feet excluding curb	24 feet excluding curb
Alley	20 feet (two-way) or 14 feet (one-way) with 1-foot crushed stone shoulder	N/A
Cul-de-sac	24 feet to pavement edge, excluding curb, with a turnaround of 50-foot radius	N/A
Pavement Design		
Subgrade Compaction	90% standard proctor	90% standard proctor
Rigid Concrete Pavement	N/A	520 lb/cubic yard with water/cement ratio less than or equal to .53; Slump test less than or equal to 4 inches; Joint Spacing; Following Portland Cement design manual; Opening to traffic; Minimum of 7 days at 3,000
Flexible Pavement	<ul style="list-style-type: none"> <li>9-inch base, dense graded aggregate; 3-inch binder (HAC); 1.5-inch surface (HAC)</li> <li>Surface shall not be applied until 80% of the homes are built</li> </ul>	9-inch type-O, #53 compacted aggregate; 3-inch bituminous base #5; 1.5-inch surface (HAC)
Curb/Shoulder		
	Roll or barrier curb required	Barrier curb required
On-Street Parking		
	Not required. If provided must extend pavement and right-of-way 10 feet per parking lane.	Not required. If provided must extend pavement and right-of-way 10 feet per parking lane.
Sidewalks & Trails		
Sidewalks	Required for three (3) or more lots. <ul style="list-style-type: none"> <li>Both sides of internal streets and along all perimeter streets</li> <li>Minimum 4-foot width unless specified in <i>Chapter 3: Site Development Standards</i></li> <li>Minimum thickness of 4.5 inches constructed of Portland Cement Concrete</li> <li>Minimum 4-foot grass strip/median between sidewalk and road</li> </ul>	Required. <ul style="list-style-type: none"> <li>Both sides of internal streets and along all perimeter streets</li> <li>Minimum 4-foot width unless specified in <i>Chapter 3: Site Development Standards</i></li> <li>Minimum thickness of 4.5 inches constructed of Portland Cement Concrete</li> <li>Minimum 4-foot grass strip/median between sidewalk and road</li> </ul>
Paths and Trails	Not required. If provided, must be a minimum of 10 feet in width and comply with all AASHTO and ADA standards.	Not required. If provided, must be a minimum of 10 feet in width and comply with all AASHTO and ADA standards.

# CHAPTER 7 | SUBDIVISION ADMINISTRATION AND PROCEDURES



## A. GENERAL PROVISIONS.

### 1. Applicability.

- a. A subdivider shall follow the applicable procedures contained in this chapter for the type of subdivision for which approval is sought.
- b. The specific subdivision classification, as defined herein, shall be made by the Administrator when the application is reviewed at the time of filing.

### 2. Jurisdiction.

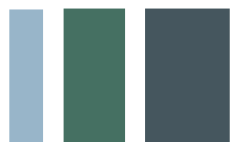
- a. The platting of land, when required by the UDO, shall be done in compliance with the provisions of this UDO.
- b. No land required by the UDO to be platted may be subdivided through the use of any legal description other than with reference to a plat approved by the PC and/or the Administrator in accordance with this UDO unless specifically listed as an exception in *Chapter 5: Subdivision Types*.

### 3. Policy.

- a. The subdivision of land and the subsequent development of the subdivided plat are subject to the control of the jurisdiction and shall be carried out in accordance with the UDO in order to achieve orderly, planned, efficient, and economic development.
- b. No building permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of this UDO.

### 4. Purpose. These subdivision standards are adopted for the following purposes:

- a. To protect and provide for the public health, safety, comfort, morals and general welfare of the jurisdiction.
- b. To protect the character and the social and economic stability of all parts of the jurisdiction by assuring: timing and sequencing of development; promotion of adequate public facilities; proper urban form and open space separation of urban areas; and protection of environmentally critical areas.
- c. To protect and conserve property values throughout the jurisdiction and the value of buildings and improvements upon the land.





- d. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, and other public requirements and facilities.
- e. To provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the jurisdiction, having particular regard to the avoidance of congestion in and promoting a safe vehicular and the pedestrian network.
- f. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions/re-plats in order to further the orderly layout and use of land and to ensure proper legal descriptions and documenting of subdivided land.
- g. To ensure that public facilities and services are available to support development and will have a sufficient capacity to serve the proposed subdivision.
- h. To assure the adequacy of drainage facilities; and to encourage the responsible use and management of natural resources throughout the jurisdiction in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- i. To assist in the preservation of the natural beauty and topography of the jurisdiction and to ensure appropriate development with regard to these natural features.
- j. To provide for open spaces through the most efficient design and layout of the land, while preserving the density of development as established in the UDO.

## 5. Compliance.

- a. No owner or agent may sell or lease any lot within a subdivision before such plat has been approved and recorded in the manner prescribed in this UDO.
- b. No public road shall be laid out or constructed until it is approved as part of a subdivision, except public roads built and maintained by the Town of Sellersburg, Clark County, and/or the State of Indiana.

## 6. Interpretation.

In the interpretation and application, the provisions of this UDO shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the residents of the jurisdiction.

## 7. Conflict.

It is not the intent of this UDO to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties; nor is it the intent of this UDO to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or ordinances, or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings or premises provided. However, where this UDO imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this UDO shall control; but where private covenants, permits, agreements, rules, regulations or existing provisions of law impose a greater restriction than is imposed by this UDO, the greater restriction shall control. Enforcement of any such private restrictions shall be between the parties and the Town shall not enforce them.

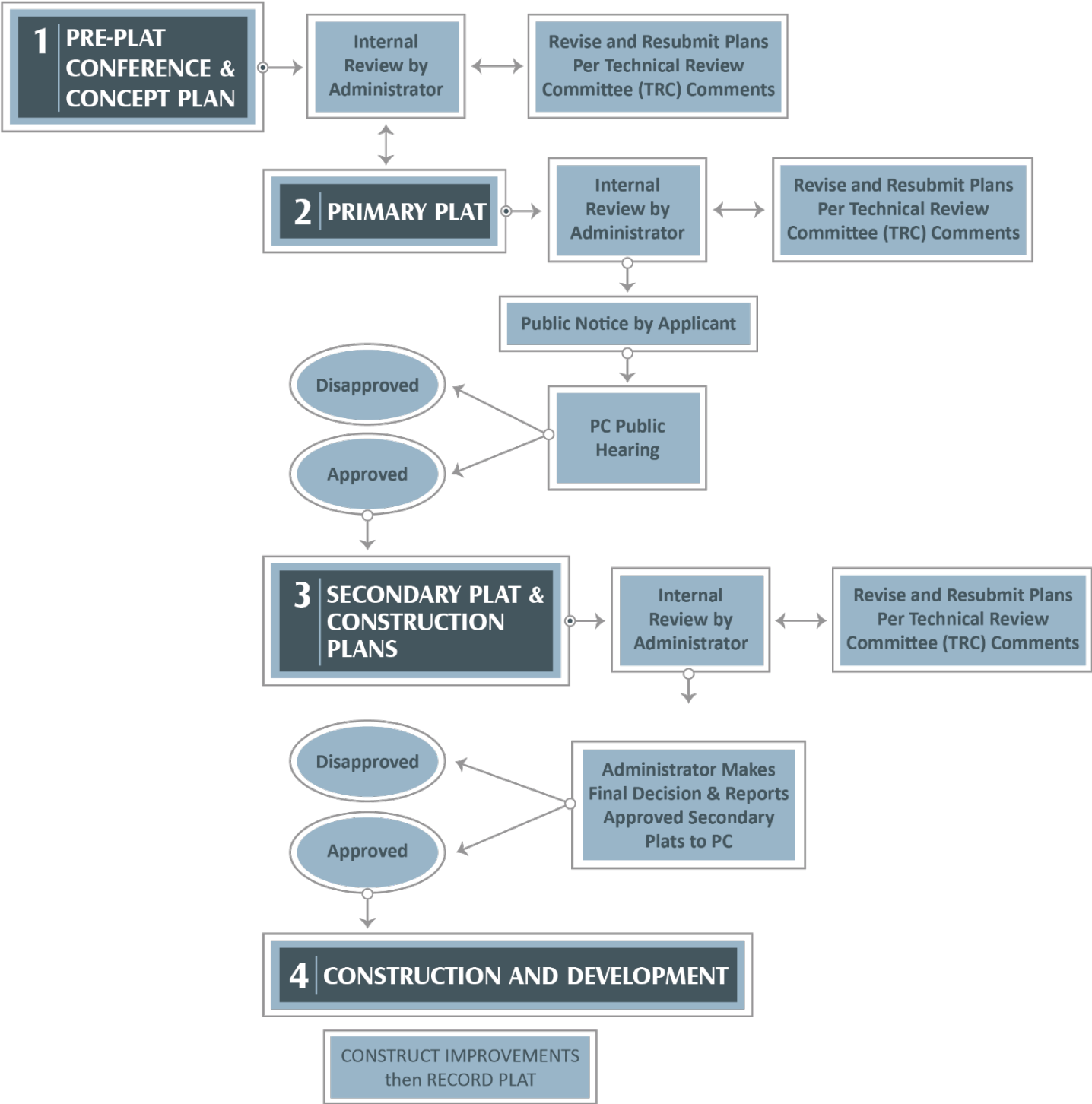
**8. UDO Conformity.** All land subdivided or platted under the terms of this UDO shall comply with the minimum standards prescribed in the UDO. The PC or the Administrator shall not have the authority to approve any subdivision as a buildable lot, unless it complies with said UDO or variances and/or waivers have been granted by the PC or BZA.

**9. Condominiums Exempt.** Pursuant to IC 36-7-4-702, condominiums which are regulated by IC 32-1-6, or as amended, are exempt from the subdivision process.

**B. PROCEDURES FOR SUBDIVISIONS.** Procedures for the subdivision types are included in this chapter for the following:

- Commercial, Industrial, Major Residential, and Open Space Residential Subdivision.
- Minor Residential Subdivision.

# 1. COMMERCIAL, INDUSTRIAL, MAJOR RESIDENTIAL, AND OPEN SPACE RESIDENTIAL SUBDIVISIONS.



**a. General Provisions.**

- i. Applications for commercial, industrial, major residential, and open space subdivisions shall be in accordance with the application packets adopted by the PC as part of the PC Rules and Procedures, including the adopted meeting and submittal deadline calendar.
- ii. Commercial, industrial, major residential, and open space subdivisions shall be subject to all the requirements of this UDO and the subject zoning district for the project.
- iii. Commercial, industrial, major residential, and open space subdivisions shall be subject to any additional standards that may have been required by the PC as part of other approvals for the property.

**b. Pre-Plat Conference.**

- i. The pre-plat conference step is a required part of the subdivision process, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements for the general layout of streets, reservations, of land, street improvements, drainage improvements, water and sanitary facility requirements. In addition, the applicant may receive feedback from the Technical Review Committee (in-person or electronically) about their proposal before investing into the primary plat process.

**c. Concept Plan.**

- i. **Application.** The subdivider shall submit an application for Concept Plan in accordance with the application requirements adopted by the PC as part of the PC Rules and Procedures and prepared in accordance with the format described in *Chapter 7, Section C.1: Concept Plan*.
- ii. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for internal review.
- iii. **Internal Review.** The Administrator shall forward the plans to the Technical Review Committee for comment. At the discretion of the Administrator, the TRC review can be held in-person, virtually (video conference), by phone, or by email. The Administrator may compile a written report for the public file with the information from the Technical Review Committee. The Administrator reserves the right to forward the Concept Plan to the PC to discuss any mandated changes.

**d. Primary Plat.**

- i. **Application.** The subdivider shall submit an application for primary plat in accordance with the application requirements adopted by the PC as part of the PC Rules and Procedures and prepared in accordance with the format described in *Chapter 7, Section C.3: Primary Plat*.
- ii. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline date for receiving internal review comments from the Technical Review Committee. In accordance with IC 36-7-4-705, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the PC.

**iii. Internal Review.**

- (a) The Administrator shall forward the plans to the Technical Review Committee for comment. At the discretion of the Administrator, the TRC review can be held in-person, virtually (video conference), by phone, or by email.
- (b) After comments are received, the Administrator may compile a written report for the PC and the public file with the information from the Technical Review Committee.
- (c) The subdivider shall address all of the comments from the Technical Review Committee and submit revised plans (if applicable) per the adopted schedule.

**iv. Public Notice.**

- (a) Notice of public hearing shall be in accordance with the *PC Rules and Procedures*. In the event the hearing has been properly noticed, but the plans are not finished per subsection iii.(c) above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the subdivider.

**v. Public Hearing.**

- (a) The PC shall consider the primary plat at a public hearing. The subdivider or their representative shall be in attendance to present the plan and address any questions or concerns of the PC.
- (b) Decision by the PC.
  - (1) Approval. If the PC determines that the primary plat complies with the standards set forth in this UDO, it shall grant primary approval to the plat. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the PC as a term of its approval.
    - a. Approval of a primary plat by the PC signifies the general acceptability of the layout submitted and that:
      - i. Assurances have been made by the water utility provider for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
      - ii. Assurances have been made by the sewage utility provider for a sewage system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;
      - iii. The subdivider has taken all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
    - b. In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of primary approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
      - i. The manner in which public ways shall be laid out, graded, and improved; and
      - ii. A provision for other services as specified in this UDO.

- c. Expiration: Approval of a primary plat shall be effective for three (3) years from the date of the PC decision.
  - i. Failure to receive secondary approval for all or part of the plat before this period ends shall invalidate the primary plat approval.
  - ii. Once primary approval has expired, a new application for primary plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
  - iii. Extension: Upon written request of the subdivider, and no less than thirty (30) days prior to the expiration date of the primary approval, the PC may extend approval of a primary plat up to a maximum of three (3) additional years without further notice, public hearing, or fees.
  - iv. Any partial approval of a secondary plat (for sections or phases) shall automatically extend the primary plat approval another three (3) years.
- (2) Disapproval. If the PC disapproves a primary plat, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the hearing, stating the specific reasons for disapproval. The petitioner may then resubmit a revised primary plat that addresses the reason for disapproval.

**e. Secondary Plat.**

**i. Application.**

- (a) Application. The subdivider shall submit an application for Secondary Plat in accordance with the application requirements adopted by the PC as part of the *PC Rules and Procedures* and prepared in accordance with the format described in *Chapter 7, Section C.3: Primary Plat and Section C.4: Construction Drawings*.
  - (1) Residential Subdivisions. In a residential subdivision, the secondary plat may be for the full subdivision or for one (1) or more sections of the subdivision.
  - (b) Commercial and Industrial Subdivisions. To allow flexibility for the end user of a commercial or industrial lot, the Secondary Plat for a commercial or industrial subdivision may be done in one of four (4) ways:
    - (1) Full Plat. The subdivider may submit the Secondary Plat for the entire subdivision, then seek to amend only the lot lines on the Secondary Plat as may be necessary as individual site users are defined. Any changes other than lot lines will constitute an amendment to the primary plat.
    - (2) Individual Lot with Development Plan. The subdivider may submit the Secondary Plat for an individual lot simultaneously with the application for Development Plan.
    - (3) Phase/Section. The subdivider may submit the Secondary Plat for a phase or section of lots as laid out on the primary plat which will include all necessary infrastructure serving such lots.



**ii. Public File.**

- (a) Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline date for receiving internal review comments from the Technical Review Committee.

**iii. Internal Review.**

- (a) The Administrator shall forward the plans to the Technical Review Committee for comment. At the discretion of the Administrator, the TRC review can be held in-person, virtually (video conference), by phone, or by email. After comments are received, the Administrator may compile a written report for the public file with the information from the Technical Review Committee.
- (b) Standards. Meet the principles and standards set forth in this UDO.
- (c) Decision by the Administrator. Secondary plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the Primary Plat as provided in IC 36-7-4-710.
  - (1) Approval. If the Administrator determines that the Secondary Plat complies with the standards set forth in this UDO and is in conformance with the primary plat, the Administrator shall grant secondary approval to the plat. The Administrator shall affix his/her signature to the plat original and all other relevant documents which may also require such signatures. The Administrator shall report all approved secondary plats to the PC for informational purposes.
  - (2) Disapproval. If the Administrator disapproves the Secondary Plat, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the deadline for receiving internal review comments from the Technical Review Committee, stating the specific reasons for disapproval. The subdivider may then resubmit a revised final plat that addresses the reason for disapproval or appeal the decision to the PC.

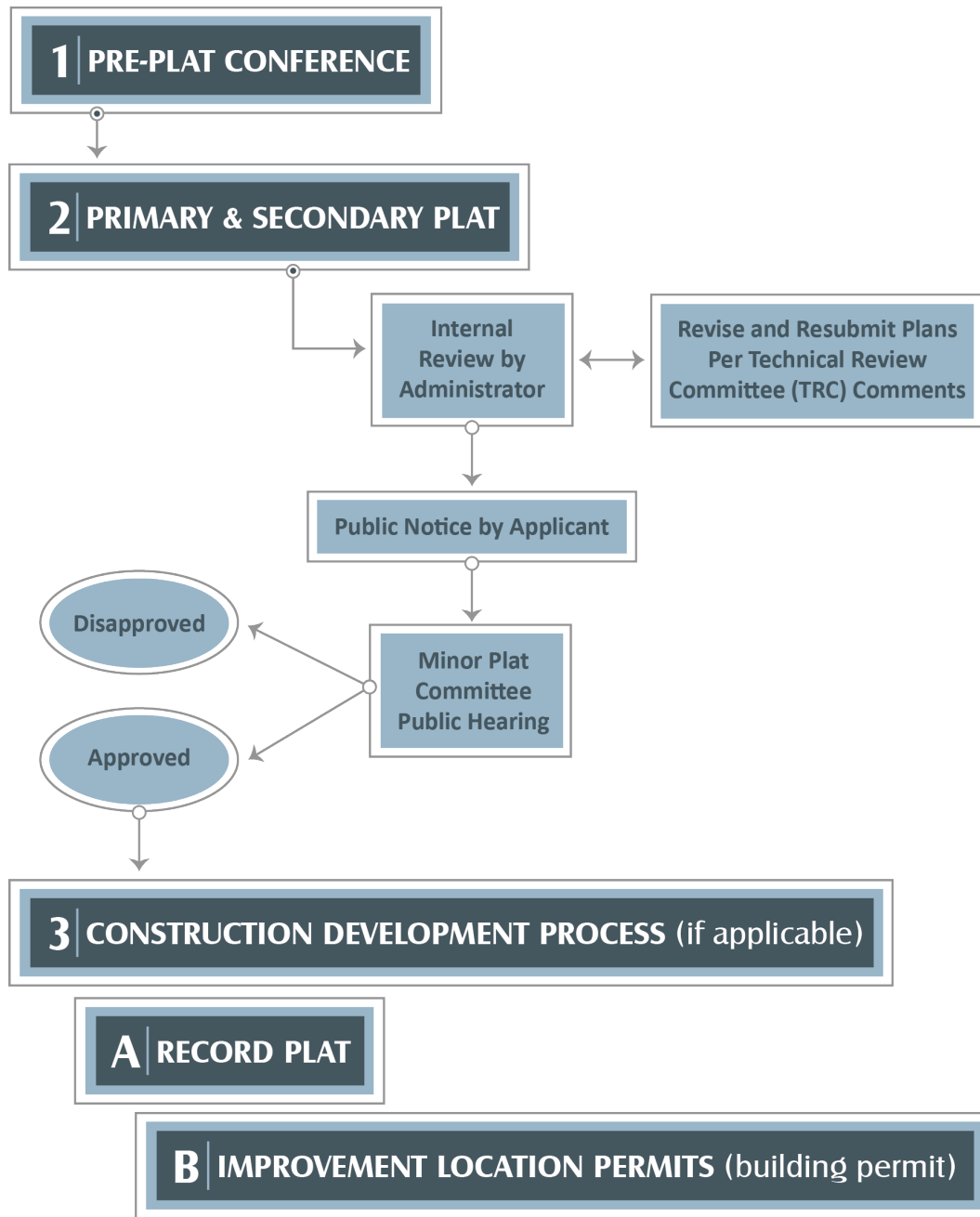
**iv. Recording of Plat.**

- (a) The plat shall be recorded in accordance with the procedures set forth in *Chapter 7, Section D.2: Recording of Secondary Plats*.

