SELLERSBURG PLAN COMMISSION

AGENDA

November 16th, 2026

Meeting starts at 5:00 p.m.

1. Call to Order
2. Agenda Amendments (if needed)
3. Approval of Minutes: October 28, 2026 Special Meeting
4. Old Business: None
5. New Business: None

6. Communications
7. Plan Commission Business:
    a. UDO Update - Draft amendments from Don Lopp with Beacon Street Consulting: Town Center (TC), Downtown (DT) and Downtown Neighborhood (DTN) districts, Definitions, and a Comprehensive Plan amendment for TC and DT (continued from October 28, 2026)
    b. Public Hearing - UDO Text Amendment - Solar Energy District (SD-S) and Data Center District (SD-D). Staff report and draft ordinance (Rev. 10-23-26). It adds the two new districts to UDO Chapters 2, 8 and 10. After the hearing, the Plan Commission may vote on a recommendation to the Town Council (IC 36-7-4-607.5).

8. Reports:
    a. Planning & Zoning
    b. Legal Counsel
    c. Committees
    d. Consultant
9. Announcements
10. Adjourn

Submitted by: Jeremy Corbett

Sellersburg Plan Commission
Minutes
October 28, 2026 – Special Meeting

The minutes as written are not verbatim, but a summary of the meeting.

Attendance:

Present:
Brad Amos
Mark Grube
Nancy Hughes
Nancy McDevitt
Terry Langford
Tom McEwen
Jeremy Corbett – Planning Office
Don Lopp – Consultant
Alex Gaddis – Board Attorney

Absent:
None

Call to Order:
Brad Amos called the Sellersburg Plan Commission special meeting to order at 4:04 P.M. at Sellersburg Town Hall

Agenda Amendments:
None

Approval of Minutes:
None

Old Business:
None

New Business:
None

Sellersburg Plan Commission
Minutes
October 28, 2026 – Special Meeting

The minutes as written are not verbatim, but a summary of the meeting.

Plan Commission Business:

a. UDO Update – Draft Amendments (Beacon Street Consulting): Town Center, Downtown and Downtown Neighborhood Districts, Definitions, and Comprehensive Plan Amendments

Don Lopp with Beacon Street Consulting presented the draft UDO amendments. He reviewed public input from the four open house sessions held in August (16 participants). Top interests were protecting existing neighborhoods, attracting new shops and a grocery store, walkability, landscaping and buffering, and keeping the historic character of the Town. Comments also opposed data centers, solar farms and battery facilities. He will give the input memo to Jeremy Corbett to send to the Commission. The Gateway Overlay was pulled from this round pending more information.

Comprehensive Plan (4 amendments): Divides the Town Center into three segments (a gateway segment at State Road 60 and America Way for a grocery anchor and commercial uses, a mixed-use Main Street segment, and a residential edge). Sets the planned extensions of America Way and Camp Run Parkway as collector streets with two travel lanes, on-street parking on both sides, 6-ft sidewalks, no raised medians and a 400-ft maximum block length. Developers would dedicate right-of-way and build the segment within their property, with reimbursement agreements and other funding as options. Adds regulating plans naming the primary streets: America Way and Camp Run Parkway in the Town Center, and North Indiana Avenue, Utica Street and New Albany Street downtown.

Downtown Neighborhood District (2 amendments): Keeps design standards that match existing homes. Removes general retail, service uses, multifamily, day care, clinics, drive-throughs, gas stations and parking lots. Adds accessory dwelling units, live-work units and small neighborhood uses (such as professional offices under 2,500 sq ft, barber and beauty shops, nail salons, tailoring, art studios, bakeries and galleries), all by special exception only.

Downtown District (7 amendments): Exempts the first 2,500 sq ft of non-residential floor area from off-street parking, counts on-street frontage spaces, and lets the administrator reduce parking up to 50%. Sets build-to and street wall standards, 12-ft minimum ground floor height for non-residential uses, and 60% ground floor transparency on primary streets. Replaces multifamily with a new storefront dwelling use (housing above ground floor commercial, up to 17 units per acre) on primary streets. Allows outdoor dining in the right-of-way with an encroachment agreement and 5 ft of clear sidewalk. Removes self-storage, car washes, convenience stores, staffing agencies, multifamily and hospitals; adds restaurants, neighborhood markets under 2,500 sq ft and recreation uses.

Town Center District (7 amendments): Allows storefront dwellings up to 24 units per acre and live-work units. Allows a grocery anchor up to 60,000 sq ft in the gateway or Main Street segment, with the entrance facing the primary street, no parking between the building and the primary street, screened loading and truck areas, and a fuel center as an accessory use. Sites over 5 acres must organize parking in blocks and provide public green space of 5,000 sq ft or 5% of the site, whichever is greater. Removes self-storage, RV sales, convenience stores, truck stops/travel centers and staffing agencies. Requires a Type C buffer between new development and existing legal non-conforming homes; Mr. Lopp will add "existing legal non-conforming" to address a comment from Alex Gaddis. He noted one correction: primary commercial will also be allowed in the second (Main Street) segment.

Sellersburg Plan Commission
Minutes

Definitions: Five amended and about two dozen added, including specific use definitions (art studio, gallery, bakery and others) in place of general retail and service categories, and new definitions for food truck yards, truck stops and travel centers.

Next steps: Commission members should send any requested changes to Don Lopp, Jeremy Corbett or Charlie Smith. The final draft will be posted for the public on November 4, 2026, ahead of the public hearing at the November 16, 2026 Plan Commission meeting, followed by the Town Council.

Jeremy Corbett stated the draft was well done and he is comfortable with it. Brad Amos thanked the landowners and residents who attended the sessions and encouraged the public to contact staff or board members with comments. Alex Gaddis stated he has reviewed the draft for legal matters. Members stated the amendments will help staff classify uses that the current UDO left vague, and that protecting homeowners and safety, especially downtown, were priorities. No action was taken.

b. UDO Text Amendment – Solar Energy District (SD-S) and Data Center District (SD-D)

Jeremy Corbett presented the staff report and draft ordinance creating two new zoning districts. The districts do not ban these uses; a property owner would have to apply to rezone a parcel to SD-S or SD-D through the Plan Commission. No property is zoned to either district today. Eligibility depends on minimum acreage, so only a few parcels in Town limits qualify. The draft is modeled on other communities and falls in the middle of their range of strictness.

Mark Grube who had raised the moratorium stated the rezoning approach is the correct method and that the public should be educated on what the Town can do. Members noted that property outside Town limits is regulated by the County. The draft will be posted on the Town website, and the public hearing is set for Monday, November 16, 2026 at 5:00 P.M.

Communications: None

Reports: None

Board Attorney: None

Announcements: None

Adjourn: Motion to adjourn made by Nancy McDevitt, seconded by Tom McEwen. Motion carried 6-0. Meeting adjourned 4:45 P.M.

Sellersburg Plan Commission
Minutes
October 28, 2026 – Special Meeting

The minutes as written are not verbatim, but a summary of the meeting.

Brad Amos	Nancy Hughes
Terry Langford	Tom McEwen
Nancy McDevitt	Mark Grube
Vacant Seat	Attest: Jeremy Corbett

TOWN OF SELLERSBURG, INDIANA

UNIFIED DEVELOPMENT ORDINANCE

Town Center, Downtown and Downtown Neighborhood District Amendments

Districts amended

Downtown (DT) — Chapter 2, Section B, and related standards

Downtown Neighborhood (DTN) — Chapter 2, Section B, and related standards

Town Center (TC) — Chapter 2, Section B, and related standards

Summary of changes

District	Topic	What the ordinance does
DT	Uses	Removes car washes, self-storage, gas stations, travel centers, staffing agencies, hospitals and multi-family buildings. Makes large-floor-area stores (5,000 sq ft maximum), gyms and studios over 5,000 sq ft, recreation-type uses and several retail uses Special Exceptions. Names restaurants and small neighborhood markets as permitted.
DT	Housing	Allows apartments above ground-floor shops (storefront dwelling units) at up to 17 units per acre and house-style fourplexes. Live-work units are a Special Exception.
DT	Building form	Requires buildings to fill 70% of the lot frontage on Primary Streets and 50% on Secondary Streets, with 12-ft ground floors for businesses and storefronts on Primary Streets.
DT	Streets	Adopts a DT Regulating Plan naming North Indiana Avenue, Utica Street and New Albany Street as Primary Streets.
DT	Parking	No parking required for the first 2,500 sq ft of business space; on-street spaces count; up to 50% reduction with findings.
DT	Outdoor dining	Allows sidewalk dining with an encroachment agreement and a 5-ft clear walkway.
DT, DTN	House-style homes	Sets design standards so new homes, fourplexes and live-work units match the surrounding houses.
DTN	Uses	Removes general retail and service categories, restaurants and multi-family. Returns small neighborhood businesses (barbers, studios, florists, bakeries, small offices) one by one as Special Exceptions. Allows live-work units, fourplexes and accessory dwellings by Special Exception. Removes hospitals.
TC	Town Center map	Adopts a TC Regulating Plan with Primary Streets and three tiers: Parkway, Main Street and Residential Edge.
TC	Buildings and housing	Requires storefront buildings on Primary Streets. Allows apartments above shops and live-work units at up to 24 units per acre.
TC	Uses	Removes car washes, self-storage, gas stations, truck stops and staffing agencies. Names restaurants, medical offices, theaters and recreation as permitted.
TC	Store size	Keeps the 10,000 sq ft ground-floor limit. Allows a grocery store up to 60,000 sq ft on an Anchor Site (Grocery), and any store over 60,000 sq ft by Special Exception on an Anchor Site (Large Format), with a plaza, outparcels, brick-column fence, walkways and street grid.
TC	Streets and homes	Extensions of American Way and Camp Run Parkway match the existing streets, with an 8-ft tree lawn and 6-ft sidewalks. New development next to an existing house plants a 10-ft buffer.
All	Process and cleanup	Coordinates BZA and Plan Commission review of large-format stores, corrects cross-references and adds definitions.

SECTION 1. Official Zoning Map — Regulating Plans

e. Regulating Plans. The DT Regulating Plan adopted in Chapter 2, Section B, Downtown District (DT), subsection d, and the TC Regulating Plan adopted in Chapter 2, Section B, Town Center District (TC), subsection d, are part of the Official Zoning Map.

SECTION 2. DT District — Permitted and Special Exception Uses

PERMITTED USES – DOWNTOWN DISTRICT (DT)

COMMERCIAL USES

- bar/dance hall/night club
- bed and breakfast
- fitness center/gym and dance/gymnastics/martial-arts studio, 5,000 sq ft or less
- general retail, EXCLUDING: automotive repair; automotive sales, new and used; barn/storage building sales; boat/farm equipment/motorcycle/recreational vehicle sales and repair; indoor self-storage; storage units/RV storage units; car wash; oil-change/tire-change facility; travel center; convenience store/gas station; and the uses listed as Special Exceptions below
- neighborhood market (2,500 sq ft maximum)
- professional/business offices, EXCLUDING clinic/medical office
- recreational facility, public and private
- restaurant
- service-oriented retail, EXCLUDING: drive-thru establishment; gas station; employment/staffing services; and the uses listed as Special Exceptions below
- Storefront / Mixed-Use building (required on Primary Streets)
- winery/brewery/distillery

INSTITUTIONAL USES

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

RESIDENTIAL USES

- dwelling, fourplex
- dwelling, single-family attached
- dwelling, two-family
- storefront dwelling unit (above the ground floor of a Storefront / Mixed-Use building)

SPECIAL EXCEPTION USES – DOWNTOWN DISTRICT (DT)

COMMERCIAL USES

- *adult day care facility
- auction house
- billiard/arcade room
- bowling alley
- child care/day care center
- clinic/medical office
- club, private (EXCLUDING gun club)

- department store (5,000 sq ft maximum)
- drive-thru establishment
- electronic/appliance store (5,000 sq ft maximum)
- food truck yard (Secondary Streets only)
- fitness center/gym and dance/gymnastics/martial-arts studio over 5,000 sq ft
- floor covering store (5,000 sq ft maximum)
- furniture store (5,000 sq ft maximum)
- greenhouse/nursery (Secondary Streets only)
- hotel/motel
- laundromat
- orthopedic supply store
- paint store
- parking garage/lot, commercial or public
- philanthropic institution
- *short-term rental

INSTITUTIONAL USES

- assisted living facility/extended care/nursing home
- cemetery/columbaria/mausoleum
- comprehensive care center
- school
- utility facility, public and private
- *wireless communication facility

RESIDENTIAL USES

- child care home (in-home child care)
- dwelling, single-family
- group home
- *home occupation
- live-work unit

SECTION 3. DT District — Development Standards

Placement: *Chapter 2, Section B, Downtown District (DT), subsection b. Replace the Development Standards table with the following. The Multi-family column is replaced by the Storefront dwelling unit column.*

Standard	Single-family, two-family, fourplex & live-work	Storefront dwelling units	Non-residential
Maximum height, primary / accessory	35 ft / 20 ft	45 ft (within the Storefront / Mixed-Use building) / 25 ft	45 ft / 20 ft
Maximum ground floor area	N/A	N/A	10,000 sq ft; department, furniture, floor covering and electronic/appliance stores 5,000 sq ft; neighborhood market 2,500 sq ft

Standard	Single-family, two-family, fourplex & live-work	Storefront dwelling units	Non-residential
Minimum ground-floor height	N/A	12 ft floor-to-ceiling where the ground floor is non-residential	12 ft floor-to-ceiling
Minimum living area	Single-family detached 950 sq ft; two-family, fourplex and single-family attached 750 / 850 / 1,000 sq ft (1 / 2 / 3+ bedrooms); live-work: 750 sq ft residential plus 250 sq ft workspace	750 / 850 / 1,000 sq ft (1 / 2 / 3+ bedrooms)	N/A
Maximum density	—	17 units per acre	—
Minimum lot width	40 ft	45 ft	45 ft
Minimum lot area	Single-family detached 3,000 sq ft; two-family, fourplex and single-family attached 1,500 sq ft per unit	2,562 sq ft per unit	3,000 sq ft
Front yard setback	0 ft min., 10 ft max.	0 ft min., 10 ft max.	0 ft min., 10 ft max.
Minimum frontage buildout	70% on Primary Streets; 50% on Secondary Streets (see subsection c)	70% on Primary Streets; 50% on Secondary Streets	70% on Primary Streets; 50% on Secondary Streets
Parking location	Behind front elevation of primary structure	Behind front elevation of primary structure	Behind front elevation of primary structure
Minimum side yard setback, primary / accessory	0 ft / 0 ft	0 ft / 0 ft	0 ft / 0 ft
Minimum rear yard setback, primary / accessory	10 ft / 10 ft	10 ft / 10 ft	10 ft / 10 ft
Maximum impervious surface coverage	90%	90%	90%
Municipal sewer and water	Required	Required	Required
Minimum parking	Ch. 3, Table 5	1.5 spaces per 1–2 bedroom unit; 2 per 3+ bedroom unit	Ch. 3, Table 5, as modified by Ch. 3, B.7.q

SECTION 4. DT District — Additional Site Development Standards

i. Minimum frontage buildout. At least seventy percent (70%) of the lot frontage on a Primary Street, and fifty percent (50%) on a Secondary Street, shall be occupied by the front façade of a primary

structure located within the build-to zone. Primary and Secondary Streets are designated on the DT Regulating Plan (subsection d).

ii. Minimum ground-floor height. Where the ground floor of a primary structure is occupied by a non-residential use, the ground floor shall have a minimum floor-to-ceiling height of twelve (12) feet.

iii. Primary Street frontage. Development on a Primary Street shall meet Chapter 3, Section B.2.h: Primary Street Frontage (TC and DT).

iv. House-form residential building types. Single-family, two-family, fourplex and live-work buildings on Secondary Streets shall meet Chapter 3, Section B.2.i: House-Form Residential Building Types (DT and DTN).

