

ORDINANCE NO. 2011-001

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF SELLERSBURG,
INDIANA

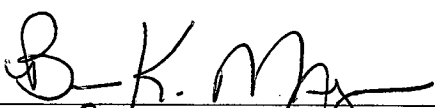
WHEREAS, an application was properly filed with the Sellersburg Plan Commission by J.J. Craig Co., LLC for the rezoning from B-1 to B-3 of certain real estate located at 7815 Hwy 311., Sellersburg, Indiana, Clark County, Town of Sellersburg, which said legal description is more specifically described as follows:

A part of Survey No. 108 of the Illinois Grant, beginning at an iron pin in the center of U.S. 31-W, said point being North 28 degrees 49 minutes East, 429.2 feet from the point where the center line of S.R. 60 intersects the center line of U.S. 31-W; thence North 57 degrees 41 minutes, West, 361.1 feet to an iron pin; thence North 86 degrees 21 minutes East, 101.6 feet to an iron pin; thence South 85 degrees 14 minutes East, 288.0 feet to an iron pin in the center line of U.S. 31-W; thence South 23 degrees 14 minutes West with said center line 120.8 feet to an iron pin; thence South 28 degrees 49 minutes West 73.7 feet to the point of beginning, containing 0.859 acre, more or less, subject to legal roadway.

Recorded as Instrument No. 200705713

WHEREAS, the time and place of the meeting for the Plan Commissions were properly noticed and advertised for a meeting to take place on the application December 20, 2010 at the Town Hall of the Town of Sellersburg, Indiana; and

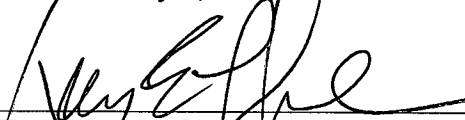
PASSED AND ADOPTED by the Town of Sellersburg, Indiana on the 10th day of January, 2011.




Brian K. Meyer, Council President



Paul J. Rhodes, Council, Vice-President




Terry E. Langford, Council Member



James H. LaMaster, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2011- 002

AN ORDINANCE REQUIRING RENTERS OF THE TOWN OF SELLERSBURG/NOLAN FIELDHOUSE TO EXECUTE A FACILITIES USAGE AGREEMENT PRIOR TO UTILIZING THE TOWN OF SELLERSBURG/NOLAN FIELDHOUSE

WHEREAS, the Sellersburg Town Council has been advised and recommended by the Town's liability insurance provider a Facilities Usage Agreement be required for any member of the public who reserves or rents the Sellersburg/Nolan Fieldhouse for any functions; and

WHEREAS, the Sellersburg Town Council believes the requirement of a Facility Usage Agreement is necessary to protect the municipality from liability for acts of negligence; and

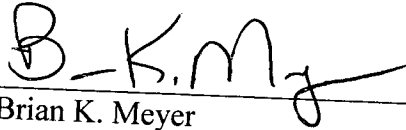
WHEREAS, the Sellersburg Town Council has determined the herein Ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

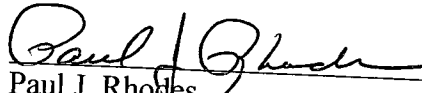
BE IT NOW THEREFORE ORDAINED by the Sellersburg Town Council that any member of the public who wishes to reserve or rent the Sellersburg/Nolan Fieldhouse for any function shall be required to execute and provide a Facilities Usage Agreement, on a form that is to be prepared and provided by the Town of Sellersburg prior to any use by a member of the public for any event which the Sellersburg/Nolan Fieldhouse is rented or reserved by said

member of the public.

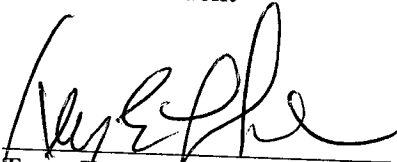
So Ordained this 10th day of JANUARY, 2011.



Brian K. Meyer
Council President



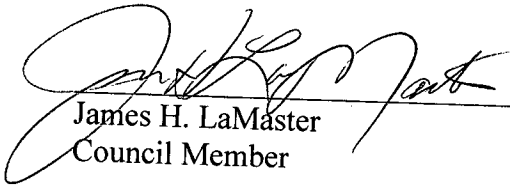
Paul J. Rhodes
Council Vice President



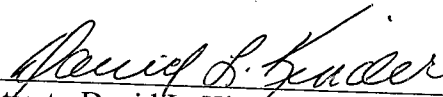
Terry E. Langford
Council Member



Michael N. Lockhart
Council Member



James H. LaMaster
Council Member



Attest: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2011-003

ORDINANCE REGULATING LIVE ADULT ENTERTAINMENT BUSINESSES WITHIN
THE MUNICIPAL LIMITS OF THE TOWN OF SELLERSBURG

WHEREAS, the Sellersburg Town Council is aware of the policy of the State of Indiana is to grant to Towns and all units of local government, the power needed for the effective operation of government as to local affairs which is set forth in I.C. 36-1-3-2; and

WHEREAS, the law of the State of Indiana provides that Towns have all power to granted by statute, all other powers necessary or desirable in the conduct of its affairs even if not granted by statute under home rule; and

WHEREAS, the Town of Sellersburg has the power to protect the public health, lives, and property of its residents; and

WHEREAS, in order to protect the public health, lives and property of its residents the Sellersburg Town Council has the authority to impose licensing fees which are reasonably related to the administrative cost of the issuance of the license, inspecting and regulating the operation of live adult entertainment businesses; and

WHEREAS, the Sellersburg Town Council has determined that the herein Ordinance is necessary for the efficient and affective of Town government as is it in the best interest of all of the Town's residents; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

BE IT NOW THEREFORE ORDAINED, as follows:

Wherefore, in order to regulate the operation of those businesses described herein, it is necessary to assess licensing fees upon both the businesses and the entertainers.

I. Definitions

- A. Application of Definitions: The definitions in this ordinance shall apply throughout the ordinance.
- B. Owner: "Owner" means any person who owns or has legal right to possession of a building, store front or structure within which any of those defined businesses are being operated.
- C. Operator: "Operator" means an individual, corporation, partnership, manager or other person who conducts the day-today operation of a business as defined herein.
- D. Performance: "Performance" means any play, dance or other live exhibition or presentation, performed before an audience of one (1) or more persons.
- E. Nudity: "Nudity" means:
- (1) the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering;
 - (2) the showing of the female breast with less than a fully opaque covering of any part of the nipple; or
 - (3) the depiction of covered male genitals in a discernible turgid state.
- F. Live Adult Entertainment: "Live Adult Entertainment" means:
- (1) any live performance which the average person, applying contemporary community standards, finds that the dominant theme of the performance, taken as a whole, appeals to the basic interest in sex.
 - (2) any live performance wherein the matter of the performance depicts or describes, in a patently offensive way, sexual conduct.
 - (3) any live performance, taken as a whole, lacks serious literary, artistic, political, or scientific value.
 - (4) any live performance wherein the participant appears in a state of "nudity"
 - (5) any business wherein its employees, sub-contractors, independent contractors, or any individual who performs any service upon the premises who receives a salary, wages, tips, gratuities or other remuneration either from the patrons of the business or from the owner, operator, his assigns, partners, employees or other

agent, wherein said employee, sub-contractor, or individual performs said service in a state of "nudity".

- G. Business: Business means any business within the Municipal limits of the Town of Sellersburg wherein those activities as defined in section "F" above are conducted for profit.
- H. Adult Entertainer: "Adult Entertainer" is any individual who engages in conduct as defined in section "F" above who receives a salary, wages, tips, gratuities or other remuneration either from patrons of a business or from the owner, operator his assigns, partners, employees or agents for services or performances as defined in section "F".
- I. Person: "Person" means individual, firm, corporation, association, fiduciary, partnership or any other business entity.
- II. Licensing:
- A. Owner's Licensing: Any person who owns a building or structure which is to be utilized as a place for live adult entertainment shall apply in writing to the office of the Sellersburg Plan Commission, upon a form to be furnished by the Sellersburg Plan Commission. That the form shall require the following information as well as any and all other information deemed appropriate by the "Adult Entertainment Commission". (hereinafter AEC)
- (1) The name, address, telephone number, social security number and date of birth of the owner. If the owner is a corporation, partnership or other business entity the applicant must provide the above information for all of those principals in said business entity.
 - (2) If the owner is a corporation the applicant must provide a copy of the corporation's articles of incorporation. Moreover, the applicant must provide proof that the corporation has no outstanding corporate taxes, both Federal and State.
 - (3) The applicant must provide proof that all property taxes upon the structure or building are current and provide certified acknowledgement that no liens have been placed against said building or structure for municipal services such as sewage, water and/or other services provided.
 - (4) The names, addresses and telephone numbers of any and all other live adult entertainment businesses which the owner is a partner, employee, stockholder, sole proprietor or has any affiliation or association as either an owner or operator.
 - (5) The applicant must provide written statements from not less than three (3) bona fide residents of the County of Clark setting forth that the applicant is of good moral character.

B. Owner's Licensing Fee: That the completed application shall be accompanied by a certified check made payable to the Town of Sellersburg in the amount of Five Thousand Dollars (\$5,000). The check shall be placed in escrow pending determination of the applicant's fitness for licensure.

(1) If it is determined by the AEC that the Owner is suitable for licensure, the full amount of Five Thousand Dollars (\$5,000) shall be transferred to the Town's general fund;

(2) If the AEC denies the owner's application the Town of Sellersburg shall return Four Thousand Dollars (\$4,000) of the fee to the owner. The remaining One Thousand Dollars (\$1,000) shall be transferred to the Town's general fund for the purpose of off-setting administrative and regulatory costs;

(3) The Owner's license shall be displayed at all times in a public place visible. The failure to display this license in a public place shall result in a Two Thousand Five Hundred Dollar (\$2,500) fine.

C. Operator's License: Any person who shall serve as the operator of a place for live adult entertainment shall apply in writing to the office of the Sellersburg Plan Commission, upon a form to be furnished by the Sellersburg Plan Commission. The form shall require the following information as well as any and all other information deemed appropriate by the AEC:

(1) The name, address, telephone number, social security number and date of birth of the operator.

(2) The operator's previous address for the ten (10) years prior to the filing of the application.

(3) A full criminal history of the applicant including, but not limited to misdemeanor and juvenile offenses.

(4) The operator's previous employer's for the ten (10) years prior to the filing of the application.

(5) The applicant must also execute a waiver and release permitting the AEC and its investigator to secure information from the applicant's previous employer's

(6) The applicant's mental health history for the ten (10) years prior to the filing of the application.

(7) The names, address and telephone numbers of any and all other live adult entertainment businesses which the operator is a partner, employee, stock-holder, sole proprietor or has any affiliation or association as either an owner or operator.

(8) The applicant must also execute a waiver and release permitting the AEC and its investigator to secure information from the applicant's previous employers, the Indiana State Welfare Department, the Kentucky State Welfare Department and the United States Justice Department. Moreover, the applicant shall appear at the Sellersburg Police Department for finger printing.

(9) The applicant must also present three (3) forms of photographic identification. If it is determined by the AEC that these forms of identification are insufficient the applicant request shall be denied.

(10) The applicant must provide written statements from not less than three (3) bona fide residents of the County of Clark setting forth that the applicant is of good moral character.

D. Operator's Licensing Fee: That the completed application shall be accompanied by a certified check made payable to the Town of Sellersburg in the amount of Five Thousand Dollars (\$5,000). The check shall be placed in escrow pending determination of the applicant's fitness for licensure.