**v. Installation of Improvements.**

- (a) The installation of improvements shall occur in accordance with the procedures set forth in *Chapter 7, Section D: Construction and Development Process*.

## 2. MINOR RESIDENTIAL SUBDIVISIONS.



\* Does not require construction of new roads, public facilities, or public involvement

### a. General Provisions.

- i. The minor residential subdivision process is an expedited process for single-family residential subdivisions which:
  - (a) Results in the creation of three (3) or less lots;
  - (b) Does not involve the opening or creation of new public rights-of-way, extension of public facilities, or creation of any public improvements; and
  - (c) Complies in all other respects with this UDO.



- ii. Only one (1) minor residential subdivision is permitted every five (5) years per parent parcel with a maximum of three (3) minor subdivisions permitted per parent parcel. Any additional subdivisions of the parent parcel are considered a Major Residential Subdivision. Any subdivisions which result in the opening or creation of new public rights-of-way, extension of public facilities, or creation of any public improvements are considered a Major Residential Subdivision and shall follow the Major Residential Subdivision process.
  - iii. Applications for minor residential subdivisions shall be in accordance with the *PC Rules and Procedures*, including the adopted meeting and submittal deadline calendar.
  - iv. Intent. A minor subdivision, as defined in *Chapter 10: Definitions*, is intended to allow the subdivision of a buildable tract of land with a reduction of approval time and filing procedure. It is not the intent of the minor subdivision procedure to circumvent uniform development plans for a parcel of land.
  - v. Further subdivision of an approved minor plat must proceed through the major residential subdivision procedure outlined in *Chapter 5, Section B.3: Major Residential Subdivision*. If the Administrator believes that the circumstances warrant the full review and consideration of a major subdivision, then the applicable process may be required.
  - vi. A minor residential subdivision shall be subject to all the requirements of the UDO and the subject zoning district for the project.
  - vii. A minor residential subdivision shall be subject to all the requirements of this UDO, as well as such additional standards required by the PC.
- b. Pre-Plat Conference.** The pre-plat conference step is a required part of the subdivision process, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements for the reservations of land and sanitary facility requirements. In addition, the applicant may receive feedback from the Technical Review Committee (in-person or electronically) about their proposal before investing time and energy into the primary plat and secondary plat process.
- c. Primary Plat and Secondary Plat.**
- i. **Combined Process.** For a minor residential subdivision, the Primary Plat and Secondary Plat shall be combined into one (1) single process.
  - ii. **Application.**
    - (a) The subdivider shall submit an application for both Primary Plat and Secondary Plat in accordance with the application requirements adopted by the PC as part of the *PC Rules and Procedures* and prepared in accordance with the formats described in *Chapter 7, Section C.3: Primary Plat*, *Chapter 7, Section C.4: Construction Drawings*, and *Chapter 7, Section C.5: Secondary Plat*.
  - iii. **Public File.**
    - (a) Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline date for receiving internal review comments from the Technical Review Committee. In accordance with *IC 36-7-4-705*, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the Minor Plat Committee.

**iv. Internal Review.**

- (a) The Administrator shall forward the plat to the Technical Review Committee for comment, which may be held in-person, virtually (video conference), or by phone.
- (b) After comments are received, the Administrator may compile a written report for the Minor Plat Committee and the public file with the information from the Technical Review Committee.
- (c) The subdivider shall incorporate all of the comments from the Technical Review Committee and submit revised plans (if applicable) per the adopted schedule.

**v. Public Notice.**

- (a) Notice of public hearing shall be in accordance with the *PC Rules and Procedures*. In the event the hearing has been properly noticed, but the applicant is not able to provide revised plans per subsection (c) above, then the Administrator may have the Minor Plat Committee automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the subdivider or requiring the Minor Plat Committee to hold a meeting in order to continue the petition.

**vi. Public Hearing.**

- (a) The Minor Plat Committee shall simultaneously consider the Primary Plat and Secondary Plat at a public hearing. The subdivider or his/her representative shall be in attendance to present the plan and address any questions or concerns of the Committee.
- (b) Decision by the Minor Plat Committee.
  - (1) Approval. If the Minor Plat Committee determines that the plats comply with the standards set forth in this UDO, it shall grant approval. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the Minor Plat Committee as a term of its approval.
    - a. In accordance with *IC 36-7-4-702*, the Minor Plat Committee may introduce changes or revisions to the proposed plans as a condition of primary approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
      - i. The manner in which any shared driveways shall be laid out, graded, and improved;
      - ii. A provision for water supply, sanitary sewer facilities, and other utility services; and
      - iii. A provision for other services as specified in this UDO.
  - (2) Disapproval. If the Minor Plat Committee disapproves the plats, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the hearing, stating the specific reasons for disapproval. The subdivider may then resubmit a revised plat that addresses the reason for disapproval or appeal the decision to the PC.

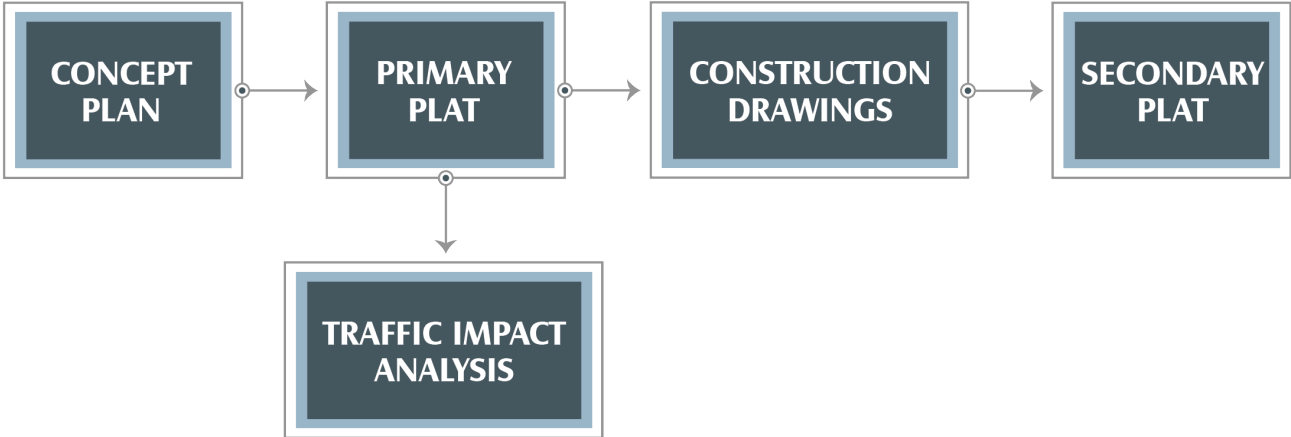
**vii. Recording of Plat.**

- (a) The plat shall be recorded in accordance with the procedures set forth in *Chapter 7, Section D.2: Recording of Secondary Plats*.



**C. DOCUMENT AND DRAWING SPECIFICATIONS.** Procedures for document and drawings are included in this chapter for the following:

- Concept Plan.
- Traffic Impact Study.
- Primary Plat.
- Construction Drawings.
- Secondary Plat.



## 1. CONCEPT PLAN.

- a. **General.** All sheets shall be formatted as 18"x24" and drawn to an accurate and convenient scale.
- b. **Checklist.** The following checklist of items should be provided for a Concept Plan on one sheet:
  - i. **Project Information.**
    - (a) Name of the project/subdivision;
    - (b) Location of the property by street, block, and adjacent subdivisions (with block and lot numbers) or section, township, range, and county if adjacent property if not subdivided;
    - (c) Total acreage within the project and the number of lots;
    - (d) General boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments;
    - (e) Existing zoning of the subject property and all adjacent properties;
    - (f) Name and address of the owner, developer, and land surveyor and/or engineer; and
    - (g) Listing of any covenants on the parcel(s).
  - ii. **Site Conditions (based on applicable mapping data and other readily available sources).**
    - (a) General location of property boundaries;
    - (b) General site topography;
    - (c) General location of existing buildings/structures (can be shown with aerial photo);
    - (d) General location of existing utilities;
    - (e) General locations of floodplains and water bodies; and
    - (f) Other general site conditions that may need to be considered.
  - iii. **Proposed Development.**
    - (a) General layout of streets, blocks, and lots for the subdivision;
    - (b) Identification of general area(s) to be set aside for public facilities or common area;
    - (c) Identification of sites and proposed uses; and
    - (d) General concept for water service, sanitary service, and stormwater drainage.
  - iv. **Title Block:**
    - (a) The proposed name by which the project shall be legally and commonly known;
    - (b) Date of survey, scale, and north point; and
    - (c) Revision dates.

## 2. TRAFFIC IMPACT STUDY.

### a. General.

- i. The PC shall require traffic analysis to be completed by the applicant.
- ii. The Administrator or Town Engineer may determine a lesser level of study is required than the identified thresholds based on existing site conditions and/or previous traffic studies, but at a minimum, a Trip Generation Statement shall be provided.

### b. Trip Generation Statement.

#### i. Applicability and Thresholds.

- (a) Single-family residential (attached and detached) and two-family residential. If the total development, including all sections or phases, includes less than fifty (50) lots, a Trip Generation Statement shall be required.
- (b) Multi-family, Commercial, and Industrial. If the proposed development generates less than one hundred (100) expected trips during a peak hour, a Trip Generation Statement shall be required.

- ii. **Statement.** The Trip Generation Statement shall include the expected number of daily and peak hour trips that will be generated from the proposed development and identify any existing traffic issues that exist at the proposed access point(s).

### c. Traffic Impact Study, Tier 1.

#### i. Applicability and Thresholds.

- (a) Single-family residential (attached and detached) and two-family residential. If the total development, including all sections or phases, includes fifty (50) lots to two hundred (200) lots, a Tier 1 Traffic Impact Study shall be required.
- (b) Multi-family, Commercial, and Industrial. If the proposed development generates one hundred (100) to two hundred and fifty (250) expected trips during a peak hour, a Tier 1 Traffic Impact Study shall be required.

- ii. **Extent.** The following intersections shall be examined:

- (a) All public road intersections within one quarter-mile (1/4) of the proposed access point(s); and
- (b) Any public road intersection(s) further than one quarter-mile (1/4) from the proposed access point(s) if the proposed development contributes to ten percent (10%) or more of the traffic in any movement.

- iii. **Horizon Year.** Projects shall be required to consider the effects of the proposed project in a timeframe projected to five (5) years into the future, or the opening of the final phase of the development, whichever is further out.

**d. Traffic Impact Study, Tier 2.****i. Applicability and Thresholds.**

- (a) Single-family residential (attached and detached) and two-family residential. If the total development, including all sections or phases, includes more than two hundred (200) lots, Tier 2 Traffic Impact Study shall be required.
- (b) Multi-family, Commercial, and Industrial. If the proposed development generates more than two hundred and fifty (250) expected trips during a peak hour, a Tier 2 Traffic Impact Study shall be required.

**ii. Extent.** The following intersections shall be examined:

- (a) All public road intersections within one-mile (1) of the proposed access point(s); and
- (b) All signalized intersections within two (2) miles of the proposed access point(s).

**iii. Horizon Year.** Projects shall be required to consider the effects of the proposed project in a timeframe projected to ten (10) years into the future, or the opening of the final phase of the development, whichever is further out.**e. Basis of Analysis.**

- i. All calculations and software used in determining trip generation shall be based on accepted industry standards, such references and methods established by ITE (Institute of Transportation Engineers), TRB (Transportation Research Board), INDOT (Indiana Department of Transportation), and/or FHWA (Federal Highway Administration).
- ii. The method for developing estimates of future traffic should be explained with supporting documentation as needed.
- iii. Background traffic projections shall be consistent with the travel forecasts of KIPDA (Kentucky-Indiana Planning and Development Agency).

**f. Findings and Recommendations.** At a minimum, all Tier 1 and Tier 2 Traffic Impact Studies shall:

- i. Identify locations where traffic congestion or other impacts to traffic operations may be anticipated, including an established baseline so the relative contribution of the proposed development can be determined (with references to appropriate parameters and Level of Service);
- ii. Consider and identify safety issues, including crashes if the intersection(s) analyzed has been identified by KIPDA as a High Crash Location (See Connecting Kentuckiana Transportation Plan);
- iii. Investigate the most straightforward improvements that would be needed to relieve anticipated congestion and/or safety issues, if any, in accordance with INDOT accepted warrants, methods, and/or practices; and
- iv. Provide additional analysis depending upon the site-specific conditions that impact congestion, traffic operations, and/or safety.
- v. Include written findings and recommendations that the PC may consider.

### 3. PRIMARY PLAT.

- a. **General.** The Primary Plat shall be prepared by a Registered Land Surveyor licensed to practice in the State of Indiana. All sheets shall be formatted as 18"x24" and drawn to a convenient scale. The sheet shall be signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.
  - i. **Other Documents.** The applicant is responsible for all title searches, recorded easements, and any other items that may affect development. The applicant shall include a copy of such documents to the PC and also disclose to all buyers.
  - ii. **Mail Delivery.** Mail delivery within a subdivision is the responsibility of the subdivider, and the subdivider should coordinate with the local Postmaster to confirm mail delivery requirements.
- b. **Checklist.** The following checklist of items should be provided for a primary plat on one sheet:
  - i. **Project Information.**
    - (a) All items required for the Concept Plan in *Chapter 7, Section C.1.b.i: Concept Plan, Project Information*, if applicable.
    - (b) A location map with north arrow at a scale of one-inch equals four hundred feet (1":400') or less showing the boundaries of the proposed project and covering the general area within which it is to be located.
    - (c) Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with 865 IAC 1-12, in the field which has been balanced and closed, as well as physically located by monumentation.
    - (d) Location and description of all monuments with references by distance to bearings to both ¼ section corners, section corners, grant corners, or recorded subdivisions.
  - ii. **Site Conditions.**
    - (a) Existing contours based in NAVD 1988 datum with vertical intervals of two (2) feet if the general slope of the site is less than two percent (2%) and vertical intervals of five (5) feet if the general slope is greater than two percent (2%). A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), which are based on sea level datum.
    - (b) Existing buildings/structures and their placement on the lots.
    - (c) Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
    - (d) Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the Comprehensive Plan, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, floodplain per FEMA/DNR maps, and bridges. Other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Other data may be added which is considered pertinent by the PC or the Administrator

for the subject land. Existing site conditions shall include all land within one hundred (100) feet of the proposed project.

(e) The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.

(f) The regulatory flood (100-year flood) elevation based on NAVD 1988.

**iii. Proposed Development.**

(a) Layout of the proposed project/subdivision showing lot/block lines, lot/block numbers, and streets that show length, width, depth, and area of all lots.

(b) Building and thoroughfare (if applicable) setback lines, showing dimensions.

(c) All lots or blocks/outlots intended for sale or lease shall be designated with boundary lines shall be identified with letters and be in alphabetical order. Lots shall be numbered consecutively within each block.

(d) General locations for proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land.

(e) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plans.

(f) Note stating: No buildings, structures, fences, shrubs, or trees shall be placed in the public right-of-way without prior written review and approval by the appropriate agency.

(g) Internal and perimeter sidewalk system/pedestrian circulation plan, if required.

(h) Such other information as may be deemed necessary for proper review of the Primary Plat by the Administrator, the Town Engineer, or PC.

**iv. Title Block.** All items required for the Concept Plan *in Chapter 7, Section C.1.b.iv: Concept Plan, Title Block.*

**v. Endorsements and Explanations.**

(a) Form for endorsements by PC President.

(b) Form for endorsement by Owner.

(c) Description of drainage easements, site easements, reservations, etc.





## 4. CONSTRUCTION DRAWINGS.

- a. **Checklist.** The following checklist of items that should be provided:
- i. **Project Information.** All items required for the Primary Plat in *Chapter 7, Section C.3.b.i: Primary Plat, Project Information*, if applicable.
  - ii. **Site Conditions.** All items required for the Primary Plat in *Chapter 7, Section C.3.b.ii: Primary Plat, Site Conditions*, if applicable.
  - iii. **Proposed Development.**
    - (a) All items required for the Primary Plat in *Chapter 7, Section C.3.b.iii: Primary Plat, Proposed Development*, if applicable.
    - (b) Plans and profiles showing roadways, sewers, water, and fire hydrants;
    - (c) The locations and typical cross-sections of all street pavements that may include curbs and gutters; sidewalks; drainage easements; servitudes; rights-of-way; manholes; and catch basins;
    - (d) The location, size and invert elevations of existing proposed sanitary sewers, stormwater drains, water mains, and fire hydrants;
    - (e) Compliance with ADA requirements for sidewalks and crosswalks;
    - (f) The connection to any existing or proposed utility system;
    - (g) The location and size of all water or other underground utilities and structures; and
    - (h) Additional info as required by the Administrator and/or Town Engineer.
  - iv. **Title Block.** All items required for the Primary Plat in *Chapter 7, Section C.3.b.iv: Primary Plat, Title Block*.
- b. **Erosion Control.** If the subdivision disturbs more than one (1) acre, detailed erosion control and sediment control plans, pursuant to 327 IAC 15-5 (Rule 5), as amended, as administered by IDEM, shall also be submitted to the MS4 Coordinator and Clark County Soil and Water Conservation District.
- c. **Drainage Plans.** Drainage plans shall comply with the *Sellersburg Drainage Ordinance and Technical Standards*, as applicable. Prior to approving a secondary plat, the Drainage Plan must be approved by the MS4 Coordinator and/or Town Engineer.