SECTION 5. DT District — DT Regulating Plan

d. DT Regulating Plan.

i. **Adoption.** The DT Regulating Plan, attached as Exhibit DT-1, is adopted as part of the Official Zoning Map.

ii. **Primary Streets.** North Indiana Avenue, Utica Street and New Albany Street, as shown on the DT Regulating Plan, are Primary Streets.

iii. **Secondary Streets.** All other streets in the DT District are Secondary Streets.

iv. **Amendment.** The DT Regulating Plan may be amended only by the Town Council, following the procedures for a zoning-map amendment.

SECTION 6. DTN District — Permitted and Special Exception Uses

PERMITTED USES – DOWNTOWN NEIGHBORHOOD DISTRICT (DTN)

INSTITUTIONAL USES

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

RESIDENTIAL USES

- dwelling, single-family attached
- dwelling, single-family detached
- dwelling, two-family

SPECIAL EXCEPTION USES – DOWNTOWN NEIGHBORHOOD DISTRICT (DTN)

COMMERCIAL USES

- art gallery
- art studio

- bakery, retail
- beauty/barber shop
- educational support services
- farm stand
- florist
- nail salon (tanning excluded)
- photography studio
- professional/business offices (2,500 sq ft maximum)
- *short-term rental
- specialty shop
- tailoring/dressmaking/shoe repair

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)
- *dwelling, accessory
- dwelling, fourplex
- group home
- *home occupation
- live-work unit

SECTION 7. DTN District — Development Standards

Placement: *Chapter 2, Section B, Downtown Neighborhood District (DTN), subsection b. Replace the Development Standards table with the following. The Multi-family column is removed.*

Standard	Single-family, two-family, fourplex & live-work	Non-residential (Special Exception uses)
Maximum height, primary / accessory	35 ft / 20 ft	45 ft / 20 ft
Maximum ground floor area	N/A	5,000 sq ft; professional/business offices 2,500 sq ft
Minimum living area	Single-family detached 950 sq ft; all other units 750 / 850 / 1,000 sq ft (1 / 2 / 3+ bedrooms); live-work: 750 sq ft residential plus 250 sq ft workspace	N/A
Minimum lot width	40 ft	45 ft
Minimum lot area	Single-family detached 3,000 sq ft; two-family, fourplex and single-family attached 1,500 sq ft per unit	3,000 sq ft
Front yard setback	10 ft min., 30 ft max.	10 ft min., 30 ft max.
Parking location	N/A	Behind front elevation of primary structure

Standard	Single-family, two-family, fourplex & live-work	Non-residential (Special Exception uses)
Minimum side yard setback, primary / accessory	5 ft, or 0 ft on side(s) if duplex or attached / 5 ft	5 ft / 5 ft
Minimum rear yard setback, primary / accessory	10 ft / 10 ft	10 ft / 10 ft
Maximum impervious surface coverage	75%	75%
Municipal sewer and water	Required	Required
Accessory dwelling	Chapter 4, Section B.1 (Accessory Dwelling Standards)	N/A

SECTION 8. DTN District — Additional Site Development Standards

i. House-form residential building types. Single-family, two-family, fourplex, accessory dwelling and live-work buildings shall meet Chapter 3, Section B.2.i: House-Form Residential Building Types (DT and DTN).

SECTION 9. TC District — Permitted and Special Exception Uses

PERMITTED USES – TOWN CENTER DISTRICT (TC)

COMMERCIAL USES

- clinic/medical office
- general retail, EXCLUDING: automotive repair; automotive sales, new and used; barn/storage building sales; boat/farm equipment/motorcycle/recreational vehicle sales and repair; indoor self-storage; storage units/RV storage units; car wash; oil-change/tire-change facility; convenience store/gas station; truck stop; travel center; and the uses listed as Special Exceptions below
- grocery store, subject to the 10,000 sq ft ground-floor maximum, or up to 60,000 sq ft of gross floor area on an Anchor Site (Grocery) under Chapter 4, Section B.14
- neighborhood market
- professional/business offices
- recreational facility, public and private
- restaurant
- service-oriented retail, EXCLUDING: drive-thru establishment; gas station; employment/staffing services; and the uses listed as Special Exceptions below
- Storefront / Mixed-Use building (required on Primary Streets)
- theater; auditorium
- winery/brewery/distillery

INSTITUTIONAL USES

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

RESIDENTIAL USES

- dwelling, single-family attached
- live-work unit
- storefront dwelling unit (above the ground floor of a Storefront / Mixed-Use building)

SPECIAL EXCEPTION USES – TOWN CENTER DISTRICT (TC)

COMMERCIAL USES

- auction house
- billiard/arcade room
- bowling alley
- drive-thru establishment (attached to rear of primary structure only)
- fitness center/gym over 5,000 sq ft
- food truck yard (Tier 1 and Tier 2 only)
- hotel/motel
- Large-Format Anchor, including Large-Format Grocery (more than 60,000 sq ft; on an Anchor Site (Large Format) only, Chapter 4, Section B.15)
- laundromat
- orthopedic supply store
- paint store

- parking garage/lot, commercial or public
- philanthropic institution

INSTITUTIONAL USES

- child care home (in-home)
- utility facility, public and private
- *wireless communication facility

RESIDENTIAL USES

- dwelling, single-family detached
- *dwelling, multi-family (Tier 2 and Tier 3 only)
- *home occupation

SECTION 10. TC District — Development Standards

Standard	Single-family attached & multi-family	Storefront dwelling & live-work units	Non-residential
Maximum height, primary / accessory	45 ft / 20 ft	45 ft (within the Storefront / Mixed-Use building)	45 ft / 20 ft
Minimum height, primary	20 ft	20 ft	20 ft
Maximum ground floor area	N/A	N/A	10,000 sq ft; see Ch. 4, B.14 and B.15 for exceptions
Minimum living area	750 / 850 / 1,000 sq ft (1 / 2 / 3+ bedrooms)	750 / 850 / 1,000 sq ft (1 / 2 / 3+ bedrooms)	N/A
Maximum density	—	24 units per acre	—
Minimum lot width	45 ft	45 ft	45 ft
Minimum lot area	1,500 sq ft per unit	1,815 sq ft per unit	3,000 sq ft
Front yard setback	0 ft min., 10 ft max.	0 ft min., 10 ft max.	0 ft min., 10 ft max.; on an Anchor Site (Large Format): outparcel and liner buildings 15 ft max.; Large-Format Anchor 35 ft min. (same as B2)
Parking location	Behind rear elevation of primary structure	Behind rear elevation of primary structure	Behind rear elevation; see Ch. 4, B.14(d) and B.15(d) for exceptions
Minimum side yard setback	0 ft	0 ft	0 ft
Minimum rear yard setback	10 ft	10 ft	10 ft
Maximum impervious surface coverage	90%	90%	90% (85% on an Anchor Site (Large Format))

Standard	Single-family attached & multi-family	Storefront dwelling & live-work units	Non-residential
Municipal sewer and water; sidewalks and streetscape lighting	Required	Required	Required
Minimum parking	Ch. 3, Table 5	1.5 spaces per 1–2 bedroom unit; 2 per 3+ bedroom unit	Ch. 3, Table 5

SECTION 11. TC District — Additional Site Development Standards

iii. Primary Street frontage. Development on a Primary Street shall meet Chapter 3, Section B.2.h: Primary Street Frontage (TC and DT).

iv. Single-family dwellings. Development abutting an existing single-family detached dwelling in the TC District shall provide the bufferyard required by Chapter 3, Section B.3.I.

SECTION 12. TC District — TC Regulating Plan

d. TC Regulating Plan.

i. **Adoption.** The TC Regulating Plan, attached as Exhibit TC-1 and organized consistent with Figure TC-1 of the Comprehensive Plan, is adopted as part of the Official Zoning Map.

ii. **Primary and Secondary Streets.** American Way and Camp Run Parkway, including their planned extensions along the alignments shown on the Comprehensive Plan Thoroughfare Plan, are Primary Streets. All other TC streets are Secondary Streets.

iii. **Tiers.** The Regulating Plan organizes the TC District into three tiers along American Way: Tier 1 (Parkway segment), Tier 2 (Main Street segment) and Tier 3 (Residential Edge segment).

iv. **Uses by tier.** Uses are allowable by tier as follows: (a) Tier 1 (Parkway): Anchor Sites (Grocery) (Chapter 4, Section B.14), Anchor Sites (Large Format) (Chapter 4, Section B.15), Storefront / Mixed-Use buildings, storefront dwelling units, and the primary-commercial uses permitted in the TC District; (b) Tier 2 (Main Street): Anchor Sites (Grocery), Storefront / Mixed-Use buildings, storefront dwelling units, live-work units, multi-family dwellings as a Special Exception, and the mixed-use commercial, retail, restaurant, service and office uses permitted in the TC District; and (c) Tier 3 (Residential Edge): storefront dwelling units, multi-family dwellings as a Special Exception, and the residential uses permitted in the TC District.

v. **Anchor Sites (Grocery).** The Regulating Plan designates one or more Anchor Sites (Grocery) in Tier 1 or Tier 2, and one or more Anchor Sites (Large Format) in Tier 1 only.

vi. **Planned alignments.** The frontage standards of Chapter 3, Section B.2.h apply to a lot abutting a Primary Street along its planned alignment once the right-of-way is platted or dedicated, including segments not yet constructed.

vii. **Conformance.** Development plans and plats in the TC District shall conform to the Regulating Plan and to the street alignments of the Comprehensive Plan Thoroughfare Plan.

viii. **Amendment.** The Regulating Plan may be amended only by the Town Council, following the procedures for a zoning-map amendment. A street, Anchor Site (Grocery) or Anchor Site (Large Format) may be added by amendment.

ix. **Collector cross-section.** The American Way and Camp Run Parkway extensions are Collectors and shall be built to the same geometric standard as the existing streets: two travel lanes, on-street parallel parking on both sides, and six-foot (6 ft) concrete sidewalks on both sides, separated from the curb by a grass strip at least eight (8) feet wide containing street trees, consistent with the Gateway Overlay District sidewalk standard (Chapter 3, Section B.8.b.i.(a)), with pedestrian-scale lighting and no raised or landscaped median. Final plans shall conform to the Town's construction standards and be approved by the Town Engineer before construction. Any street that continues or connects to these extensions shall be built to the same standard.

Authority: IC 36-7-4-602 and -608 (zoning map); IC 36-7-4-603.

SECTION 13. Architectural Standards — Primary Street Frontage (TC and DT)

h. Primary Street Frontage (TC and DT).

i. **Primary Streets.** On a Primary Street designated on the TC or DT Regulating Plan, the Storefront / Mixed-Use building is the required frontage condition. It shall have a ground-floor active use (as defined in Chapter 10), at least sixty percent (60%) ground-floor transparency, defined entrance spacing, and an expression line between the ground floor and the upper floors.

ii. **Secondary Streets.** On a Secondary Street, a wider range of building types is permitted, including in the DT District the house-form residential building types of subsection i, and ground-floor commercial frontage is not required.

iii. **Active ground floors (DT).** In the DT District, ground-floor active-use requirements apply only to Primary Street frontages.

iv. **Anchor Sites (TC).** On an Anchor Site (Grocery) or an Anchor Site (Large Format), the frontage standards of Chapter 4, Section B.14 or B.15 apply.

SECTION 14. Architectural Standards — House-Form Residential Building Types (DT and DTN)

Placement: *Chapter 3, Section B.2 (Architectural Standards). Add new subsection i after subsection h.*

i. House-Form Residential Building Types (DT and DTN).

i. **Applicability.** A house-form residential building type is: (a) in the DT District, a single-family detached dwelling, single-family attached dwelling, two-family dwelling, fourplex or live-work unit located on a Secondary Street; and (b) in the DTN District, a single-family detached dwelling, single-family attached dwelling, two-family dwelling, fourplex, accessory dwelling unit or live-work unit.

ii. **Materials.** A house-form residential building type shall use the primary and accent materials permitted under Section B.2.e.i, including the exceptions of Section B.2.e.i.(c)(1), permitting fiber cement siding and wood siding as primary materials in the DT District, and Section B.2.e.i.(c)(2), permitting vinyl siding, fiber cement siding and wood siding as primary materials in the DTN District.

iii. **Openings and roofs.** A house-form residential building type shall provide window and door openings and roof forms typical of a single-family house. In the DT District, the cornice and parapet provision of Section B.2.c.ii.(a) and the fenestration minimums of Section B.2.c.ii.(b) do not apply to a house-form residential building type.

iv. **Other standards.** A house-form residential building type remains subject to the façade-variation standards of Section B.2.c.i and the roof standards of Section B.2.f.

v. **Compatibility.** A house-form residential building type shall match surrounding single-family and two-family dwellings in roof form, material palette, window proportion and architectural character.

SECTION 15. Bufferyard Standards — Single-Family Dwellings in the TC

l. Single-family dwellings in the TC District.

i. **Applicability.** In the TC District, this subsection applies in place of Section B.3.c.iii. This subsection applies where a lot in the TC District is developed with a non-residential, mixed-use or multi-family use and abuts a lot in the TC District occupied by an existing single-family detached dwelling

ii. **Type C bufferyard required.** The developing lot shall install a Type C bufferyard on its own lot along each side and rear lot line shared with the dwelling, at the time the development is approved. A Type C bufferyard is at least ten (10) feet wide and contains, per one hundred (100) linear feet, one (1) canopy tree, two (2) understory trees, one (1) evergreen tree and three (3) shrubs. No fence or wall is required.

iii. **Administration.** The bufferyard is in addition to, and does not reduce, the TC frontage, public space, parking and other site standards that apply to the development. It may overlap a drainage or utility easement, but required plantings shall not be placed within the easement. The dwelling itself is not required to install a bufferyard.

iv. **End of requirement.** If the dwelling is later removed or converted to a use permitted in the TC District, the bufferyard may be removed when the abutting lot is redeveloped.