(1) If it is determined by the AEC that the Operator is suitable for licensure, the full amount of Five Thousand Dollars (\$5,000) shall be transferred to the Town's general fund;

(2) If the AEC denies the Operators' application the Town of Sellersburg shall return Four Thousand Dollars (\$4,000) of the fee to the Operator. The remaining One Thousand Dollars (\$1,000) shall be transferred to the Town's general fund for the purpose of offsetting administrative and regulatory costs.

E. Licensed Operator on Premises and License Visible upon Premises:

No adult entertainment business shall be in operation at any time unless a licensed operator is present and located upon the premises. Further, an operator must at all times possess his license and said license shall be visible to the public eye.

(1) Penalties: If an adult entertainment business is found to be operating without a licensed operator upon the premises the business shall be fined Two Thousand Five Hundred Dollars (\$2,500) for each offense. Moreover, if the operator fails to display his license upon his person wherein it is visible to the public eye he shall be fined Two Thousand Five Hundred Dollars (\$2,500).

(2) Automatic Suspension of License: If an adult entertainment business is found to be in operation without a licensed operator upon the premises, the Sellersburg Police Department shall immediately pad-lock the doors of said establishment pending the resolution of said violation. Moreover, the owner's license shall be immediately revoked and suspended as well as the license of all those operator's who have been granted

license to operate upon said premises. The same shall be enforced if the operator does not possess his license or same is not upon his person and visible to the public eye.

(3) Operator's Employment Limitation: No one shall be granted a license to operate an adult entertainment business in the Town of Sellersburg if that individual is employed in any capacity by any other adult entertainment business. This prohibition includes employment at an adult entertainment business in any City, County or State within the United States of America, Canada or South America.

(i) If an operator receives a license from the Town of Sellersburg and it is later determined that the operator is employed by any other adult entertainment business said operator's license shall be immediately revoked and said operator shall be fined Two Thousand Five Hundred Dollars (\$2,500).

(ii) Moreover, the owner of the adult entertainment business wherein the operator was employed shall immediately have his Owner's license suspended for a period of not less than ninety day's (90) nor more than one hundred eighty days (180) and shall be fined Two Thousand Five Hundred Dollars (\$2,500)

(iii) That the owner shall have the burden of notifying the AEC, its agent and/or designee when an operator is not longer employed by the Owner. The Owner shall be prohibited from asserting the Defense of "lack of knowledge" of the operator's additional employment.

(iv) Burden upon Owner: The owner shall have the burden of knowing the employment history of its operators. The Owner shall be presumed to have knowledge of whether or not an operator is employed by another adult entertainment business while serving as a licensed operator on behalf of the owner.

F. Entertainer License: Any person who shall serve as an entertainer at a place for live adult entertainment shall apply in writing to the office of the Sellersburg Plan Commission, upon a form to be furnished by the Sellersburg Plan Commission. The form shall require the following information as well as any and all other information deemed appropriate by the AEC:

(1) The name, address, telephone number, social security number and date of birth of the entertainer.

(2) The entertainer's previous address for the ten (10) years prior to the filing of the application.

(3) A full criminal history of the applicant including, but not limited to misdemeanor and juvenile offenses.

(4) The entertainer's previous employers for the ten (10) years prior to the filing of the application.

(5) The applicant must also execute a waiver and release permitting the AEC and its investigator to secure information from the applicant's previous employers, the Indiana State Welfare Department, the Kentucky State Welfare Department and the United States Justice Department. Moreover, the applicant must appear at the Sellersburg Police Department for finger printing.

(6) The applicant's mental health history for the ten (10) years prior to the filing of the application.

(7) The names, address and telephone numbers of any and all other live adult entertainment businesses which the applicant is a partner, employee, entertainer, stockholder, sole proprietor or has any affiliation or association as either an owner or operator.

(8) The applicant must also present three (3) forms of photographic identification. If it is determined by the AEC that these forms of identification are insufficient the applicant's request shall be denied.

(9) The applicant must provide written statements, from not less than three (3) bona fide residents of the County of Clark, setting forth that the applicant is of good moral character.

(10) A certificate from a medical doctor designating that the applicant has, within the 30 days immediately prior thereto, been examined and found to be free of any contagious or communicable disease. Including but not limited to venereal disease, H.I.V., Hepatitis or other such diseases.

G. Entertainer Licensing Fee: that the completed application shall be accompanied by a certified check made payable to the Town of Sellersburg in the amount of Five Thousand Dollars (\$5,000). The check shall be placed in escrow pending determination of the applicant's fitness for licensure.

(1) If it is determined by the AEC that the entertainer is suitable for licensure, the full amount of Five Thousand Dollars (\$5,000) shall be transferred to the Town's general fund;

(2) If the AEC denies the entertainer's application the Town shall return Three Thousand Dollars (\$3,000) of the fee to the owner. The remaining Two Thousand Dollars (\$2,000) shall be transferred to the Town's general fund for the purpose of off-setting administrative and regulatory costs;

H. Entertainer Licensing Mandatory: No person shall be permitted to perform at an adult entertainment business at any time unless that person has a valid license issued by the AEC and the Town of Sellersburg. Further, said entertainer must possess said license upon their person at all times. Said license must be affixed upon said person in such a manner and fashion that it is visible to the public eye.

(1) Penalty: If an entertainer performs at an adult entertainment business without a license the business shall be fined Two Thousand Five Hundred Dollars (\$2,500) for each offense. Moreover, if an entertainer fails to possess their license upon their person in a manner and fashion wherein it is visible to the public eye, they shall be fined Two Thousand Five Hundred Dollars (\$2,500).

(2) Automatic Suspension of License: If an entertainer performs at an adult entertainment business without a license, the Sellersburg Police Department shall immediately pad-lock the doors of said establishment pending the resolution of said violation. Moreover, the owner's license shall be immediately revoked and suspended as well as the license of all of those operator's who have been granted license to operate upon said premises.

I. Entertainer's Employment Limitation: No one shall be granted a license to entertain at an adult entertainment business in the Town of Sellersburg if that individual is employed in any capacity by any other adult entertainment business. This prohibition includes employment at an adult entertainment business in any City, County or State within the United States of America, Canada or South America.

(1) If an entertainer receives a license from the Town of Sellersburg and it is later determined that the entertainer is employed by any other adult entertainment business said entertainer's license shall be immediately revoked and said operator shall be fined Two Thousand Five Hundred Dollars (\$2,500).

(2) Moreover, the Owner of the adult entertainment business wherein the entertainer was employed shall immediately have his owner's license suspended for a period of not less than ninety days (90) or more than one hundred eighty days (180) and shall be fined Two Thousand Five Hundred Dollars (\$2,500).

(3) That the Owner shall have the burden of notifying the AEC, its agent and/or designee when an entertainer is no longer employed by the owner.

(4) Burden upon Owner: The Owner shall have the burden of knowing the employment history of its entertainers. The Owner shall be presumed to have knowledge of whether or not an entertainer is employed by another adult entertainment business while serving as a licensed entertainer on behalf of the Owner.

J. Dual Licensure: No person shall be permitted to hold more than one (1) license pursuant to this ordinance. If a person possesses more than one (1) valid license pursuant to this statute, that person shall be fined Two Thousand Five Hundred Dollars (\$2,500) and that person's license shall be revoked.

K. Exclusivity: A person who is issued a license pursuant to this ordinance shall be prohibited from engaging in any other conduct other than that for which they have received a license.

- (1) No licensed owner shall be permitted to serve as an operator or an entertainer.
- (2) No licensed operator shall be permitted to serve as an entertainer or owner.
- (3) No entertainer shall be permitted to serve as an operator or owner.
- (4) **Penalty:** If a licensee is found to violate this provision of the ordinance the licensee shall be fined Two Thousand Five Hundred Dollars (\$2,500).

L. License Expiration Date: All licenses issued under the ordinance shall expire one (1) year from the date upon which they are issued.

(1) Renewal: If the licensee desires renewal of their license, they shall be obligated to submit their request for renewal not less than ninety (90) days prior to the date of expiration. If the licensee fails to submit their request for renewal timely, the licensee shall be prohibited from submitting an application for licensure for a period of one (1) year. This prohibition shall include submitting a request for licensure under any provision of this ordinance.

(2) Renewal Fees: The fees for renewal of licensure shall be eighty percent (80%) of those amounts required upon the initial application for licensure. The distribution upon denial of renewal shall be adjusted pro rata as set forth in the initial application. If renewal is granted, the full amount of the fee shall be distributed to the Town of Sellersburg's General Fund for the purpose of paying the cost of administration of the AEC and its enforcement of this ordinance.

III. Sellersburg Adult Entertainment Commission:

A. Purpose of Commission: The Town of Sellersburg shall form the AEC which shall be obligated to conduct hearings, investigations and any and all other activities which the AEC deems necessary to implement the legislative intent of this ordinance.

B. Members, Appointments Terms of Service: The AEC shall consist of seven (7) members which shall be appointed by the Sellersburg Town Council. The members shall serve at the will of the appointing bodies.

(1) Appointments: Each member shall be a resident of the Town of Sellersburg. At least one (1) shall be a member of the Clergy or a Minister. At least two (2) shall be a member of the Democrat party. At least two (2) shall be a member of the Republican Party. One (1) appointment shall be a member of the Southern Indiana Chamber of Commerce. Two (2) of the appointments shall be a female. Each shall serve for a period of one (1) year from the date of their appointment or until the Sellersburg Town Council determine otherwise.

(2) Compensation: Each member of the AEC shall be paid Fifty Dollars (\$50) for each meeting or hearing which they are required to attend. These payments shall be made from those monies paid by the applicants in the form of application fees. The members of the AEC shall not be entitled to payment if no application funds are available.

C. Powers of the Commission: The Commission shall have all of those powers specifically enumerated by this ordinance as well as any additional powers which it determines necessary to comply with the ordinance. These powers include, but are not limited to:

(1) Subpoena: The power to issue subpoenas requesting documents or requiring the presence of witnesses to appear before the Commission.

(2) Legal Counsel: The Commission has the authority to hire legal counsel to assist in conducting its investigations or hearings upon those applications submitted. However, the funds to pay for legal counsel shall be paid solely and exclusively from those application fees. If there are no fees available, the Commission shall be prohibited from hiring counsel.

(3) Conduct of Hearings: The Commission shall be permitted to conduct public hearings upon each application. They shall be permitted to question witnesses as well as question the applicant and cross-examine the applicant's witnesses. Moreover, the Commission is permitted to present witnesses on its own behalf. Further, upon the close of presentation of witnesses by the applicant and the Commission, members of the public shall be permitted to testify. Upon the conclusion of such hearings the Commission shall issue its findings of facts and decision within thirty (30) days. The decision and findings shall be delivered by certified mail to the applicant's address as provided upon said application. The Commission shall also provide its decision and findings to the Sellersburg Town Council.

(4) Additional Powers: The Commission shall be granted any and all other powers which the Sellersburg Town Council shall deem appropriate and as adopted as amendments to this ordinance.

IV. Eligibility for Licensure

A. Adult Entertainment Commission Determination The AEC shall determine whether an applicant is eligible for licensure after conducting a public hearing upon the application.

(1) Time, Place and Manner of Hearing: The AEC shall conduct the hearing upon an application not later than sixty (60) days after the completed application has been submitted to the Sellersburg Town Council. The Hearing shall be held at 316 East Utica Street, Sellersburg, Indiana at a time established by the AEC. The AEC shall provide public notice of said hearing as prescribed by the Indiana Open Door Law. The hearing shall be conducted pursuant to those administrative procedures as set forth in that ordinance enabling and creating the AEC.