## 5. SECONDARY PLAT.

- a. **General.** The plat sheet(s) shall be prepared by a Registered Land Surveyor licensed to practice in the State of Indiana. All sheets shall be formatted as 18"x24" Mylar and drawn to a convenient scale. The sheet shall be sealed and signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls. Applicant shall have Construction Drawings approved prior to approval for a Secondary Plat.
- b. **Conformance.** The plat may be deemed to substantially conform to the preliminary plat if the geometrics of the final plat are substantially the same layout and do not create any additional lots or violate any additional standards of this UDO. The addition, removal, or alteration of road patterns, lot sizes, and total number of lots shall result in a resubmission of the plat for approval by the PC rather than the Administrator unless such changes were a condition of the preliminary plat approval. The addition or removal of easements to accommodate utilities or drainage shall not constitute a substantial change in conformity.
- c. **Monuments.** Plat shall comply with 865 IAC and monuments shall be set on all lot corners.
- d. **Checklist.** The following checklist of items should be provided for a secondary plat on one sheet:
  - i. **Proposed Development.**
    - (a) Name of the project.
    - (b) All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes.
    - (c) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plat and plans.
    - (d) Building setback lines, showing dimensions.
    - (e) Street sign locations and monument sign location, including dedicated easement or dedicated common area for all monument signs.
    - (f) Easements.
  - ii. **Other.**
    - (a) The following notes shall be included on the secondary plat before recording:
      - (1) By the registered land surveyor to the effect that the plat represents a survey made by him/her on \_\_\_\_\_ and recorded in \_\_\_\_\_ that all monuments shown thereon exist or will be set, and that their locations are as shown or will be as shown.
      - (2) By the Subdivider(s)/applicant(s) and/or any other owner(s) of record, a notarized statement that said Subdivider(s) and/or other landowner(s) is/are the owner(s) of the lands and the platting of the subdivision is the Subdivider's and/or other owner's voluntary act and deed. The Subdivider(s) and/or owner(s) shall declare in this certificate by description or reference to the plat the purpose of all rights-of-way, easements, and other reservations shown on the plat.

- (3) By the Plan Commission, fixed with the seal of the Plan Commission, signed by the Administrator, and, if a major subdivision, the Town Engineer. The note shall disclose that proper public notice for the primary plat was given, and that a majority of the members of the Plan Commission concur in its approval.
  - (b) Notation of any self-imposed restrictions.
  - (c) Endorsement by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property.
- e. **Record Drawings.** Record drawings shall be submitted in the current format required by the jurisdiction.
- f. **Covenants and Restrictions.** Covenants and restrictions shall be submitted to the Administrator prior to being recorded.
  - (a) Covenants are not enforced by the Town of Sellersburg.
  - (b) If there are conflicts between the covenants and the UDO, the more restrictive regulations shall apply.

## D. CONSTRUCTION AND DEVELOPMENT PROCESS.

1. **General.** Once a primary plat and the associated construction plans have been approved by the Administrator or PC and other required agencies, as appropriate, the construction and development process may commence as follows.

a. **Construct Improvements then Record Plat.**

- i. **Install Infrastructure.** Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
- ii. **Inspect Infrastructure.** Once complete, the improvements shall be reviewed and inspected by a representative appointed by the Town to ensure that they have been completed in a satisfactory manner. This includes, but is not limited to, roads, curbs, gutters, street signs, sidewalks, drainage facilities, water facilities, sewer facilities, and any other utilities as required by this UDO or any other applicable ordinance.
  - (a) The Town does not inspect infrastructure not owned or managed by the Town (such as fire hydrants and electric). Town-owned utilities are inspected by each respective utility. All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of these should be directly coordinated with the respective local providers.
- iii. **Cost Estimate and Deposit for Final Coat of Asphalt.** The applicant shall submit a reliable estimate for the cost of completing the final coat of asphalt on the roadways to the satisfaction of the Town. Once approved by the Town, the applicant shall pay cash funds to the Town of Sellersburg in an amount equal to one hundred and twenty percent (120%) of the approved estimate amount.
- iv. **Execute and Record Plat.** The plat shall be executed and recorded in accordance with *Chapter 7, Section D.2: Recording of Secondary Plats*.
- v. **Complete Final Coat of Asphalt.** Once construction is completed for at least eighty percent (80%) of the lots and development has occurred to the satisfaction of the Town, the final coat of asphalt for the roadways shall be installed by the applicant.
- vi. **Post Maintenance Surety and Release Funds.** The applicant shall post maintenance surety for the roadways in accordance with *Chapter 7, Section D.3: Maintenance Surety*. When the final coat of asphalt has been installed on the roadways to the satisfaction of the Town and approved by a Town representative authorized to do so, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the final coat of asphalt be released by the Town and returned to the applicant. The Town will only maintain the roads according to the town's policy. The remaining funds will be applied to the Maintenance Surety. The Town will not release any funds without being requested by the applicant.

2. **Recording of Secondary Plats.**

- a. **Execute Plat.** The plat shall be signed by the applicant, Administrator, and Town Engineer (or designee) before being recorded.
- b. **Recording Plat.**
  - i. It shall be the responsibility of the subdivider to record the signed Secondary Plat with the Recorder's Office.

- ii. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped Secondary Plat in the format(s) required by the Administrator.
  - iii. A plat or replat of subdivision must be recorded within two (2) years of being executed or within two (2) years of completion of infrastructure. Upon written request, the PC may extend the time limitation for two (2) years. If the Subdivider fails to record within this time period, plat shall be null and void.
- c. Recordation Prohibition.** Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development may not be filed with the County Auditor, and the County Recorder may not record it, unless it has been granted secondary approval and signed and certified by the Administrator. The filing and recording of the plat is without legal effect unless approved by the Administrator.

### 3. Maintenance Surety.

- a. General.** Maintenance surety shall be posted by the applicant to ensure that the improvements have been properly installed for the development. The amount of surety shall be approved by the Town and in a form to the satisfaction of the Town. After two (2) years, the applicant can request that the Town release or return the maintenance surety. The Town will not release any funds without being requested by the applicant.
- b. Form of Surety.** Maintenance surety shall be a cash deposit.
  - i. Cash Deposit.
    - (a) When the final coat of asphalt has been installed on the roadways to the satisfaction of the Town, the applicant can request eighty percent (80%) of the cash funds from the performance surety be released by the Town and/or returned to the applicant. The remaining balance will be applied to the Maintenance Surety.
    - (b) After two (2) years, the remaining balance shall be returned.
    - (c) The Town will not release any funds without being requested by the applicant.
- c. Town Use of Funds.** Any monies received by the Town of Sellersburg shall be used only for making the required improvements and installations for which the surety was provided in the event the subdivider defaults on the agreement. This money may be used for these purposes without appropriation. The improvements and installations must conform to the standards provided for such improvements or installations by the Town as well as the UDO.

### 4. Improvement Location Permits.

- a. Prerequisites.** Before the second ILP (also known as building permit) may be issued within the development, all public improvements shall be installed (where applicable).
- b. Temporary ILP.**
  - i. Temporary Use. A temporary ILP may be granted by the Administrator for the construction and use of a permitted temporary use (such as a construction trailer or mobile sales office) within the real estate affected by a subdivision.

## E. OTHER SUBDIVISION PROCEDURES.

### 1. Appeals of PC Decision.

- a. Decisions of the PC under this UDO shall be subject to judicial review as provided in IC 36-7-4-715, 36-7-4-1016, and 36-7-4-1600 et seq. Pursuant to those statutes, a person with standing may seek judicial review of certain PC decisions by filing a petition for judicial review in the applicable courts within thirty (30) days after the date of the decision at issue, if the person has exhausted any and all available administrative remedies with the PC. Nothing in this section expands the rights to review provided by Indiana law.

### 2. Plat Amendments and Replats.

- a. **Primary Plat Amendment.** At any time after Primary Plat approval, the subdivider may request that an amendment be made to the Primary Plat. The PC shall hold a public hearing on the proposed amendment in accordance with the same requirements for the respective Primary Plat approval process. The public hearing on a proposed amendment shall be limited to the merits of the proposed amendment. The PC shall approve or disapprove any proposed amendment in the manner set forth in *Chapter 7, Section B.1: Primary Plat for Commercial, Industrial, Major Residential, and Open Space Subdivisions*, as applicable. The subdivider may withdraw the proposed amendment at any time prior to the PC's decision.
- b. **Secondary Plat Amendment.** At any time after Secondary Plat approval, the subdivider may request that an amendment be made to the Secondary Plat. The Administrator shall solicit comments from the Technical Review Committee on the proposed amendment in accordance with the same requirements for the respective Secondary Plat approval process. The Administrator shall approve or disapprove any proposed amendment in the manner set forth in *Chapter 7, Section B.1: Secondary Plat for Commercial, Industrial, Major Residential, and Open Space Subdivisions*, as applicable. The subdivider may withdraw the proposed amendment at any time prior to the Administrator's decision.
- c. **Replat.**
  - i. **Prerequisites.** The Secondary Plat shall have been recorded and all property owners within the area for replat shall provide written consent to the application for re-plat.
  - ii. **Approval.** Whenever an owner of land desires to replat an already approved and recorded Secondary Plat, the owner shall obtain approval for the replat by the same procedures prescribed for the subdivision of land set forth in *Chapter 7, Section B.1: Primary Plat for Commercial, Industrial, Major Residential, and Open Space Subdivisions*, as applicable. For the purposes of this UDO, a replat shall include:
    - (a) Any change in any street layout or any other public improvement;
    - (b) Any change in any lot line, unless identified as an exception as outlined in this UDO; and
    - (c) Any change in the amount of land reserved for public use or the common use of lot owners.

### 3. Vacations.

- a. Authority.** Pursuant to IC 36-7-4-711, the PC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either IC 36-7-4-711 or IC 36-7-3-10.
- b. Vacation When All Owners Agree.** As provided in IC 36-7-3-10, if all of the owners of land in the plat agree on a proposed vacation of all or part of the plat, before recording a written instrument to vacate all or part of the plat, the owner(s) must submit the instrument to the PC (or plat committee if applicable) for approval.
- i. The PC (or plat committee) may consider and rule on the proposed instrument without notice or a public hearing.
  - ii. The PC (or plat committee) shall attach its written decision to the instrument before it is submitted for recording.
  - iii. As provided in IC 36-7-3-10, an instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated. It also terminates all public rights in the public ways and public places described in the plat or part of the plat. However, a public way that has been improved, or that is part of an improved plat, may be vacated only under IC 37-7-3-12. As provided in IC 36-7-3-16, platted easements may be vacated in this same manner as public ways and places.
  - iv. If the PC (or plat committee) denies a vacation request under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years from the date of the PC's denial, as provided in IC 36-7-3-15.
- c. Vacations When All Owners Are Not in Agreement.** As provided in IC 36-7-4-711, if not all of the owners of land in a plat agree on a proposed vacation, one or more of the owners may file with the PC a petition to vacate all of the plat or that part of the plat that pertains to land owned by the petitioner(s).
- i. **Public Hearing.** At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition.
    - (a) Approval. The PC may approve the petition only if it finds that the conditions below are met. The PC may impose reasonable conditions as part of any approval. The PC shall furnish a copy of its approval to the County Recorder for recording.
      - (1) Conditions in the platted area have changed so as to defeat the original purpose of the plat;
      - (2) It is in the public interest to vacate all or part of the plat; and
      - (3) The value of that part of the land in the plat not owned by the petitioner(s) will not be diminished by the vacation.
    - (b) Denial. If the PC finds that the applicant does not meet the requirements above, it shall deny the petition. If the PC denies a vacation request under this section, it shall not consider another vacation request which requests substantially similar relief concerning the same property for at least one (1) year after the denial, as authorized by IC 36-7-4-715.

#### 4. Waivers.

##### a. General.

- i. A waiver can be granted for a provision in *Chapter 5: Subdivision Types* and/or *Chapter 6: Subdivision Design Standards* when the subdivider can show that practical difficulties and unnecessary hardship would result if strictly adhered to and where, in the opinion of the PC (or Plat Committee, if applicable), because of topographical or other conditions particular to the site, a departure may be made without compromising the intent of such provisions, the PC may authorize a waiver, pursuant to IC 36-7-4-702(c).
- ii. Pursuant to IC 36-7-4-702(c), the standards for subdivisions in *Chapter 5: Subdivision Types* and/or *Chapter 6: Subdivision Design Regulations* may be waived at the discretion of the PC (or Plat Committee, if applicable). However, to be approved, the plat must still meet all applicable standards prescribed in the UDO. Variations from the standards in *Chapter 2: Zoning Districts*, *Chapter 3: Site Development Standards*, and/or *Chapter 4: Use Development Standards* require by variance by the BZA (See Chapter 8: Zoning Administration and Procedures).

**b. Application.** A petition for a waiver or waiver of conditions shall be submitted in writing by the subdivider at the time when the Primary Plat or Secondary Plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

**c. Basis for Consideration.** The PC (or Plat Committee, if applicable) shall not approve waivers unless it finds, based upon the evidence presented to it in each specific case, that:

- i. Practical difficulties and unnecessary hardship may result from the strict application of this UDO, and
- ii. The purposes and intent of this UDO may be better served by an alternative proposal.
- iii. The granting of the waiver or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
- iv. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- v. The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan; and
- vi. Where the waiver impacts on the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing or electronic transmission to the PC.

**d. Written Findings.** The PC shall make written finding of fact on all waiver requests.

**e. Conditions of Waiver Approval.** The PC may, in approving waivers, require such conditions as will, in its judgment, secure substantially the purposes of said waiver. Such conditions shall be expressly set forth in the order granting the waiver and be in accordance with the PC Rules and Procedures for governing commitments. Violation of any such condition shall be a violation of this UDO and subject to the provisions of *Chapter 7, Section E.5: Enforcement*.



**f. Waivers Concerning Public Improvements.**

- i. The PC may defer or waive, at the time of secondary approval and subject to any appropriate conditions, the provision for any or all, public improvements that in its judgment are:
  - (a) Not required in the interests of the public health, safety, and general welfare,
  - (b) Inappropriate because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or
  - (c) Inappropriate for other reasons presented to and agreed on by the PC.
- ii. Any determination to defer or waive the provision of any public improvement must be made in accordance with this section and the reasons for the deferral or waiver shall be expressly made part of the record.
- iii. Where improvement or installations are deferred as herein provided, the subdivider shall post a separate surety in an amount determined by the jurisdiction guaranteeing completion of the deferred improvements upon demand of the jurisdiction.

**5. Enforcement.**

- a. **Authority.** The PC or its authorized designee is hereby designated to enforce the terms and provisions of this UDO. For the purposes of this UDO, the term PC as used herein and throughout this UDO shall be inclusive of its authorized designee.
- b. **Persons Liable.** The owner, tenant, or occupant of any building or land, or part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this UDO may be held responsible for the violation and be subject to the remedies and penalties provided herein and at law.
- c. **Violations.**
  - i. No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer, sell, or convey any part of the parcel before a Secondary Plat of the subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the Recorder's Office.
  - ii. No LAP, ILP, or Final Inspection shall be issued for any building, structure, or improvement unless the location of the building, structure, or improvement conforms to this UDO.
- d. **Penalties.**
  - i. **Fines.** Any person who violates a provision of these regulations shall be guilty of an ordinance violation and shall be fined no more than two thousand and five hundred dollars (\$2,500.00) per day, per violation. Each day a civil violation remains uncorrected shall be a distinct and separate violation subject to an additional fine. If the jurisdiction is required to institute legal action to enforce this UDO, or to collect a fine there-under, the violator shall also be responsible for the jurisdiction's reasonable attorney fees and all costs related to the enforcement or collection.

e. **Nuisance.**

- i. **Subdivision.** In addition, after the effective date of this UDO, any land within the jurisdiction subdivided in violation of the terms of this UDO is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding at law.
- ii. **Other Remedies.** The seeking of a civil penalty under this chapter does not preclude the PC from seeking alternative and additional relief from a court of competent jurisdiction in the same action or from seeking any other relief provided by law in a separate action for the enforcement of this UDO.





# CHAPTER 8 ZONING ADMINISTRATION AND PROCEDURES



## A. UDO ADMINISTRATION.

1. **Administrator.** The Administrator shall be appointed by the PC. The Administrator shall have the following duties:
  - a. Administer and enforce the provisions of this UDO in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this UDO;
  - b. Issue ILPs and Final Inspections;
  - c. Maintain a permanent file of all permits and applications as public records; and
  - d. All other duties as outlined in Administrator's job description.
2. **Administrative Decisions.** Whenever, in the course of administration and enforcement of this UDO, it is necessary to make an administrative decision which is not clearly governed by standards contained herein, such decision shall be made so that the result will not be contrary to the spirit and purpose of this UDO or injurious to the area affected. Any such decision can be appealed to the BZA.

## B. PLAN COMMISSION (PC).

1. **Establishment.** The Plan Commission (PC) shall be established in accordance with IC 36-7-4-200 series. The PC shall have membership in accordance with IC 36-7-4-207(a).
2. **Jurisdiction.** The PC shall have jurisdiction over all land covered by the jurisdiction of this UDO.
3. **Organization.** The PC shall be organized in accordance with IC 36-7-4-300 series.
  - a. **Quorum.** In accordance with IC 36-7-4-301, a quorum of the PC consists of a majority of the entire membership of the PC.
  - b. **Official Action.** In accordance with IC 36-7-4-302, action of the PC is not official unless it occurs at a regular or special meeting, by a majority of the entire membership of the PC.
  - c. **Leadership.** In accordance with IC 36-7-4-303, the PC shall elect a president and vice president from its membership at its first regular meeting each year.
  - d. **Secretary.** In accordance with IC 36-7-4-304, the PC hereby appoints the Administrator as the secretary.



