

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 030

**AN ORDINANCE ACCEPTING, REJECTING, OR AMENDING THE PROPOSED
AMENDMENT TO THE 2020 UNIFIED DEVELOPMENT ORDINANCE AS CERTIFIED
BY THE PLAN COMMISSION FOR SELLERSBURG, INDIANA.**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, on or about the 20th day of September, 2021, the Plan Commission for Sellersburg, Indiana (“Commission”), after conducting a public hearing in which the public was invited and heard, adopted *Resolution 2021-08-01 A Resolution Amending The Sellersburg Unified Development Ordinance (the “UDO”) For Sellersburg, Indiana*, which amended certain development standards and zoning administration procedures (See Attached Exhibit A); and,

WHEREAS, this Council has reviewed said proposed amendment to the UDO and has paid reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

WHEREAS, this Council now desires to consider the recommendation and certification of the amendments to the UDO.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that the aforementioned resolution incorporated herein and attached hereto, is Accepted, ~~Rejected~~, or *Amended* as set forth in the meeting minutes (*Circle One*).

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and

serving members of this Council and furthermore the Commission is hereby charged with adhering to Ind. Code § 36-4-7-610 and all other relevant state laws after the adoption of this ordinance.

So Ordained this 11th day of October, 2021

“Aye”

“Nay”

Brad Amos

Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki

Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford

Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy

Scott McVoy
Council Member

Scott McVoy
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: 10/11/2021

MOTION: Langford

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 10/11/2021

MOTION: Mobley

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

TO THE SELLERSBURG PLAN COMMISSION
OF SELLESBURG, INDIANA

RESOLUTION NO. 2021-08-01
Amendment No. 01
TO ORDINANCE NO. 2021-OR-002

**AN RESOLUTION AMENDING THE SELLERSBURG UNIFIED DEVELOPMENT ORDINANCE
FOR SELLERSBURG, INDIANA**

WHEREAS, the Sellersburg Town Council of Sellersburg, Indiana, adopted the Sellersburg Unified Development Ordinance as Ordinance No. 2021-OR-002; and

WHEREAS, since the adoption of said Ordinance, the Planning Director has made a recommendation that the Unified Development Ordinance be modified and believes such recommendation should be followed:

The following is a summary of the proposed Amendments to Ordinance No. 2021-OR-002:

1. Chapter 3: Site Development Standards: Permanent Signs: DT and TC Districts: Window Signs:
 - a. Within the Additional Standards chart, an exception to allow for one lit internal window sign for the express purpose of indicating the business is "Open", not to exceed ten (10) square feet.
2. Chapter 3: Site Development Standards: Bufferyard and Bufferyard Planting Standards: (c) Location of the Bufferyard:
 - a. The addition of the following language:
 - iii. Bufferyards shall be required between residential and commercial uses within the DT, TC, and GO districts. The bufferyard used shall be based on Bufferyard C, as depicted in Table 2: Bufferyard Planting Requirements.
3. Chapter 3: Site Development Standards: Section 1 Accessory Structures: (c) Fences:
 - a. The deletion of the current language and replacement with the following language:
 - iii. Fences are not allowed in platted easements. If a fence is installed within a platted easement, it is at the property owner's own risk and may be damaged and/or removed at the property owner's cost.
4. Chapter 3: Site Development Standards: Section 1. Accessory Structures: (d) Swimming Pools:
 - a. The addition of the following language:

There shall also be a ten (10) foot setback from any swimming pool to the primary structure unless attached to or part of the primary structure.
5. Chapter 8: Zoning Administration and Procedures: Section 4. Special Exception, Variance from Development Standards, and Variance of Use Procedures: (d) Expiration:
 - a. The deletion of the current language and replacement with the following language:

- i. If construction or structures or occupancy of existing structures relevant to the approved special exception or variance has not commenced within one (1) year of approval by the BZA, the approval shall be void; or
6. Chapter 3: Site Development Standards: Section 8: Sidewalk and Pedestrian Amenity Standards: (a) General:
 - a. The addition of the following language:
 - i. Any approvals and/or amendments to the requirements listed in this section due to extenuating external circumstances shall be obtained through the Technical Review Committee (TRC) as a recommendation to the Plan Commission for final approval and shall comply with the Town's minimum design standards for each respective district.
7. Chapter 3: Site Development Standards: Section 3: Bufferyard and Bufferyard Planting Standards: (e) Substitutions and Modifications:
 - a. The addition of the following language:
 - v. Any substitutions or modifications from the requirements listed in this section as a whole may be made by the TRC as a recommendation to the Plan Commission for final approval of development plans.
8. Chapter 3: Site Development Standards: Section 10: Storage Standards: (b) RV Storage:
 - a. Under iii. Rear Yard RV Storage:
 - i. Delete the current language for (e)
 - ii. Replace the current language for (c) with the following language:

Must be located on a solid surface, such as asphalt or concrete.
9. Chapter 3: Site Development Standards: Section 9: c. Permanent Signs: B1, B2, B3, and GO districts:
 - a. Add the following language to "Awning Signs (Permanent)" and "Wall Signs (Permanent)":

Size:

For multi-tenant, one story structures (only), maximum allowable sign square footage may not exceed one-half (1.5 or ½) of the length of the individual tenant storefront. This square footage does not count towards the maximum cumulative area.
10. Chapter 3: Site Development Standards: Section 9: c. Permanent Signs: DT and TC districts:
 - a. Add the following language to "Awning Signs (Permanent)" and "Wall Signs (Permanent)":

Size:

For multi-tenant, one story structures (only), maximum allowable sign square footage may not exceed one-half (1.5 or ½) of the length of the individual tenant storefront. This square footage does not count towards maximum cumulative area.

11. Chapter 3: Site Development Standards: Section 2: Architectural Standards: e. Building Materials:

a. The addition of the following language:

- j. (d) Any approvals and/or amendments to the requirements listed in this section shall be obtained through the Technical Review Committee (TRC) as a recommendation to the Plan Commission for final approval and shall comply with the Town's minimum design standards for each respective district.

RECOMMENDATION OF ORDINANCE AMENDMENT. This Resolution shall be sent to the Town Council with a favorable recommendation by the Plan Commission

RECOMMENDED this 20th day of September, 2021.

Brad X. Amos
Brad Amos, President

ATTEST: [Signature]

