

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2024 – OR – 002

AN ORDINANCE CONSIDERING THE RECOMMENDATION FROM THE PLAN COMMISSION TO IMPOSE AN IMMEDIATE, TEMPORARY MORATORIUM ON NEW AND EXPANDING MULTI-FAMILY DWELLING DEVELOPMENTS PENDING COMPLETION OF A ZONING ORDINANCE UPDATE.

WHEREAS, the Plan Commission for the Town of Sellersburg (“Commission”) is the responsible body for initiating amendments to the zoning code for the Town of Sellersburg (“Town”) and

WHEREAS, the Director of Planning and Zoning has recommended said moratorium and

WHEREAS, the Sellersburg Town Council (“Council”) is the legislative body for the Town and has considered the recommendation of the Director of Planning and Zoning to impose a temporary moratorium on new and expanding multi-family dwelling developments (See Exhibit A) and

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

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

WHEREAS, the Council has previously adopted the Sellersburg Unified Development Ordinance (“UDO”) before adopting a zoning ordinance in accordance with Indiana Code subsection 36-7-4-601(a) (Article 7. Planning and Development Chapter 4. Local Planning and Zoning) and

WHEREAS, the Council has previously adopted zoning ordinances regulating multi-family dwellings and developments in any zoning districts and

WHEREAS, multi-family dwelling development related uses is defined as any use of land relating to:

the building, development, expansion, conversion or similar action of a multi-family dwelling, defined under the Sellersburg UDO as “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.” and

WHEREAS, multi-family dwelling developments are being constructed, expanded, or other dwellings are being converted into multi-family dwellings in Town zones that are not designed to handle the influx of multi-family dwellings, and new or expanding multi-family dwelling development related uses throughout certain zones in the Town may not be consistent with the Town’s UDO and/or Comprehensive Plan and may hinder the growth or orderly development of the Town or neighborhood in which such multi-family dwellings and developments are located and

WHEREAS, the Council maintains that the Town of Sellersburg needs the moratorium to consider revisions to the UDO and/or comprehensive plan and if the zones subject to the moratorium are adequately served by the number of multi-family related uses throughout the designated zones and

WHEREAS, the Council is currently engaged in a comprehensive review of zoning standards and regulations pertaining to multi-family dwelling development related uses in conjunction with appropriate land use standards, traffic safety, easy access by pedestrians, transit and bicycle users, and abatement of separately accessed lots within the Town including major thoroughfares, entryways into the Town, and zoning districts within the Town and

WHEREAS, the Council finds that an immediate moratorium is necessary and appropriate within the following zoning districts of the Town: DT, TC, GO and DTN, to preserve the status quo and prevent significant investment and establishment of uses and structures which would be inconsistent with the UDO and/or Comprehensive Plan pending the revisions to multi-family dwelling development ordinances and

WHEREAS, the Council finds that an immediate, temporary moratorium does not deny all reasonable use of a landowner’s property and

WHEREAS, the Council finds that an immediate, temporary moratorium can be characterized as a normal delay incidental to the normal zoning process enacted in support of a proposed zoning plan or zoning change and

WHEREAS, the Council finds and determines that such a moratorium shall not apply to applications for the normal repair, maintenance, and mandated safety improvements of existing buildings and site improvements which are utilized for the purpose of multi-family dwelling development related use that have vested prior to the effective date of this ordinance, permit applications to conduct repair and maintenance of existing multi-family dwelling development related uses, and permit applications to implement mandated safety improvements to comply with Town codes and zoning regulation regarding property maintenance and building codes or as mandated by state or federal regulations and

WHEREAS, the Council authorizes and directs the Sellersburg Plan Commission to review existing codes and zoning regulations, further study the effects resulting from the location of new and expansion of existing multi-family dwelling development related uses within the boundaries of the Town, prepare comprehensive proposed amendments to the Town codes and

zoning regulations to address the effects of such uses, to confer with community members and the appropriate Town commissions and boards, and to present recommended legislation addressing such issues to the Council for consideration and action and

WHEREAS, such a moratorium shall be for the term of twelve (12) months which may at anytime hereafter be (a) modified by the Council in accordance with applicable law (b) extended for a maximum of two additional term(s) of twelve (12) months each upon action by the Council (c) terminated by the Council upon adoption of appropriate zoning and regulatory codes, or (d) terminated by the Council for any reason deemed necessary or appropriate.