- e. Meetings and Minutes.**
- i. **Regular Meetings.** In accordance with IC 36-7-4-306, the PC shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the office of the Administrator and shall be a public record.
  - ii. **Special Meetings.** In accordance with IC 36-7-4-307, a special meeting of the PC may be called by the president or by two (2) members of the PC upon written request to the Administrator.
- f. Employees.** In accordance with IC 36-7-4-311, the PC may appoint, prescribe the duties, and fix the compensation of employees necessary for the discharge of the duties of the commission. The PC may contract for special or temporary services and any professional counsel.
- 4. Duties.** The PC shall have the following duties as authorized in IC 36-7-4-400 series, including the following:
- a. Rules and Procedures.** The PC shall adopt rules for its administration.
  - b. Comprehensive Plan.** The PC shall make recommendations to the legislative body concerning the adoption of and amendments to the Comprehensive Plan in accordance with IC 36-7-4-500 series.
  - c. Development Plans.** The PC shall make decisions regarding development plans in accordance with *Chapter 8, Section D.1: Development Plan Procedures* and IC 36-7-4-1400 series.
  - d. Planned Unit Developments (PUD).** If enabled, the PC shall make recommendations to the legislative body concerning the adoption of and amendments to a PUD in accordance with *Chapter 8, Section D.3: Planned Unit Development Procedures* and IC 36-7-4-1500 series.
  - e. Streets and Addresses.** The president of the legislative body shall name or rename streets and assign addresses, however this responsibility may be delegated to the PC by ordinance.
  - f. Subdivisions.** The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with *Chapter 7: Subdivision Administration and Procedures*, the PC Rules and Procedures, and IC 36-7-4-700 series, including:
    - i. Primary Plat as described in IC 36-7-4-702;
    - ii. Secondary Plat as described in IC 36-7-4-709; and
  - g. Zone Map Changes.** The PC shall make recommendations to the appropriate legislative body concerning changes to the zone map in accordance with *Chapter 8, Section D.3: Zone Map Change Procedures* and IC 36-7-4-600 series.
- 5. Powers.** The PC shall have the powers as authorized in IC 36-7-4-400 series, including the following:
- a. Executive Committee.** Per IC 36-7-4-408, the PC may establish an executive committee of three to nine (3-9) persons appointed by the PC from its membership. The establishment of the executive committee, the naming of its members, and the adoption of rules governing its operation requires a two-thirds (2/3) majority vote of the entire membership of the PC. A majority of the executive committee may act on behalf of the commission, but a dissenting vote by an executive committee member may appeal the decision to the full PC.
  - b. Fees.** Per IC 36-7-4-411, the PC may establish a fee schedule to defray the administrative costs associated with PC and BZA petitions, issuing permits, and other permitted actions.

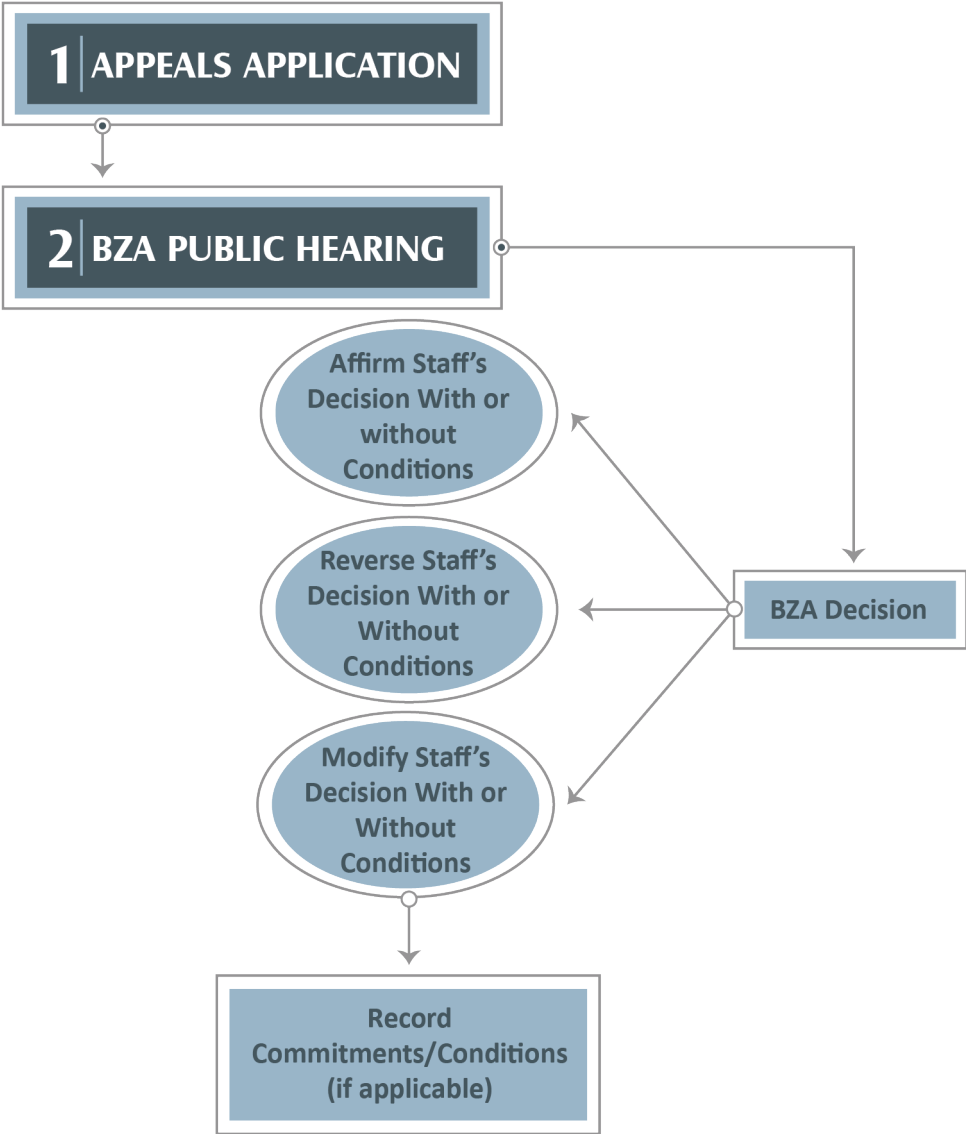
## C. BOARD OF ZONING APPEALS (BZA).

1. **Establishment.** The Advisory BZA shall be established in accordance with IC 36-7-4-900 series. The BZA shall have membership in accordance with IC 36-7-4-902(a).
2. **Jurisdiction.** The BZA shall have jurisdiction over all land covered by the jurisdiction of this UDO.
3. **Organization.**
  - a. **Quorum.** In accordance with IC 36-7-4-910, a quorum of the BZA consists of a majority of the entire membership of the BZA.
  - b. **Official Action.** In accordance with IC 36-7-4-911, action of the BZA is not official unless it is authorized by a majority of the entire membership of the BZA.
  - c. **Leadership.** In accordance with IC 36-7-4-912, the BZA shall elect a chairman and vice chairman from its membership at its first regular meeting each year.
  - d. **Secretary.** In accordance with IC 36-7-4-913, the BZA hereby appoints the Administrator as the secretary.
  - e. **Meetings and Minutes.** In accordance with IC 36-7-4-915, the BZA shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken by making findings of fact. All minutes and records shall be filed in the office of the Administrator and shall be a public record.
    - i. **Regular Meetings.** The BZA shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Office of the Administrator and shall be a public record.
    - ii. **Special Meetings.** A special meeting of the BZA may be called by the chairman or by two (2) members of the BZA upon written request to the secretary.
4. **Duties.** The BZA shall have the following duties as authorized in IC 36-7-4-900 series:
  - a. **Rules and Procedures.** The BZA shall adopt rules for its administration in accordance with IC 36-7-4-916.
  - b. **Appeals.** The BZA shall make decisions regarding appeals in accordance with *Chapter 8, Section D.1: Appeals Procedures* and IC 36-7-4-918.1.
  - c. **Special Exception.** The BZA shall make decision regarding special exceptions in accordance with *Chapter 8, Section D.4: Special Exception Procedures* and IC 36-7-4-918.2.
  - d. **Variance from Development Standards.** The BZA shall make decisions regarding variances in accordance with *Chapter 8, Section D.4: Variance from Development Standards Procedures* and IC 36-7-4-918.5.
  - e. **Variance of Use.** The BZA shall make decisions regarding variances of use in accordance with *Chapter 8, Section D.4: Variance of Use Procedures* and IC 36-7-4-918.4.

**D. PROCEDURES FOR PC AND BZA DUTIES.** Procedures for PC and BZA duties are included in this chapter for the following:

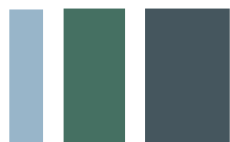
- Appeals Procedures.
- Development Plan Procedures.
- Zone Map Change & PUD District Procedures.
- Special Exception, Variance From Development Standards, And Variance Of Use Procedures.

**1. APPEALS PROCEDURES.**



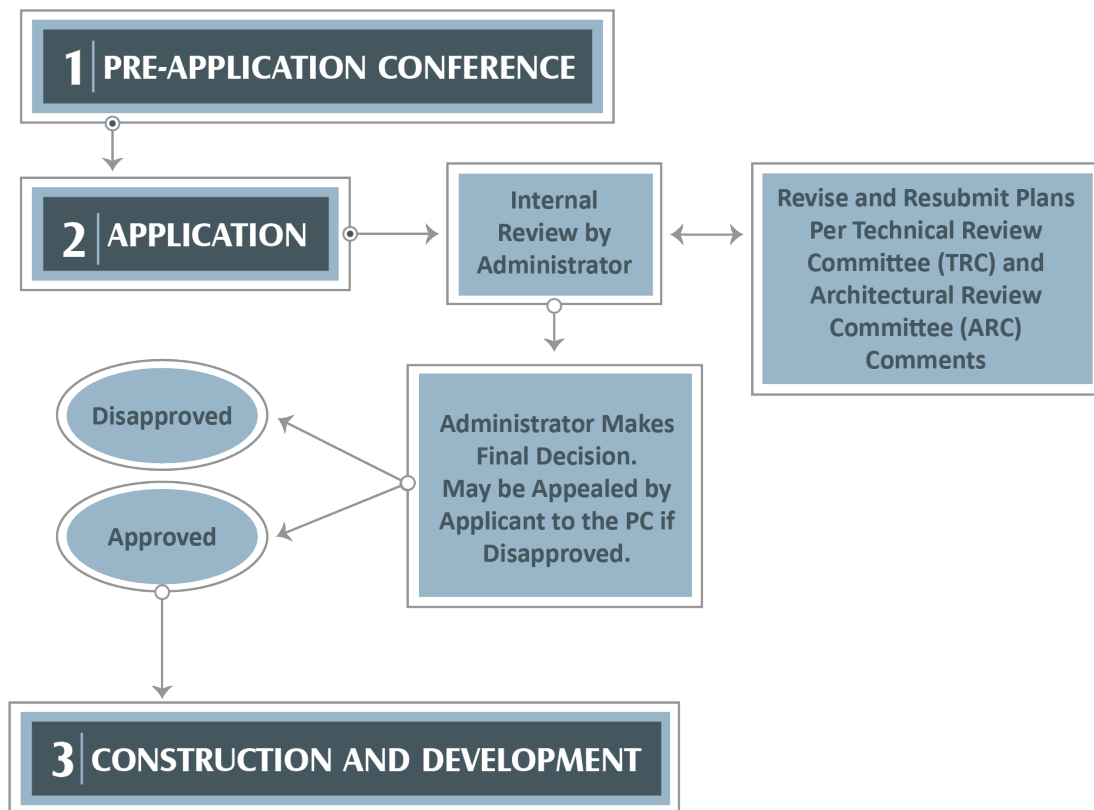
In accordance with IC 36-7-4-918.1 and the BZA Rules and Procedures, the BZA shall hear and determine appeals from and review the decisions below. In addition, all appeals shall be made pursuant to IC 36-7-4-1000 thru 1020 and all amendments thereto.

- a. **Applicability.** The BZA shall hear appeals to any of the following:
  - i. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the UDO;
  - ii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of the UDO; or
  - iii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of an ordinance adopted under this UDO requiring an ILP or Certificate of Occupancy.
  
- b. **Application Procedures.** The applicant shall submit an application for appeal in accordance with the application packet adopted by the BZA as part of the *BZA Rules and Procedures* and be prepared in accordance with the format described therein. The application shall be submitted within thirty (30) days of the decision/interpretation that is the subject of the appeal.
  - i. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.
  - ii. **Public Notice.** Public notice is not required for appeals.
  
- c. **Public Hearing.** The BZA shall consider the appeal at a public hearing. The applicant shall be in attendance to present their appeal and address any questions or concerns of the BZA.
  - i. **Final Decision.** The BZA may affirm, reverse, or modify the decision, interpretation, order, or action that is the subject of the appeal. The BZA may also add conditions to their decision.
  - ii. **Appeal.** The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable jurisdiction.





## 2. DEVELOPMENT PLAN PROCEDURES.



In accordance with *IC 36-7-4-1400* series and the *PC Rules and Procedures*, the PC shall hear and make decisions regarding development plans.

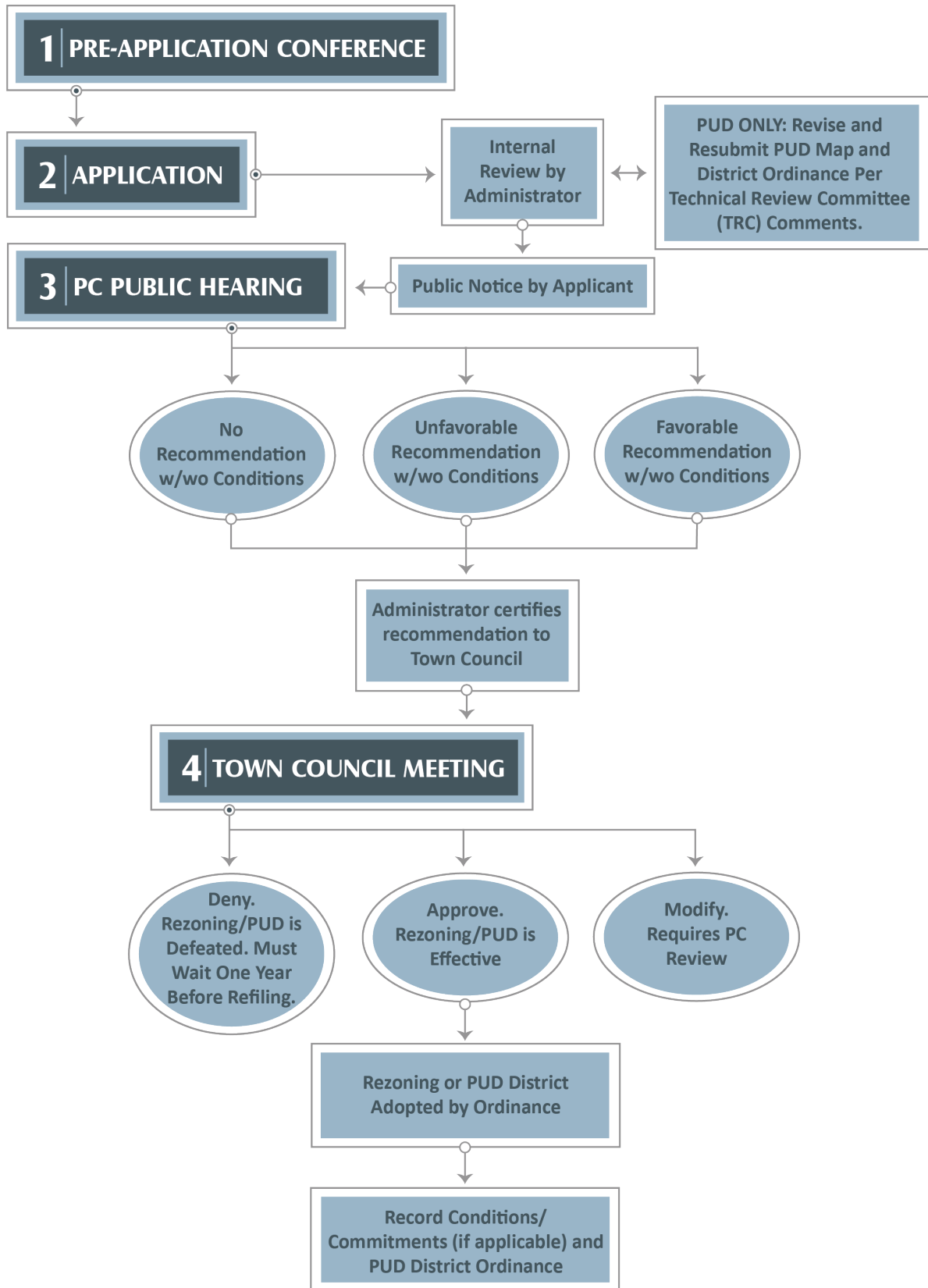
- a. **Applicability.** The development or modification of property for uses other than agricultural uses (excluding confined feeding operations), single-family, or two-family residential require development plan approval except within the Town Center (TC) District where development plan approval is required for all new structures.
- b. **Application Procedures.**
  - i. **Pre-Application Conference.** Prior to filing an application for development plan, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
  - ii. **Application.** The applicant shall submit an application for development plan in accordance with the application packet adopted by the PC as part of the *PC Rules and Procedures* and be prepared in accordance with the format described therein.
  - iii. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline date for receiving internal review comments from the appropriate Technical Review Committee.

**iv. Internal Review.**

- (a) The Administrator shall forward the plans to the Technical Review Committee for technical review. At the discretion of the Administrator, the TRC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with the information from the Technical Review Committee.
- (b) For Development Plans that must comply with *Chapter 3, Section B.2: Architectural Standards*, the Administrator shall forward the plans to the Architectural Review Committee for architectural review. At the discretion of the Administrator, the ARC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with the information from the Architectural Review Committee.
- (c) After the internal review, the applicant shall make the necessary modifications to the plans to satisfy the Administrator and resubmit the plans for review.
- (d) Decision by the Administrator.
  - (1) Approval. If the revised plans have adequately addressed the valid comments from the Technical Review Committee and Architectural Review Committee, the Administrator shall approve the development plan.
  - (2) Disapproval. If the revised plans have not adequately addressed the valid comments from the Technical Review Committee and/or Architectural Review Committee, the Administrator may require additional internal review and/or the resubmittal of revised plans before reconsidering the plans.
  - (3) Comments Contested – PC Public Meeting.
    - a. If the revised plans have not adequately addressed the valid comments from the Technical Review Committee or Architectural Review Committee because the applicant disagrees with the comment(s), the applicant may submit a request for public meeting in writing along with an explanation of disagreement. Upon receipt of this written request, the Administrator shall set a date for a public meeting by the PC.
    - b. Public Notice. Public notice is not required for development plans.
    - c. Public Meeting. The PC shall consider the development plan at a public meeting. The applicant shall be in attendance to present their plan and address any questions or concerns of the PC.
      - i. Decision by the PC. The PC shall consider the contested comments before making a final decision on the development plan. The PC shall approve, approve with conditions, or deny the development plan.
      - ii. Final Action. A development plan is not considered final and ready for construction until revised plans have been received and approved by the Administrator per the terms of the PC's decision.