(2) Eligibility Requirements: The AEC shall submit those additional criteria upon which they shall evaluate and determine the eligibility of each applicant. However, NO APPLICANT SHALL BE GRANTED LICENSURE IF:

i) The applicant has been convicted of a felony or has been convicted of any crime of moral turpitude;

ii) Following the investigation of the AEC it is determined that the applicant provided false or misleading information in the application, omitted information or failed or refused to comply with the reasonable requests of the AEC investigator;

iii) After a hearing is conducted by the AEC it is determined that the applicant is not of good moral character;

iv) The AEC determines that the applicant has failed to pay its Indiana Gross Income Taxes, Indiana Real Estate Taxes or has any outstanding debts to the Town of Sellersburg's Sewer Department or any other governmental entity other than the United States Internal Revenue Service;

v) For any and all other circumstances as set forth by the AEC.

V. Appeal of Decision of AEC

A. Adverse Decision: If the AEC denies an applicant's request for licensure, the applicant is permitted to appeal the AEC's determination to the Sellersburg Town Council. The aggrieved party or their representative shall provide notice of their intent to appeal to each member of the AEC and each member of the Sellersburg Town Council. Notice of intent to appeal shall be served upon the above parties not less than ten (10) days after the AEC's decision has been published.

(1) Content of Notice: The applicant's notice must set forth all of those facts and law upon which the applicant bases their appeal.

(2) Hearing upon Appeal: The Sellersburg Town Council shall set the matter for public hearing not more than sixty (60) days from the date upon which notice of appeal was served.

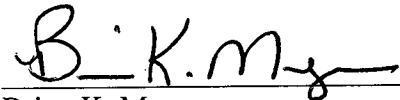
(3) Conduct of Hearing: The Sellersburg Town Council shall review the findings of the AEC as well as the contentions of the applicant. The Sellersburg Town Council shall hear oral argument upon the issues from the applicant and the AEC.

(4) Standard of Review: The Sellersburg Town Council shall submit its findings and judgment not more than thirty (30) days from the date of hearing. The Sellersburg Town Council shall only reverse the decision of the AEC if it is determined that the AEC's decision was arbitrary or capricious or was contrary to law.


VI. Adult Entertainment Enforcement Officer and Staff

- A. Purpose: In order to effectively exercise those regulatory powers established by the Sellersburg Town Council, it is necessary to appoint a person to serve as an Enforcement Officer. Moreover, in order to administer the regulatory powers established by the Sellersburg Town Council, the Enforcement Officer will require clerical assistance.
- B. Enforcement Officer: The enforcement officer shall be appointed by the Sellersburg Town Council. The enforcement officer shall be vested with all of those powers necessary to enforce the Adult Entertainment Ordinance.
- i) Duties: The enforcement officer shall investigate all applications submitted by Owners, operators and entertainers. The officer shall report his findings to the AEC, the Sellersburg Town Council.
- ii) Enforcement Powers: The enforcement officer shall be a sworn member of the Town of Sellersburg Police Department and shall have all of those lawful powers of arrest. The officer shall be in charge of ensuring that all owners, operators and entertainers are duly licensed and possess those licenses upon their person and/or premises at all times.
- iii) Compensation: The enforcement officer's salary, benefits and other expenses shall be paid exclusively from those funds collected as applications fees and licensing fees pursuant to this ordinance. If the funds are not available, no staff position can be created. The enforcement officer shall not be hired until application has been made by an owner, operator or entertainer. It is within the discretion of the Sellersburg Town Council or the AEC to request that the Sellersburg Police Department assist in investigation of applicants until adequate funds have been collected to pay for this administrative and regulatory expense. It is within the discretion of the Sellersburg Town Council upon request of the AEC or Enforcement Officer, to provide funding for staff to assist the enforcement officer in the administration and regulation of this ordinance.
- iv) Temporary Services: It is within the discretion of the Sellersburg Town Council or the AEC to sub-contract with persons to conduct the preliminary investigation of applicants. This provision shall be only invoked in the instance that there is not an adequate amount of funds available from the application fees.
- C. Prior Approval: The AEC or the Sellersburg Town Council shall receive proposals from those persons desiring to conduct this service. The proposals shall include a statement of the full cost of the service as well as a statement of what services shall be performed. No contract shall be granted to any person without first being approved by the Sellersburg Town Council.

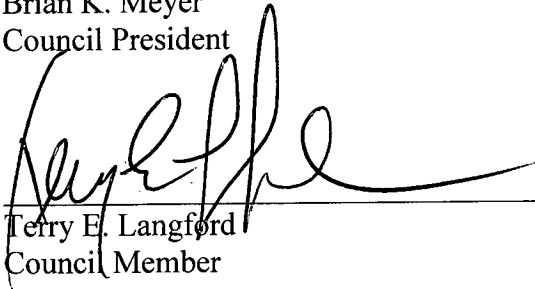
So Ordained this 14th day of February, 2011.



Brian K. Meyer
Council President



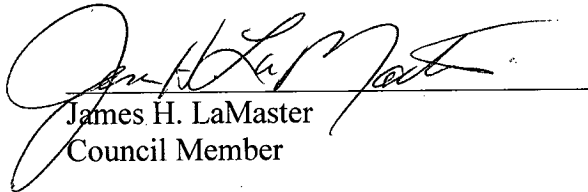
Paul J. Rhodes
Council Vice President



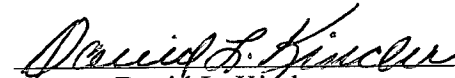
Terry E. Langford
Council Member



Michael N. Lockhart
Council Member



James H. LaMaster
Council Member



Attest: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2011-004

AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING
THE TOWN OF SELLERSBURG RAINY DAY FUND AND THE
SELLERSBURG/NOLAN FIELDHOUSE FUND.

WHEREAS, the Town of Sellersburg Clerk-Treasurer has determined there exists a need to transfer appropriations to continue efficient and effective maintenance of the Town of Sellersburg; and

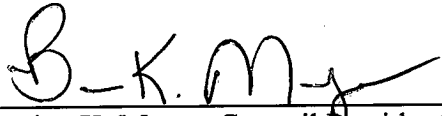
WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective maintenance of the Town of Sellersburg; and

WHEREAS, this matter was considered in an open public meeting at which the public were invited to attend and participate.

BE IT NOW THEREFORE ORDAINED that the following appropriations be transferred as follows:

<u>Transfer from/To:</u>	<u>Amount</u>
Rainy Day Fund/Sellersburg Nolan Fieldhouse Fund	\$50,000.00

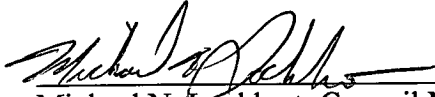
SO ORDAINED THIS 14TH DAY OF February, 2011.



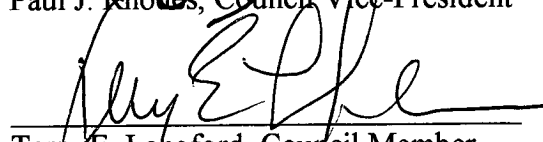
Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice-President




Michael N. Lockhart, Council Member



Terry E. Langford, Council Member

James H. La Master, Council Member



ATTEST: Michelle D. Eve
Chief Deputy Clerk-Treasurer

ORDINANCE 2011-005

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE TOWN OF SELLERSBURG, INDIANA AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2010 supplement of Code of Ordinances of the Town of Sellersburg, Clark County, Indiana, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana code; and

WHEREAS, it is necessary to provide for the usual daily operation of the Town of Sellersburg and for the immediate preservation of the public peace, health, safety and general welfare of the Town of Sellersburg that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE TOWN OF SELLERSBURG;


Section 1. That the 2010 supplement to the Code of Ordinances of the Town of Sellersburg, Clark County, Indiana as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Town of Sellersburg,

Clark County, Indiana, is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of the Town of Sellersburg, and shall take effect at the earliest date provided by law.


PASSED AND ADOPTED by the Sellersburg Town Council of the Town of Sellersburg, Clark County, Indiana on the **14th** day of **February 2011**.



Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice-President



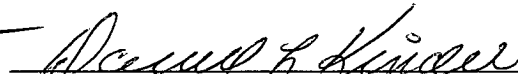
James H. LaMaster, 2nd Vice-President



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2011-006

AN ORDINANCE ESTABLISHING THE INDIANA OFFICE OF COMMUNITY RURAL AFFAIRS (IOCRA) FUND

WHEREAS, the Sellersburg Clerk-Treasurer has advised the Sellersburg Town Council of the need to establish a Town fund for the Indiana Office of Community Rural Affairs (IOCRA); and

WHEREAS, the name of the fund which is to be established by the Sellersburg Town Council is the Indiana Office of Community Rural of Affairs No. 2 Storm Water Improvement Fund; and

WHEREAS, the Sellersburg Town Council has been advised the purpose of the fund is to establish an account within the Town budget whereby the Town Council can transfer matching grant monies and receive federal grant money, and keep said funds separate from the other funds maintained by the Town of Sellersburg; and

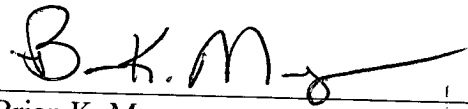
WHEREAS, the Sellersburg Town Council has been advised the money received for this fund will be from the federal government in the amount of \$417,823.00, and from the Town of Sellersburg Cedit fund in the amount of \$104,456.00; and

WHEREAS, the Sellersburg Town Council has been advised disbursements from this fund will be for only Indiana Office of Community Rural of Affairs Disaster Recovery No. 2, Storm Water Improvement expenses, which shall be managed by River Hills Economic Development District upon final approval of the Sellersburg Town Council; and


WHEREAS, the Sellersburg Town Council has been advised upon the expiration of the grant and if there are remaining monies left in the fund from the matching grant amount from the Town of Sellersburg's Cedit fund, said amount shall then be transferred back to said Cedit fund;

THEREFORE BE IT NOW THEREFORE ORDAINED by the Sellersburg Town Council that a Indiana Office of Community Rural Affair (IOCRA) Fund shall be and hereby is established for the purposes set forth in the herein Ordinance.

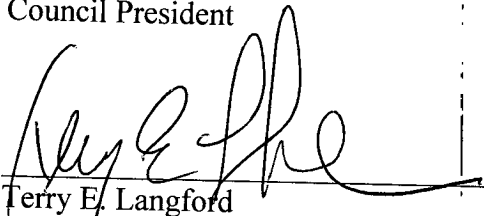
So Ordained this 15th day of February, 2011.




Brian K. Meyer
Council President



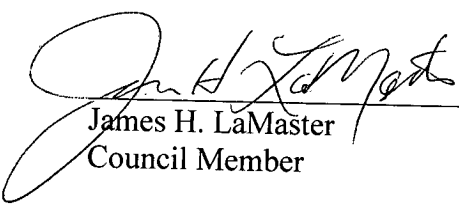
Paul J. Rhodes
Council Vice President



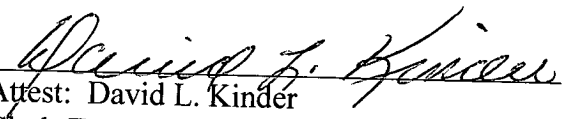
Terry E. Langford
Council Member



Michael N. Lockhart
Council Member



James H. LaMaster
Council Member



Attest: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2011-007

AN ORDINANCE ESTABLISHING A POLICY AND PROCEDURE for COLLECTION PROCEDURES, AND ACTIVITIES AND TO EXPENSE AMOUNTS OUTSTANDING ON UNCOLLECTIBLE ACCOUNTS, WRITE-OFF SAID . ACCOUNTS AND CLASSIFY THE SAME AS A BAD DEBT, AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.