NOW THEREFORE BE IT ORDAINED THAT THE RECOMMENDATION BY THE PLAN COMMISSION CONCERNING THE MORATORIUM IS HEREBY [ADOPTED / REJECTED] (CIRCLE ONE)

IF ADOPTED, BE IT FURTHER ORDAINED BY THE SELLERSBURG TOWN COUNCIL AS FOLLOWS:

Section 1. Recitals Adopted as Findings. The “Whereas” recitals above are hereby adopted as the Council's findings of fact as fully set herein.

Section 2. Moratorium Adopted. A moratorium is hereby adopted on the receipt of applications, permits, and expansion of (a) any new multi-family dwelling development related use, within the following zoning districts of the Town: DT, TC, GO and DTN, and (b) the expansion of any existing multi-family dwelling development related use within the following zoning districts of the Town: DT, TC, GO and DTN.

Section 3. Definitions. For purposes of this moratorium, the following uses are considered multi-family dwelling and development related uses and part of the moratorium: the building, development, expansion, conversion or similar action of a multi-family dwelling, defined under the Sellersburg UDO as “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.” and

Section 4. Applications. This moratorium shall apply, without limitation, to comprehensive land use plan amendments, requests for rezoning, subdivisions, variances, conditional use permits, site plan review applications and building permits for the construction or operation of all multi-family dwelling development related uses.

Section 5. Exemption: Vested Rights, Repair, Maintenance, and Mandated Safety Improvements. The moratorium shall not apply to applications for the normal repair, maintenance, and mandated safety improvements of existing buildings and site improvements which are utilized for the purpose of multi-family dwelling development related use that have vested prior to the effective date of this ordinance, permit applications to conduct repair and maintenance of existing multi-family dwelling development related uses, and mandated safety improvements to comply with Town codes and zoning regulation regarding property maintenance and building codes.

Section 6. Effective Period of Moratorium. The moratorium adopted by this ordinance shall become effective immediately upon passage and approval of this ordinance, and shall remain in effect for twelve (12) months, subject to adopting of findings and conclusions. This moratorium shall also terminate upon the adoption of permanent regulations regarding multi-family development related uses. Notwithstanding the above, this moratorium may be extended by the Council for a maximum of twenty-four (24) months, to be extended in two (2) twelve (12) month periods.

Section 7. Directive to Sellersburg Plan Commission. The Council hereby authorizes the Sellersburg Plan Commission to review existing codes and zoning regulations further study the effects resulting from the location of new and expansion of existing multi-family dwelling development related uses within the boundaries of the Town to prepare comprehensive proposed amendments to the Town codes and zoning regulations to address the effects of such uses to confer with community members and the appropriate Town commissions and boards as appropriate and to present recommended legislation addressing such issues to the Council for consideration and action.

Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

This Ordinance shall be in full force and effect from and after its passage by the Sellersburg Town Council.

So Ordained this 8th day of January, 2024.

[Signature page to follow]

“Aye”

“Nay”

Brad Amos

Brad Amos
Council President

Brad Amos
Council President

Scott McVoy

Scott McVoy
Council Vice President

Scott McVoy
Council Vice President

Terry Langford

Terry Langford
Council 1st Vice President

Terry Langford
Council 2nd Vice President

Matthew Czarniecki

Matthew Czarniecki
Council Member

Matthew Czarniecki
Council Member

Randall Mobley

Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 1/8/2024

MOTION: McVoy

SECOND: Czarniecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

APPROVAL

DATE: 1/8/2024

MOTION: Czarniecki

SECOND: McVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

EXHIBIT A



PUBLIC NOTICE

On January 8, 2024 at 6:00 p.m. at the Town Hall located at 501 E Utica Street the Town Council of Sellersburg, Indiana will consider Ordinance 2024-OR-002:

AN ORDINANCE CONSIDERING THE RECOMMENDATION FROM THE PLAN COMMISSION TO IMPOSE AN IMMEDIATE, TEMPORARY MORATORIUM ON NEW AND EXPANDING MULTI-FAMILY DWELLING DEVELOPMENTS PENDING COMPLETION OF A ZONING ORDINANCE UPDATE.

A copy of Ordinance 2024-OR-002 may be inspected at the Town Hall. Please contact the Executive Secretary or Town Manager to obtain a copy.