- c. Expiration.** Approval of a development plan shall be valid for three (3) year from the date of Staff or PC approval. However, if all applicable permits have not been obtained and construction has not commenced within one (1) year of approval of the development plan by Staff or PC, the approval shall be void.
- d. Amendment.** An amendment to a development plan may be approved administratively by the Administrator after internal review by the affected Technical Review Committee and Architectural Review Committee, if applicable. The Administrator reserves the right to send the requested amendment to a public meeting of the PC for final approval.

### 3. ZONE MAP CHANGE & PUD DISTRICT PROCEDURES.



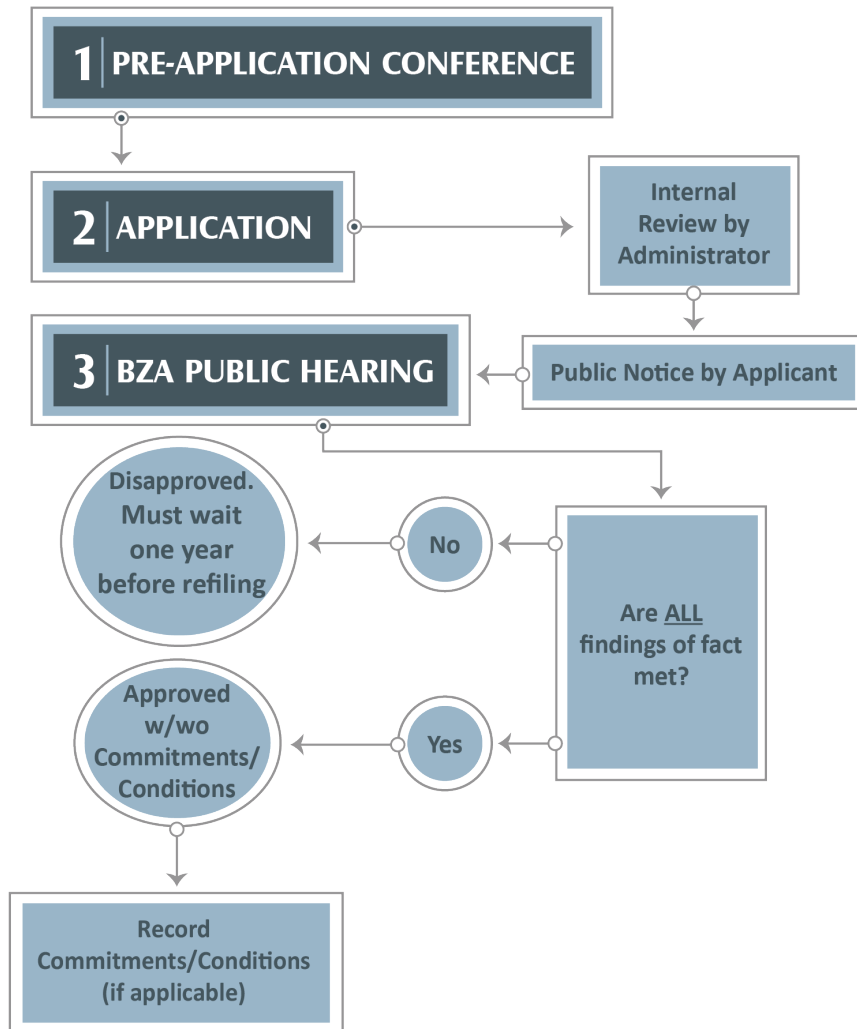
In accordance with IC 36-7-4-600 series for zone map changes, IC 36-7-4-1500 series for PUD Districts and the PC Rules and Procedures, the PC shall hear and make recommendations regarding zone map changes and zone map changes to a PUD District.

- a. **Initiation.** Zone map changes and zone map changes to a PUD District may be initiated by the PC, by the legislative body, or by owners of fifty percent (50%) or more of the area involved in the petition.
- b. **Application Procedures.**
  - i. **Pre-Application Conference.** Prior to filing an application for a zone map change or zone map change to a PUD District, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
  - ii. **Application.** The applicant shall submit an application for zone map change or zone map change to a PUD District in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described therein. Additionally, the application for a zone map change to a PUD District shall also include:
    - (a) PUD District Map. A PUD District Map shall define the overall area that is governed by the PUD District Ordinance. This map may also identify the location of “districts” that allow specific land uses that are described in the PUD District Ordinance.
    - (b) PUD District Ordinance. A PUD District Ordinance shall be submitted with the “detailed terms” for development in accordance with IC 36-7-4-1509(a)(2). For the purpose of administration and continuity, the proposed PUD District Ordinance must follow a uniform format and contain the following sections that mirror and parallel this UDO. Procedures and regulations that are not covered in the PUD District Ordinance shall default to the procedures and regulations contained in this UDO as best interpreted by the Administrator.
      - (1) Introductory Provisions. All of the enabling language for the PUD District Ordinance as well as purpose, intent, jurisdiction, administration, and effective date.
      - (2) Districts. A profile of each land use district within the PUD and its purpose as well as a summary of permitted land uses and basic development standards.
      - (3) Site Development Standards. An alphabetical list of all of the standards that apply to development such as accessory structures, architectural features, bufferyards, lighting, parking, setbacks, signs, etc.
      - (4) Use Development Standards. An itemized list of any uses that have additional development standards above and beyond the minimums listed in Section (2): *Districts* above.
      - (5) Administration and Procedures. This chapter explains all of the administration and procedures for the PUD including amendments, variances, and appeals. Note that procedures for the subdivision of land within the PUD shall *follow Chapter 7: Subdivision Administration and Procedures* of this UDO.
      - (6) Definitions. Any terms that are specific to the PUD shall be listed to aid in the interpretation of the ordinance.

- iii. **Internal Review for PUD Applications.** The Administrator shall forward PUD applications to the Technical Review Committee for comment. At the discretion of the Administrator, the TRC review can be held in-person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with the information from the Technical Review Committee. After the internal review, the applicant shall make the necessary modifications to the plans to satisfy the Administrator and resubmit the plans for review.
- iv. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.
- v. **Public Notice.** Notice of public hearing shall be in accordance with the *PC Rules and Procedures*.
- vi. **Public Hearing.** The PC shall consider the zone map change or zone map change to a PUD District at a public hearing. The applicant shall be in attendance to present their petition and address any questions or concerns of the PC.
  - (a) Recommendation by the PC.
    - (1) Consideration. When considering a zone map change or zone map change to a PUD District, the PC shall pay reasonable regard to:
      - a. The Comprehensive Plan;
      - b. Current conditions and the character of current structures and uses in each district;
      - c. The most desirable use for which the land in each district is adapted;
      - d. The conservation of property values throughout the jurisdiction; and
      - e. Responsible development and growth.
    - (2) Recommendation. After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the legislative body. Any of the said recommendations may include conditions and/or written commitments in accordance with *IC 36-7-4-1015* and *Chapter 8, Section E.1: Commitments*.
    - (3) Certification of Recommendation. Within ten (10) business days after the PC determination, the PC shall certify their recommendation to the legislative body.
- vii. **Final Action.**
  - (a) Upon receipt of said certification, the legislative body shall vote on the proposed zone map change or zone map change to a PUD District within ninety (90) calendar days. Final action by the legislative body shall be in accordance with *IC 36-7-4-600* series.
  - (b) If the proposal is adopted by the legislative body, the PC shall update the zone map accordingly.
  - (c) If the proposal is denied by the legislative body, the proposal cannot be resubmitted for one (1) year unless the Administrator determines there is a substantial change to the application.

- c. **Expiration.** Approval of a zone map change shall run with the land, unless a condition specifies otherwise.
- d. **Amendment.** Amendment of a zone map change shall be done in accordance with the IC 36-7-4-600 series for zone map changes and IC 36-7-1500 series for zone map changes to a PUD District. An amendment of an applicable condition or commitment shall be done in accordance with IC 36-7-4-1015 and *Chapter 8, Section E.1: Commitments*.

## 4. SPECIAL EXCEPTION, VARIANCE FROM DEVELOPMENT STANDARDS, AND VARIANCE OF USE PROCEDURES.



In accordance with IC 36-7-4-918.2 for special exceptions, IC 36-7-4-918.5 for variances from development standards, IC 36-7-4-918.4 for variances of use, and the BZA Rules and Procedures, the BZA shall hear and make recommendations regarding special exceptions, variances from development standards and variances of use. The BZA may require that impact studies be performed at the expense of the applicant prior to deciding upon said special exception or variance of use.

- a. **Applicability.** Uses permitted by special exception as listed in *Chapter 2: Zoning Districts* may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section. The BZA may vary the development standards or grant a variance of use in accordance with the procedures set forth in this section.
- b. **Non-conforming Uses.** Any expansion of a legal non-conforming use, including the enlargement of the structures or land area devoted to such use, shall be subject to the procedures described in this section.



**c. Application Procedures.**

- i. **Pre-Application Conference.** Prior to filing an application for special exception, variance from development standards or variance of use, the applicant shall schedule a pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
- ii. **Application.** The applicant shall submit an application for special exception, variance from development standards or variance of use in accordance with the application packet adopted by the BZA as part of the BZA Rules and Procedures and be prepared in accordance with the format described therein.
- iii. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.
- iv. **Public Notice.** Notice of public hearing shall be in accordance with the BZA Rules and Procedures.
- v. **Public Hearing.** The BZA shall consider the special exception, variance from development standards or variance of use at a public hearing. The applicant shall be in attendance to present their plan and address any questions or concerns of the BZA.
- vi. **Standards for Evaluation for Special Exception.** When considering a special exception, the BZA shall find that the following standards have all been satisfied:
  - (a) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
  - (b) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
  - (c) The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district;
  - (d) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;
  - (e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways; and
  - (f) The special exception will be located in a district where such use is permitted and all other requirements set forth in this UDO that are applicable to such use will be met.
- vii. **Standards for Evaluation for Variance from Development Standards.** Per IC 36-7-4-918.5, when considering a variance, the BZA shall find that the following standards have all been satisfied:
  - (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - (c) The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

- viii. **Standards for Evaluation for Variance of Use.** Per *IC 36-7-4-918.4*, when considering a variance of use, the BZA shall find that the following standards have all been satisfied:
- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  - (c) The need for the variance arises from some condition peculiar to the property involved;
  - (d) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  - (e) The approval does not interfere substantially with the Comprehensive Plan.
- ix. **Final Decision.**
- (a) **Approval.** If the BZA finds all of the standards have been satisfied, it shall approve or approve with conditions and/or commitments the request. Approval may be in the form of a general statement.
  - (b) **Denial.** If the BZA does not find that all of the standards have been satisfied, it shall deny the special exception and findings shall specify the reason for denial.
- d. **Expiration.** Approval of a special exception, variance from development standards, and variance of use shall run with the land, unless the following apply:
- i. If construction of structures or occupancy of existing structures relevant to the approved special exception or variance has not commenced within three (3) years of approval by the BZA, the approval shall be void; or
  - ii. If the BZA places a condition upon the approval that identifies an expiration, but such expiration shall not be less than one (1) year.
- e. **Amendment.** A special exception, variance from development standards, or variance of use may only be amended by the BZA by submitting a revised application through the respective application process.

## E. ADDITIONAL PROCEDURES.

### 1. Commitments.

- a. **Form.** A commitment must be substantiated by the form set forth in the *PC Rules and Procedures*, and must identify any specially affected persons or class of specially affected persons who may enforce the commitment. A commitment must authorize its recording by the Administrator in the County Recorder's Office.
- b. **Recording.** A commitment shall be recorded in the County Recorder's Office and takes effect upon the adoption of the proposal by the Town Council to which it relates. Following the recording of a commitment, the applicant shall return a copy of the original recorded commitment to the Administrator for PC's file.
- c. **Persons Bound.** Unless it is modified or terminated by the PC in accordance with this section, a recorded commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and any other person who acquires interest in the parcel. An unrecorded commitment is binding on the owner of the parcel who makes the commitment. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or the person acquiring the interest has actual notice of the commitment.
- d. **Modification or Termination by PC.** Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated only by a decision of the PC made at a public hearing after notice of the hearing has been given under the *PC Rules and Procedures*.

### 2. Improvement Location Permit (ILP) Procedures. The Administrator, or their designee, shall be responsible for the issuance of ILPs in accordance with IC 36-7-4-800 series.

- a. **Applicability.** An ILP, also known as a building permit, shall be required for the erection, alteration, or modification of all structures within the jurisdiction including, but not necessarily limited to:
  - i. Primary structures;
  - ii. Accessory buildings and structures as set forth in this UDO;
  - iii. All fences, decks, patios, and slabs as set forth in this UDO;
  - iv. Signs as set forth in this UDO;
  - v. Temporary storage containers as set forth in this UDO; and
  - vi. Wireless communication facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.
- b. **Application.** The applicant shall submit an application for an ILP in accordance with the application packet adopted by the PC as part of the *PC Rules and Procedures* and be prepared in accordance with the format described therein. The filing fee for an ILP shall be paid in accordance with the adopted Fee Schedule. A public record of each ILP shall be retained in the Office of the Administrator in accordance with the retention rules established by the State Board of Accounts.

- c. **Final Inspection.** A final inspection shall be completed for all ILPs that are constructed in compliance with all provisions of the UDO and other applicable codes. No structure shall be occupied or used, in whole or part, for any purpose until a final inspection is completed.
- d. **Expiration.** An ILP shall be valid for a period of one hundred and eighty (180) days from the date of issuance, and shall be automatically extended by one hundred and eighty (180) days after the completion of every inspection but shall not exceed two (2) extensions.
- e. **Amendment.** An amendment to an approved ILP may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.

## F. COMPLAINTS, VIOLATIONS, AND REMEDIES.

1. **Complaints.** Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a written complaint on the form approved by the PC as part of the adopted *PC Rules and Procedures*. The complaint shall state fully the causes and basis thereof and shall be filed with the Administrator. The Administrator, or their designee, shall investigate the complaint, take immediate action, and may refer the matter to the PC, BZA, or their attorney for review. The Administrator, or their designee, shall have authority to enter upon property at any time to investigate a written complaint.
2. **Violations.**
  - a. **ILP Violations.**
    - i. Any persons or corporation who shall initiate construction prior to obtaining an ILP, Certificate of Occupancy, Letter of Completion, or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.
    - ii. The owner or tenant of any building, structure or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties prescribed by this section.
  - b. **Zoning Ordinance Violations.** The property owner shall be held liable for and person, occupant, tenant, or corporation who violates any of the provisions of these ordinances or fails to fully comply therewith or with any of the requirements thereof (including violations of conditions established in connection with grants of Variance or Special Exceptions) or who shall build, reconstruct or structurally alter any building in violation of the approved development plan or building plans shall be subject to civil penalties.
  - c. **Subdivision Control Ordinance Violations.**
    - i. It shall be the duty of the Administrator to periodically research the applicable records and perform the other necessary investigations to detect any violations of the subdivision regulations.
    - ii. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the applicable County Recorder except as outlined in this UDO.
    - iii. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by these regulations

until the proposed subdivision has been approved by the PC in accordance with these regulations and filed with the applicable County Recorder except as outlined in this UDO.

- iv. No ILP shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations except as outlined in this UDO.
- v. The Administrator shall enforce these regulations and bring to the attention of the PC attorney any violations or lack of compliance herewith. The PC attorney shall take steps necessary under the Indiana Code to civilly enjoin any violation of these regulations.

**3. Penalties.** Any person or corporation who violates any of the provisions of this UDO; fails to comply with any of the requirements herein; or builds, reconstructs, or structurally alters any building without approval shall, for each violation of non-compliance, be fined according to the Fee Schedule. Each day a violation(s) of non-compliance exists shall constitute a separate offense.

**4. Remedies.** The PC, the BZA, the Administrator, or any designated enforcement official, or any person or persons, firm or corporation, jointly or severally, may institute a suit for injunction in the Circuit or Superior Courts of the applicable jurisdiction to restrain an individual or government unit from violating the provisions of this ordinance. The PC or BZA may also institute the suit for mandatory injunction directing an individual or corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance or the requirements thereof, or to enforce any other **provision** of this ordinance, and said violation being declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereinafter be abated under existing law.

**5. Stay of Work Pending Appeal, Restraining Order, and Enforcement of Stay.**

- a. When an appeal from the decision of the Administrator has been filed with the BZA, all proceedings and work on the premises affected shall be stayed unless the Administrator certifies to the BZA, that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by restraining order.
- b. After notice to the Administrator or BZA and to the owner of the premises affected and after due cause is shown, the Circuit or Superior Court in which the premises affected are located may grant the restraining order.
- c. After the owner, or a person in charge of the work on the premises affected, has received notice that an appeal has been filed, the board charged with the enforcement of the ordinance may order the work stayed and may call on the police power of the municipality to give effect to that order.
- d. Notwithstanding anything contained in this UDO to the contrary or appearing to be to contrary, and in addition and supplementary to other provisions of this UDO, if the BZA or the jurisdiction is required to utilize the services of the respective Attorney or any other attorney in investigating a possible violation of this UDO or enforcing the provisions of this UDO before any board or a court (including appeals), and such investigation results in a determination that a violation has occurred or if the BZA or jurisdiction is successful in its enforcement of the UDO by way of suit, appeal, or other appropriate proceeding, the respondent, defendant, or party investigated for a violation shall pay the jurisdiction's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this UDO, unless such attorney fees or costs are specifically waived by the legislative body.

## G. FEE SCHEDULE.

1. **Applicability.** Applications and petitions filed pursuant to the provisions of this UDO shall be accompanied by the applicable fee(s) specified in the adopted Fee Schedule. Fees shall be collected by the Administrator and shall be made payable to the Town of Sellersburg.
2. **Collection of Fees.**
  - a. **ILP.** Fees will be calculated during the review process and shall be collected when the ILP is issued. Fees associated with re-inspections and additional inspections shall be collected prior to a final inspection or issuance of a certificate of occupancy as applicable. ILP fees are non-refundable.
  - b. **LAP.** Fees will be calculated during the review process and shall be collected when the LAP is issued. LAP fees are non-refundable.
  - c. **PC and BZA Applications.** Fees shall be collected at the time the application is filed. Application fees are non-refundable.
  - d. **Erroneously Paid Fees.** Fee paid in error may be a refunded at the discretion of the Administrator.