WHEREAS, The Town of Sellersburg, Indiana, is required to establish a policy and procedure for handling and dealing with uncollectible accounts receivable owing the Town's water and sewer services; and

WHEREAS, the Town of Sellersburg, Indiana has been further advised by its Clerk-Treasurer that there is no policy or procedure currently within the Town, including Town Code and Ordinances, establishing a policy or procedure for the handling and processing of uncollectible accounts receivable owing to the Town's water and sewer service; and

WHEREAS, the Town of Sellersburg, Indiana, its Town Code of Ordinances, and based upon said review, find it is advisable, necessary, and in the best interests of the residents of the Town, as well as the business practices of the Town, to establish a policy and procedure for uncollectible accounts receivable owing to the Town in order to expense said amounts outstanding, cause the same to be written off, and classify the same as bad debt in order to comply with applicable rules and regulations of the State of Indiana Board of Accounts for the same.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, CLARK COUNTY, STATE OF INDIANA, THAT;

SECTION 1: The Following shall constitute the Bad debt/uncollectible account receivable write-off policies and procedures for the Town of Sellersburg, namely:

- (A) As used herein, the term UNCOLLECTABLE ACCOUNT shall have the following meaning: A delinquent account receivable for which the Town or Town's water and sewer department has reasonably and diligently attempted collection, but in which such collection remains unsuccessful.
- (B) The Town or Town's water and sewer department shall prepare an annual schedule of uncollectible accounts. The annual schedule shall consist of accounts the Town or Town's water and sewer department has determined to be uncollectible.
- (C) The Town or Town's water and sewer department shall generate a statement setting forth the efforts that have been made to collect the account and a statement that such efforts have been unsuccessful.

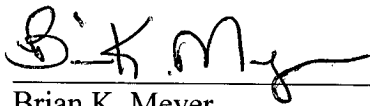
- (D) The Town or Town's water and sewer department shall produce a statement, including the reasons therefore, that the Town or Town's water and sewer department believes it is not economically feasible to pursue collection efforts on the specified uncollectible account.
- (E) A schedule of uncollectible accounts shall be submitted to the Town Council for action by the Town Council to declare said accounts listed as collectible or uncollectible and may authorize the Town or Town's sewer and water department to cease further collection procedures and expense the amounts outstanding on the accounts declared uncollectible as bad debts.

SECTION 2: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION 3: If any section, clause, provision or portion of this Ordinance and these Regulations shall be declared invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance and these Regulations.

SECTION 4: This Ordinance and these Regulations shall take effect, and be in full force and effect, from and after passage by the Town of Sellersburg, Indiana and publication in conformance with applicable law.

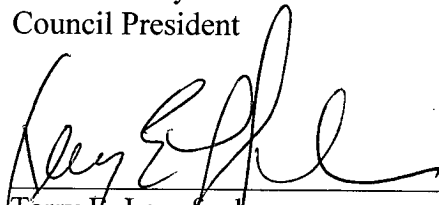
THIS ORDINANCE is hereby passed and adopted on this 14TH day of FEBRUARY, 2011.



Brian K. Meyer
Council President



Paul J. Rhodes
Council Vice President



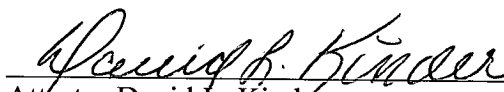
Terry E. Langford
Council Member



Michael N. Lockhart
Council Member



James H. LaMaster
Council Member



Attest: David L. Kinder
Clerk-Treasurer

Ordinance No. 2011-008

AN ORDINANCE FOR THE TRANSFER OF FUNDS REGARDING THE TOWN OF SELLERSBURG WASTEWATER OPERATING FUND

WHEREAS, the Town of Sellersburg Clerk-Treasurer has determined there exists a need to transfer funds to continue efficient and effective maintenance of the Town of Sellersburg; and

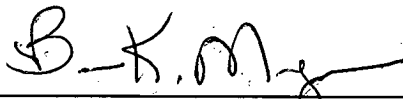
WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of funds is necessary for continued efficient and effective maintenance of the Town of Sellersburg; and

WHEREAS, this matter was considered in an open public meeting at which the public were invited to attend and participate.

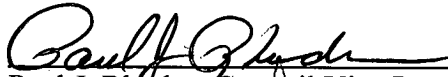
BE IT NOW THEREFORE ORDAINED that the following funds be transferred as follows:

\$110,000.00 (one hundred ten thousand dollars and 00/00) from the WasteWater Expansion Fund to the WasteWater Operating Fund

SO ORDAINED THIS 28TH DAY OF FEBRUARY, 2011.



Brian K. Meyer, Council President



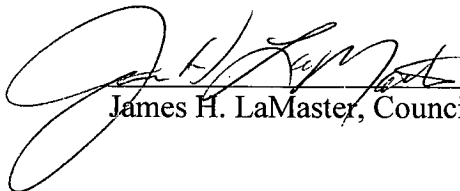
Paul J. Rhodes, Council Vice President



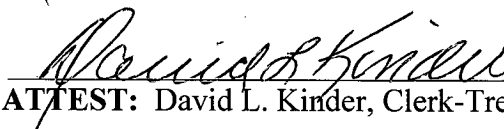
Michael N. Lockhart, Council Member



Terry E. Langford, Council Member



James H. LaMaster, Council Member



ATTEST: David L. Kinder, Clerk-Treasurer

Sellersburg

ORDINANCE NO. 2011-009

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY WITHIN THE BOUNDARIES OF THE TOWN OF SELLERSBURG, INDIANA

WHEREAS, the Town of Sellersburg Town Council, at its regular meeting on March 14, 2011, considered an application for rezoning, which application was set for hearing after having been duly filed and notice thereof having been published as required by law, and the Town of Sellersburg Town Council, after hearing evidence relating thereto, did then duly recommend that the real property described in Exhibit "A" attached hereto and made a part hereof be changed from a zoning classification of B-2 to R-3.

BE IT THEREFORE ORDAINED that the real property described in Exhibit "A" attached hereto be changed from B-2 to R-3.

SO ORDAINED on this the 14th day of March, 2011.



Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice-President




James H. LaMaster, Council 2nd Vice-President



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

EXHIBIT "A"

TRACT #1

The following is a legal description prepared this 6th day of December, 2010, of real property being a part of the Original Town of Sellersburg, lying in Survey #110 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, being depicted as Tract #1 on a survey by Paul Primavera & Associates, Job No. 10-11979, more particularly described as follows:

Commencing at the Northwest corner of Lot #1 in the Original Town of Sellersburg; thence along the Northeast right-of-way line of Utica Street South 67° 11' 19" East 348.00 feet to the point of beginning; thence North 24° 51' 41" East 277.69 feet to the Southwest right-of-way line of an Alley; thence along said right-of-way line South 40° 40' 03" East 116.95 feet to the North corner of that property conveyed to James A. Mitchell, Sr., and Eileen L. Mitchell, in Instrument #200604536; thence along the Northwest line of said Mitchell tract South 23° 16' 39" West 225.70 feet to the right-of-way line of Utica Street; thence along said right-of-way line North 66° 58' 54" West 112.74 feet to the point of beginning, containing 0.631 Acre, more or less.

Being subject to all easements, restrictions, and rights-of-way of record.

TRACT #2

The following is a legal description prepared this 6th day of December, 2010, of real property being a part of the Original Town of Sellersburg, lying in Survey #110 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, being depicted as Tract #2 on a survey by Paul Primavera & Associates, Job No. 10-11979, more particularly described as follows:

Commencing at the Northwest corner of Lot #1 in the Original Town of Sellersburg; thence along the Northeast right-of-way line of Utica Street South 67° 11' 19" East 460.74 feet to the point of beginning; thence North 23° 16' 39" East 225.70 feet to the Southwest right-of-way line of an Alley; thence along said right-of-way line South 40° 40' 03" East 76.81 feet; thence along a fence line South 30° 42' 55" West 106.97 feet; thence continuing along said fence line South 28° 19' 11" West 86.00 feet to the right-of-way line of Utica Street; thence along said right-of-way line North 66° 58' 54" West 47.60 feet to the point of beginning, containing 0.279 Acre, more or less.

Being that property conveyed to James A. Mitchell, Sr., and Eileen L. Mitchell in Instrument #200604536 in the Office of the Recorder of Clark County, Indiana.

Being subject to all easements, restrictions, and rights-of-way of record.

TRACT #3

The following is a legal description prepared this 6th day of December, 2010, of real property being a part of the Original Town of Sellersburg, lying in Survey #110 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, being depicted as Tract #3 on a survey by Paul Primavera & Associates, Job No. 10-11979, more particularly described as follows:

Commencing at the Northwest corner of Lot #1 in the Original Town of Sellersburg; thence along the Northeast right-of-way line of Utica Street South 67° 11' 19" East 508.34 feet to the point of beginning; thence along a fence line North 28° 19' 11" East 86.00 feet; thence continuing along said fence line North 30° 42' 55" East 106.97 feet to the Southwest right-of-way line of an Alley; thence along said right-of-way line South 40° 40' 03" East 58.53 feet; thence South 29° 29' 36" West 166.77 feet to the right-of-way line of Utica Street; thence along said right-of-way line North 66° 58' 54" West 55.93 feet to the point of beginning, containing 0.233 Acre, more or less.

Being that property conveyed to BAM Investments, LLC, in Instrument #200527422 in the Office of the Recorder of Clark County, Indiana.

Being subject to all easements, restrictions, and rights-of-way of record.

All commonly known as: 401, 405, 411, 413, and 417 Utica Street, Sellersburg, Indiana 47172



NEACE ENTERPRISES

**PO BOX 1248
NEW ALBANY, IN 47150**

March 14, 2011

TOWN OF SELLERSBURG TOWN COUNCIL
c/o Clerk-Treasurer
316 East Utica Street
Sellersburg, Indiana 47172

RE: Zoning Commitment Letter

Dear Town Council:

Upon successful rezoning of the real property commonly known as 401, 405, 411, 413, and 417 Utica Street, Sellersburg, Indiana 47172 from a B-2 to an R-3 zoning classification at the meeting of the Town of Sellersburg Town Council on March 14, 2011, I hereby agree and commit to developing and constructing improvements on said real property consistent with and in accordance with the plans, specifications, and representations made by me and my authorized representatives in the application for such rezoning, in the course of the rezoning process, and at said meeting March 14, 2011.

Sincerely,

John F. Neace

Amendment to the Sellersburg Zoning Ordinance to Enable Planned Unit Developments

Version: March 2011 * Additions to the existing ordinance are underlined.

ORDINANCE # 2011-010

DATE: JUNE 27, 2011

This ordinance hereby amends the Sellersburg Zoning Ordinance (SZO) in the following way:

ADDITION:

SECTION 1.9 OF THE SZO (ARTICLE II SEC. B OF SELLERSBURG SUBDIVISION REGULATIONS)

"ADMINISTRATOR." The officer, or his/her designee, appointed by and/or delegated the responsibility for the administration of these regulations by the Plan Commission.