BEFORE THE SELLERSBURG PLAN COMMISSION OF SELLERSBURG,
INDIANA

**RESOLUTION NO. 2023-12-02
TO ORDINANCE NO. 2023-OR-_____**

**A RESOLUTION CERTIFYING PROPOSED ORDINANCE IMPOSING AN
IMMEDIATE, TEMPORARY MORATORIUM ON NEW AND EXPANDING
MULTI-FAMILY DWELLING DEVELOPMENTS PENDING COMPLETION OF
A ZONING ORDINANCE UPDATE
WITH A FAVORABLE RECOMMENDATION**

WHEREAS, the Plan Commission for the Town of Sellersburg (this “Plan Commission”) has been established by the Town Council in accordance with the provisions of Ind. Code § 36-7-4-202.5(a); and,

WHEREAS, pursuant to Ind. Code § 36-7-4-202.5(b)(1), this Plan Commission is responsible for exercising the planning and zoning functions within the Town; and,

WHEREAS, this Plan Commission, initiated a proposal to enact an immediate and temporary moratorium on new and expanding multi-family developments in certain zoning districts within the Town pending revisions to the Sellersburg Unified Development Ordinance (“UDO”), as shown in the attached Exhibit A (the “Proposed Amendment”); and

WHEREAS, this Plan Commission held a public hearing on the Proposed Ordinance and received public comment during a special meeting held on December 18, 2023; and

WHEREAS, after the public hearing on the Proposed Ordinance, this Plan Commission now adopts this Resolution in order to certify the Proposed Ordinance to the Town Council with a favorable recommendation in accordance with Ind. Code § 36-7-4-605(a)(2).

NOW, THEREFORE, BE IT RESOLVED by this Plan Commission as follows:

1. **Favorable Recommendation.** This Plan Commission hereby certifies and forwards the Proposed Ordinance to the Town Council with a favorable recommendation.
2. **Effective Date.** This Resolution shall be in full force and effect upon its adoption and passage by majority vote of the entire membership of this Plan Commission.

EXHIBIT A
PLAN COMMISSION SIGNED PROPOSED ORDINANCE



So Resolved by majority vote of the entire membership of the Plan Commission taken at a duly noticed and convened public meeting held this 18th day of December, 2023.

**SELLERSBURG
PLAN COMMISSION**

By: Brad J. Amos
Brad Amos, President

Attested by:



BEFORE THE TOWN COUNCIL FOR TOWN OF SELLERSBURG
STATE OF INDIANA

ORDINANCE NO. 2023-OR-_____

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WHEREAS, the Plan Commission for the Town of Sellersburg (“Commission”) is the responsible body for initiating amendments to the zoning code for the Town of Sellersburg (“Town”); and

WHEREAS, the Director of Planning and Zoning has recommended said moratorium; and

WHEREAS, the Sellersburg Town Council (“Council”) is the legislative body for the Town and has considered the recommendation of the Director of Planning and Zoning to impose a temporary moratorium on new and expanding multi-family dwelling developments; and

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

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

WHEREAS, the Council has previously adopted the Sellersburg Unified Development Ordinance (“UDO”) before adopting a zoning ordinance in accordance with Indiana Code subsection 36-7-4-601(a) (Article 7. Planning and Development Chapter 4. Local Planning and Zoning); and

WHEREAS, the Council has previously adopted zoning ordinances regulating multi-family dwellings and developments in any zoning districts; and

WHEREAS, multi-family dwelling development related uses would be defined as any use of land relating to:

the building, development, expansion, conversion or similar action of a multi-family dwelling, defined under the Sellersburg UDO as “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.”; and

WHEREAS, multi-family dwelling developments are being constructed, expanded, or other dwellings are being converted into multi-family dwellings in Town zones that are not designed to handle the influx of multi-family dwellings, and new or expanding multi-family dwelling development related uses throughout certain zones in the Town may not be consistent with the Town’s UDO and/or Comprehensive Plan and may hinder the growth or orderly development of the Town or neighborhood in which such multi-family dwellings and developments are located; and

WHEREAS, the Council maintains that the Town of Sellersburg needs the moratorium to consider revisions to the UDO and/or comprehensive plan and if the zones subject to the moratorium are adequately served by the number of multi-family related uses throughout the designated zones; and