# CHAPTER 9 | NONCONFORMING LOTS, STRUCTURES, AND USES



## A. GENERAL PROVISIONS.

1. Within the districts established by this UDO or by amendments that may later be adopted, there exist individually or in combination: legally nonconforming lots; legally nonconforming structures; legally nonconforming uses of land; and legally nonconforming zoning districts, which were lawful before this UDO was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this UDO or future amendments.
2. It is the intent of this UDO to permit these legal nonconformities to continue until they are removed but not to encourage their survival. Nonconforming uses are declared by this UDO to be incompatible with permitted uses in the districts where such uses are located. It is further the intent of this UDO that nonconformities shall not be enlarged upon, expanded, extended, or intensified, nor be used as grounds for adding other structures, additional signs intended to be seen from off the premises, or uses which are prohibited elsewhere in the same district.
3. Illegal uses existing at the time this UDO is enacted shall not be validated by virtue of its enactment.
4. To avoid undue hardship, legal nonconformities shall not be required to change plans, construction, or designated use of any building or development for which a valid ILP/building permit was issued and/or on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this UDO and upon which actual building construction has been carried on diligently.
  - a. Demolition or removal of an existing building that was substantially started prior to rebuilding shall be deemed to be actual construction if work is carried on diligently and a valid ILP was issued prior to the effective date of adoption or amendment of this UDO.

## B. NONCONFORMING LOTS OF RECORD.

1. **General Provisions.** Where, at the time of adoption of this UDO, lawful lots of record exist which would not be permitted to be created by the regulations imposed by this UDO, the lot may be developed so long as it remains otherwise lawful, provided that:
  - a. The lot must be in separate record and have road frontage that is not shared with any existing lot(s) unless an easement exists for this purpose. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.





- b. All other provisions of this UDO are met or a variance from the BZA is obtained.
- c. If on-site sewage disposal is to be used (such as a septic system) a permit issued from the Clark County Board of Health must first be obtained.

### C. NONCONFORMING STRUCTURES, NONCONFORMING USES OF LAND, AND NONCONFORMING COMBINATION OF STRUCTURES AND USES.

1. **General Provisions.** Where a lawful structure exists, lawful uses of land, or combination of both exists at the effective date of adoption or amendment of this UDO that could not be built or permitted under the terms of this UDO, such structure and/or use of land may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - a. A nonconforming structure or use of land may not be enlarged, altered, increased, intensified, or added onto in a way that increases its nonconformity unless a variance is obtained from the BZA. However, any structure, use or portion thereof may be altered to decrease its nonconformity.
  - b. Where nonconforming status applies to a structure and land use in combination, neither shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except to change the use from a legally nonconforming use to a conforming use, in which case, such modifications shall be subject to the provisions of this UDO.
  - c. A nonconforming use may be extended throughout an existing building if the building was arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
  - d. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
  - e. A nonconforming use shall not be changed to another nonconforming use or be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this UDO.
  - f. No building damaged by fire or by other causes to the extent of more than twenty-five percent (25%) of its then fair market value (as determined by assessed value or appraisal provided by applicant, whichever is greater) shall be repaired or rebuilt except in conformity with the provisions of this ordinance except as previously granted a variance as to such non-conformity.
  - g. Where nonconforming status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the use, in which case, both the structure and the use shall be brought into conformance with the provisions of this UDO.
  - h. No additional structures not conforming to the requirements of this UDO shall be erected in connection with such nonconforming use of land.
  - i. If any such nonconforming structure is abandoned for any reason for more than one (1) year or any such nonconforming use of land is discontinued or abandoned for any reason for more than six (6) months, such structure or subsequent use of land shall be required to conform to the regulations specified by this UDO for the district in which such structure or use is located unless appropriate variances are obtained from the BZA.

- 2. Amortization of Nonconforming Structures and Uses of Land.** Unless a structure or use is granted a variance by the BZA, a site shall be brought into compliance with the Bufferyard and Landscape Standards (Chapter 3, Section B.3), Parking and Loading Standards (Chapter 3, Section B.7, Sign Standards (Chapter 3, Section B.9), and Storage Standards (Chapter 3, Section B.10) in this UDO if any of the following occur:

  - a. There is a change of use on the parcel;
  - b. There is a change in ownership of the parcel;
  - c. A construction design release is required through Indiana Department of Homeland Security (DHS); and/or
  - d. A local building permit is required.
  
- 3. Agricultural Uses.** Consistent with IC 36-7-4-616, an agricultural use of land that constitutes an agricultural nonconforming use may be changed to another agricultural use of land without losing agricultural nonconforming use status. In addition, an agricultural nonconforming use shall not be restricted or required to obtain a variance or special exception so long as an agricultural nonconforming use has been maintained for three (3) years in a five (5) year period.





# CHAPTER 10 | DEFINITIONS



- A. **GENERAL PROVISIONS.** For the purpose of this udo, certain terms or words used herein shall be interpreted or defined as follows. Words used in the present tense include the future tense. The term “shall” is always mandatory, and the word “may” is permissive. Any words not defined shall be defined using the most recent version of the Merriam-Webster Dictionary.

**ABANDONED.** Abandonment or cessation of the use of the property for a period of six (6) consecutive months, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

**ACCESS.** A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**ADDITION.** A structure added to the original structure at some time after the completion of the original, or, an extension or increase in floor area or height of a building or structure

**ADMINISTRATOR.** The Plan Commission or a person designated by the Plan Commission to provide staff support to the Plan Commission and BZA and to enforce the UDO under the supervision of the PC.

**ADULT BUSINESS.** See SEXUALLY-ORIENTED BUSINESS.

**ADULT DAY CARE.** A non-medical day service providing a safe, embracing, and accepting environment for patients and family members living with a life altering illness.

**ADULT ENTERTAINMENT.** Any form of entertainment, material, or activity as defined under IC 35-49-1 and which is provided in a place accessible to the public, whether in a play, motion picture, video tape/disk, dance, or other exhibition or presentation and whether in pictures, animated, or live. The term does not include the “legal rental or sale of videos or other media that conforms to this definition and that is to be viewed privately at a location other than the point of purchase,” and does not include a “tavern.”

**AGRICULTURE.** The production, storage, keeping, harvesting, grading, packaging, processing, boarding, or maintenance, for sale, lease, or personal use, of plants, animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.



**AGRITOURISM.** An accessory activity at an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to participate in, view, or enjoy the activities for recreational, entertainment, or educational purposes, including farming, ranching, dining, sale of agricultural products, historic and cultural agricultural activities, or natural resource-based activities. Note that a special event facility is not considered an agritourism activity.

**AIRPORT.** Clark Regional Airport (JYV).

**AIRPORT, APPROACH SURFACE.** As it pertains to the Airport Overlay District, a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this UDO. The perimeter of the approach surface coincides with perimeter of the approach zone.

**AIRPORT, ELEVATION.** Four hundred and seventy-four (474) feet above mean sea level.

**AIRPORT, HORIZONTAL SURFACE.** As it pertains to the Airport Overlay District, a horizontal plane one hundred and fifty (150) feet above the established airport elevation, the perimeter of the horizontal is determined by swinging the arcs of the specified radii of the applicable zone from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

**AIRPORT, PRECISION INSTRUMENT RUNWAY.** As it pertains to the Airport Overlay District, a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document (currently runway 18 at Clark Regional Airport).

**AIRPORT, PRIMARY SURFACE.** As it pertains to the Airport Overlay District, a surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for runways without a specifically prepared hard surface, or a planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in the Airport Overlay District. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**AIRPORT, RUNWAY.** A defined area at an airport prepared for landing and takeoff of aircraft along its length.

**AIRPORT, RUNWAY PROTECTION ZONES (RPZ).** An area defined as RPZ in Federal Aviation Administration Advisory Circular No: 150/5300 as amended from time-to-time for the Clark County Regional Airport.

- **Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.
- **Horizontal Zone.** The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

- **Precision Instrument Runway Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet to a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- **Runway Larger Than Utility Visual Approach.** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet to a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- **Transitional Zones.** The transitional zones are the areas beneath transitional surfaces.
- **Utility Runway Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

**AIRPORT, TRANSITIONAL SURFACE.** As it pertains to the Airport Overlay District, these surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

**AIRPORT, UTILITY RUNWAY.** A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less (currently runways 14 and 32).

**ALLEY.** A right-of-way other than a street or crosswalk designed to provide a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATION.** Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

**ALTERATION, INCIDENTAL.** Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions.

**ALTERATION, STRUCTURAL.** Any change in either the supporting members of a structure, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

**AMUSEMENT DEVICE.** Any coin- or token-operated machine or device, whether mechanical, electrical, or electronic, that is ready for play by the insertion of a coin or token and operated by the public for use as a game, entertainment, or amusement.

**ANTENNA.** A device or equipment used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures.

**APPEAL.** In accordance with [\*IC 36-7-4-918.1\*](#), the appeal of an order, requirement, decision, or determination made by the Administrator in the enforcement of this UDO that, upon application, the BZA may reverse or affirm, wholly or partially.



**APPLICANT.** A person submitting an application to the PC, BZA, or the Administrator for action or permits that would affect the subject real estate.

**ARCADE.** A primarily outdoor area or open structure, open to the public that contains coin-operated games, rides, shows, and similar entertainment facilities and devices.

**ARCHITECTURAL REVIEW COMMITTEE (ARC).** A committee that may review the architectural aspects of a project and assist the Administrator, PC, and/or BZA by providing technical and expert advice with regard to the architectural elements for the proposed development within the jurisdiction. The ARC may include the Administrator, Town Manager, Town Engineer, Building Commissioner, and Town Council Representative.

**AUDITOR.** The Auditor for Clark County.

**AUTOMOBILE.** A self-propelled, free-moving vehicle, with four (4) wheels, usually used to transport not more than six (6) passengers and licensed by the appropriate state agency as a passenger vehicle.

**AUTOMOTIVE REPAIR.** Business that provides service or repair to vehicles, including passenger and commercial vehicles, trucks, trailers, motorcycles, boats, and recreational vehicles. All service must occur within an enclosed structure or not be visible from any public right-of-way.

**AUTOMOTIVE SALES, NEW.** Business that sells or is associated with the sale of new and used/pre-owned passenger and commercial vehicles, trucks, trailers, motorcycles, boats, and recreational vehicles. This includes sale and leasing, incidental displays and/or storage, and service departments. Must have an indoor repair shop on site where service work is carried on entirely within the building.

**AUTOMOTIVE SALES, USED.** Business that sells used vehicles.

**BAR.** See TAVERN.

**BED AND BREAKFAST.** With regard to *IC 16-41-31-1*, an operator occupied residence that meets the following conditions, and does not include hotels, motels, boarding houses, or food service establishments:

1. Provides sleeping accommodations to the public for a fee;
2. Has not more than fourteen (14) guest rooms;
3. Provides breakfast to the guests as part of the fee;
4. Provides sleep accommodations for not more than thirty (30) consecutive days to a particular guest.

**BERM.** A mound of earth or the act of pushing earth into a mound.

**BLOCK.** A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

**BREWERY/WINERY.** A licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities.

**BUFFERYARD.** A unit of yard together with the planting thereon required to separate land uses from each other and mitigate the impact that a use may have on an adjacent use.

**BUILDING HEIGHT.** The vertical distance measured from the lowest ground level adjacent to the building to the bottom of the eave. Building height does not include roof line, antennas, chimneys, or steeples.

**BUILDING INSPECTOR.** The Administrator or their designee who is empowered to review, approve, and inspect ILPs and LAPs concerning the enforcement of the applicable building codes and the regulations established by this UDO.

**BUILDING LINE.** The line that establishes the minimum permitted distance on a parcel between the front line of a structure and the right-of-way line.

**BUSINESS.** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

**BZA.** The Board of Zoning Appeals for the jurisdiction. An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the zoning provisions of this UDO.

**CAMPGROUND.** A parcel upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes, whether granted gratuitously or by a rental fee.

**CAMPSITE.** A piece of land, the location, shape and size of which have been established in an approved recreational vehicle park and campground plan, to be rented for occupancy by a tent or recreational vehicle.

**CAMPING UNIT.** Any tent, trailer, cabin, lean-to, RV, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

**CARGO SHIPPING CONTAINER.** A container intended for multi-modal transportation via sea-going vessel, train, and truck trailer. These containers are self-contained without axles or wheels.

**CEMETERY.** A parcel used for the burial of the dead (human or animal) and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**CHILD CARE CENTER.** With regard to IC 12-17.2, a non-residential structure where at least one (1) child receives child care from a provider:

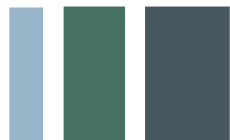
1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays.

A child care center shall not be considered a home occupation.

**CHILD CARE HOME.** With regard to IC 12-17.2, a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays.

This definition includes Class I Child Care Homes that serve any combination of full-time and part-time children under the age of seven (7) but not to exceed twelve (12) children at any one time; and Class II Child Care Homes that serve more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children under the age of seven (7) at any one time. A child care home shall not be considered a home occupation.





**CHURCH.** A structure, together with its accessory structures and uses, where persons regularly assemble for religious purposes and related social events and which structures, together with accessory structures and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

**CLINIC.** A structure where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment require a stay of less than twenty-four (24) hours.

**CLUB.** A structure or portion thereof or premises owned or operated by a person or group for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests excluding adult or sexually oriented activities. This does not include any use or activity rendering a service usually and ordinarily carried out as a business including restaurants or food service.

**COLLOCATION.** The placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers, and other structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

**COMMERCIAL MESSAGE.** Any wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**COMMITMENT.** A covenant concerning the use or development of a parcel of real property which is made in writing by the owner of that parcel, either voluntarily or in accordance with an order or request of the PC, BZA, or the appropriate legislative body.

**COMMON AREA.** Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate.

**COMPREHENSIVE PLAN.** The *Comprehensive Plan* for the jurisdiction as approved by the legislative body under *IC 36-7-4-500* series and as amended from time to time.

**CONDOMINIUM.** A structure, or group of structures, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis and subject to *IC 32-1-6*. For the purposes of this UDO, condominiums shall follow the same standards as Multi-family Dwellings.

**COUNTY.** Clark County, Indiana.

**COVENANT.** A restriction on the use of a parcel, usually set forth in the deed. Covenants are binding on subsequent owners and may run for specific periods of time.

**DAY, BUSINESS.** As defined in *IC 1-1-9-1*, a day other than a Saturday, Sunday, or a legal holiday.

**DAY, CALENDAR.** Any day of the week, including weekends.

**DEED.** A legal document conveying ownership of real property.

**DENSITY.** The number of dwelling units per unit of land.

**DEVELOPER.** Any person engaged in developing a lot, group of lots, structures, or group of structures thereon for use or occupancy.

**DEVELOPMENT PLAN.** Approval granted by the Administrator (or the PC) in accordance with IC 36-7-4-1400 series for a specific plan for the development of a parcel that:

1. Includes a site plan;
2. Satisfies the development requirements specified in the UDO regulating the development; and
3. Contains the plan documentation and supporting information required by the UDO regulating development.

**DRAINAGE PLAN.** The proposed drainage system designed to manage the amount and rate of the stormwater runoff from a site as well as the quality of the runoff discharged from the site.

**DRIVE THRU ESTABLISHMENT.** See SERVICE-ORIENTED RETAIL, DRIVE THRU.

**DRIVEWAY.** A private access drive to a street or highway for a single residential parcel.

**DRIVEWAY, PRIVATE.** See DRIVEWAY.

**DRIVEWAY, SHARED.** A private driveway serving two (2) to three (3) residential parcels and includes a written and recorded road maintenance agreement.

**DUMPSTER.** An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

**DUPLEX.** See DWELLING, TWO-FAMILY.

**DWELLING.** A structure, or part of a structure, that is used exclusively for human habitation, but not including a hotel, motel, lodging house, boarding house, or bed and breakfast as defined in this UDO.

**DWELLING, ACCESSORY.** An attached or detached dwelling unit that is smaller than the existing single-family structure and provides complete independent living facilities for one (1) or more persons. An accessory dwelling unit provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary single-family dwelling unit.

**DWELLING, MULTI-FAMILY.** A dwelling designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**DWELLING, SINGLE-FAMILY.** A dwelling containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

**DWELLING, SINGLE-FAMILY ATTACHED.** A single-family dwelling on a separate parcel in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other units by one or more vertical common fire-resistant walls without openings. Examples would include townhomes and patio homes.

**DWELLING, SINGLE-FAMILY DETACHED.** See DWELLING, SINGLE-FAMILY.

**DWELLING, TWO-FAMILY.** A dwelling on a single parcel containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extended from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

**DWELLING UNIT.** A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, eating, sleeping and cooking. The term shall include manufactured homes but shall not include RVs.

**EASEMENT.** A grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

**EASEMENT, UTILITY.** The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

**ESTABLISHMENT OF A BUSINESS.** Any of the following:

1. The opening or commencement of any use as a new business;
2. The conversion of an existing business to any other business;
3. The addition of any business other than the existing business; or
4. The relocation of any business.

**EXOTIC ANIMAL.** A rare or unusual animal or game, of a non-domesticated species, and not commonly thought of as a pet. Examples of exotic animals include, but are not limited to, large cats, coyotes, wolves, bears, primates, elephants, and poisonous reptiles.

**FALL ZONE.** The minimum distance from the base of any tower to any property line, road, dwelling, business, institution, or public recreational area.

**FARM.** A parcel used for agricultural activities.

**FARM, HOBBY.** A small-scale farm, including crops and/or the keeping of farm animals or livestock that is primarily for pleasure and is not a business venture or a primary source of income for the owner.

**FARMERS MARKET.** The seasonal selling or offering for sale at retail of vegetables or produce, animal products (not including live animals), flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

**FENCE.** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas. For purposes of this UDO, a fence is not considered an accessory structure.

**FENCE, SOLID.** A fence constructed of a substantial material, such as wood or vinyl that prevents viewing from one side to the other. For purposes of this UDO, a chain link fence with slat inserts or a shadowbox fence is not considered a solid fence.

**FLOOR AREA, GROSS.** The sum of the gross horizontal areas of all enclosed floors of a structure, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the outmost point of exterior walls, or from the centerline of a common wall separating two (2) buildings, but excluding any space with a floor-to-ceiling height of less than six and a half (6.5) feet.

**FOUNDATION.** The supporting member of a wall or structure below or at ground level and includes footings.

**FRONTAGE.** That side of a parcel that abuts and has direct access to a dedicated street.

**FRONTAGE STREET.** A street that is parallel to and adjacent to a thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the thoroughfare so that it is not impeded by direct driveway access from a large number of abutting properties.