SECTION 16. Parking and Loading Standards — TC and DT

b.i.(c) All parking within the TC district shall be located behind the rear elevation of the primary structure, except on an Anchor Site (Grocery), where Chapter 4, Section B.14(d) applies, and on an Anchor Site (Large Format), where Chapter 4, Section B.15(d) applies.

d. Pedestrian Connection within DT, TC, and GO Districts. [Existing text unchanged.] On an Anchor Site (Large Format), Chapter 4, Section B.15(i) applies in place of this subsection.

c. Design Flexibility. [Existing text unchanged.] In the DT District, the reduction limit is set by subsection q.iii.

q. DT District Parking. In the DT District:

i. No off-street parking is required for the first 2,500 sq ft of non-residential gross floor area on a lot;

ii. On-street parking spaces along the lot frontage count toward the minimum requirement; and

iii. The Administrator may reduce the required parking by up to fifty percent (50%) upon written findings, in place of the twenty percent (20%) limit of subsection c.

SECTION 17. Cross-Reference Corrections

Page	Section	Current text	Corrected text
67	Ch. 3, B.2.e.i.(b)	Section B.2.3.i.(c): Exceptions	Section B.2.e.i.(c): Exceptions
68	Ch. 3, B.3.b.i	Table ##: Bufferyard Planting Requirements	Table 2: Bufferyard Planting Requirements
68	Ch. 3, B.3.b.iii	Table ##: Bufferyard Requirements	Table 1: Bufferyard Requirements
68	Ch. 3, B.3.d.i	Table ##: Bufferyard Planting Requirements; Table ##: Street Planting Requirements	Table 2: Bufferyard Planting Requirements; Table 7: Street Planting Requirements (GO District)
69	Ch. 3, B.3.d.vi	Table ##: Prohibited Tree List; Table ##: Prohibited Shrub List	Table 3: Prohibited Tree List; Table 4: Prohibited Shrub List
69	Ch. 3, B.3.f.i	Table ##: Bufferyard Planting Requirements	Table 2: Bufferyard Planting Requirements
81	Ch. 3, B.7.j.iv	Chapter 3.##: Bufferyard Planting Requirements or Chapter 3.##: Street Planting Requirements	Chapter 3, Section B.3, Table 2 or Chapter 3, Section B.8, Table 7
81	Ch. 3, B.7.k.iv	Chapter 3.##: Bufferyard and Landscape Standards	Chapter 3, Sections B.3 and B.8
84	Ch. 3, B.8.d.i.(b)(1)	Table ##: Street Planting Requirements	Table 7: Street Planting Requirements (GO District)
84	Ch. 3, B.8.d.i.(b)(2)	Table ##: Prohibited Tree List; Table ##: Prohibited Shrub List	Table 3: Prohibited Tree List; Table 4: Prohibited Shrub List
136	Ch. 5, B.1 table	Exhibit ##: Standard Design Requirements	Exhibit A: Standard Design Requirements
137	Ch. 5, B.2 table	Exhibit ##: Standard Design Requirements	Exhibit A: Standard Design Requirements

SECTION 18. Use Development Standards — List of Sections

14. TC Anchor Site (Grocery) Standards.

15. TC Anchor Site (Large Format) Standards.

16. TC and DT Outdoor Dining and Restaurant Hours Standards.

SECTION 19. TC Anchor Site (Grocery) Standards

14. TC ANCHOR SITE (GROCERY) STANDARDS. APPLICABLE DISTRICTS: TC (Tiers 1 and 2)

(a) Applicability. A grocery store with more than 10,000 sq ft of ground-floor area, up to 60,000 sq ft of gross floor area, is permitted by right on an Anchor Site (Grocery) shown on the TC Regulating Plan in Tier 1 (Parkway segment) or Tier 2 (Main Street segment), subject to Development Plan approval (Chapter 8, Section D.2) and this section. A grocery store over 60,000 sq ft is a Large-Format Grocery under Section B.15.

(b) Street wall. At least sixty percent (60%) of the Primary Street frontage of the Anchor Site (Grocery) shall be occupied by buildings within the build-to zone (0 to 10 ft): the grocery store, liner shops or outlot buildings.

(c) Entrance. The grocery store's primary customer entrance shall face the Primary Street or be at a corner within 30 ft of it, and shall be open during business hours. A second entrance facing the parking area is permitted.

(d) Parking location. No parking shall be located between a building and a Primary Street. Parking beside a building may occupy no more than 240 ft of Primary Street frontage and shall be screened as required by Chapter 3, Section B.7.k. This subsection governs on an Anchor Site (Grocery) in place of the TC requirement that parking be located behind the rear elevation of the primary structure.

(e) Parking amount. Parking shall not exceed four (4) spaces per 1,000 sq ft of gross floor area. Shared spaces under a recorded agreement and on-street spaces along the frontage count toward the total.

(f) Pedestrian connections. A walkway at least 6 ft wide shall connect the store entrance to each Primary Street sidewalk. Parking areas shall include landscaped islands.

(g) Outlot buildings. Outlot buildings shall be within the build-to zone, face the street, be at least two stories or 24 ft in height, and meet Chapter 3, Section B.2.h. A drive-thru is permitted only by Special Exception, attached to the rear of the primary structure.

(h) Façades. Grocery store walls facing a Primary Street shall have at least thirty percent (30%) transparency (display windows count) and be divided into modules no wider than 60 ft. Chapter 3, Section B.2.e applies.

(i) Loading and pickup. Loading docks, truck courts, online-order pickup stalls and drive-thru pharmacy windows shall not face a Primary Street and shall be screened.

(j) Fuel center. A motor vehicle fuel center is permitted on an Anchor Site (Grocery) or an Anchor Site (Large Format) only as an accessory component of the grocery anchor or Large-Format Anchor, and not

as a standalone use. The fuel center shall: (1) be accessory and subordinate to the grocery store or Large-Format Anchor; (2) locate fuel canopies, pumps and vehicle queuing so that they do not face a Primary Street and are set behind or beside the principal building; (3) be screened from Primary Streets and from any abutting residential edge; (4) not include a truck stop or travel center, as those uses are defined in Chapter 10; and (5) be built of the same building materials as the grocery store or Large-Format Anchor.

(k) Block structure. Anchor Sites (Grocery) larger than 5 acres shall organize parking with internal drives forming blocks no longer than 400 ft on a side, so that parking areas can later be built upon.

(l) Green space. Each Anchor Site (Grocery) shall provide a publicly accessible plaza or green of at least 5,000 sq ft or five percent (5%) of the site, whichever is greater, on or visible from a Primary Street. This space is in addition to the public space required for developments over two (2) acres by the TC Additional Site Development Standards.

SECTION 20. TC Anchor Site (Large Format) Standards

Placement: *Chapter 4, Section B. Add new Section B.15.*

15. TC ANCHOR SITE (LARGE FORMAT) STANDARDS. APPLICABLE DISTRICTS: TC (Tier 1, Parkway segment, only)

(a) Purpose. These standards allow a large-format retail building in Tier 1 (Parkway segment) of the Town Center while keeping the Primary Street walkable and framed by buildings, providing public space, and arranging the site so parking areas can later be redeveloped.

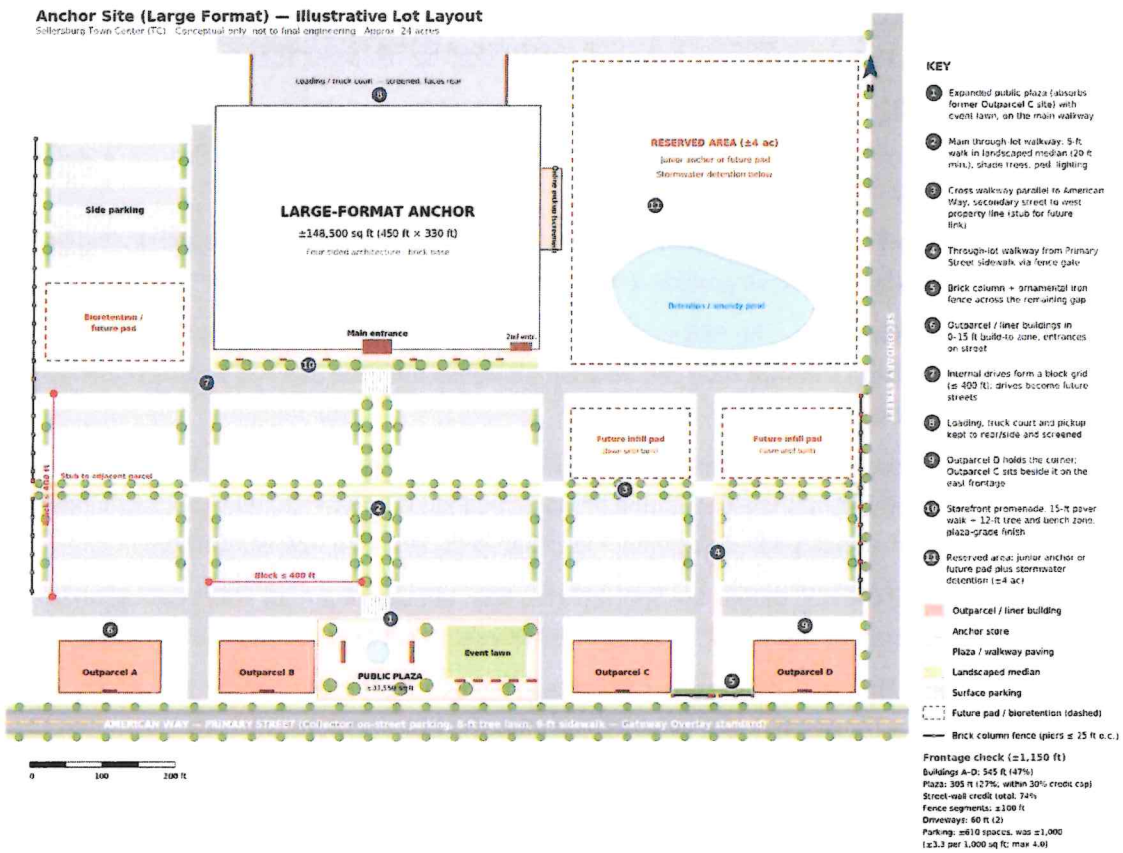


Figure 1. Illustrative Anchor Site (Large Format), base layout (about 3.3 parking spaces per 1,000 sq ft): public plaza and outparcels on the Primary Street, storefront promenade, through-lot walkways, block grid, reserved area and Street Edge Treatment.

(b) Applicability.

(1) This section applies only to an Anchor Site (Large Format) designated on the TC Regulating Plan (Chapter 2, TC subsection d). A site may be added only by Town Council amendment of the Regulating Plan.

(2) An Anchor Site (Large Format) shall have a minimum area of fifteen (15) acres and at least six hundred (600) feet of Primary Street frontage.

(3) Development Plan approval by the Plan Commission is required (Chapter 8, Section D.2). The Development Plan shall show full build-out of the site, including outparcels, the plaza, walkways, the block grid and future infill pads.

(4) A Traffic Impact Study (Chapter 7, Section C.2) is required.

(5) Where this section conflicts with another TC standard, this section governs. All other standards of this UDO apply. Where the site is also within the Gateway Overlay District, the more restrictive standard applies except as stated in this section.

(6) **Coordinated review.** Because a Large-Format Anchor requires both a Special Exception and Development Plan approval, the two applications shall be reviewed together as follows:

(A) **Joint filing.** The Special Exception application and the Development Plan application shall be filed with the Administrator at the same time. Neither application is complete until both are filed.

(B) **Joint staff report.** The Administrator shall prepare a single staff report addressing both applications and shall provide it to the BZA and the Plan Commission.

(C) **Order of hearings.** The BZA shall hear and decide the Special Exception first. The Plan Commission shall not hear the Development Plan until the BZA has approved the Special Exception.

(D) **Conditions carried forward.** Any conditions or commitments imposed by the BZA shall be incorporated into the Development Plan. The Plan Commission may add conditions but may not approve a Development Plan that conflicts with a BZA condition.

(E) **Denial.** If the BZA denies the Special Exception, the Development Plan application is considered withdrawn, and any unused Development Plan fee shall be refunded.

(F) **Timing.** The Plan Commission shall schedule the Development Plan for its next regular meeting for which notice can be given after the BZA decision.

Subparagraphs (C) and (F) do not apply if the applicant chooses a combined hearing under Chapter 8, Section E.

(c) Building size.

(1) A Large-Format Anchor is a single retail building with more than sixty thousand (60,000) sq ft of gross floor area. The TC maximum ground floor area of 10,000 sq ft does not apply to the Large-Format Anchor.

(2) There is no maximum gross floor area for a Large-Format Anchor.

(3) **Special Exception.** A Large-Format Anchor, including a Large-Format Grocery (Chapter 10), is a Special Exception in the TC District. It may be located only on an Anchor Site (Large Format), requires Special Exception approval by the BZA (Chapter 8, Section D.4) in addition to Development Plan approval, and shall meet every standard of this section.

(4) Outparcel and liner buildings remain subject to the TC maximum ground floor area of 10,000 sq ft each.

(5) Maximum impervious surface coverage is eighty-five percent (85%) of the site.

(d) Parking location.

(1) No more than sixty percent (60%) of the site's surface parking spaces may be located between the Large-Format Anchor and a Primary Street (the "Front Parking Area"). The remaining spaces shall be located to the side or rear of the buildings they serve.

(2) No parking shall be located between an outparcel or liner building and a Primary Street.

(3) No parking space or drive aisle, other than a permitted driveway, shall be located within fifteen (15) feet of the Primary Street right-of-way.

(4) The Front Parking Area shall be separated from the Primary Street by the street-wall elements of subsection (f) or the Street Edge Treatment of subsection (g).

(5) This subsection replaces, for an Anchor Site (Large Format) only, the requirement of Chapter 3, Section B.7.b.i.(c) that all TC parking be located behind the rear elevation of the primary structure.

(e) Parking amount and lot landscaping.

(1) Minimum parking is as required by Chapter 3, Table 5.

(2) Parking shall not exceed four (4) spaces per 1,000 sq ft of gross floor area for the site as a whole. Shared spaces under a recorded agreement and on-street spaces along the site frontage count toward the total. The Plan Commission may approve additional spaces only if they are in structured parking or permeable paving and a parking study supports the need.

(3) Landscape islands shall be provided at the end of every parking row, with no more than twelve (12) spaces in a row between islands. Each island shall meet Chapter 3, Section B.7.j.

(4) **Parking trade-off.** The applicant may, by right as part of the Development Plan and without a separate approval, replace one (1) outparcel or liner building with surface parking so that the site can provide parking up to the maximum of paragraph (2), provided that:

(A) the street-wall requirement of subsection (f)(1) is still met without the omitted building;

(B) the full public plaza required by subsection (h) is provided;

(C) the frontage of the omitted building has the Trade-Off Edge of subsection (g)(9); and

(D) the parking area stays within the block grid of subsection (j) and is shown on the Development Plan as a future outparcel pad.