WHEREAS, the Council is currently engaged in a comprehensive review of zoning standards and regulations pertaining to multi-family dwelling development related uses in conjunction with appropriate land use standards, traffic safety, easy access by pedestrians, transit and bicycle users,

and abatement of separately accessed lots within the Town including major thoroughfares, entryways into the Town, and zoning districts within the Town; and

WHEREAS, the Council finds that an immediate moratorium is necessary and appropriate within the following zoning districts of the Town: DT, TC, GO and DTN, to preserve the status quo and prevent significant investment and establishment of uses and structures which would be inconsistent with the UDO and/or Comprehensive Plan pending the revisions to multi-family dwelling development ordinances; and

WHEREAS, the Council finds that an immediate, temporary moratorium does not deny all reasonable use of a landowner's property; and

WHEREAS, the Council finds that an immediate, temporary moratorium can be characterized as a normal delay incidental to the normal zoning process enacted in support of a proposed zoning plan or zoning change; and

WHEREAS, the Council finds and determines that such a moratorium shall not apply to applications for the normal repair, maintenance, and mandated safety improvements of existing buildings and site improvements which are utilized for the purpose of multi-family dwelling development related use that have vested prior to the effective date of this ordinance, permit applications to conduct repair and maintenance of existing multi-family dwelling development related uses, and permit applications to implement mandated safety improvements to comply with Town codes and zoning regulation regarding property maintenance and building codes or as mandated by state or federal regulations; and

WHEREAS, the Council authorizes and directs the Sellersburg Plan Commission to review existing codes and zoning regulations, further study the effects resulting from the location of new and expansion of existing multi-family dwelling development related uses within the boundaries of the Town, prepare comprehensive proposed amendments to the Town codes and zoning regulations to address the effects of such uses, to confer with community members and the appropriate Town commissions and boards, and to present recommended legislation addressing such issues to the Council for consideration and action; and

WHEREAS, such a moratorium shall be for the term of twelve (12) months which may at any time hereafter be (a) modified by the Council in accordance with applicable law; (b) extended for a maximum of two additional term(s) of twelve (12) months each upon action by the Council; (c) terminated by the Council upon adoption of appropriate zoning and regulatory codes, or (d) terminated by the Council for any reason deemed necessary or appropriate, now, therefore:

BE IT ORDAINED BY THE SELLERSBURG TOWN COUNCIL:

Section 1. Recitals Adopted as Findings. The "Whereas" recitals above are hereby adopted as the Council's findings of fact as fully set herein.

Section 2. Moratorium Adopted. A moratorium is hereby adopted on the receipt of applications, permits, and expansion of (a) any new multi-family dwelling development related use, within the following zoning districts of the Town: DT, TC, GO and DTN, and (b) the expansion of any existing multi-family dwelling development related use within the following zoning districts of the Town: DT, TC, GO and DTN.

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the building, development, expansion, conversion or similar action of a multi-family dwelling, defined under the Sellersburg UDO as "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."; and

Section 4. Applications. This moratorium shall apply, without limitation, to comprehensive land use plan amendments, requests for rezoning, subdivisions, variances, conditional use permits, site plan review applications and building permits for the construction or operation of all multi-family dwelling development related uses.

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Section 6. Effective Period of Moratorium. The moratorium adopted by this ordinance shall become effective immediately upon passage and approval of this ordinance, and shall remain in effect for twelve (12) months, subject to adopting of findings and conclusions. This moratorium shall also terminate upon the adoption of permanent regulations regarding multi-family development related uses.

Notwithstanding the above, this moratorium may be extended by the Council for a maximum of twenty-four (24) months, to be extended in two (2) twelve (12) month periods.

Section 7. Directive to Sellersburg Plan Commission. The Council hereby authorizes the Sellersburg Plan Commission to review existing codes and zoning regulations; further study the effects resulting from the location of new and expansion of existing multi-family dwelling development related uses within the boundaries of the Town; to prepare comprehensive proposed amendments to the Town codes and zoning regulations to address the effects of such uses; to confer with community members and the appropriate Town commissions and boards as appropriate; and to present recommended legislation addressing such issues to the Council for consideration and action.

Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

This Ordinance shall be in full force and effect from and after its passage by the Sellersburg Town Council.

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VOTED FOR:

VOTED AGAINST:

Passed and adopted by the Sellersburg Town Council, Clark County, Indiana on this _____ day of December, 2023.

 Matthew Czardnecki, Sellersburg Town Council
 President