**FUNERAL HOME.** A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

**GARAGE SALE.** The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved residential lot or in a residential district, whether within or outside any building, occurring for no more than three (3) consecutive days and a maximum of four (4) times in a calendar year.

**GARAGE, PARKING.** Any garage, other than private garage, for the parking of vehicles.

**GARAGE, PRIVATE.** An accessory structure that is incidental to a primary structure and that is used for the parking and storage of vehicles owned and operated by the residents or occupants thereof and that is not a separate commercial enterprise available to the general public.

**GRADE.** Defined as:

1. The average elevation of the land around a building;
2. The percent of rise or descent of a sloping surface.

**GRADE, FINISHED.** The final elevation of the average ground level adjoining a building at all exterior walls after development.

**GROUND FLOOR AREA.** The sum in square feet, at grade, computed from the outside dimensions of the ground floor of the structure. It does not include garage area, crawl space, attic area, porches, patios, elevator shafts, display windows, etc.

**GROUP HOME.** A non-profit or for-profit group home regulated under IC 31-27 for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.

**HARDSHIP.** A perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this UDO, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this UDO; any result of land division requiring variance from the development standards of this UDO in order to render that site buildable.

**HAZARD TO AIR NAVIGATION.** An obstruction determined to have a substantial adverse effect on the safe and effective utilization of the navigable airspace.

**HAZARDOUS WASTE.** A waste or combination of wastes that, because of its quantity; concentration; or physical, chemical, and/or infectious characteristics; may 1) cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness: or 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.



**HISTORIC STRUCTURE.** Any structure that is:

1. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or determined by the United States Secretary of the Interior as eligible for individual listing on the National Register; or
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; or
3. Listed on or determined eligible for the National Register of Historic Places as contributing to the significance of a historic district; or
4. Individually listed on the Indiana Register of Historic Sites and Structures; or
5. Located in an area designated as a local historic district.

**HOBBY FARM.** See FARM, HOBBY.

**HOME OCCUPATION.** Any activity carried out for gain by a resident and conducted in the resident's dwelling unit.

**HOMEOWNERS ASSOCIATION (HOA).** A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common area or facilities.

**HOSPITAL.** An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

**HOTEL.** A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

**HOUSEHOLD PET.** An animal residing within a dwelling unit, not raised for the production of products or for sale, and limited to dogs, cats, rabbits, hamsters, gerbils, and guinea pigs.

**HYBRID HOME.** Also known as an “on-frame modular home,” a hybrid home has a permanent steel frame underneath. Unlike a manufactured home, a hybrid home is similar to a modular home and is built to state and local building codes instead of the Federal HUD Code.

**ILP.** See IMPROVEMENT LOCATION PERMIT.

**IMPERVIOUS SURFACE.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**IMPROVEMENT LOCATION PERMIT (ILP).** An improvement location permit which is written permission issued by the Administrator for the construction, repair, alteration, or addition to a structure that complies with the applicable building codes and the regulations established by this UDO. An ILP may also be referred to as a building permit.

**INDIANA CODE (IC).** The code of laws for the State of Indiana including any amendments that may be made after the adoption of this UDO.

**INDUSTRIAL, HEAVY.** Industrial uses that meet the performance standards, bulk controls, and other requirements of this UDO and where said uses are performed either within enclosed structures or outside of enclosed structures.

**INDUSTRIAL, LIGHT.** Industrial uses that meet the performance standards, bulk controls, and other requirements of this UDO and where said uses are performed entirely within enclosed structures and for which all loading and unloading facilities are enclosed.

**INFRASTRUCTURE.** Facilities and services needed to sustain all land use activities.

**INSTITUTIONAL USE.** A nonprofit, religious, or public use, such as a religious structure, library, public or private school, hospital, or government-owned or government-operated structure, or parcel used for public purpose.

**IRREVOCABLE.** Not able to be changed, reversed, or recovered.

**JUNK.** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. Examples of junk include: unregistered and inoperative vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber.

**JUNKYARD.** Any lot, land, parcel, structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

**JURISDICTION.** The town of Sellersburg, Indiana.

**KENNEL, PRIVATE.** The keeping, breeding, raising, showing, or training of four (4) or more dogs over six (6) months of age for personal enjoyment of the owner or occupant of the property.

**KENNEL, PUBLIC.** An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, and/or sold for a fee or compensation.

**LAND ALTERATION PERMIT (LAP).** Written permission issued by the Administrator to begin site work in preparation for an approved development plan or an approved subdivision, prior to the issuance of a building permit. A LAP may also be referred to as a site work permit.

**LANDFILL.** A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan and regulated by the applicable sections of 40 CFR.

**LANDFILL, SANITARY.** A solid waste land disposal facility designed to accommodate general types of solid waste as elsewhere defined in this ordinance, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day. This definition does not include a clean fill site, or a construction/demolition site, which are defined elsewhere in the ordinance.

**LAP.** See LAND ALTERATION PERMIT.

**LEGISLATIVE BODY.** The Town Council for Sellersburg, Indiana.

**LIGHTING PLAN.** A plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light proposed.

**LOADING AREA.** An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

**LOT.** A designated parcel of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**LOT, CORNER.** A lot or parcel of land at the junction of or abutting two (2) or more intersecting streets. Corner lots have two (2) front yard setbacks and two (2) SIDE yard setbacks.

**LOT, THROUGH.** A parcel that fronts on two (2) parallel streets or that fronts on two (2) streets that do not intersect at the boundaries of the parcel.

**LOT AREA.** The total area within the lot lines of a parcel, excluding any rights-of-way.

**LOT COVERAGE.** That part of the parcel that is covered by impervious surfaces.

**LOT DEPTH.** The average horizontal distance between the front lot line and rear lot line.

**LOT LINE.** A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

**LOT LINE, FRONT.** Any property line separating the lot from a street, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

**LOT LINE, REAR.** The lot line opposite and most distant from the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

**LOT LINE, SIDE.** Any lot boundary-line other than a front lot line or rear lot line.

**LOT OF RECORD.** A lot that exists as shown or described on a plat or deed in the records of the County Recorder.

**LOT WIDTH.** The horizontal distance between side lot lines of a lot, measured at the required front setback line.

**MANUFACTURED HOME.** Formerly known as a mobile home, a manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. A manufactured home was constructed after June 15, 1976, and is defined in IC 16-41-27-3.5, as a structure, transportable in one (1) or more sections, which, in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the cited Federal chapter; and except that such term shall not include any self-propelled RV.



**MANUFACTURED HOME PARK.** As defined in IC 16-41-27-5, a manufactured home community on one (1) or more parcels of land that:

1. Contain individual lots that are leased or otherwise contracted;
2. Are owned, operated, or under the control of one (1) or more persons; and 3) on which a total of at least five (5) manufactured homes are located for the purpose of being occupied as principle residences.

The term includes the following:

1. All real and personal property used in the operation of the manufactured home community;
2. A single parcel of land;
3. Contiguous but separately owned parcels of land that are jointly operated;
4. Parcels of land jointly operated and connected by a private street;
5. One (1) or more parcels of land, if at least two (2) of the manufactured homes or manufactured homes located on the land are accessible from a private street or interconnected private streets, served by a common water distribution system, or served by a common sewer system or SEPTIC system.

**MANUFACTURED HOUSING, CONSTRUCTION AND SAFETY STANDARDS CODES.** Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et sequential), as amended (previously known as the Federal manufactured home Construction and Safety act), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Department of Fire and Safety, all of which became effective for manufactured home construction on June 15, 1976.

**MANUFACTURING, HEAVY.** An establishment engaged in basic processing and manufacturing of materials or products predominately from extracted or raw materials into new products, including assembling, converting, altering, finishing of component parts, or the manufacture of such products, and the storage and/or blending of large volumes of materials of a heavy nature, including but not limited to metal, concrete, plastic, petrochemicals, and heavy machinery. These uses can include highly flammable, toxic, or explosive materials needed in the process. Heavy manufacturing uses processes that that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety. Uses can include concrete batch plants; automobile, truck, or tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; grain milling or processing; metal or metal ore production; refining, smelting, or alloying; boat, pool, and spa manufacturing, glass manufacturing; paper manufacturing; wood or lumber processing.

**MANUFACTURING, LIGHT.** An establishment engaged in the transformation of finished products or parts into new products, including assembling, converting, altering, and finishing of component parts; or the manufacturer of products and the blending of materials of a light nature, including paper, wood, or food products and light machinery. Light manufacturing is limited to manufacturing items from predominantly previously prepared or finished products or parts, including, electronic goods, food and bakery products; nonalcoholic beverages; paper imprinting and publishing; household appliances assembly; and clothing apparel. All activities must take place within an enclosed building and does not include any use that produces noise, fumes, smoke, odors, glare, or health and safety concerns outside of the building or lot where such processes occur. Light manufacturing does not include industrial processing.





**MARKER or MONUMENT.** A pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.

**MEDICAL OFFICE.** See CLINIC.

**METES AND BOUNDS.** A method of describing the boundaries of land by distances (metes) and directions (bounds) from a known point of reference.

**MINERAL EXTRACTION.** Any and all quarrying or mining of any and all natural resources, including, but not limited to, coal, rock, stone, limestone, oil, clay and any other mineral where extraction requires the removal or movement of earth.

**MOBILE HOME.** Now known as a manufactured home, a mobile home was constructed prior to June 15, 1976 and even with modifications, does not meet the HUD standards and cannot be accepted as compliant with the HUD Code. A mobile home is defined in IC 16-41-27-4 as a dwelling, including the equipment sold that is a dwelling, that is:

1. Factory assembled;
2. Transportable;
3. Intended for year-round occupancy;
4. Designed for transportation on its own chassis; and
5. Was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

**MODULAR HOME.** A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by one family unit. Every module shall bear the Indiana Modular seal certifying that it was built in compliance with the Rules of the Indiana Fire Prevention and Building Safety Commission. A modular home is placed on a permanent foundation and is built to the Indiana One- and Two-Family Dwelling Code.

**MURAL.** A picture, scene, diagram, text, artwork, or graphic applied on the exterior of a building, wall, or structure. For the purposes of this UDO, a mural is considered a Wall Sign.

**NONCONFORMING LOT.** A parcel, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING STRUCTURE.** A structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the UDO.

**NONCONFORMING USE.** A use or activity that was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the district.

**NUISANCE.** A condition or situation that results in an interference with the enjoyment and use of property.

**OPEN SPACE.** Common area that provides light and air and is designed for environmental, scenic, or recreational purposes. Cropland, forested areas, or pastureland qualifies as open space. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. Open space shall comprise Primary Conservation Areas and Secondary Conservation Areas. Open space shall not include areas devoted to public or private streets or rights-of-way.

**OUTDOOR STORAGE.** The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

**OVERLAY DISTRICT.** A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.

**PARCEL.** See LOT.

**PARCEL, PARENT.** The parcel of land for which approval is sought to subdivide it into at least two (2) parcels, or other divisions of land for sale, development or lease.

**PARKING AREA.** Any public or private area, under or outside of a structure, designed and used for parking and maneuvering motor vehicles including garages, private driveways, and legally designated areas of public streets.

**PARKING LOT.** An off-street, ground-level open area that provides temporary storage for motor vehicles.

**PARKING SPACE.** A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.

**PC.** The Advisory Plan Commission for the town of Sellersburg.

**PERMANENT.** For purposes of sign standards and regulation, a building, foundation, or support that is designed, planned, and constructed for long-term use and intended to remain at one location.

**PLACE OF WORSHIP.** Defined as:

1. A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs;
2. A special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

**PLANT NURSERY.** Land, structures, or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail or wholesale sale on the premises including products used for gardening and landscaping.

**PLAT.** A map or chart indicating the subdivision or re-plat of land intended to be filed for record.

**PLAT, PRIMARY.** A drawing indicating the subdivision or re-subdivision of land, prepared in accordance with the requirements of this UDO and submitted by the subdivider as part of the subdivision plan.

**PLAT, SECONDARY.** A map indicating the subdivision of land, intended to be recorded and prepared in accordance with the requirements of this UDO.

**PLAT COMMITTEE.** In accordance with [IC 36-7-4-701\(e\)](#), a subcommittee created by the PC to hold hearings on minor residential subdivisions and re-plats on behalf of the PC in accordance with the PC Rules and Procedures.

**POND.** A body of standing water having a depth greater than two (2) feet and an area of 225 square feet. For the purposes of this UDO, a pond and lake are considered to be the same.

**PORTABLE STORAGE CONTAINER.** A self-storage container which is delivered to and retrieved from a home or business for off-site or on-site storage. Portable On Demand Storage (PODS) are a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels.

**PRODUCE STAND.** A temporary activity where a single vendor/property owner sells agricultural products (not including live animals) that are produced on the same property in an area that does not exceed two hundred (200) square feet.

**PROFESSIONAL/BUSINESS OFFICES.** Uses whose primary purpose is professional and/or business offices, and limited customers are accessing the business, including accounting/tax, advertising, architectural/engineering, attorney/legal, communication/marketing agency, computer system repair, insurance agency, investment firm, professional consulting, real estate agency, trade association office, travel agency, and similar uses not defined elsewhere in this UDO. This use does not include General Retail, Healthcare/Medical Offices, Service-Oriented Retail, or Sexually-Oriented Businesses.

**PUBLIC AREA.** Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

**PUBLIC HEARING.** A meeting announced and advertised in advance and open to the public, with public given an opportunity to talk and participate.

**PUBLIC IMPROVEMENT.** Any improvement, facility, or service, together with its associated site or right-of-way, necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that is usually owned and operated by a governmental agency.

**PUBLIC MEETING.** A meeting announced and advertised in advance and open to the public, where the public is not required to be given an opportunity to talk and participate.

**PUBLIC SAFETY SERVICES.** Those services including, but not limited to Police, Fire, EMS, and Public Works departments.

**PUD.** A planned unit development that is a zoning district established to allow development of an area of land as a single entity for a number of uses conforming to an approved development plan, which may not correspond with number of units, bulk, type of use, density, open space, parking, sign requirements, landscaping, or other standards required by other ordinances; a zoning district for which a PUD ordinance is required.

**PUD DISTRICT.** A zoning district for which a PUD district ordinance is adopted.

**PUD DISTRICT ORDINANCE.** A zoning ordinance that meets the requirements of IC 36-7-4-1500 series and does the following:

1. Designates one (1) or more parcels of real property as a PUD district;
2. Specifies uses or range of uses permitted in the PUD district;
3. Expresses in detailed terms the development requirements that apply in the PUD district;
4. Specifies the plan documentation and supporting information that must be supplied before an ILP or BP may be issued for development of real property in the PUD district;
5. Specifies any limitation applicable to a PUD district; and 6) meets the requirements of IC 36-7-4-1503.

**QUALITY OF LIFE.** The attributes or amenities that combine to make an area a desirable place to live.

**RECREATIONAL VEHICLE (RV).** A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and is designed as a temporary living accommodation for recreational and camping purposes. A recreational vehicle shall not be used as a primary residence or for permanent occupancy.

**RECYCLING.** A process by which materials that would otherwise become solid waste are collected, separated or processed, and converted into materials or products for reuse or sale.

**REDEVELOPMENT.** The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.

**REGULARLY.** The consistent and repeated doing of the act so described.

**RE-PLAT.** Defined as:

1. The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law;
2. The alteration of any streets or rights-of-way or the establishment of any new streets or rights-of-way within any subdivision made and approved or recorded according to law, but not including conveyances made so as to combine existing lots by deed or other instrument.

**RESTAURANT.** Establishment that provides food service with the majority of sales being food (versus alcohol) and is open to all ages, and can include drive-thru and/or dine-in services.

**RETAIL, GENERAL.** Uses whose primary purpose is the sale of goods and merchandise, including antique stores, art galleries, art supply stores (including framing services), auction houses, book/magazine/stationary/newspaper stores/stands, billiard/arcade room, bowling alley, bakery (retail), cameras and photography supply stores, car wash, candy store, clothing/apparel/shoes stores, collectible stores (cards, coins, comics, stamps, etc.), consignment/thrift store, convenience stores/gas stations, department stores, drug stores/pharmacies, electronic/appliance store, fabrics and sewing supply stores, floor covering stores, farm stand/farmers market, furniture store, florists, gift store, greenhouse/nursery, grocery/meat/fish market, hardware stores, hobby shop, jewelry stores, luggage and leather goods stores, music/musical instrument stores, self-storage (indoor), office supply store, oil change/tire change facility, optic stores (no medical exams), orthopedic supply stores, paint store, pet store, travel center, sporting goods and recreation equipment stores, bicycle and kayak rentals/stores, religious good stores, specialty shops, storage units/RV storage units, toys stores, variety stores, video/game store, and similar uses not defined elsewhere in this UDO. This use does not include Automotive Repair; Automotive Sales (New & Used); boat/motorcycle/recreational vehicle sales & service; farm equipment sales & service; Healthcare/Medical Offices; Professional/Business Offices; Service-Oriented Retail; or Sexually-Oriented Businesses.

**RETAIL, SERVICE-ORIENTED.** Uses whose primary purpose is to provide a retail service rather than goods and merchandise (non-sexually oriented business), and the majority of people accessing the business are customers rather than employees, including beauty/barber shop, catering (off-site), shoe repair, tailoring/dressmaking, dry cleaning/laundry receiving station (storefront only), employment services, print shop/copy shop, bank/credit union/ATM, dance/gymnastics/martial arts studio, fitness center/gym, art studio, laundromat, nail/tanning salon, photography studio, educational support services, restaurant (see RESTAURANT), drive-thru establishment, and similar uses not defined elsewhere in this UDO. This use does not include Adult Day Care facility; Bed and Breakfasts; Child Care Center/day care center/facility; Child Care Home (in-home child care); Children’s Home; crematorium; cemetery/columbaria/mausoleum; funeral homes; General Retail; Healthcare/Medical Offices; Home Occupations; Hotels/Motels; mortuary; preschool/kindergarten; Professional/Business Offices; Sexually-Oriented Businesses; or Short-term Rentals.



**SERVICE-ORIENTED RETAIL, DRIVE THRU.** Any establishment that encourages or permits customers to receive services, goods, or be entertained, either outside or inside the confines of the building, while remaining in their motor vehicle(s) on the premises. Examples include drive thru restaurants, automated car washes, quick oil change services, drive thru banks, drive thru pharmacies, and similar uses that include a drive thru element.

**REZONE.** See ZONE MAP CHANGE.

**RIGHT-OF-WAY.** Defined as:

1. A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses;
2. Generally, the right of one to pass over the property of another.