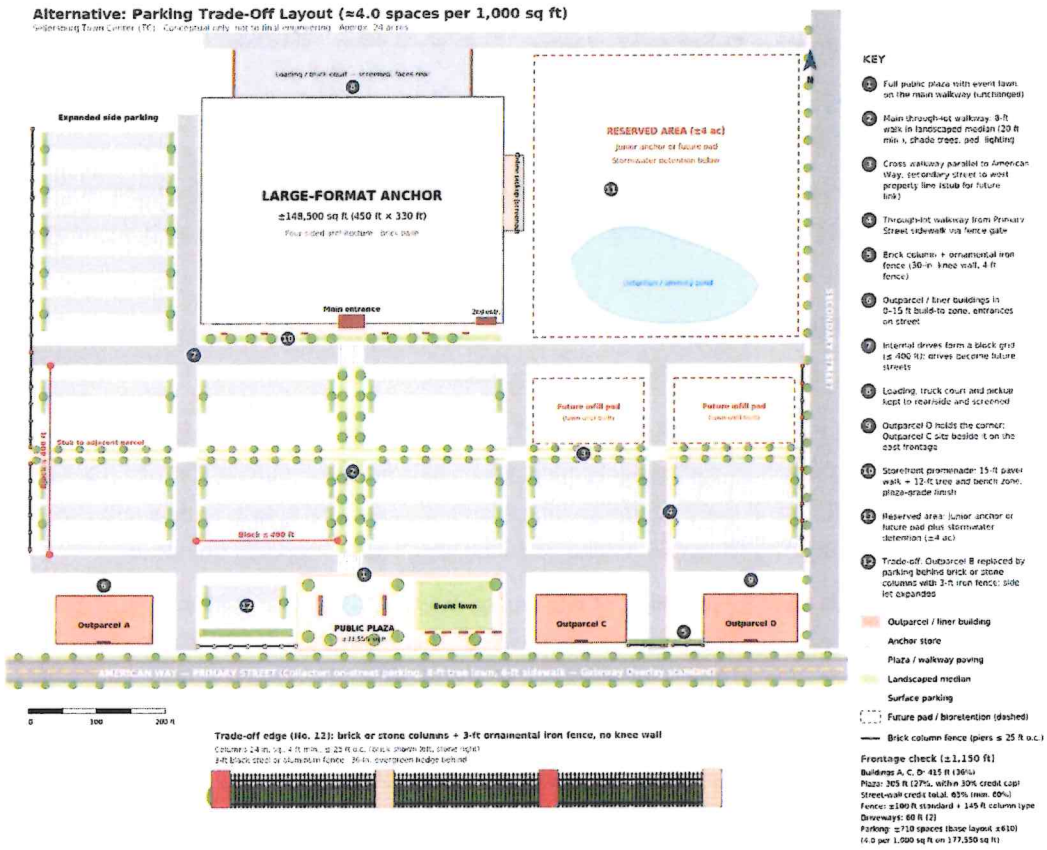


Figure 2. Illustrative parking trade-off under subsection (e)(4) (about 4.0 spaces per 1,000 sq ft): one outparcel replaced by parking behind the Trade-Off Edge; full plaza kept; street wall 63%.

(f) Primary Street frontage (street wall).

(1) At least sixty percent (60%) of each Primary Street frontage shall be occupied by street-wall elements located within a build-to zone of zero (0) to fifteen (15) feet from the right-of-way. Permitted driveway openings are excluded when measuring frontage.

(2) Street-wall elements are:

(A) the street-facing façades of outparcel or liner buildings meeting subsection (l); and

(B) the Primary Street edge of a public plaza meeting subsection (h), which may count for no more than thirty percent (30%) of the frontage.

(3) All Primary Street frontage not occupied by a street-wall element or a driveway shall have the Street Edge Treatment of subsection (g).

(4) A building or the plaza shall occupy the first sixty (60) feet of frontage from each intersection of a Primary Street with another street.

(5) Reserved pads. A platted outparcel pad that is not yet built may count toward paragraph (1) for up to five (5) years after the Large-Format Anchor receives its certificate of occupancy. During that time, the Street Edge Treatment shall be installed along the pad's frontage and the pad shall be graded, seeded and served by stubbed utilities.

(6) Driveways. No more than two (2) driveways are permitted per 1,000 feet of Primary Street frontage. Each shall align with an internal drive of the block grid under subsection (j).

(7) Large-Format Anchor setback. The Large-Format Anchor shall be set back at least thirty-five (35) feet from the Primary Street right-of-way, the same as the minimum front yard setback for a primary structure in the B2 District. The street wall required by paragraph (1) is provided by the outparcel and liner buildings, the public plaza and the Street Edge Treatment, not by the Large-Format Anchor.

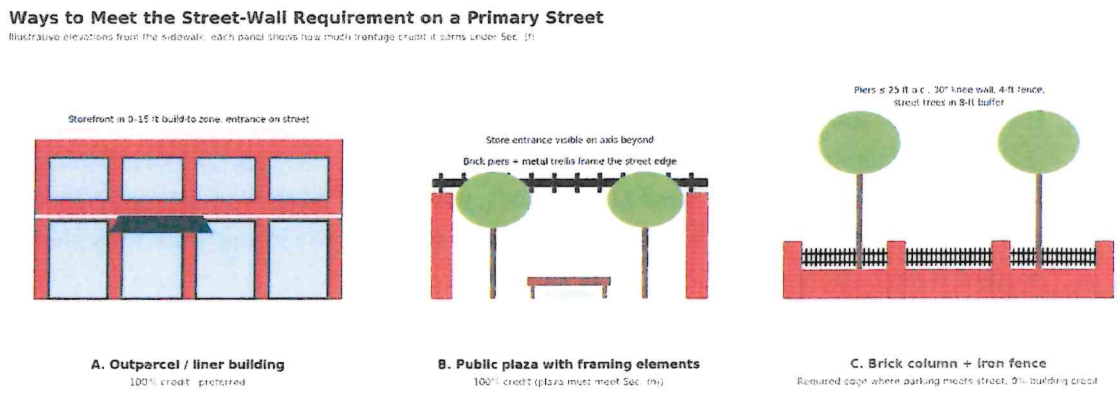


Figure 3. Ways to meet the street-wall requirement of subsection (f).

(g) Street Edge Treatment: brick column and ornamental iron fence.

(1) **Location.** The Street Edge Treatment shall be continuous along the frontage required by subsection (f)(3). It shall also be provided along a Secondary Street wherever parking is within fifty (50) feet of that street. It shall be on private property, behind the right-of-way and any required landscape buffer, and outside sight-visibility triangles.

(2) **Brick piers.** Piers shall be at least twenty-four (24) inches square and at least five (5) feet tall to the bottom of the cap, not to exceed six (6) feet. They shall be built of brick matching the principal building, with a cast stone, limestone or precast cap. Piers shall be no more than twenty-five (25) feet on center, and shall also be placed at every end, corner and change of direction and on both sides of each driveway and walkway opening.

(3) **Knee wall.** A continuous brick knee wall, twenty-four (24) to thirty (30) inches high with a cast stone or precast coping, shall run between piers.

(4) **Ornamental fence.** The fence shall be black, powder-coated steel or aluminum in a wrought-iron style, mounted on the knee wall, with a total height of four (4) feet above grade. Vertical pickets

shall have no more than four (4) inches of clear space between them and shall have a top rail or spear finials. Chain link, vinyl, wood and welded-wire fencing are not permitted.

(5) **Screen planting.** A continuous row of evergreen shrubs shall be planted on the parking side of the fence in a planting strip at least five (5) feet wide. Shrubs shall be at least thirty (30) inches tall at planting and maintained at thirty-six (36) inches or more. The treatment satisfies the three-foot screening requirement of Chapter 3, Section B.7.k.

(6) **Openings.** A pedestrian opening at least eight (8) feet wide shall be provided at each through-lot walkway and at intervals of no more than three hundred (300) feet.

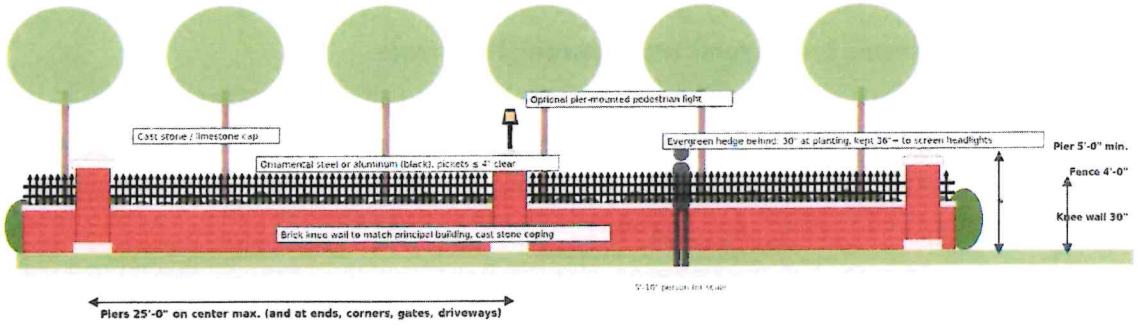
(7) **Lighting.** Pier-mounted pedestrian light fixtures are permitted and shall comply with Chapter 3, Section B.5.

(8) **Construction and upkeep.** Piers shall be on footings below frost depth. Damaged sections shall be repaired or replaced in kind within ninety (90) days.

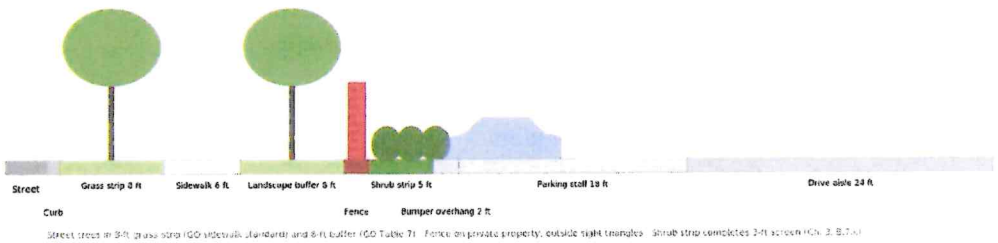
(9) **Trade-Off Edge.** Along frontage where parking replaces an outparcel under subsection (e)(4), the Street Edge Treatment may be reduced to brick or native stone columns at least twenty-four (24) inches square and at least four (4) feet tall to the bottom of the cap, no more than twenty-five (25) feet on center, with a three (3) foot black, powder-coated steel or aluminum fence in a wrought-iron style between columns. No knee wall is required. The evergreen screen planting of paragraph (5) is required.

Primary Street Edge Treatment — Brick Column & Ornamental Iron Fence

Elevation (view from the Primary Street sidewalk) · Illustrative · Approx. scale 1/2" = 1'-0"



Section A — Street Edge, Right-of-Way to Parking (not to scale)



Street trees in 8-ft. grass strip (GO sidewalk standard) and 8-ft buffer (GO Table 7). Fence on private property, outside sight triangles. Shrub strip completes 3-ft screen (Ch. 3, B.7.k).

Figure 4. Street Edge Treatment under subsection (g): elevation from the sidewalk and section from the right-of-way to parking.

(h) Public plaza.

(1) **Size.** Each site shall provide a public plaza of at least ten thousand (10,000) sq ft or one and one-half percent (1.5%) of the site area, whichever is greater. The plaza shall be at least sixty (60) feet deep.

(2) **Location.** The plaza shall abut the Primary Street sidewalk for at least one hundred (100) feet. It shall be on the axis of, or within one hundred fifty (150) feet of, the main through-lot walkway to the anchor's main entrance. A location at a street corner is encouraged.

(3) **Required elements.** The plaza shall include:

(A) seating of at least one (1) linear foot per one hundred fifty (150) sq ft of plaza area, at least half of it fixed benches or seat walls;

(B) one shade tree of at least two and one-half (2.5) inch caliper per one thousand (1,000) sq ft of plaza area, or an equivalent shade structure;

(C) decorative paving of brick, stone or concrete pavers on at least fifty percent (50%) of the plaza;

(D) at least one focal feature, such as a water feature, public art, a clock or a pavilion;

(E) pedestrian-scale lighting, trash and recycling receptacles, and at least ten (10) bicycle parking spaces; and

(F) electrical service suitable for community events.

(4) **Framing.** At least two (2) sides of the plaza shall be framed by building façades, brick piers with a trellis, or landscaping. Outdoor dining under Chapter 4, Section B.16 may adjoin the plaza.

(5) **Public access.** The plaza shall be open to the public at least from 6:00 a.m. to 11:00 p.m. under a recorded public access easement. It shall be maintained by the owner.

(6) **Additional plaza.** A site with more than one thousand two hundred (1,200) feet of Primary Street frontage shall provide a second plaza of at least five thousand (5,000) sq ft.

(7) **Credit.** The plaza satisfies the TC public space requirement for developments over two (2) acres (Chapter 2, TC Additional Site Development Standards c.ii) and the Anchor Site (Grocery) green requirement of Section B.14(l).

(i) Through-lot walkways.

(1) **Required walkways.** The site shall provide:

(A) a main walkway from the Primary Street sidewalk or the plaza to the anchor's main entrance;

(B) additional walkways so that walkway entrances along the Primary Street are no more than four hundred (400) feet apart; a sidewalk along an internal drive meeting subsection (j)(2) may count toward this requirement;

(C) at least one (1) walkway from each abutting Secondary Street; and

(D) a walkway connection to each outparcel building; and

(E) at least one (1) walkway running parallel to the Primary Street across the full width of the site, extended to each side property line and stubbed for connection to adjacent parcels.

(2) **Design.** Each walkway shall be at least eight (8) feet wide, of concrete or pavers, within a landscaped median at least twenty (20) feet wide. Medians shall have shade trees on both sides of the walk no more than thirty (30) feet on center, pedestrian lights twelve (12) to sixteen (16) feet tall no more than sixty (60) feet apart, and a bench at least every three hundred (300) feet.

(3) **Crossings.** Where a walkway crosses a drive aisle or internal drive, the crossing shall be raised or of textured paving, at least ten (10) feet wide, and fully accessible.

(4) **Storefront promenade.** A storefront promenade at least twenty-seven (27) feet deep shall run the full length of each anchor façade with a customer entrance. It shall consist of:

(A) a clear walkway at least fifteen (15) feet wide next to the façade; and

(B) an amenity zone at least twelve (12) feet wide between the walkway and the drive, with a shade tree of at least two and one-half (2.5) inch caliper every thirty (30) feet on center in planters or tree grates.

(5) **Promenade finish.** The promenade shall meet the same finish standards as the public plaza in subsections (h)(3)(A), (C) and (E): seating, decorative paving of brick, stone or concrete pavers, pedestrian-scale lighting, trash and recycling receptacles, and bicycle parking. Decorative paving shall cover the full clear walkway. At each customer entrance the promenade shall widen into an entry plaza at least fifty (50) feet long with planters and seating.