SECTION 1.28 - ZONING DISTRICTS

The town is hereby classified and divided into fifteen (15) districts designated as follows:

ZONING DISTRICTS	
SYMBOL	DISTRICT NAME
I. Agricultural Districts	
A	Agriculture
II. Residential Districts	
R-1	Single-Family Residences
R-2	Single and Two-Family Residences
R-3	Single, Two and Multi-Family Residences
MHP	Mobile Home Park

ZONING DISTRICTS	
SYMBOL	DISTRICT NAME
III. Office / Residential Districts	
RPO	Residential / Professional Office
GO	General Office
IV. Commercial Districts	
B-1	Local Business
B-2	Central Business
B-3	General Business
IB-1	Interchange Business
IV. Industrial Districts	
I-1	Light Industry
I-2	General Industry
VI. Special Districts	
OPS	Open Public Space
<u>VII. Planned Unit Development Districts</u>	
<u>PUD - M</u>	<u>Planned Unit Development – Mixed Use</u>

(NEW) SECTION 1.31 - PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ESTABLISHED

The PUD District is hereby established. This Ordinance allows for any zoning district(s) to be rezoned for the creation of a PUD. All PUDs shall be consistent with the requirements of Section 3.8 - Planned Unit Development Requirements.

(NEW) SECTION 3.8 - PLANNED UNIT DEVELOPMENT (PUD) GENERAL PROVISIONS

3.8.1 - PURPOSE

This chapter is intended to permit the creation of Planned Unit Development (PUD) Districts in accordance with the Indiana Code IC 36-7-4-1500 et seq. This district is intended to provide more development flexibility and innovative approaches than are possible through the application of customary zoning regulations. The PUD district allows for mixed-uses and mixed densities under one zoning classification to reflect this development trend. This Ordinance allows any zoning district to be rezoned for the creation of a PUD district when presented as a cohesive master-planned development on a parcel that is also a minimum of five (5) acres. PUD Districts create neighborhoods that can benefit from innovations in community development, provide for greater flexibility for mixed zoning classifications and enable the community to respond to changing trends of the housing, commercial and business markets. All PUD Districts shall be consistent with the requirements of this ordinance.

3.8.2 - PUD USES AND STANDARDS

- (1) **USES.** All land use classifications that are allowed in this ordinance may be permitted within a PUD, unless otherwise omitted. All uses are subject to the discretion and approval of the Sellersburg Plan Commission. Once uses are approved by the Plan Commission, they are granted by right. All land uses proposed in a Planned Unit Development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.
- (2) **STANDARDS.** Alternate development standards deemed appropriate by the Plan Commission in order to accomplish the intent of the Planned Unit Development shall be specified in the PUD District Ordinance approved by the Sellersburg Plan Commission and adopted by the Town Council. Any lessening of the required development and design standards of the Ordinance or applicable design guideline documents shall be directly linked to the intent of the Planned Unit Development to:
 - (a) Provide a mixed-use development; or
 - (b) Provide a creative and unique design; or
 - (c) Address unusual physical conditions on site.
- (3) **LIMITATION OF ORDINANCE AMENDMENTS.** Any initiative of the Plan Commission to amend the Sellersburg Zoning Ordinance that would affect an approved Planned Unit Development before its completion shall not be enforced on the Planned Unit Development. New amendments to the Ordinance shall only apply to Planned Unit Developments that have been declared abandoned, or for which an approval has expired.

3.8.3 - PROCEDURE TO ESTABLISH / REZONE TO A PUD

- (1) **ORIGINATION OF PROPOSALS.** Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this Section. The applicant shall submit an application and fee for a Planned Unit Development in accordance with the established procedures of the Administrator's office. The applicant shall refer to the aforementioned procedures to determine the format and number of copies of the plans to be delivered.
- (2) **AREA REQUIREMENTS.** The minimum land area required for a Planned Unit Development shall be five (5) acres. However, a development of less than five (5) acres may be considered by the Plan Commission for infill projects.
- (3) **PROJECT OWNERSHIP.** The project may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or homeowners association. Such ownership may be a public or private corporation. However, if not under single ownership, the multiple owners must have a contractual agreement (1) not to develop the parcels separately but in accordance with a single, unified plan, and (2) in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned and to the satisfaction of the Plan Commission. The Plan Commission may grant an extension of such time for such a period as it deems in the public interest.
- (4) **STEPS.** There are four basic steps in the PUD review and approval process which are illustrated in sequence in the flow charts in Section 3.8.10 Procedural Flow Charts and described in the following subsections:
 - (a) Pre-Submittal Conference.
 - (b) Initial Zoning or Rezone to a PUD.
 - (c) Primary Development Plan.
 - (d) Final Development Plan.

3.8.4 - PRE-SUBMITTAL CONFERENCE

Prior to preparing and submitting a Planned Unit Development application, the applicant shall meet with the Administrator to discuss expectations, schedule, concept and standards contained herein. The Administrator will also review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. It shall be understood that no statement or representations by the Administrator shall be binding upon either the Commission or upon any zoning body.

3.8.5 - INITIAL ZONING OR REZONE TO A PUD

- (1) **Initiation.** Only the members of the Town Council, the Plan Commission, or property owners who own at least fifty percent (50%) of the land involved (i.e. a controlling interest in each parcel of land proposed for rezoning) shall have standing to initiate a petition for rezoning or initial zoning.

(2) **Submittal.** The PUD District Ordinance submittal shall include any graphic media which will explain the features to be contained within the development. The PUD District Ordinance and Concept Plan may take the form of a booklet, a set of 11x17 inch sheets, or a combination of these formats. The submittal shall include:

- (a) The boundary lines of adjacent subdivided and unsubdivided and the existing zoning of the area proposed to be developed as well as the land adjacent thereto;
- (b) Specified uses or a range of uses permitted in the Planned Unit Development zoning district; and
- (c) Specified development requirements and standards based on the related zoning district or alternatives.

(3) **Concept Plan.** The concept plan shall include a proposed layout to scale of the general concept for handling vehicular and pedestrian circulation, parking, general infrastructure, drainage, site perimeter treatment and other pertinent development features.

(4) **Superseding Original Plat.** If the Planned Unit Development is to supersede an original plat being vacated, the original plat shall be shown by dotted lines in relationship to the lines of the new plat, the new plan being clearly shown in solid lines.

(5) **Development Requirements.** In addition to the applicable provisions of this Ordinance, the PUD District Ordinance must comply with the following requirements unless specifically waived by the Plan Commission:

- (a) The Planned Unit Development must be substantially completed within the period of time specified in the schedule of development submitted by the applicant.
- (b) The PUD Ordinance shall address the impact on traffic and public services and facilities, such as schools, fire and police protection. A Fiscal Impact Analysis shall be required for developments of one hundred fifty (150) or more residential units. The Plan Commission may also request a Fiscal Impact Analysis or a traffic study for projects under one hundred fifty (150) units at their discretion. These studies shall address the impact of the proposed Planned Unit Development on all adjacent streets and intersections.
- (c) The PUD Ordinance shall contain such proposed covenants, easements and other provisions relating to the proposed development standards, as reasonably are required for public health, safety and general welfare.
- (d) Open space shall be required at a minimum rate of three percent (3%) of the lot area for lots larger than three (3) acres, and at a minimum rate of one percent (1%) of the lot area or no less than six hundred (600) square feet, whichever is greater, for lots that are three (3) acres or smaller.
 - (1) Open space may be publicly or privately owned and may take the form of a park, gateway, playground, plaza, or ballfields among others.
 - (2) Stormwater management practices, such as storage and retention facilities, may be integrated into open space. They may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design.
 - (3) All new development shall provide public access to open space or connect to a vehicular right-of-way that has access to the open space/ gateway. Open space provided per this requirement, including




stormwater features if applicable, shall not be fenced and shall not impede public access to / use of the land they occupy.

(6) **PUD District Ordinance Development Standards.** The PUD District Ordinance shall address all of the development standards contained within, and may defer to, the Sellersburg Zoning Ordinance. At a minimum, the following requirements should be addressed:

- (a) Location, size, orientation and shape of buildings;
- (b) Building materials and appurtenances;
- (c) Parking;
- (d) Signage;
- (e) Exterior renovation or altering of existing structures;
- (f) Demolition of existing structures;
- (g) Landscaping;
- (h) Environmental and natural resource protection;
- (i) Erosion and sedimentation control;
- (j) Vehicular and pedestrian circulation;
- (k) Outdoor lighting;
- (l) Minimum lot area;
- (m) Minimum lot frontage;
- (n) Minimum lot width;
- (o) Minimum front setback;
- (p) Minimum side setback;
- (q) Minimum rear setback;
- (r) Maximum height of structures (principal and accessory);
- (s) Maximum lot coverage;
- (t) Minimum floor area;
- (u) Site access;
- (v) Site screening and buffering;
- (w) Location of dumpsters; and
- (x) Location of open spaces.

(7) **Review**

- (a) **Review by Technical Committee.** The Technical Committee shall review the Concept Plan and the written findings of the Technical Committee shall be submitted to the Plan Commission prior to Public Hearing.

- 
- (b) **Local, State and Federal Agencies.** Prior to the project's being brought before the Plan Commission for public hearing, the petitioner shall be responsible for securing the approval of all local, State, and federal agencies that are not represented on the Technical Committee that would have facilities affected by an alternate standard.
- (c) **Restriction.** Failure to secure the approval of any agency that would have facilities affected by an alternate standard shall preclude the bringing of any Development Plan that relies on such alternative standard before the Plan Commission or Town Council for consideration.
- (d) **Submittal Procedure.** The Administrator shall determine that the PUD District Ordinance and Concept Plan application are a complete submittal. The Administrator shall:
- (1) assign the item a docket number;
 - (2) place the item on an agenda of the Plan Commission for public hearing; and
 - (3) inform the applicant of the time, date, and place of the hearing.
 - (4) The Administrator shall maintain records of all applications, plans, and permits filed for a PUD District Ordinance and Concept Plan.
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(8) PLAN COMMISSION

- (a) **Public Notice.** The applicant shall cover the cost of required published and mailed public notice. Notice shall be given per IC 36-4-604.
- (b) **Public Hearing.** A public hearing shall be held in accordance with the Plan Commission Rules of Procedure. The PUD Ordinance draft, concept plan and testimony of the applicant and other attendees shall be considered.
- (c) **Decision.** The Plan Commission shall certify and forward the petition to the Town Council with:
 - (1) A favorable recommendation;
 - (2) A negative recommendation;
 - (3) No recommendation; or
 - (4) Continue the hearing on the petition to a definite future Plan Commission meeting date.
- (d) **Commitments.** In conjunction with its recommendation to the Town Council regarding a PUD District Ordinance and Concept Plan, the Plan Commission may recommend that the Town Council permit the applicant to make written commitments and may recommend that the Town Council impose conditions of approval concerning the use or development of the parcel.
- (e) **Revisions.** Following Plan Commission approval, the applicant shall submit to the Plan Commission revised copies of the PUD District Ordinance and the Concept Plan that address the comments and concerns of the Plan Commission.