**RIGHT-TO-FARM.** As established in *IC 32-30-6*, public policy designed to protect farmers against private nuisance suits and unnecessary constraints on essential agricultural management practices, if these practices are consistent with federal and state law and are not a threat to the public health and safety.

**ROAD, PUBLIC.** Any vehicular way, including the land between the street lines, whether improved or unimproved, that is:

1. An existing state, county, or municipal roadway;
2. Shown upon a plat approved pursuant to law;
3. Approved by other official action;
4. Shown on a plat duly filed and recorded in the Records Office; or
5. Shown on the official map or adopted master plan.

**ROAD, PRIVATE.** A private roadway that serves more than three (3) residential parcels pursuant to access easements and written and recorded maintenance agreements.

**ROADSIDE PRODUCE STAND.** A temporary structure designed or used for the seasonal display or sale of agriculture-related products.

**ROADWAY CLASSIFICATION.** Street or roadway classifications as determined by the Thoroughfare Plan.

**ROTOR.** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**RULES AND PROCEDURES.** The principles and regulations governing the conduct, action, procedures, arrangements, etc. of the PC and BZA.

**RV PARK.** See CAMPGROUND.

**SCHOOL.** Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

**SEPTIC SYSTEM.** An underground system with a septic tank used for the decomposition of domestic wastes.

**SETBACK.** The distance between the foundation of the structure and any lot line.

**SETBACK LINE.** The line that is the required minimum distance from any lot line and that establishes the area within which a primary structure or accessory structure may be erected or placed.

**SEWAGE TREATMENT PLANT, CENTRALIZED.** Any sewage treatment facility that requires an NPDES permit from the Indiana Department of Environmental Management (IDEM) to discharge treated effluent.

**SEWER.** Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving water bodies.

**SEWER AND WATER SYSTEM, PUBLIC.** Any system other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

**SEXUALLY ORIENTED BUSINESS.** An adult entertainment or service business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales, and/or other sexually-oriented places. Sexually oriented businesses may include an adult bookstore, adult cabaret, adult mini motion picture theater, adult motion picture theater, adult service establishment, semi-nude model studio, sexual device shop, or a sexual encounter center as defined in this ordinance. The term "sexually oriented business" shall also include adult drive-in theater, adult live entertainment arcade, and adult motion picture arcade.

**SHADOW FLICKER.** Alternating changes in light intensity caused by the moving blades of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

**SHORT-TERM RENTAL.** In accordance with IC 36-1-24-6, the rental of a single-family home, an accessory dwelling, a duplex, a multi-family dwelling, or a condominium for terms of less than thirty (30) days at a time through a short-term rental platform.

**SHORT-TERM RENTAL PLATFORM.** In accordance with IC 36-1-24-7, an entity that provides an online platform through which unaffiliated parties offer to rent a short-term rental to an occupant and collects fees for the rental from the occupant.

**SIDEWALK.** A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walkway.

**SIGHT TRIANGLE.** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**SIGN.** Any name, number, symbol, identification, description, display, graphic, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a structure or parcel, visible from any public right-of-way which directs attention to an object, product, place, activity, person, institution, organization, or business. For purposes of this ordinance, signs are further categorized into two (2) types: Permanent Signs and Temporary Signs.

**SIGN, ABANDONED.** A sign that is:

1. Associated with an abandoned use;
2. Remains after the termination of the business; and/or
3. On its immediate premises but not adequately maintained or repaired.



**SIGN, ANIMATED.** Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene. This includes any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. Different from an “electronic sign,” an animated sign produces the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through using the characteristics of one (1) or both of the following classifications:

1. Flashing, animated, or animated portions of a sign where the cyclical period between on-off phases of illumination is less than four (4) seconds;
2. Patterned illusionary movement in which animated signs or portions of signs whose illumination is characterized by simulated movement.

**SIGN, ELECTRONIC VARIABLE MESSAGE SIGN (EVMS).** A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.

**SIGN, ILLUMINATED.** Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

**SIGN, LEGAL NON-CONFORMING.** A pre-existing, legally permitted sign, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

**SIGN, PERMANENT.** A sign permanently attached to a permanent foundation or a permanent support. For purposes of this UDO, types of permanent signs include:

- a. **Awning Sign.** A sign that is attached to an awning or other fabric that serves as a structural protective cover over a window.
- b. **Canopy Sign.** A sign that is attached to a canopy or other fabric that serves as a structural protective cover over a door or outdoor service area.
- c. **Community Wayfinding Sign.** A permanent sign erected by a political jurisdiction that displays necessary identification information for the convenience, direction, and safety of residents and visitors. This includes: Community events, festivals, and announcements; structures that provide identification, functional, and/or directional information; and Publicly-erected structures found along highways and interstates that typically display information for lodging, gasoline stations, and restaurants.
- d. **Directional Sign.** A sign denoting locations for/prohibiting ingress or egress that do not contain advertising.
- e. **Monument Sign.** A sign in which the bottom edge of the sign is permanently affixed to the ground by masonry, stone, block, brick, EIFS, concrete, or other similar hard, aggregate materials.
- f. **Pole Sign.** A sign anchored directly to the ground or supported by one (1) or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.
  - **Billboard Sign.** A type of large pole sign, typically greater than four hundred (400) square feet.
- g. **Projecting Sign.** A sign that is suspended from the underside of a horizontal plane/structure surface and is supported by such plane/surface.
- h. **Roof Sign.** A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat

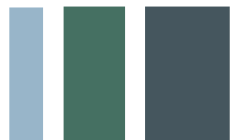


roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

- i. **Wall Sign.** Any sign attached to, erected against, or painted on the wall, façade, or exterior of a structure with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the structure. See also MURAL.
- j. **Window.** Any sign directly attached to the window of a structure or erected on the inside or outside of the window, which at the determination of the Administrator, is legible from any part of a public right-of-way or adjacent property. For purposes of this window sign definition, a “window” is defined as an opening in the wall or roof of a structure that is fitted with glass or other transparent material in a frame to admit light or air and to allow people inside to see out.

**SIGN, TEMPORARY.** A sign not fixed to a permanent foundation or support. For purposes of this UDO, types of temporary signs include:

- a. **Banner Sign.** A sign made of flexible materials and supported by any combination of staples, tape, wires, ropes, strings, poles, posts or rods or other materials that are not built as a permanent foundation for the sign.
- b. **Community Wayfinding Sign.** A temporary sign erected by a political jurisdiction that displays necessary identification information for the convenience, direction, and safety of residents and visitors. This includes: Community events, festivals, and announcements; structures that provide identification, functional, and/or directional information; and Publicly-erected structures found along highways and interstates that typically display information for lodging, gasoline stations, and restaurants.
- c. **Inflatable Sign.** Any display capable of being expanded by air or other gas, with or without movement.
- d. **Portable Sign.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; benches; menu or sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.
  - **Bench Sign.** A type of portable sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair.
  - **Human Sign.** A sign held or worn by a human being for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.
- e. **Site Sign.** A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse.
- f. **Swing Sign.** A sign supported by the extended arm of a single post.
- g. **Yard Sign.** Small signs, typically under waist height that are usually supported by metal wire or small stakes driven directly into the ground.





- h. **Vehicle Sign.** A sign that is permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle that is parked or left standing so that it is visible from a public street for a period of more than seventy-two (72) continuous hours for the intent of being used as advertisement. For the purpose of this definition, "permanently affixed" shall mean any of the following:
- i. Painted directly on the body of a vehicle;
  - ii. Applied as a decal on the body of a vehicle; and/or
  - iii. Placed in a location on the body of the vehicle that was specifically designed by a vehicle manufacturer.
- i. **Wave Banner Sign.** Any fabric or other flexible material attached to or designed to be flown from a pole or similar device designed and fashioned in such a manner as to move when subjected to wind pressure.

**SIGN AREA.** The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

**SIGN FACE.** The surface intended for the display of information on the sign.

**SIGN HEIGHT.** The vertical measurement from the ground to the top of the sign. The height of all signs shall be measured from the lowest established grade at the pole or base of the sign structure to the highest point of the sign, including the frame, support, or any other portion of the sign.

**SIGN SETBACK.** The horizontal measurement from the property line to the closest point of the sign, including the frame, support, or any other portion of the sign.

**SIGN STRUCTURE.** The supporting unit of a sign face, including but not limited to frames, braces cabinets, and poles.

**SITE PLAN.** A plan for one or more parceled on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures; signs and lighting; berms; bufferyards, and screening devices; surrounding development; and any other information that reasonably may be required in order for an informed decision to be made by the approving authority.

**SOLAR ENERGY SYSTEM.** Any device or combination of devices or elements which rely upon sunlight as an energy source and is for the purpose of the collection, storage, and distribution of solar energy.

**SOLAR ENERGY SYSTEM, ACCESSORY.** A solar energy system which occupies three thousand (3,000) square feet of area or less, whose primary purpose is to offset part or all of the beneficiary's utility needs, and is an accessory use to the principle structure or use.

**SOLAR ENERGY SYSTEM, COMMERCIAL.** A solar energy system which occupies more than three thousand (3,000) square feet of area, whether a primary use or an accessory use. Also, a solar energy system facility and all associated components, whose primary purpose is to collect, store, convert, and distribute solar energy to utility companies.

**SOUND PRESSURE.** An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

**SPECIAL EVENT FACILITY.** A facility where special events are permitted to occur generally with a use agreement between a private group or individual and the facility owner. For purposes of this definition, a special event may include a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event.

**SPECIAL EXCEPTION.** Permission granted by the BZA in accordance with IC 36-7-4-918.2 to allow a use, designated as being permitted by special exception in the zoning district, when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the UDO.

**STATE.** The State of Indiana.

**STORY.** That portion of a structure between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a structure between the surface of any floor and the surface of the next floor above. A basement shall not be counted as a story.

**STREET.** See ROAD.

**STREET CLASSIFICATION.** Street or roadway classifications as determined by the Thoroughfare Plan.

**STRUCTURE.** A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Furthermore, any enclosed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

**STRUCTURE, ACCESSORY.** A structure detached from a primary structure (not attached to the foundation of the primary structure) located on the same parcel and customarily incidental and subordinate to the primary structure or use.

**STRUCTURE, AGRICULTURAL.** A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises, but not including dwellings used for human occupancy.

**STRUCTURE, ATTACHED.** A structure which has any part of its exterior or bearing wall in common with another building or which is connected to another building by a roof.

**STRUCTURE, DETACHED.** A structure having no structural connection with another structure.

**STRUCTURE, PORTABLE.** Any structure not permanently attached to the ground or other permanent structure that is designed to be moved or transported by means of wheels or other mechanisms that are attached to the structure or the structure is mounted/placed upon.

**STRUCTURE, PRIMARY.** A structure in which the primary use of the lot or premises on which it is located is conducted, including a structure that is attached to such a structure in a substantial way, such as by a roof. With respect to residential uses, the primary structure shall be the main dwelling.

**STRUCTURE, TEMPORARY.** A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. A temporary use usually does not involve the construction or alteration of any permanent structure, although the authorization of the temporary use does not necessarily preclude such construction.



**STRUCTURE HEIGHT.** The vertical distance measured from lowest ground level adjacent to the building to the highest point of the eave. Structure height does not include roof, antennas, chimneys, or steeples.

**SUBDIVIDER.** Any person having an interest in land that is the subject of an application for subdivision. Also, a person submitting an application for subdivision.

**SUBDIVISION.** The division of a lot or parcel of land into two (2) or more lots, parcels, or other divisions of land for sale, development, or lease. Subdivisions are further classified as commercial or industrial subdivision, minor residential subdivision, major residential subdivision, and conservation residential subdivision.

**SUBDIVISION, COMMERCIAL or INDUSTRIAL.** Approval granted by the PC in accordance with IC 36-7-4-700 series for the subdivision of a parcel for commercial or industrial development.

**SUBDIVISION, EXEMPT.** Divisions of existing parcels of land that are exempt from this UDO as determined by the Administrator and outlined in *Chapter 5: Subdivision Types*.

**SUBDIVISION, MAJOR RESIDENTIAL.** Approval granted by the PC in accordance with IC 36-7-4-700 series for the division of a parcel of land into four (4) or more residential lots or parcels for sale, development or lease; or requiring any new street or extension of the public facilities or the creation of any public improvements. The residual parent lot or parcel of land counts as one (1) of the subdivided lots or parcels.

**SUBDIVISION, MINOR RESIDENTIAL.** Approval granted by the PC in accordance with IC 36-7-4-700 series for the division of a parcel of land into three (3) or less lots as outlined in *Chapter 5: Subdivision Types*.

**SUBDIVISION, OPEN SPACE RESIDENTIAL.** A type of Major Residential Subdivision that sets aside a significant portion of the site as conservation land or open space and cluster housing on the remaining portion.

**SWIMMING POOL.** A self-contained body of water at twenty-four (24) inches in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined, or masonry structure located either above-ground or below-ground level. Swimming pools may be either public or private in use. A private pool is considered an accessory structure.

**TAVERN.** An establishment in which alcoholic beverages are served, primarily by the drink, where food or packaged liquors may also be served or sold.

**TECHNICAL REVIEW COMMITTEE (TRC).** A committee that, because of their specialized knowledge and experience in their field of expertise, may review the technical aspects of a project and assist the Administrator, PC, and BZA by providing technical and expert advice with regard to proposed development within the jurisdiction. The TRC may include the Administrator, Town Manager, Town Engineer (also serving as the Town Surveyor), Building Commissioner, MS4 Coordinator, Clark County Health Department, Fire District, Water Utility(ies), and Sewer Utility. Depending upon each specific application, a technical review response from every member of the TRC may not necessarily be required or applicable.

**TEMPORARY STORAGE STRUCTURE.** A portable storage unit which does not have permanent foundation or footing and which includes cargo containers, portable storage containers, truck trailers, and bulk solid waste containers. Such structures shall not be considered a building.

**THOROUGHFARE PLAN.** The portion of the *Comprehensive Plan* which identifies the existing and proposed locations of interstate highways, primary arterials, secondary arterials, feeders, local streets, streets, and rights-of-way within the jurisdictional area, as amended from time to time under IC 36-7-4-506.

**TRACT.** See LOT.

**TRUCK TERMINAL.** Similar to distribution center and warehouses, truck terminals usually serve many manufacturing firms and are owned and operated by trucking companies. They usually include the area and building where trucks where trucks load and unload cargo and freight and transferred to other vehicles or modes of transportation. Freight may be stored on the site for longer periods of time, and truck terminals typically generate more truck traffic than warehouses or distribution centers.

**UNIFIED DEVELOPMENT ORDINANCE (UDO).** A unified development ordinance combines the jurisdiction's zoning and subdivision control ordinances into a single, legal document that is enabled by IC 36-7-4-610 and adopted by the legislative body and which may be amended from time to time.

**USE.** The specific purpose or activity for which land and/or a structure is designated, arranged, intended, or for which it is or may be occupied or maintained.

**USE, ACCESSORY.** A use that:

1. Is clearly incidental and customarily found in connection with a primary structure or use;
2. Is subordinate to and serves the primary use;
3. Is subordinate in area, extent, or purpose to the primary use served;
4. Contributes to the comfort, convenience, or necessity of occupants, business, or industry of the primary use served; and
5. Is located on the same parcel as the primary use served.

**USE, PRIMARY.** The predominant use of any lot or parcel or as determined by the primary structure.

**USE, TEMPORARY.** A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

**UTILITY.** Defined as:

1. Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service;
2. A closely regulated enterprise with a franchise for providing a needed service.

**UTILITY, PUBLIC.** As regulated by IC 8-1-2, every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the state for the:

1. The conveyance of telegraph and telephone messages;
2. The production, transmission, delivery, or furnishing of heat, light, water, or power; or
3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

**VARIANCE.** Permission granted by the BZA in accordance with IC 36-7-4-918.5 to depart from specific development standards for a zoning district within this UDO.



**VARIANCE OF USE.** Permission granted by the BZA in accordance with IC 36-7-4-918.4 to allow a specific use that is not otherwise permitted in a zoning district.

**VEHICLE SALES/SERVICE.** See AUTOMOTIVE SALES, NEW; AUTOMOTIVE SALES, USED; and AUTOMOTIVE REPAIR.

**VEHICLE, INOPERABLE.** As defined by IC 9-13-2-1, or any vehicle that is partially disassembled, inoperable, or unlicensed, on any property in location visible from public property or adjoining private property for more than twenty (20) calendar days or on public property without being moved for three (3) calendar days. This shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a farm operator, that is parked in areas zoned AG, and is used for parts replacement for machinery currently being used in the farming operation.

**WAIVER.** Permission to depart from specific development standards of the subdivision regulations and as specifically identified in the UDO.

**WAREHOUSING/DISTRIBUTION.** An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including trans-shipment by boat, rail, air, or motor vehicle. Uses typically breakdown large orders from a single source into smaller orders and consolidation of several orders into a single large order for distribution to several recipients. Retail sales (on-site), assembly, or product processing are not considered distribution or warehousing. This does not include truck terminal.

**WIND ENERGY SYSTEM.** A land use for generating power by use of wind; utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the electric utility grid. See also onsite wind energy system and utility grid wind energy system.

**WIND ENERGY SYSTEM, ON SITE.** A land use for generating electric power from wind that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.

**WIND ENERGY SYSTEM, UTILITY GRID.** A land use for generating electric power by use of wind at one or multiple tower locations in a community, including accessory uses such as but not limited to a SCADA tower and an electric substation. A utility grid wind energy system is designed and built to provide electric power to the electric utility grid rather than the electric power consumer on site.

**WIRELESS COMMUNICATION FACILITY.** Any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

**YARD.** A space on the same parcel as the primary structure that is open, unoccupied, and unobstructed by structures, except as otherwise provided in this ordinance.

**YARD, FRONT.** A space extending across the full width of the parcel between any structure and the front lot line measured perpendicular to the structure at the closest point to the front lot line.

**YARD, REAR.** A space extending across the full width of the parcel between the primary structure and the rear lot line and measured perpendicular to the structure to the closest point of the rear lot line.

**YARD, SIDE.** A space extending from the front yard to the rear yard between the primary structure and the side lot line and measured perpendicular from the side lot line to the closest point of the primary structure.

**ZONE MAP CHANGE.** Approval granted through the PC and the legislative body in accordance with IC 36-7-4-608 to change the zoning classification of a particular parcel.

**ZONING DISTRICT.** A specified zoning district within the jurisdictional area or extended jurisdiction for which uniform regulations governing the use, height, size, and intensity of use of structures and land, and open spaces around structures, are herein established.

**ZONING MAP.** The map or maps that are a part of the UDO and delineate the boundaries of zoning districts and any amendments thereto of the jurisdictional area of the PC.