(6) **Display and carts.** Outdoor display and cart corrals are permitted only in designated bays within the amenity zone, totaling no more than twenty-five percent (25%) of its length. They shall not encroach on the clear walkway.

(7) **Credit.** The promenade does not count toward the plaza area required by subsection (h)(1).

(8) Walkways shall be within a recorded public access easement. This subsection replaces Chapter 3, Section B.7.d for an Anchor Site (Large Format).

(j) Block grid.

(1) Internal drives shall divide the site into blocks no more than four hundred (400) feet on a side, measured between drive centerlines. Parking shall be within blocks.

(2) Internal drives shall be built as future streets: at least twenty-four (24) feet of travel width, curb and gutter, a sidewalk at least six (6) feet wide on at least one side (both sides on the drive in front of the anchor), and street trees no more than forty (40) feet on center.

(3) Internal drives shall align with Primary Street driveways and shall be stubbed to adjacent parcels, with recorded cross-access easements.

(4) The Development Plan shall identify at least two (2) future infill building pads within parking blocks and shall reserve utility corridors to serve them.

(5) Any part of the site not used for buildings, parking, drives, the plaza or stormwater shall be shown on the Development Plan as a reserved development area, with its intended future use. Reserved areas and future pads shall be graded, seeded and maintained as lawn until developed.

(k) Large-Format Anchor building design.

(1) **Materials.** Chapter 3, Section B.2.e applies. On the front façade and any façade visible from a Primary Street, brick, tile masonry or native stone shall cover at least sixty percent (60%) of the wall area. A rear façade not visible from a public street may use integrally colored split-face block or textured precast concrete in a color matching the brick.

(A) **Tilt-up and precast panel façades.** Where a façade is built of tilt-up or precast concrete panels, the applicant shall present at least two (2) façade design options to the Administrator-for technical review and recommendation. The Administrator shall recommend an option only if it meets all of the following:

(i) brick or natural stone, including thin brick or stone veneer cast into or adhered to the panels, covers at least sixty percent (60%) of each façade visible from a Primary Street;

(ii) panel joints and reveals are aligned with the façade modules and offsets required by paragraph (2);

(iii) any exposed concrete is integrally colored or textured in a color matching the brick or stone, with no painted smooth concrete on a façade visible from a public street; and

(iv) the parapet, cornice and main-entrance features required by paragraphs (2) and (3) are expressed in the panel design.

(B) The Administrator shall make a written recommendation within thirty (30) days of a complete submittal stating how the recommended option meets subparagraph (A). The Plan Commission shall act on the façade design as part of the Development Plan, and the façade design it approves becomes part of the approved Development Plan.

(2) **Four-sided architecture.** All façades shall share the same design vocabulary and materials. Façades shall be divided into modules no wider than one hundred (100) feet by an offset of at least two (2) feet and a change in parapet height.

(3) **Main entrance.** The main entrance shall be marked by a tower or raised parapet at least one and one-half (1.5) times the adjacent parapet height, with a canopy or arcade.

(4) **Transparency.** At least twenty-five percent (25%) of the front façade, and thirty percent (30%) of any façade facing a Primary Street, measured between two (2) and ten (10) feet above grade, shall be windows or display windows. Faux windows do not count.

(5) **Garden center and enclosures.** Garden center and outdoor sales enclosures shall use brick piers and ornamental fencing matching subsection (g). Rooftop equipment shall be screened from view.

(l) Outparcel and liner buildings.

(1) Outparcel and liner buildings shall be within the build-to zone, with a primary entrance facing the Primary Street. A second entrance facing parking is permitted.

(2) They shall be at least two (2) stories or twenty-four (24) feet tall and meet the Storefront / Mixed-Use building standards of Chapter 3, Section B.2.h, including sixty percent (60%) ground-floor transparency on the Primary Street.

(3) A drive-thru is permitted only by Special Exception, attached to the rear of the building. Stacking lanes shall not be between a building and a Primary Street.

(m) Service, loading, pickup and fuel.

(1) Loading docks, truck courts and compactors shall not be visible from a Primary Street. They shall be screened by the building or by walls of the building's primary material at least fourteen (14) feet tall.

(2) Online-order pickup stalls and canopies and drive-thru pharmacy windows shall be on the side or rear of the anchor, not facing a Primary Street, and shall match the building's materials.

(3) A fuel center is permitted only as an accessory use under Section B.14(j). It shall not be located between a building and a Primary Street or at a Primary Street corner.

(4) Truck routes shall not use streets in the Residential Edge segment.

(n) Timing and surety.

(1) The plaza, the main walkway, the Street Edge Treatment (including along reserved pads), and the internal drives abutting the anchor shall be complete before the Large-Format Anchor receives a certificate of occupancy.

(2) The Administrator may accept a performance guarantee of one hundred twenty-five percent (125%) of the cost of incomplete improvements, for up to one (1) year, when weather prevents completion.

(o) Alternative compliance. The Plan Commission may approve an alternative to subsections (f) through (k) that meets their purpose equally well or better, such as structured parking or liner shops attached to the anchor façade. The Commission shall state its findings in writing. Building size under subsection (c) and the parking maximum under subsection (e)(2) are not eligible for alternative compliance.

SECTION 21. TC and DT Outdoor Dining and Restaurant Hours Standards

16. TC AND DT OUTDOOR DINING AND RESTAURANT HOURS STANDARDS. APPLICABLE DISTRICTS: TC, DT

(a) Outdoor dining. In the TC and DT Districts, outdoor dining areas are permitted within the public right-of-way subject to an encroachment agreement with the Town and a minimum clear pedestrian passage of five (5) feet where seating occupies a sidewalk.

(b) Hours. Restaurant hours of operation in the TC and DT Districts are not restricted by this UDO.

SECTION 22. Zoning Administration — Coordinated Review and Combined Hearing

D.2 Development Plan Procedures. For a Large-Format Anchor, the Plan Commission, not the Administrator, shall decide the Development Plan. The Development Plan shall be reviewed with the Special Exception under Chapter 4, Section B.15(b)(6), and shall not be heard until the Special Exception is approved."

D.4 Special Exception, Variance from Development Standards, and Variance of Use Procedures. Add: "For a Large-Format Anchor, the Special Exception shall be filed and reviewed with the Development Plan under Chapter 4, Section B.15(b)(6). Conditions imposed by the BZA shall be carried into the Development Plan."

E. Additional Procedures — Combined Hearing Procedure. Add: "As authorized by IC 36-7-4-403.5, the Plan Commission may, by rule, designate a hearing examiner or committee of the Plan Commission to conduct a combined hearing on a development that requires more than one hearing under this UDO. The combined hearing is at the applicant's option and may not be required. Decisions under the 900 series made in a combined hearing may be appealed to the Plan Commission within five (5) days after the decision."

SECTION 23. Definitions

Part A. Amended definitions. *Existing text is shown in regular type; added text is shown in bold blue.*

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. **An accessory dwelling unit shall not exceed eight hundred (800) square feet or fifty percent (50%) of the primary dwelling unit, whichever is less, and shall match the primary dwelling in roof form, material palette, and architectural character, consistent with Chapter 4, Section B.1.**

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. **A fourplex, as separately defined, is a distinct house-form building type and is not a multi-family dwelling for the purposes of this UDO.**

HOME OCCUPATION. Any activity carried out for gain by a resident and conducted in the resident's dwelling unit or accessory structures, **consistent with Chapter 4, Section B.7.**

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. **In the DTN District, professional/business offices shall not exceed two thousand five hundred (2,500) square feet of gross floor area.**

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. **A drive-thru component is subject to the drive-thru establishment regulations of the district.**

Part B. New definitions.

Terms defined for the DTN District also apply in the DT and TC Districts wherever the same use is named.

ANCHOR SITE (GROCERY). A site in Tier 1 or Tier 2 of the TC District designated on the TC Regulating Plan where a grocery store larger than the TC non-residential ground-floor area maximum (10,000 sq ft), up to sixty thousand (60,000) sq ft of gross floor area, may be built under Chapter 4, Section B.14. Motor vehicle fuel sales are permitted on an Anchor Site (Grocery) only as an accessory fuel center under Section B.14(j).

ANCHOR SITE (LARGE FORMAT). A site in Tier 1 or Tier 2 (Parkway-Main Street segment) of the TC District designated on the TC Regulating Plan for a Large-Format Anchor under Chapter 4, Section B.15. Motor vehicle fuel sales are permitted on an Anchor Site (Large Format) only as an accessory fuel center under Section B.14(j).

ART GALLERY. An establishment for the display, exhibition, and sale of works of art. Does not include an auction house or antique store.

ART STUDIO. An establishment for the creation, display, and incidental sale of works of art. Does not include manufacturing, welding, or noxious processes.

BAKERY, RETAIL. An establishment in which baked goods are prepared on the premises and sold at retail, primarily for off-premises consumption. In the DTN District, the establishment shall not exceed two thousand five hundred (2,500) sq ft of gross floor area.

BEAUTY/BARBER SHOP. An establishment providing haircutting, hairstyling, coloring, and related personal grooming. Does not include a spa, massage, or tattoo/piercing establishment.

BUILD-TO ZONE. The area between the minimum and maximum front setback lines in which the street-facing façade of a building shall be placed.

EDUCATIONAL SUPPORT SERVICES. Tutoring, test preparation, music, or language instruction to individuals or small groups, with a maximum of fifteen (15) students at a time. Does not include a school, preschool, trade school, or child care facility.

FARM STAND. An establishment for the display and sale of fresh produce, baked goods, and handmade goods. In the DTN District, operation is limited to daylight hours, with no amplified sound.

FLORIST. An establishment for the retail sale of cut flowers, arrangements, potted plants, and accessories. Outdoor display is permitted only within three (3) feet of the façade.

FOOD TRUCK YARD. A site, or a designated portion of a site, improved for the regular assembly of two (2) or more mobile food units (food trucks or trailers) for the sale of food and beverages to the public, with shared pedestrian areas and seating and, where provided, shared restrooms and utility connections. A food truck yard does not include the sale of motor vehicle fuel.

FOURPLEX. A building on a single parcel containing four (4) dwelling units, designed to present the appearance, massing, scale, and roof form of a single-family detached house: a single structure that reads as one house from the street, with a single principal entrance or entrances arranged so that it does not read as an apartment building, not exceeding two and one-half (2½) stories or thirty-five (35) feet in height. Units may be arranged two-over-two (stacked) or in a mansion form. A fourplex shall comply with Chapter 3, Section B.2.i (House-Form Residential Building Types). A fourplex is a distinct house-form building type and is not a multi-family dwelling.

FRONTAGE BUILDOUT. The percentage of a lot's street frontage occupied by the front façade of a primary structure located within the build-to zone.

FRONT PARKING AREA. On an Anchor Site (Large Format), the surface parking located between the Large-Format Anchor and a Primary Street.

GROCERY STORE. A retail establishment of more than two thousand five hundred (2,500) square feet of gross floor area engaged primarily in the sale of food and household goods, which may include an accessory pharmacy, prepared-food area, and online-order pickup. A grocery store shall not include the sale of motor vehicle fuel, except an accessory fuel center on an Anchor Site (Grocery) or an Anchor Site (Large Format) under Chapter 4, Section B.14(j).

GROCERY, LARGE-FORMAT. A grocery store with more than sixty thousand (60,000) sq ft of gross floor area. A Large-Format Grocery is a type of Large-Format Anchor and requires a Special Exception.

GROUND-FLOOR ACTIVE USE. A non-residential use on the ground floor of a Primary Street building that generates pedestrian activity, such as a retail, restaurant, personal-service, or cultural use. Excludes residential units, parking, storage, and mechanical rooms. Banks and offices qualify only if they meet the sixty percent (60%) ground-floor transparency standard of Chapter 3, Section B.2.h.

HOUSE-FORM RESIDENTIAL BUILDING TYPE. A single-family, two-family, fourplex, accessory dwelling or live-work building in the DT or DTN District designed to the standards of Chapter 3, Section B.2.i.

LARGE-FORMAT ANCHOR. A single retail building with more than sixty thousand (60,000) sq ft of gross floor area, allowed only by Special Exception on an Anchor Site (Large Format).

LINER BUILDING. A building placed along a street frontage in front of, or attached to, a larger building or parking area, with entrances and windows facing the street.

LIVE-WORK UNIT. A single integrated dwelling unit with part of the ground floor used as a workspace (office, studio, workshop, or retail) and the upper floor or rear portion used as a dwelling occupied by the operator. The workspace shall have direct street-level access and be not less than two hundred fifty (250) sq ft; the residential portion shall be not less than seven hundred fifty (750) sq ft. A live-work unit shall meet the architectural standards of Chapter 3, Section B.2 and the building codes adopted by the State of Indiana.

NAIL SALON. An establishment providing manicure, pedicure, and related nail care. Does not include tanning, massage, or tattoo/piercing.

NEIGHBORHOOD MARKET. A small-format retail establishment of not more than two thousand five hundred (2,500) square feet of gross floor area engaged in the sale of groceries, prepared foods, beverages, and household convenience goods for nearby residents. A neighborhood market shall not include the sale of motor vehicle fuel.

PHOTOGRAPHY STUDIO. An establishment providing portrait, event, or commercial photography, including incidental processing, printing, and sale. Appointment-based; does not include a film-processing laboratory or camera store.

PRIMARY STREET. A street designated on the DT or TC Regulating Plan as requiring Storefront / Mixed-Use frontage, ground-floor active uses, and enhanced pedestrian amenities.

REGULATING PLAN. A plan adopted as part of the Official Zoning Map that designates Primary and Secondary Streets within the DT and TC Districts and, in the TC District, the tiers, Anchor Sites (Grocery) and Anchor Sites (Large Format). The DT Regulating Plan is adopted in Chapter 2, Downtown District (DT), subsection d, and the TC Regulating Plan in Chapter 2, Town Center District (TC), subsection d. The Regulating Plans are maintained by the Administrator and may be amended only by the Town Council, following the procedures for a zoning-map amendment.

RESERVED DEVELOPMENT AREA. Land on an Anchor Site (Large Format) set aside on the Development Plan for future buildings and kept as lawn until developed.

SECONDARY STREET. Any street within the DT or TC District not designated as a Primary Street. Secondary Streets permit a wider range of building types and do not require ground-floor commercial frontage. In the DT District, house-form residential building types are located on Secondary Streets.

SPECIALTY SHOP. An establishment for the retail sale of a focused category of goods, such as books, gifts, candles, handmade goods, or hobby supplies. In the DTN District, the establishment shall not exceed two thousand five hundred (2,500) sq ft of gross floor area.

STOREFRONT DWELLING UNIT. A dwelling unit located above the ground floor of a Storefront / Mixed-Use building. Density, lot area, living area and parking for storefront dwelling units are set by the Development Standards of the DT District (seventeen (17) units per acre) and the TC District (twenty-four (24) units per acre).