(9) TOWN COUNCIL

- (a) **Decision.** The Town Council shall:
 - (1) Adopt the PUD District Ordinance and Concept Plan;
 - (2) Adopt the PUD District Ordinance and Concept Plan with conditions and/or commitments;
 - (3) Return the PUD District Ordinance and Concept Plan to the Plan Commission with proposed amendments;
or
 - (4) Deny the PUD District Ordinance and Concept Plan.
- (b) **Meaning of Approval.** Approval of the PUD District Ordinance by the Town Council shall act as a zoning map amendment and an overall guide for the Planned Unit Development, setting forth concepts that shall be consistent in the Primary Development Plan and Final Development Plan.
- (c) **Commitments.** The applicant shall prepare the commitment instrument in a form approved by the Town Attorney. The applicant and the President of the Town Council shall sign the commitment instrument.
 - (1) **Recording.** The applicant shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the PUD Ordinance and Concept Plan. The applicant shall deliver a copy of the recorded commitment instrument to the Administrator before filing a Primary Development Plan petition.
 - (2) **Posting of Bond or Surety.** Issuance of an improvement location permit by the Town is conditioned on the applicant's furnishing of a bond or a satisfactorily written assurance guaranteeing the timely completion of a proposed public improvement in a planned unit development or serving a planned unit development.

- (3) **Modification or Termination.** A commitment or conditions of approval made under this section may be modified or terminated only by a decision of the Town Council at a public hearing.
- (4) **Enforcement.** The Town may enforce any commitment or condition of approval as if the commitment were a standard of the Sellersburg Zoning Ordinance.

3.8.6 - PRIMARY DEVELOPMENT PLAN PROCEDURE

- (1) **PURPOSE.** The purpose of a Primary Development Plan is to divide land into lots, blocks and common area.
- (2) **APPLICATION.** An application for Primary Development Plan shall be filed with the Secretary of the Plan Commission by the owner, or his/her designee, of property for which the Planned Unit Development is proposed. The applicant shall refer to the established procedures of the Administrator's office to determine the format and number of copies of the plans to be delivered. The application shall be in accordance with the established procedures of the Administrator's office and shall contain, at a minimum, the following information:
 - (a) Name, address, and phone number of applicant;
 - (b) Name, address, and phone number of registered surveyor or registered engineer assisting in the preparation of the Primary Development Plan;
 - (c) A survey of the tract that is to be developed;
 - (d) Description of existing use;
 - (e) Identification of the existing zoning district;
 - (f) A vicinity map at a scale approved by the Plan Commission, showing existing property lines, streets, existing and proposed zoning, and such other items as the Plan Commission may require to show the relationship of the Planned Unit Development to the Comprehensive Plan and to existing developments, schools and other community facilities and services;
 - (g) A Primary Development Plan at a scale approved by the Plan Commission showing topography at two (2) foot intervals; the approximate location and type of residential, commercial and industrial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and open spaces; layout and dimensions of lots and building setback lines, areas of proposed buffering; preliminary improvement drawings showing: points of ingress/egress, water, sewer, drainage, electricity, telephone, and such other characteristics as the Plan Commission deems necessary;
 - (h) Proposed schedule for the development of the site, identifying phasing where applicable;
 - (i) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years; including a statement of all the ownership and beneficial interests in the tract of land and the proposed development;
 - (j) In the case of a residential planned unit development, the proposed density to which the development shall be limited; and
 - (k) In the case of office, commercial, industrial, or mixed-use planned unit development, a statement identifying the principal type of office, business, industrial, and/or other uses that are to be included in the proposed development.
- (3) **APPLICATION REVIEW.** Once the Administrator has determined that it has received a submittal that is sufficiently complete, the Administrator may schedule a meeting with the Technical Committee to review the submittal, and to make appropriate technical recommendations to the developer or the Plan Commission. The Administrator shall inform the applicant of the time, date, and place of the meeting. If necessary, the applicant shall submit revised copies of the plans that address comments and concerns identified during the meeting. The Administrator shall inform the

applicant of the time, date, and place of the Plan Commission meeting. The public hearing procedures shall be as established in the Plan Commission Rules of Procedure.



(4) NOTICE

- (a) **Notice of Public Hearing.** The notice of public hearing shall occur as established in I.C. 5-3-1. As a minimum, the secretary shall, at least ten (10) days prior to the date set for the public hearing at the applicant's expense, publish a notice one (1) time in two (2) newspapers of general circulation in the Town. The notice shall set forth the time and place of the public hearing and a general description of the Planned Unit Development.
- (b) **Notice to Property Owners.** The applicant shall, at least ten (10) days prior to the public hearing, notify by certified mail the owners of all parcels of land adjoining or adjacent to the land described in the application. The notification boundaries shall be to a depth of two (2) ownerships, but not to include any ownership of land located more than six hundred and sixty (660) feet from the property described in the application.

(5) PUBLIC HEARING / PLAN COMMISSION REVIEW AND APPROVAL

- (a) After receipt of the Primary Development Plan, the Plan Commission shall hold a public hearing within a reasonable period of time.
- (b) The Plan Commission shall review the Primary Development Plan to determine if the Proposed Planned Unit Development is:
 - (1) Consistent with the intent and purpose of this Ordinance;
 - (2) Whether the proposed development advances the general welfare of the community and neighborhood; and
 - (3) Whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.
- (c) The Plan Commission's approval in principle of the Primary Development Plan shall be necessary before a applicant may submit a Final Development Plan.
- (d) Approval in principle shall not be construed to endorse the following:
 - a. A precise location of uses;
 - b. Configuration of parcels;
 - c. Engineering feasibility.

- (6) **EXPIRATION.** The Primary Development Plan approval shall expire in five (5) years unless final approval of all or part of the development is complete.

3.8.7 - FINAL DEVELOPMENT PLAN

- (1) **CONFORMANCE TO PRIMARY PLAN.** The Final Development Plan shall conform to the PUD Primary Plan as approved. The purpose of a Final Development Plan is to provide the details for the construction of individual portions of the PUD. Typical construction plans are submitted and final plats are recorded.
- (2) **SUBMISSION.** After approval of the Primary Development Plan, the applicant shall submit a Final Development Plan in accordance with established procedures of the Administrator's office. The Final Development Plan shall be in general conformance with the Primary Development Plan as approved by the Plan Commission. The Final Development Plan shall be certified by a registered engineer.

(3) **APPLICATION.** An application for approval of the Final Development Plan shall be filed with the Administrator by all owners, or their designee, of the property for which the Planned Unit Development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. Approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval and such requirement shall be clearly stated on the application. At a minimum, the application shall contain the following information:

- (a) Any changes necessary to the survey of the proposed development site, showing the dimensions and bearing of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses;
- (b) All information required on the Primary Development Plan, the location and sizes of lots, circulation, location and proposed density of dwelling units, nonresidential building intensity, and land use considered suitable for adjacent properties;
- (c) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes and tabulation of the number of acres in the proposed project for various uses. Estimated nonresidential population, anticipated timing for each unit, and standards for height, open space, parking areas, and public improvements proposed for each unit of the development, whenever the applicant proposes an exception from standard zoning districts or other Ordinances governing development;
- (d) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, and telephone, waste disposal facilities, street improvements, and nature and extent of earth work required for site preparation and development;
- (e) Preliminary building plans including exterior elevations;
- (f) Landscape plan;
- (g) Phasing if applicable. The commission may allow the petitioner to develop the property involved in phases. If such phasing is permitted, the Plan Commission may allow the petitioner to submit a partial Final Detailed Plan which corresponds to the phases involved;
- (h) A traffic impact study to determine the off-site impacts on the existing thoroughfare system;
- (i) When a Planned Unit Development includes provisions for common open space or recreational facilities, a statement describing the provision that shall be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Chapters of incorporation and by-laws of such entity shall be submitted;
- (j) Deed restrictions, and restrictive/protective covenants, and other legal statements or devises to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained;
- (k) One (1) copy of the Primary Development Plan.

(4) **REVIEW**

- (a) **Review.** The Technical Committee shall review Final Development Plans. This shall not be a public hearing, and no notice of the review is required.

(b) **Review Criteria.** Before taking action, the Technical Committee shall find that the facts submitted with the application and presented at the public hearing described in Section 3.8.6(5) of this section establish that

- (1) The proposed development can be initiated within two (2) years of the date of approval;
- (2) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained, the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;
- (3) The streets as proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the Planned Unit Development;
- (4) Any proposed commercial development can be justified at the locations proposed;
- (5) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the Final Development Plan, in accordance with the Planned Unit Development;
- (6) The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- (7) The Planned Unit Development is in general conformance with the Town's Comprehensive Plan;
- (8) The existing and proposed utility services are adequate for the commercial uses provided; and
- (9) The proposed open spaces are adequate and appropriate as required by Section 3.8.5(5)(d).

(c) **Action.**

- (1) The Technical Committee shall take action to:
 - (a) approve as presented;
 - (b) approve with supplementary conditions; or
 - (c) disapprove at a public hearing.
- (2) Following review, the applicant shall submit revised copies of the plans that address identified comments and concerns. The applicant shall refer to the established procedures of the Administrator's office to determine the format and number of copies of the plans to be delivered.

(5) **APPEAL OF A DECISION OF THE TECHNICAL COMMITTEE.** The Plan Commission shall review an appeal of a Final Development Plan approval or denial as though it were a Final Development Plan application filed with the Plan Commission *de novo*. Therefore, the Plan Commission will review the Final Development Plan by considering the criteria set forth in Section 3.8.7(4)(b) and will render a decision as set forth in Section 3.8.7(4)(c).

(6) **COMMERCIAL PROJECTS.** For a Planned Unit Development that is being subdivided, approval of the Final Development Plan shall be considered to be the Final Plat for recording purposes. Subdivision plat procedures/approval may coincide with, and be approved at the same time as, the Primary Development Plan and the Final Development Plan.

(7) **COMMENCEMENT OF CONSTRUCTION.** No construction or site grading shall begin prior to the issuance of an Improvement Location Permit (ILP). No ILP shall be issued for any structure in any portion of a Planned Unit

Development unless and until the final subdivision plat for that portion has been approved by the proper authority and recorded in the public record of the Town. This requirement may be waived by the Administrator when it is deemed that a subdivision plat is not required.

- (8) **RECORDING.** The Town shall file the approved Final Development Plan / Final Plat with the Clark County Recorder within thirty (30) days of Plan Commission approval. If applicable, an agreement of dedication and such legal documents as shall be required to be recorded by the Town Attorney shall be recorded simultaneous with the Final Development Plan / Final Plat.
- (9) **PUD ABANDONMENT.** In the event of the abandonment of a Planned Unit Development authorized under this section, the Plan Commission may initiate an amendment to the Zoning Ordinance so that the land will be zoned into a category or categories which approximate its existing use or such other zoning category or categories which it deems appropriate. This amendment shall follow the procedures of IC § 36-7-4-602(c).
- (a) Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Final Development Plan for twenty-four (24) consecutive months.
- (b) The twenty-four (24) month time limitation may be extended at the discretion of the Plan Commission.
- (10) **EXPIRATION.** Approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval and such requirement shall be clearly stated on the application.