STOREFRONT / MIXED-USE BUILDING. A building with an active commercial, retail, restaurant, or service use on the ground floor along its street frontage and, where permitted, storefront dwelling units, offices, or live-work units above. The Storefront / Mixed-Use building is the required building form on Primary Streets in the DT and TC Districts. Ground-floor commercial space shall meet the transparency, entrance-spacing, and expression-line standards of Chapter 3, Section B.2.h.

STOREFRONT PROMENADE. The walkway and amenity zone along a Large-Format Anchor façade with a customer entrance, built to the standards of Chapter 4, Section B.15(i).

STREET EDGE TREATMENT. The brick pier, knee wall, ornamental fence and evergreen screen required along a Primary Street by Chapter 4, Section B.15(g).

TAILORING/DRESSMAKING/SHOE REPAIR. An establishment for the alteration, repair, or custom fabrication of clothing, shoes, or leather goods. No chemical-solvent dry cleaning on site.

THROUGH-LOT WALKWAY. A landscaped pedestrian walkway crossing a parking area to connect a public sidewalk, plaza or adjacent parcel with a building entrance.

TIER. One of the three segments of the TC District designated on the TC Regulating Plan: Tier 1 (Parkway), Tier 2 (Main Street) and Tier 3 (Residential Edge).

TRADE-OFF EDGE. The brick or stone column and three-foot ornamental fence permitted under Chapter 4, Section B.15(g)(9) where parking replaces an outparcel.

TRAVEL CENTER. An establishment that provides motor vehicle fuel together with a convenience store and services oriented to highway travelers, which may include restaurants, retail, and truck and automobile parking. A travel center is not an accessory fuel center on an Anchor Site (Grocery) or Anchor Site (Large Format).

TRUCK STOP. An establishment that provides, as a principal use, the sale of motor vehicle fuel (including diesel) primarily to trucks and other heavy vehicles, and that may include accessory uses such as truck repair, overnight truck parking, weigh scales, showers, restaurants, and sleeping accommodations for drivers. A truck stop is not an accessory fuel center on an Anchor Site (Grocery) or Anchor Site (Large Format).

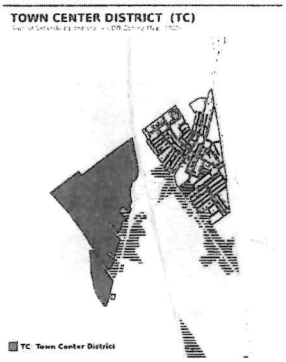
TOWN OF SELLERSBURG, INDIANA

2040 COMPREHENSIVE PLAN

PROPOSED AMENDMENTS FOR CONSIDERATION

Town Center and Downtown

Draft Comprehensive Plan Amendment for Review



This draft shows proposed plan language only. Amendments 1 through 3 provide the plan basis for the Town Center (TC) zoning amendments, the TC Regulating Plan, and the Town Center street extensions. Amendment 4 designates the Downtown (DT) Primary Streets and provides the plan basis for the Downtown Regulating Plan (Figure DT-1).

AMENDMENT 1: TOWN CENTER LAND USE AND CHARACTER

Proposed: Add the following Town Center policy text

A. American Way and Camp Run Parkway, including their planned extensions, are the Town Center's main streets. Development along them shall take the form of a traditional small-town main street: buildings placed at the sidewalk, ground-floor shops, restaurants, and services, with homes or offices above, and parking behind buildings or on the street. Parking beside a building is limited to an Anchor Site (Grocery), and limited front parking is allowed only on an Anchor Site (Large Format) under Item F.

B. American Way runs east to west through the Town Center, and Camp Run Parkway crosses it north to south in Tier 2 (Main Street segment). Along American Way, the Town Center develops in a west-to-east sequence: (1) a primary-commercial gateway, Tier 1 (Parkway segment), holding a grocery anchor or a large-format anchor; (2) a mixed-use Main Street centered on the Camp Run Parkway crossing, Tier 2 (Main Street segment), which may hold an Anchor Site (Grocery); and (3) a higher-to-medium-density residential edge, Tier 3 (Residential Edge segment).

C. A grocery store is the Town Center's anchor use. A grocery store larger than the Town Center ground-floor limit, up to 60,000 sq ft, may be located on a designated Anchor Site (Grocery) in Tier 1 (Parkway segment) or Tier 2 (Main Street segment), provided it holds the street with buildings at the sidewalk, places parking behind or beside the store, and provides a public plaza or green. Motor vehicle fuel sales in the Town Center are limited to a fuel center provided as an accessory component of the grocery anchor or of a large-format anchor under Item F; standalone gas stations, convenience stores, truck stops, and travel centers are not part of the Town Center.

D. Town Center housing is provided as dwelling units above ground-floor storefronts and as live-work units, at up to 24 units per acre, within the Plan's range of 12 to 24 units per acre.

E. The Town Center includes publicly accessible plazas and greens on or visible from the main streets.

F. A retail store larger than 60,000 sq ft (a large-format anchor), including a large-format grocery, may be located by Special Exception on a designated Anchor Site (Large Format) in Tier 1 (Parkway segment) only. The large-format anchor may be set back from the Primary Street with limited parking in front, provided the main-street frontage is held by outparcel and liner buildings within the build-to zone, a public plaza, and a brick-column and ornamental iron fence wherever parking meets the street, with landscaped walkways through the parking and internal drives laid out as a block grid that can later be built upon.

Authority: IC 36-7-4-502 and -503 (comprehensive plan contents); IC 36-7-4-500 series (plan amendment).

AMENDMENT 2: TRANSPORTATION PLAN, COMPREHENSIVE PLAN THOROUGHFARE PLAN (TOWN CENTER EXTENSIONS)

Proposed: Add the Town Center street extensions to the Comprehensive Plan Thoroughfare Plan, part of the Transportation Plan

A. Thoroughfare map. Add the following street extensions to the Transportation Plan map:

Street	Extension	Classification	Town Center designation
American Way	From SR 60 to Ohio Street	Collector	Primary Street (main street) through the Town Center
Camp Run Parkway	From St. Joe Road East to CR 311	Collector	Primary Street (main street) through the Town Center

B. Functional classification. The classifications in item A are the classifications for Chapter 6, Section C.8.c (road classification) and Chapter 3, Section B.4.d (driveway separation from intersections) of the UDO.

C. Alignment and right-of-way. The Town Engineer shall prepare, and the Plan Commission shall adopt as part of the Comprehensive Plan Thoroughfare Plan, the alignment, termini, right-of-way width, and typical cross-section of each extension, with enough precision to apply to individual parcels. Final construction plans and specifications shall conform to the Town's construction standards and the requirements of the Town Engineer, who shall review and approve the final design of each extension before construction.

D. Main-street cross-section. Within the Town Center, each extension is a Collector and shall be built to the same geometric standard as the existing American Way and Camp Run Parkway: two travel lanes, on-street parallel parking on both sides, and six-foot (6 ft) sidewalks placed at the curb on both sides, with street trees, pedestrian-scale lighting, and marked crosswalks at intersections. No raised or landscaped street median shall be included. Curb cuts on these streets shall be minimized in favor of side-street, alley, or shared access under Chapter 3, Section B.4.e. Any street built to continue or connect to these extensions shall be built to the same Collector geometric standard.

E. Street network. Town Center streets shall form a connected network of blocks no longer than 400 ft on a side, with stub streets to adjoining parcels so later development can continue the network.

F. Pedestrian network. The extensions shall connect the Town Center sidewalks to the town-wide pedestrian routes of Goal 2B.

G. Construction through development. A developer whose property contains part of an adopted alignment shall dedicate the right-of-way along that alignment within its property, keep buildings, stormwater facilities, and other improvements out of the future right-of-way, construct the street segment the development needs, and stub the street to the property line, as permitted by Chapter 6, Section C.1.a of the UDO. Requirements shall be roughly proportional to the development's impact, supported by a written finding. Improvements beyond the property, or street capacity beyond the development's need, shall be provided through a development agreement, a reimbursement agreement, impact fee credits, or Town construction.

H. Capital program. Both extensions shall be added to the Capital Improvement Plan under Goal 1A, with phasing and funding sources that may include tax increment financing through the Redevelopment Commission, road impact fees, Community Crossings grants, and KIPDA funding.

Authority: IC 36-7-4-503 and -506 (thoroughfare plan); IC 36-7-4-1335 (impact fee credits); IC 36-7-4-1109 (development agreements and vesting).

AMENDMENT 3: TOWN CENTER REGULATING PLAN

Proposed: Add the following Regulating Plan policy

A. The Town shall adopt a Town Center Regulating Plan as part of the Official Zoning Map to carry out this Plan. The Regulating Plan shall be consistent with the Comprehensive Plan Thoroughfare Plan of Amendment 2 and with Figure TC-1, Town Center Regulating Plan, which shows its organization diagrammatically.

B. The Regulating Plan shall designate: (1) Primary Streets, being American Way and Camp Run Parkway, including their extensions, along the alignments adopted under Amendment 2, including segments not yet built; (2) Secondary Streets, being all other Town Center streets; (3) the tiers, being Tier 1 (Parkway segment), Tier 2 (Main Street segment) and Tier 3 (Residential Edge segment); and (4) one or more Anchor Sites (Grocery), allowable in Tier 1 and Tier 2, and one or more Anchor Sites (Large Format), allowable in Tier 1 only.

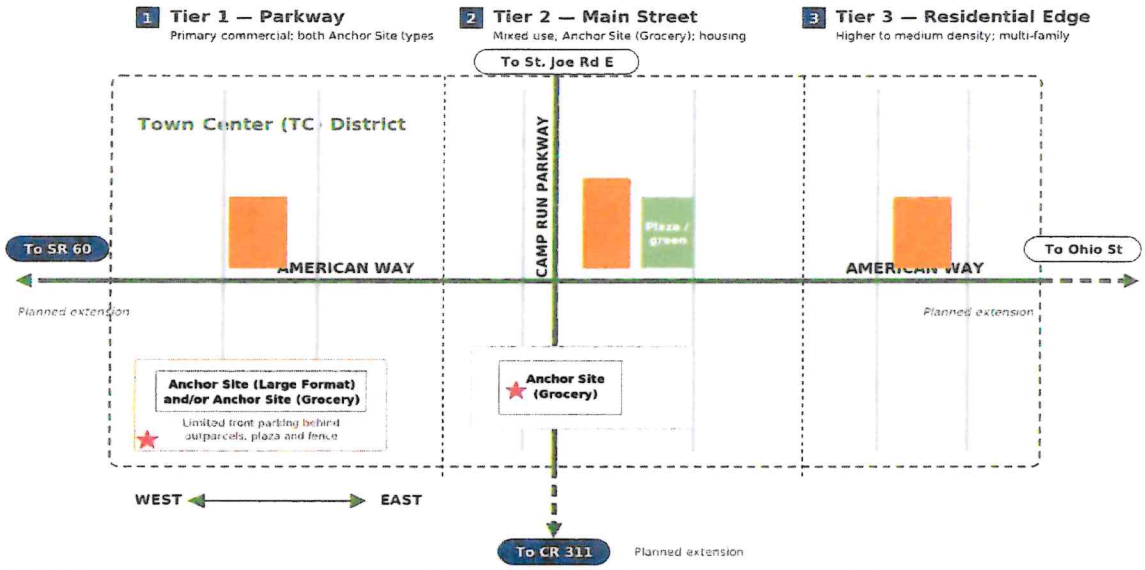
C. On Primary Streets, buildings shall meet storefront main-street frontage standards; on Secondary Streets, a wider range of building types is appropriate, including housing that does not require ground-floor commercial space.

D. Frontage standards apply to lots along a Primary Street's planned alignment once the right-of-way is platted or dedicated, so that development before the street is built follows the main-street form.

E. The Regulating Plan is amended only by the Town Council, following the procedures for a zoning-map amendment.

Figure TC-1. Town Center Regulating Plan

Diagrammatic; not to scale. Street alignments, termini, and right-of-way are fixed by the Comprehensive Plan Thoroughfare Plan.



Legend

- Primary Street
- Primary Street, planned extension
- Secondary Street (block length 400 ft max.)
- Storefront / Mixed-Use frontage
- Anchor Site (Grocery)
- Anchor Site (Large Format)
- Publicly accessible plaza or green

Allowable uses by tier

Use	Tier 1	Tier 2	Tier 3
Anchor Site (Grocery)	●	●	–
Anchor Site (Large Format)	●	–	–
Storefront dwelling unit	●	●	●
Multi-family dwelling (SE)	–	●	●
Storefront / Mixed-Use bldg	●	●	●
Fuel center (accessory)	●	●	–

● = allowable in the tier. Storefront dwellings are allowable in all three tiers; multi-family only in Tiers 2 and 3. A fuel center is permitted only as an accessory component of a grocery anchor or a Large-Format Anchor.

Notes

1. Primary Streets: American Way (SR 60 to Ohio Street) and Camp Run Parkway (St. Joe Road East to CR 311), both Collectors, set by the Comprehensive Plan Thoroughfare Plan.
2. Frontage standards apply along a planned alignment once the right-of-way is platted or dedicated; frontage is built in the 0-10 ft build-to zone (0-15 ft for outparcels on an Anchor Site (Large Format)), with no parking between a building and a Primary Street except the limited front parking on an Anchor Site (Large Format).
3. The Camp Run Parkway and American Way extensions are Collectors built to the same geometric standard - on-street parallel parking and 6 ft sidewalks at the curb - without street medians. Final construction plans and specifications shall meet the Town's standards and the Town Engineer's requirements.
4. Amended only by the Town Council under the zoning-map amendment procedure.

Figure TC-1. Town Center Regulating Plan

Authority: IC 36-7-4-603 (reasonable regard to the comprehensive plan); IC 36-7-4-602 and -608 (zoning map).

AMENDMENT 4: DOWNTOWN PRIMARY STREETS AND REGULATING PLAN

Proposed: Designate the Downtown Primary Streets and adopt a Downtown Regulating Plan (Figure DT-1)

A. The Comprehensive Plan designates the Downtown (DT) Primary Streets as North Indiana Avenue, Utica Street, and New Albany Street, as shown on Figure DT-1, Downtown Regulating Plan. These are the downtown main-street corridors on which storefront, mixed-use development is directed.

B. On a Downtown Primary Street, development shall take the form of a traditional main street: buildings held at the sidewalk, an active commercial, retail, restaurant, or service use on the ground floor, ground-floor transparency and defined entrance spacing, and upper-floor housing or offices where permitted. These frontage standards are carried out through the DT zoning standards.

C. All other Downtown streets are Secondary Streets, on which a wider range of building types is appropriate, including house-form residential building types that do not require ground-floor commercial frontage. New housing shall reflect the scale, form, and character of established nearby residential types.

D. Frontage standards apply to a lot abutting a Downtown Primary Street once the right-of-way is platted or dedicated, including segments not yet improved.

E. The Town shall adopt a Downtown Regulating Plan as part of the Official Zoning Map, consistent with Figure DT-1, Downtown Regulating Plan, which shows its organization diagrammatically. The Downtown Regulating Plan may be amended only by the Town Council, following the procedures for a zoning-map amendment.

Figure DT-1. Downtown Regulating Plan

Diagrammatic; not to scale. Street alignments and right-of-way follow the Comprehensive Plan Thoroughfare Plan.

Downtown (DT) District — Primary Streets: North Indiana Avenue, Utica Street, and New Albany Street.



Legend

- Primary Street (storefront frontage required)
- Primary Street, planned connection
- Secondary Street (house-form residential)
- Storefront / Mixed-Use frontage
- House-form residential, behind the frontage

Primary Streets

Street	Frontage
North Indiana Avenue	Storefront / Mixed-Use
Utica Street	Storefront / Mixed-Use
New Albany Street	Storefront / Mixed-Use

All other Downtown streets are Secondary Streets.

Notes

1. Primary Streets require Storefront / Mixed-Use frontage, ground-floor activation, and enhanced pedestrian amenities.
2. Secondary Streets permit house-form residential building types; ground-floor commercial frontage is not required.
3. New housing shall mirror existing downtown types — matching surrounding single-family and two-family dwellings in roof form, material palette, window proportion, and architectural character.
4. Downtown development emulates the historic character of downtown in building materials, signage, lighting, and setbacks.
5. Frontage standards apply once the right-of-way is platted or dedicated.
6. Amended only by the Town Council under the zoning-map amendment procedure.

Figure DT-1. Downtown Regulating Plan

Authority: IC 36-7-4-503 and -506 (transportation / thoroughfare plan); IC 36-7-4-603 (reasonable regard to the comprehensive plan); IC 36-7-4-602 and -608 (zoning map).

TOWN OF SELLERSBURG, INDIANA — ORDINANCE NO. 2026-OR-019
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO CREATE THE SOLAR ENERGY DISTRICT (SD-S) AND THE DATA CENTER DISTRICT (SD-D), AND FOR RELATED PURPOSES

WHEREAS, The Town of Sellersburg has adopted a Unified Development Ordinance ("UDO") under IC 36-7-4-600 series;

WHEREAS, Utility-scale solar energy facilities, utility-scale battery energy storage systems and data centers have land use, noise, visual, fire safety, infrastructure and end-of-life impacts that are different from other uses in the UDO;

WHEREAS, The UDO now permits commercial solar energy facilities by right in the General Agriculture (AG) District and does not address data centers or utility-scale battery energy storage systems;

WHEREAS, IC 8-1-42-9(c) preserves the Town's planning and zoning powers over commercial solar energy systems, and the Town chooses to adopt standards more restrictive than the voluntary default standards of IC 8-1-42;

WHEREAS, IC 36-7-4-1109.5 limits a local prohibition of certain electric generation projects to one (1) year, and this ordinance is a regulation that provides a path to approval for solar, battery storage and other electric generation projects, not a prohibition;

WHEREAS, The Plan Commission initiated this amendment under IC 36-7-4-602(b), gave notice under IC 36-7-4-604, held a public hearing on November 16th, 2026, and certified a _____ recommendation to the Town Council under IC 36-7-4-605 and 607.5; and

WHEREAS, The Town Council finds this amendment protects the public health, safety and general welfare and is consistent with the purposes of IC 36-7-4-201 and the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Sellersburg, Indiana:

SECTION 1. ZONING DISTRICTS IDENTIFIED (CH. 2, §A.1).

Chapter 2, Section A.1 is amended to add the following districts after the Heavy Industrial District (I2):

a. Solar Energy District — SD-S

b. Data Center District — SD-D

SECTION 2. GENERAL AGRICULTURE DISTRICT (AG) USE LIST (CH. 2, §B).

The Permitted Uses table for the General Agriculture District (AG) is amended by deleting "solar energy facility, commercial" under Commercial Uses. A commercial solar energy facility is allowed only in the SD-S District.

SECTION 3. UNLISTED USES, PUD DISTRICTS AND ELECTRIC GENERATION FACILITIES.

a. Chapter 2, Section A.4.b is amended to add: "A commercial solar energy facility, a utility-scale battery energy storage system, a data center and an electric generation facility shall not be found similar to any listed use. These uses are allowed only where and as this UDO expressly provides."

b. Chapter 2, Planned Unit Development District (PUD), Section b (Uses) is amended to add: "A PUD shall not include a commercial solar energy facility, a utility-scale battery energy storage system or a data center. These uses require a zone map change to the SD-S or SD-D District."

c. Chapter 2, Heavy Industrial District (I2), Special Exception Uses, is amended to add "*electric generation facility" under Industrial Uses. Chapter 4 is amended to add the following Electric Generation Facility Standards. The BZA shall find that every standard is met before it grants the special exception:

   i. Setbacks. Buildings and equipment shall meet the SD-D setbacks in Section 5.c, measured the same way. They may not be waived or varied.

   ii. Height. Forty-five (45) feet, except stacks as IDEM requires, shown on the site plan.

   iii. Noise and Screening. Section 5.d, 5.e and 5.g (SD-D) apply.

   iv. Lighting, Traffic and Safety. Section 5.k, 5.l and 5.m (SD-D) apply.

   v. Permits. The facility shall have all IDEM air permits and any IURC certificate required before the Improvement Location Permit. Fuel tanks shall have secondary containment. A BESS shall meet Section 4, subsections p through t.

   vi. Procedures. Chapter 8, Section D.5, subsections b through f and j through o apply, with the BZA in place of the Plan Commission. The review deposit is the SD-D amount. For an electric generation facility, references in those sections to a data center mean the facility, references to a zone map change or Primary Development Plan mean the special exception, and notice follows the BZA Rules.

SECTION 4. NEW SOLAR ENERGY DISTRICT (SD-S) (CH. 2, §B).

Chapter 2, Section B is amended to add the following district after the Heavy Industrial District (I2):

SOLAR ENERGY DISTRICT (SD-S)

a. Purpose. The SD-S District provides locations for commercial solar energy facilities and utility-scale battery energy storage systems. It protects nearby homes, farmland, drainage, roads and the Town's character. Land may be placed in the SD-S District only by a zone map change approved by the Town Council.

b. Uses.

   i. Permitted uses, after a zone map change and Development Plan approval: commercial solar energy facility; utility-scale battery energy storage system, either with a commercial solar energy facility or by itself.

ii. Accessory uses: inverters, transformers, collection lines, a project substation, operations and maintenance buildings, fencing, access roads, stormwater facilities, monitoring equipment and signs allowed by this section.

iii. Agricultural uses that existed before the zone map change may continue on land not used for the facility. Grazing of sheep or similar livestock within the array is allowed.

iv. All other uses are prohibited.

c. Development Standards. The following apply. Distances are measured in a straight line from the nearest edge of the solar panel, equipment or enclosure to the nearest point named.

SD-S Standard	**Requirement**
Minimum project area	40 contiguous acres (may include several parcels under one project)
Maximum fenced array area	70% of the project area
Maximum height	Panels: 15 ft at full tilt. Buildings and BESS enclosures: 15 ft. Other structures: 25 ft. Utility poles and substation equipment: as the utility requires
Panels and fence: from a nonparticipating dwelling	500 ft (see waiver rule)
Panels and fence: from a protected use property line	500 ft
Panels and fence: from a residential district	300 ft
Panels and fence: from a nonparticipating property line	150 ft
Panels and fence: from a public road right-of-way	100 ft
Inverters, transformers and project substation	300 ft from a nonparticipating property line; 750 ft from a nonparticipating dwelling
BESS enclosures	500 ft from a nonparticipating property line or road right-of-way; 1,000 ft from a nonparticipating dwelling, protected use or residential district
Streams, wetlands and regulated drains	100 ft from the top of bank or the edge of the wetland. Nothing in a Special Flood Hazard Area

d. Setback Waivers. The owner of a nonparticipating property may waive a property-line setback for that property in a written agreement recorded with the Clark County Recorder before the Improvement Location Permit. The dwelling setback for panels may be reduced to not less than 250 feet only with the recorded written consent of the owner of that dwelling. No other setback may be waived or varied.

e. Screening and Landscape Buffer.

i. A landscape buffer at least 100 feet deep is required along every public road and every lot line next to a nonparticipating property that has a dwelling within 1,000 feet of the project, a residential district or a protected use.

ii. The buffer shall have an earthen berm at least four (4) feet high and two (2) staggered rows of evergreen trees. Trees shall be at least eight (8) feet tall at planting and not more than fifteen (15) feet apart in each row. Native shrubs shall fill the gaps.

iii. The buffer shall block at least eighty percent (80%) of the view of the facility, up to eight (8) feet above grade, within three (3) years of planting. Dead or diseased plants shall be replaced within the next planting season. The buffer shall be kept for the life of the facility.

iv. Where the ground floor of a nonparticipating dwelling within 1,000 feet is higher than the facility, the eighty percent (80%) standard in subsection iii shall be met as seen from that dwelling's ground floor. The berm and plantings shall be made taller or deeper as needed to meet it.

f. Fencing. The facility shall be fully enclosed by a fence at least six (6) feet and not more than eight (8) feet high, placed on the inside of the landscape buffer. Gates shall be locked and shall have a key box approved by the fire department.

g. Ground Cover. Perennial vegetation shall be planted and kept under and around all panels and in all buffers for the life of the facility. Native and pollinator-friendly plants shall be used where they will grow. A vegetation management plan, including control of noxious weeds (IC 15-16-7) and limits on herbicide use, shall be approved with the Development Plan. Topsoil shall not be removed from the site.

h. Glare. A glare study by a qualified professional is required. The facility shall cause no glare with potential for a temporary after-image at any dwelling, any public road or any approach path to Clark Regional Airport. Panels shall have an anti-reflective coating. The facility shall comply with the Airport Overlay District (AO) and any FAA notice required under 14 CFR Part 77.

i. Noise. Sound from the facility, including inverters, transformers and battery cooling equipment, shall not exceed forty-five (45) dBA, measured as a one-hour equivalent sound level (Leq), at any nonparticipating property line at any time. Pre-construction and post-construction sound studies are required under Chapter 8, Section D.5.

j. Lighting. Lighting is allowed only at gates, buildings and equipment for security and maintenance. It shall be full cutoff, aimed down, motion-activated and shall not shine across any property line. Chapter 3, Section B.5 also applies.

k. Drainage.

i. A drainage plan meeting the Sellersburg Drainage Ordinance and Technical Standards is required. The Town Engineer may count panel area as impervious when sizing stormwater facilities.

ii. A field tile survey shall be done before construction. Any damage to tile, ditches, regulated drains or other drainage shall be fully repaired within sixty (60) days, or sooner if the Town Engineer requires. Repairs shall not slow the natural flow of water.

l. Cables. Collection cables of 34.5 kV or less shall be underground where feasible, at least forty-eight (48) inches below grade on farmland.

m. Construction. Construction is allowed 7:00 a.m. to 7:00 p.m., Monday through Saturday. Pile driving is allowed only 8:00 a.m. to 6:00 p.m., Monday through Friday. No work on Sundays or federal holidays except emergency repairs. Dust shall be controlled. Haul routes require approval under Chapter 8, Section D.5.

n. Signs. One sign of not more than sixteen (16) square feet is allowed at each entrance. It shall show the owner, the operator and a 24-hour emergency phone number. No other signs or advertising are allowed.

o. Insurance. The owner shall keep general liability insurance of at least five million dollars ($5,000,000) per occurrence for the life of the facility, naming the Town as an additional insured.

UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEM (BESS) STANDARDS (SD-S AND SD-D)

p. State Law. A utility-scale BESS shall comply with IC 22-14-8, NFPA 855 and the Indiana Fire Code. Indiana Department of Homeland Security approval is required before the Improvement Location Permit. If this section and a state fire safety rule conflict on the design or construction of the system, the state rule controls. All other standards of this section still apply.

q. Location. A BESS shall not be placed in a Special Flood Hazard Area or a wellhead protection area.

r. Equipment. Battery systems shall be listed to UL 9540, with UL 9540A test data given to the fire department. The system shall have a battery management system, 24-hour remote monitoring, automatic shutdown, fire detection and suppression, explosion control and spill containment, as the fire department approves.

s. Fire Department. Before the Improvement Location Permit, the fire department shall approve:

   i. a hazard mitigation analysis;

   ii. an emergency response plan, including an air monitoring plan and a plan to notify and, if needed, shelter or evacuate neighbors; and

   iii. the water supply, access roads and at least two (2) access points.

   iv. The owner shall train the fire department before operation starts and every year after (IC 22-14-8-9).

t. Height and Noise. BESS enclosures shall not exceed fifteen (15) feet high. Section i (Noise) applies.

u. Accessory BESS at a Data Center. A BESS that serves only a data center on the same site shall meet Sections p through t and the SD-D setbacks.

SECTION 5. NEW DATA CENTER DISTRICT (SD-D) (CH. 2, §B).

Chapter 2, Section B is amended to add the following district after the Solar Energy District (SD-S):

DATA CENTER DISTRICT (SD-D)

a. Purpose. The SD-D District provides locations for data centers. Data centers use large amounts of power and water and can make constant noise. This district protects homes, Town utilities and roads. Land may be placed in the SD-D District only by a zone map change approved by the Town Council.

b. Uses.

   i. Permitted use, after a zone map change and Development Plan approval: data center.

   ii. Accessory uses: offices and security buildings for the data center; cooling equipment; emergency backup generators; fuel storage for those generators; an applicant-owned substation; an accessory BESS; stormwater facilities; parking; fencing; and signs allowed by this section.

   iii. On-site electric generation other than emergency backup is allowed only as shown on the approved Development Plan, and shall meet every standard of this district. This section does not prohibit a project protected by IC 36-7-4-1109.5.

   iv. All other uses are prohibited.

c. Development Standards. The following apply. Distances are measured from the nearest wall of a building or edge of equipment (including cooling equipment, generators, fuel tanks, substations and BESS) to the nearest point named.