3.8.8 - ALTERNATIVE SUBMISSION FOR FINAL DEVELOPMENT PLAN

- (1) **APPLICATION.** The applicant need not file a Primary Development Plan if filing a Final Development Plan for the entire site, incorporating all requirements of both the Primary and Final Development Plans as described in this Section. The Final Development Plan shall be filed with the Secretary of the Plan Commission by at least one (1) owner, or his/her designee, of the property for which the Planned Unit Development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for Final Development Plan, and submitted to the Plan Commission for public hearing. At a minimum, the application shall contain the following information:
- (a) A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features;
- (b) A development plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including streets where required the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities, screening, and areas to be left in their natural state;
- (c) A statement of the proposed total gross floor area, and the percentage of the development which is to be occupied by structures;
- (d) Floor plans of the proposed structures;
- (e) Landscaping plans;

- (f) When a Planned Unit Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. When a Planned Unit Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Unit Development as the stages or units completed or under development bear to the entire Planned Unit Development;
- (g) Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all the ownership and beneficial interests in the tract(s) of land and the proposed Development;
- (h) In the case of a residential planned unit development, the proposed density to which the Development shall be limited;
- (i) In the case of Office, Commercial, Industrial, or mixed-use a statement identifying the principal type of office, business and/or industrial uses that are to be included in the proposed Development;
- (j) When a Planned Unit Development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Chapters of incorporation and by-laws of such entity shall be submitted; and
- (k) Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

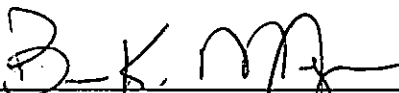
3.8.9 MODIFICATIONS TO THE APPROVED PUD

- (1) **MAJOR MODIFICATIONS REQUIRING NEW PRIMARY PLAN APPROVAL.** New Planned Unit Development Primary Plan approval by the Plan Commission shall be required for changes which alter the concept or intent of the PUD District including but not limited to:
- 1. Significant changes in the proportion or allocation of land uses;
 - 2. Changes in the type of approved uses;
 - 3. Changes in the location of uses;
 - 4. Lessening of aesthetic treatments;
 - 5. Changes in functional uses or open space, where such change constitutes an intensification of use of the open space;
 - 6. Changes in the final governing agreements, requirements or commitments where such changes conflict with the Primary Plan approval;
 - 7. Change in density;
 - 8. Changes to the internal street system or off-street parking areas which the Administrator considers to be significant;
 - 9. Significant changes in drainage management structures, as determined by the Administrator;
 - 10. Changes in access to the development site, where such change amounts to an intensification in the traffic patterns of roadways; and/or

11. All other changes not expressly addressed under Subsection 3.8.9(2) below.

(2) MINOR MODIFICATIONS


1. The following changes are considered minor modifications to the PUD Final Detailed Plan, and may be approved by the Administrator. The Administrator may choose to send a minor modification request directly to the Plan Commission if the opinion is that it would be in the best interest of the community, or if the request appears to be controversial. The Administrator's decision may be appealed to the Plan Commission by the property owner.
 - a. Changes in lot arrangement, but not size, which are not detrimental to the proposed thoroughfare pattern of the development;
 - b. Substitutions of plants;
 - c. Reduction of parking spaces or setbacks by less than 5%;
 - d. Increase in building square footage or height by less than 10%;
 - e. Changes to the internal street system or off-street parking areas, which are considered minor by the Administrator;
 - f. Minor changes in drainage management structures, as determined by the Administrator; and/or
 - g. Changes in access to the development site, where such change amounts to a reduction in intensity in the traffic patterns of roadways, as determined by the Administrator.



Brian R. Meyer, Council President



Paul J. Rhodes, Council Vice-President



Terry E. Langford, Council Member

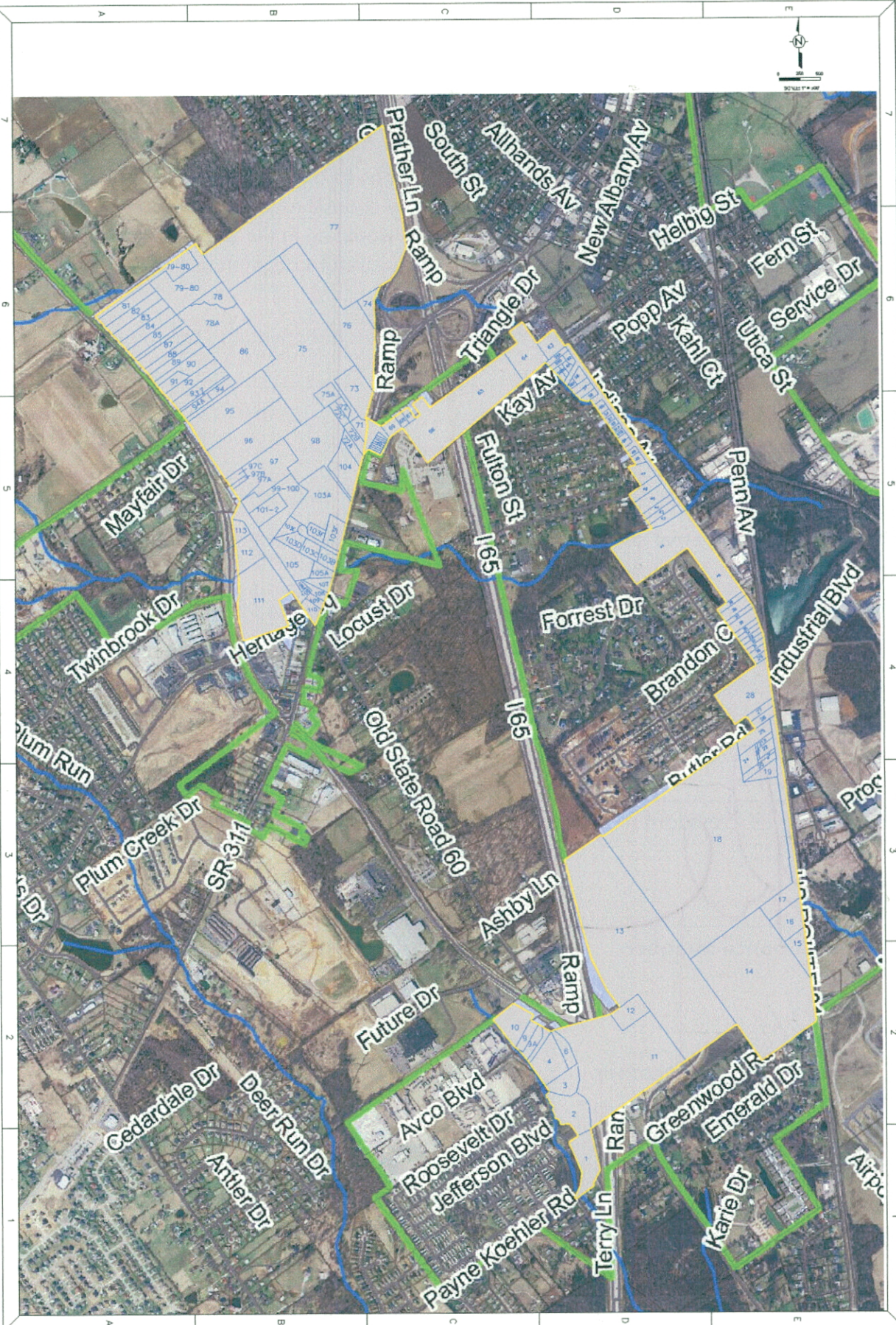


James H. LaMaster, Council Member



Michael N. Lockhart, Council Member

ATTEST: David L. Kinder
 Clerk-Treasurer



ONE
 Drawing No.
 1:2000 (SCALE)
 THE TITLEBLOCK
 JOB NO.: 08-1140

301 E. CHESTNUT ST.
 P.O. BOX 123
 CORYDON, IN 47112
 TEL: (812) 738-4124
 FAX: (812) 738-6740
 email: jcopper@primaveraassociates.com
 primaveraassociates.com

**PAUL PRIMAVERA &
 ASSOCIATES**
 ENGINEERS &
 LAND SURVEYORS

PARCEL MAP
 SELLERSBURG
 ECONOMIC DEVELOPMENT AREA

Revision	Date	Description	By
7:			
6:			
5:			
4:			
3:			
2:	04/21/11	SEPARATED NW OF SR 311	JMC
1:	12-05-08		

Parcel List - Sellersburg Economic Development Area

4/24/2011

Map Key #	Tax ID	Parcel Number	Owner	Recording Info.
71	017-42-011-0	10-17-11-000-714-000-031	Dairy Mart Convenient Store, Inc.	DD-26 - 863
72	017-42-016-0	10-17-11-000-715-000-031	James L. O'Neal Revocable Trust	I 201008827
72A	017-42-014-0	10-17-11-000-711-000-031	Wang, Jyh Chuang & Maria Young 2/3 & Kuo, Wei-Swan 1/3	DD26 - 1602
72B	017-42-017-0	10-17-11-000-703-000-031	C & M Smith Partnership	DD25 - 16800
72C	017-42-015-0	10-17-11-000-716-000-031	Hecker, Kenneth R. & Ellen K.	DD18 - 15821
73	017-42-009-0	10-17-11-000-710-000-031	McDonald's Corp.	DD30 - 11252
74	009-09-004-0	10-09-11-000-003-000-030	Haenisch, J. C. & Judith A.	I 200114150
75	017-42-007-0	10-17-08-900-001-000-031	James L. O'Neal Revocable Trust	I 201009348
75	017-42-007-0	10-17-08-900-001-000-031	James L. O'Neal Revocable Trust	I 2010009348
75A	017-42-0180	10-17-11-000-704-000-031	Vishnu (I), Inc.	DD30 - 11254
76	009-09-003-0	10-09-11-000-004-000-030	Appell, Joseph R. & Edith	Bk153 - Pg102
77	009-09-001-0	10-09-11-000-005-000-030	Prather, Victor E. & Cleda M.	Bk230 - Pg19
78	017-58-023-0	10-17-10-900-010-000-031	Pesquentos, James A. & Lisa	I 200720408
78A	017-58-022-0	10-17-10-900-012-000-031	Hess, Ronald J. & Cynthia S.	DD27 - 7267
79	017-58-003-0	10-17-10-900-013-000-031	O'Neil, Gail L.	DD31 - 14909
80	017-58-021-0	10-17-10-900-016-000-031	O'Neil, Gail L.	DD31 - 14909
81	017-58-007-0	10-17-10-900-003-000-031	Goode, Robert & Judie	DD8 - 7552
82	017-58-005-0	10-17-10-900-017-000-031	Mayden, Kenneth & Shirley	I 200311121
83	017-58-015-0	10-17-10-900-018-000-031	Mahon, Kenneth A. & Mary F.	DD30 - 15116
84	017-58-017-0	10-17-10-900-004-000-031	Terry, Stephen T. & Christianna	DD18 - 10172
85	017-58-010-0	10-17-10-900-019-000-031	Roberts, Joseph R. & Diana L.	DD18 - 15457
86	017-58-012-0	10-17-10-900-023-000-031	Hess, Ronald J. & Cynthia S.	DD30 - 5712
87	017-58-006-0	10-17-10-900-005-000-031	Graf, Anthony D.	I 200914324
88	017-58-009-0	10-17-10-900-006-000-031	Perry, James & Barbara	DD8 - 7556
89	017-58-020-0	10-17-10-900-011-000-031	Perry, James A.	DD24 - 13899
90	017-58-014-0	10-17-10-900-024-000-031	Lukes, John R.	I 201002218
91	017-58-013-0	10-17-10-900-026-000-031	Pierce, Charles R. & Tonja	I 200623935
92	017-58-011-0	10-17-10-900-020-000-031	Adams, John & Janet	I 200717747
93	017-58-008-0	10-17-10-900-002-000-031	Ellis, James F. & Norma A.	DD28 - 7554
94	017-58-016-0	10-17-10-900-022-000-031	Ellis, James F. & Norma A.	DD20 - 4018
94A	017-58-018-0	10-17-10-900-021-000-031	Ratcliff, Richard E., Jr. & Anita R. & Richard E., Sr.	I 3215302
95	017-57-017-0	10-17-10-800-431-000-031	Steele, Rhonda K. & Crum, David, Trustee, Steele, Rhonda K. 1/2, Lloyd V. Dold Trust 1/2	DD29 - 14712
96	017-57-001-0	10-17-10-800-432-000-031	Mary Jennie Dold Rev. Trust	I 200619732
97	017-57-020-0	10-17-10-800-451-000-031	Trester, Mary Jo	DD30 - 1103
97B	017-57-014-0	10-17-10-800-439-000-031	Pennington, William & Helen H.	DD3 - 6674
97C	017-57-019-0	10-17-10-800-438-000-031	Pennington, Helen H.	Bk293 - Pg195
98	017-57-002-0	10-17-10-800-453-000-031	Hecker, Floyd H. & Mazie W.	DD21 - 13034
99	017-57-023-0	10-17-10-800-452-000-031	NovaStar, LLC	I 200405984
100	017-57-003-0	10-17-10-800-448-000-031	NovaStar, LLC	I 200405984
101	017-57-025-0	10-17-10-800-441-000-031	Evinger, Dan R. & Joan V.	I 3220148
102	017-57-024-0	10-17-10-800-440-000-031	Evinger, Dan R. & Joan V.	I 3220148
103A	017-88-001-0	10-17-10-800-807-000-031	Z S Developers, LLC	I 200804468
103B	017-78-001-0	10-17-10-800-001-000-031	River Valley Financial Bank	I 200213520
103C	017-78-002-0	10-17-10-800-002-000-031	Storage Express Holdings, LLC	I 200803716
103D	017-78-003-0	10-17-10-800-003-000-031	Storage Express Holdings, LLC	I 200813715
103E	017-78-004-0	10-17-10-800-004-000-031	Storage Express Holdings, LLC	I 200813715
103F	017-78-005-0	10-17-10-800-006-000-031	McDonner, Nicholas J. & Heather S.	I 200803795
103F	017-78-006-0	10-17-10-800-005-000-031	Wintersong, LLC	I 200429063
104	017-57-005-0	10-17-10-800-433-000-031	Benjamin, Bruce & Joseph & Nancy Summers	I 200921805