SD-D Standard	**Requirement**
Minimum site area	50 contiguous acres
Maximum impervious surface	50% of the site
Maximum height	45 ft (measured as in Ch. 2, §A.5.e). No structure or rooftop equipment over 55 ft total. Generator stacks as IDEM requires, shown on the plan
From a nonparticipating dwelling	1,000 ft
From a residential district	1,000 ft
From a protected use property line	1,000 ft
From a public road right-of-way	300 ft
From any other property line	200 ft
Parking and drives	100 ft from any property line, except at entrances
Waivers	None. These setbacks may not be waived or varied

d. Equipment Placement. Cooling equipment, generators and other noise sources shall be placed on the side of the site farthest from dwellings and shall be enclosed or screened by sound walls as the noise study requires.

e. Screening and Landscape Buffer.

   i. A landscape buffer at least 150 feet deep is required along every public road and every lot line next to a residential district, a protected use or a nonparticipating property with a dwelling within 1,000 feet.

   ii. The buffer shall have an earthen berm at least six (6) feet high, three (3) staggered rows of evergreen trees at least eight (8) feet tall at planting, and canopy trees. It shall

reach an effective screen of at least twenty (20) feet high at maturity and shall block at least eighty percent (80%) of the view within three (3) years.

iii. Dead or diseased plants shall be replaced within the next planting season.

f. Building Design. No wall seen from a public road or a residential property shall run more than one hundred fifty (150) feet without a change in plane, material or color. Colors shall be muted earth tones. Rooftop equipment shall be screened so it cannot be seen from any property line at ground level.

g. Noise.

i. Sound from the data center, including all cooling equipment and generators, shall not exceed the following, measured as a one-hour equivalent sound level (Leq) at any property line of the site:

(a) fifty (50) dBA from 7:00 a.m. to 10:00 p.m.; and

(b) forty-five (45) dBA from 10:00 p.m. to 7:00 a.m.

ii. Low-frequency sound (dBC) shall not exceed the pre-construction dBC level at the property line by more than five (5) decibels. No prominent pure tone is allowed.

iii. Where the pre-construction sound level already exceeds a limit above, the data center shall not raise it.

iv. At least one permanent sound monitor shall be kept at the property line nearest the closest dwelling. Data shall be given to the Administrator each month.

v. The Administrator may order a sound test at any time after a complaint. The Town picks the consultant. The owner pays.

h. Emergency Backup Generators.

i. Generators may run only during a loss of utility power, during an emergency declared by the electric utility or grid operator, or for testing and maintenance.

ii. Testing and maintenance is allowed only from 10:00 a.m. to 4:00 p.m., Monday through Friday, not on federal holidays, for not more than four (4) hours per generator per month. Tests shall be staggered so the noise limits are met.

iii. Generators shall be in sound-reducing enclosures. Fuel tanks shall have secondary containment.

iv. Generators shall have all permits required by the Indiana Department of Environmental Management. A run log shall be given to the Administrator each year.

i. Electric Power. The application shall include a letter from the electric utility giving the peak demand in megawatts, the expected service date and any new substation or transmission line needed. The data center shall not exceed the approved peak demand without an amended Development Plan. The Town does not regulate utility rates or service, which are under the Indiana Utility Regulatory Commission.

j. Water and Sewer.

i. The application shall include will-serve letters from the water and sewer utilities that would serve the site. The letters shall state the average-day and peak-day amounts and that the utility can serve them without reducing service to existing customers.

ii. Cooling shall use a closed-loop or air-based system. Another system is allowed only if the Town Council accepts it in a written commitment at the zone map change.

iii. Water use shall not exceed the amounts in the will-serve letters. Water from on-site wells requires a study by a licensed geologist or engineer showing no harm to nearby wells, and registration with the Indiana Department of Natural Resources when IC 14-25-7-15 requires it.

iv. No cooling water shall be discharged to a stream or drain without an IDEM permit.

k. Lighting. Lighting shall be full cutoff, not warmer-looking than 3000K, and not more than 0.1 foot-candle at any property line. Lighting not needed for security shall be off from 11:00 p.m. to 6:00 a.m. Chapter 3, Section B.5 also applies.

l. Traffic and Roads. A Traffic Impact Study (Chapter 7, Section C.2) and a construction traffic plan are required. Chapter 8, Section D.5 applies to road use.

m. Security and Safety. A security plan shall be given to the Sellersburg Police Department, and a fire and emergency plan shall be approved by the fire department, before the Improvement Location Permit.

n. Signs and Insurance. Section 4, subsections n and o (SD-S) apply, except the minimum insurance is ten million dollars ($10,000,000) per occurrence.

o. Expansion. Any increase in approved peak demand, any increase of more than ten percent (10%) in building floor area, or any added generators require an amended Development Plan, with notice and a public hearing.

SECTION 6. SD-S AND SD-D PROCEDURES (NEW CH. 8, §D.5).

Chapter 8, Section D is amended to add Section D.5:

5. SD-S AND SD-D PROCEDURES.

a. Two Approvals. A project in the SD-S or SD-D District requires (1) a zone map change and (2) Primary Development Plan approval. The Primary Development Plan may be filed only after the Town Council adopts the zone map change. Meeting the standards of this UDO does not entitle any person to a zone map change.

b. Pre-Application Meeting. The applicant shall meet with the Administrator and the Technical Review Committee before filing.

c. Neighborhood Meeting. Before the Plan Commission hearing, the applicant shall hold a public meeting near the site. Notice shall be mailed at least ten (10) days before to every owner within one-half (1/2) mile (2,640 feet) of the project. A summary shall be given to the Administrator.

d. Application. In addition to Chapter 8, Section D.3 and the PC Rules and Procedures, the application for the zone map change shall include the items below. Items i, v, vi, ix and xiv shall be updated with the Primary Development Plan. This list is the completeness

checklist. The Administrator shall notify the applicant in writing of every missing item within thirty (30) days after filing (IC 36-7-4-1109.4).

i. a concept plan and site plan showing all setbacks and buffers;

ii. the owner, the developer and the intended operator. For a data center, the intended end user, if known;

iii. an NRCS soils map and a farmland impact statement;

iv. a wetland, stream and floodplain map;

v. a pre-construction sound study by a qualified acoustical engineer, with at least seven (7) days of baseline dBA and dBC readings, and modeled sound at every property line and dwelling within 2,640 feet;

vi. for SD-S, a glare study;

vii. visual simulations from at least four (4) public viewpoints chosen by the Administrator;

viii. the utility letters required by the district;

ix. a drainage plan and, for SD-S, a field tile survey plan;

x. a Traffic Impact Study and proposed haul routes;

xi. a property value impact study by an Indiana certified general appraiser chosen by the Town and paid for by the applicant;

xii. a fiscal impact statement showing costs and revenue to the Town;

xiii. for a BESS, a hazard mitigation analysis and draft emergency response plan;

xiv. a decommissioning plan and a cost estimate by an Indiana professional engineer; and

xv. the neighborhood meeting summary.

e. Review Costs. The applicant shall reimburse the Town's actual, direct and reasonable costs of independent review (engineering, acoustics, fire safety, appraisal and legal).

i. Contingency fees and travel costs shall not be charged.

ii. The applicant shall deposit $25,000 for SD-S or $50,000 for SD-D with the application and add to it when it falls below half. Deposits shall be held in a separate fund and used only for these costs.

iii. The Administrator shall give the applicant an itemized accounting of all charges at the end of review, and at any time on request.

iv. Any unused balance shall be refunded within sixty (60) days after final action. This is an exception to Chapter 8, Section G.

v. This subsection shall be applied consistent with IC 36-7-2.3.

f. Notice. Notice for the zone map change and the Primary Development Plan shall follow the PC Rules and Procedures, Article 10, except mailed notice shall go to every owner within one-half (1/2) mile of the project.

g. Zone Map Change Considerations. The Plan Commission and Town Council shall pay reasonable regard to the five (5) factors in IC 36-7-4-603 and Chapter 8, Section D.3. They shall also consider:

   i. whether roads, water, sewer, drainage and emergency services are adequate without cost to the Town or its utility customers;

   ii. the effect on nearby homes, including noise, light, glare and views;

   iii. the loss of prime farmland and natural features;

   iv. the property value impact study and other evidence on property values;

   v. the fiscal impact statement;

   vi. the applicant's record with similar projects; and

   vii. public comment.

h. Commitments. The Plan Commission may recommend, and the Town Council may require, written commitments under IC 36-7-4-1015 and Chapter 8, Section E.1, including the decommissioning agreement and road use agreement.

i. Primary and Secondary Development Plans.

   i. A Primary Development Plan is the detailed site plan for the whole project. The Plan Commission shall hold a public hearing on it. It shall approve the plan only if the plan is consistent with the Comprehensive Plan and meets every standard of this UDO (IC 36-7-4-1405). It may impose conditions reasonably needed to meet those standards.

   ii. A Secondary Development Plan is the final construction plan. The Administrator and the Technical Review Committee review it under Chapter 8, Section D.2 to confirm it matches the approved Primary Development Plan and its conditions (IC 36-7-4-1404(c)).

   iii. For SD-S and SD-D projects, the hearing, notice and expiration rules of this Section D.5 control over Chapter 8, Section D.2.

j. Before the Improvement Location Permit. The following are required:

   i. the recorded decommissioning agreement and the full financial security under subsection n;

   ii. a road use agreement with a bond, approved by the Town Council, with video records of the roads before and after construction;

   iii. all state and federal permits, including IDHS approval for a BESS and IDEM permits for generators;

   iv. the approved emergency response plan and proof of insurance; and

   v. setback waivers, if any, recorded.

k. After Construction. Within ninety (90) days after operation starts, the owner shall give the Administrator a post-construction sound study and, for SD-S, a glare check. Any problem shall be fixed within sixty (60) days.

l. Annual Report. By March 1 each year the owner shall report to the Administrator: contact information; any change of owner or operator; complaints and how they were handled; incidents; and the updated security amount. A data center shall also report peak demand, total energy used, water used (average day and peak day), wastewater, generator hours and sound data.

m. Expiration and Transfer. A Primary Development Plan expires if construction has not started within two (2) years of approval, subject to any extension under IC 36-7-4-1109.1 and any tolling under IC 36-7-4-1109.3. The Plan Commission may then start a zone map change back to the prior district. The owner shall notify the Administrator within thirty (30) days of any transfer. The new owner is bound by all commitments, conditions and security.

n. Decommissioning.

i. Agreement. A decommissioning agreement approved by the Town Attorney shall be recorded against the property.

ii. Financial Security. The owner shall post a surety bond or an irrevocable letter of credit, from an issuer the Town approves, for one hundred twenty-five percent (125%) of the engineer's estimate of the full cost of removal and restoration. No credit is given for salvage value. The full amount is due before the Improvement Location Permit. The estimate shall be updated every five (5) years and the security adjusted.

iii. Abandonment. A facility is abandoned if a solar facility, a BESS or an electric generation facility has made, stored or delivered no electricity, or a data center has not operated, for twelve (12) months in a row. The owner shall give the Administrator sixty (60) days' notice before stopping operation.

iv. Removal. Within twelve (12) months after abandonment or the end of operation, the owner shall remove all equipment, panels, racking, batteries, generators, fuel, cooling equipment, fencing, cables, foundations and roads to at least forty-eight (48) inches below grade, and restore the land. Batteries and hazardous materials shall be recycled or disposed of as the law requires. Land used for farming before the project shall be returned to farming condition. A data center building shall be removed unless, within that time, the land is rezoned to a district that allows its reuse.

v. Town Removal. If the owner does not remove the facility on time, the Town may enter the property, remove the facility, use the security and recover any other costs from the owner, including by a lien as the law allows.

o. Enforcement. A violation is subject to Chapter 8, Section F. Each day is a separate violation.

SECTION 7. DEFINITIONS (CH. 10).

Chapter 10 is amended to add or replace the following definitions in alphabetical order:

a. BATTERY ENERGY STORAGE SYSTEM, UTILITY-SCALE (BESS). A utility scale battery energy storage system as defined in IC 22-14-8-3, which can store and release more than one (1) megawatt of electricity for at least one (1) hour, with its related equipment.

b. COMMERCIAL SOLAR ENERGY FACILITY. A ground-mounted solar energy system, and its related equipment, whose main purpose is to make electricity for sale or for use away from the lot where it is made. The term includes a commercial solar energy system under IC 8-1-42-2 and community solar. It does not include a personal solar energy system.

c. DATA CENTER. A facility, or group of facilities on the same or adjoining parcels under common control, mainly used to house and run computer servers, data storage and network equipment. It includes colocation, cloud, hyperscale, artificial intelligence and cryptocurrency mining facilities. It does not include servers that serve an office or other main use on the same lot, or a facility with an electric service demand under one (1) megawatt in a building otherwise allowed in the district.

d. dBA and dBC. Sound levels in decibels, measured with A-weighting and C-weighting, using a Class 1 or Class 2 sound meter (IEC 61672).

e. ELECTRIC GENERATION FACILITY. Equipment used mainly to generate electricity for sale or for use off the lot, other than a commercial solar energy facility, a wind energy conversion system or emergency backup generators.

f. EQUIVALENT SOUND LEVEL (Leq). The steady sound level that has the same sound energy as the actual, varying sound over the stated period.

g. NONPARTICIPATING PROPERTY. A lot that is not part of the project and whose owner has not signed a lease, easement, neighbor agreement or similar agreement with the project owner. A NONPARTICIPATING DWELLING is a dwelling on a nonparticipating property.

h. PROTECTED USE. A school, child care center, church or place of worship, park, hospital, assisted living facility or nursing home.

i. SOLAR ENERGY SYSTEM, PERSONAL. Replace the definition of SOLAR ENERGY SYSTEM, ACCESSORY with this term and definition, and use this term in Chapter 4, Section B.10: "A solar energy system that is an accessory use to the primary structure or use, whose main purpose is to meet part or all of the electricity needs of the use on the same lot, including when extra electricity is sold back to the utility. A ground-mounted system shall not cover more than three thousand (3,000) square feet. In the I1 and I2 Districts, the 3,000 square foot limit does not apply."

j. SOLAR ENERGY SYSTEM, COMMERCIAL. Delete. See COMMERCIAL SOLAR ENERGY FACILITY.

k. UTILITY FACILITY, PUBLIC AND PRIVATE. Add: "Lines, pipes, poles, substations, pump stations, lift stations, treatment plants and similar buildings and equipment used by a utility to deliver electricity, gas, water, sewer, communication or similar service to the public. The term does not include a commercial solar energy facility, a utility-scale BESS, a data center or an electric generation facility."

SECTION 8. RELATIONSHIP TO STATE LAW.

a. The Town chooses not to adopt the voluntary default standards of IC 8-1-42. The standards in this ordinance are intended to be more restrictive.

b. This ordinance does not regulate a facility that state law exempts from local zoning, including facilities of a public utility under IC 8-1-2 and projects in an energy production zone, to the extent of that exemption.

c. This ordinance does not prohibit a project protected by IC 36-7-4-1109.5. If any part is found to be such a prohibition, that part shall be applied only as a reasonable regulation, or severed.

d. The Town shall not sign a non-disclosure agreement that limits its duties under the Access to Public Records Act (IC 5-14-3) or the Open Door Law (IC 5-14-1.5).

SECTION 9. SEVERABILITY.

If any part of this ordinance is held invalid, the rest remains in effect (UDO Ch. 1, §J).

SECTION 10. PENDING APPLICATIONS AND EFFECTIVE DATE.

This ordinance takes effect upon passage and any required publication. Applications already complete when it takes effect are governed by IC 36-7-4-1109.

PASSED AND ADOPTED by the Town Council of the Town of Sellersburg, Indiana, on _____, 20___.

_____

President, Town Council

_____

Member

_____

Member

_____

Member

_____

Member

ATTEST:

_____

Clerk-Treasurer