4/24/2011

Map Key #	Tax ID	Parcel Number	Owner	Recording Info.
104	017-42-013-0	10-17-11-000-712-000-31	Benjamin, Bruce & Joseph & Nancy Summers	I 200921805
105	017-57-006-0	10-17-10-800-434-000-031	Love, Jeanne A. & Love, Linda J.	DD31 - 705
105A	017-57-008-0	10-17-10-800-430-000-031	Richards, Joseph C., JR. & Karen S.	DD25 - 9564
106	017-57-010-0	10-17-10-800-443-000-031	Thompson, Alden Lee	DD22 - 9163
106A	017-57-015-0	10-17-10-800-430-000-031	Lisa Mullah	I 201014929
107	017-57-009-0	10-17-10-800-435-000-031	J. J. Craig Co., LLC	I 200705713
108	017-57-016-0	10-17-10-800-447-000-031	Troy French Automotive, LLC	I 200109417
108	017-57-007-0	10-17-10-800-446-000-031	Troy French Automotive, LLC	I 200109417
109	017-57-012-0	10-17-10-800-445-000-031	Coomer, Jessie L. & Ethel L.	DD27 - 5839
109	017-57-013-0	10-17-10-800-444-000-031	Coomer, Jessie L. & Ethel L.	DD27 - 5839
110	017-57-011-0	10-17-10-800-436-000-031	Rogers, Charles J. & RoseAnn	DD29 - 4982
111	017-35-014-0	10-17-10-800-427-000-031	ICON - Sellersburg Center, LLC	I 200811450
112	017-35-013-0	10-17-10-800-423-000-031	Patriot Rentals, LLC	I 201005372
113	017-35-012-0	10-17-10-800-417-000-031	Neace, John F.	I 3216980

DESCRIPTION OF SELLERSBURG
ECONOMIC DEVELOPMENT AREA
NORTHWEST OF CHARLESTOWN ROAD

The following is a legal description prepared this 21st day of April, 2011, of real property being parts of Surveys #108, #109, and #110 of the Illinois Grant, located in the Town of Sellersburg, Clark County, Indiana, more particularly described as follows:

Beginning at the West corner of Survey #110 of the Illinois grant, thence along the Northern line of Survey #110 North 55° 09' 25" East 2693.81 feet to a point on the Western right of way of Interstate #65, thence with said right of way as follows: South 10° 28' 25" East 605.58 feet, thence South 14° 51' 25" East 100.70 feet, thence South 12° 21' 25" East 79.03 feet, thence South 12° 30' 25" East 321.30 feet, thence South 07° 07' 25" East 386.35 feet, thence South 21° 28' 35" West 285.55 feet, thence South 34° 09' 35" West 137.14 feet, thence South 58° 02' 41" West 165.94 feet, the above being along the Northeastern line of that property recorded in Deed Record Book 230, Page 19, thence continuing along said right of way and along the Southeasterly line of those properties recorded in Instrument #200114150, in Deed Record Book 153, Page 102 and Deed Drawer 30, Instrument #11252 as follows: South 24° 47' 41" West 171.60 feet, thence South 01° 54' 16" East 371.85 feet, thence South 02° 35' 51" West 731.41 feet, thence South 16° 31' 18" West 318.10 feet, thence continuing along said right-of-way as follows: South 12° 50' 01" East 105.50 feet, thence South 08° 45' 11" West 365.12 feet, thence South 16° 38' 27" West 148.04 feet, thence South 14° 11' 27" West 696.80 feet, thence South 14° 11' 00" West 628.91 feet, thence South 15° 53' 56" West 46.38 feet, thence South 16° 44' 26" West 121.62 feet, thence South 22° 02' 59" West 502.06 feet to a point in the centerline of Old State Road #60, thence with said centerline North 33° 57' 49" West 501.69 feet, thence leaving said centerline to a point in the Eastern line of that property recorded in Instrument #200811450, thence along the line of said tract South 56° 20' 51" West 189.13 feet, thence South 21° 03' 39" East 332.14 feet, thence cutting diagonally across said tract South 72° 28' 42" West 584.82 feet to a point on the Eastern right of way of State Road #60, thence along the Eastern right of way of State Road #60 as follows: along a curve concave Southeasterly (said curve having a radius of 1834.86 feet and whose long chord bears North 08° 34' 42" West, having a length

of 468.26 feet) a distance of 469.54 feet, thence continuing with said right of way North 12° 11' 09" East 103.06 feet, thence North 01° 09' 57" West 200.00 feet, thence North 09° 07' 29" West 34.87 feet, thence North 05° 48' 41" West 371.99 feet, thence North 07° 05' 43" West 307.66 feet to a point in said right of way marking the Northernmost corner of that property recorded in Instrument #3216980, thence North 25° 54' 54" East crossing Old State Highway #60 240.01 feet to a point on the Eastern right of way, thence with said right of way of State Road #60 as follows: North 34° 05' 26" West 168.24 feet, thence North 34° 49' 05" West 154.44 feet, thence North 33° 43' 09" West 232.93 feet, thence North 36° 30' 48" West 119.66 feet, thence along a curve concave Westerly (said curve having a radius is 2606.48 feet and whose long chord bears North 32° 07' 53" West, having a length of 333.94 feet) a distance of 334.17 feet, thence continuing with said right of way North 32° 04' 57" West 84.10 feet, thence North 35° 48' 15" West 28.15 feet, thence North 35° 52' 36" West 62.91 feet, thence North 38° 57' 47" West 192.83 feet, thence North 37° 50' 41" West 100.63 feet, thence North 47° 38' 56" West 126.99 feet, thence North 39° 19' 21" West 172.68 feet, thence North 34° 19' 07" West 103.83 feet, thence North 42° 01' 28" West 529.77 feet, thence North 43° 34' 28" West 437.48 feet, thence leaving said right of way and along the North line of that property recorded in Deed Drawer 31, Instrument #14909 North 55° 05' 35" East 1509.98 feet to a point in the Grant line between Surveys #109 and #129, thence with said Grant line South 32° 54' 37" East 157.75 feet to the point of beginning, containing 259.00 Acres, more or less.

The above description has been compiled from existing deeds and does not represent an actual field survey of this parcel.

ORDINANCE NO. 2011-011

AN ORDINANCE AMENDING ORDINANCE NO. 2011-007 ESTABLISHING A POLICY AND PROCEDURE for COLLECTION PROCEDURES, AND ACTIVITIES AND TO EXPENSE AMOUNTS OUTSTANDING ON UNCOLLECTIBLE ACCOUNTS, WRITE-OFF SAID ACCOUNTS AND CLASSIFY THE SAME AS A BAD DEBT, AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith AS IT CONCERNS THE TOWN OF SELLERSBURG'S WATER, SEWER AND SANITATION DEPARTMENTS

WHEREAS, The Town of Sellersburg, Indiana, is required to establish a policy and procedure for handling and dealing with uncollectible accounts receivable owing the Town's water and sewer services; and

WHEREAS, the Town of Sellersburg, Indiana has been further advised by its Clerk-Treasurer that there is no policy or procedure currently within the Town, including Town Code and Ordinances, establishing a policy or procedure for the handling and processing of uncollectible accounts receivable owing to the Town's water and sewer service; and

WHEREAS, the Town of Sellersburg, Indiana, its Town Code of Ordinances, and based upon said review, find it is advisable, necessary, and in the best interests of the residents of the Town, as well as the business practices of the Town, to establish a policy and procedure for uncollectible accounts receivable owing to the Town in order to expense said amounts outstanding, cause the same to be written off, and classify the same as bad debt in order to comply with applicable rules and regulations of the State of Indiana Board of Accounts for the same.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, CLARK COUNTY, STATE OF INDIANA, THAT;

SECTION 1: The Following shall constitute the Bad debt/uncollectible account receivable write-off policies and procedures for the Town of Sellersburg, namely:

- (A) As used herein, the term UNCOLLECTABLE ACCOUNT shall have the following meaning: A delinquent account receivable for which the Town or Town's water, sewer and sanitation departments have reasonably and diligently attempted collection, but in which such collection remains unsuccessful an amount more than forty (\$40.00) dollars.
- (B) The Town or Town's water, sewer and sanitation departments shall prepare an annual schedule of uncollectible accounts. The annual schedule shall consist of accounts the Town or Town's water, sewer and sanitation departments have determined to be uncollectible.
- (C) The Town or Town's water, sewer and sanitation departments shall generate

a statement setting forth the efforts that have been made to collect the account and a statement that such efforts have been unsuccessful.

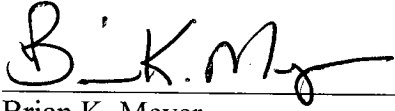
- (D) The Town or Town's water, sewer and sanitation departments shall produce a statement, including the reasons therefore, that the Town or Town's water, sewer and sanitation departments believe it is not economically feasible to pursue collection efforts on the specified uncollectible account.
- (E) A schedule of uncollectible accounts shall be submitted to the Town Council for action by the Town Council to declare said accounts listed as collectible or uncollectible and may authorize the Town or Town's water, sewer and sanitation departments to cease further collection procedures and expense the amounts outstanding on the accounts declared uncollectible as bad debts.
- (F) When the Town Council has determined the debt to be uncollectable and said account is categorized in this manner, the Town shall forward said accounts to a collection agency under a collection agreement for possible collection.

SECTION 2: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION 3: If any section, clause, provision or portion of this Ordinance and these Regulations shall be declared invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance and these Regulations.

SECTION 4: This Ordinance and these Regulations shall take effect, and be in full force and effect, from and after passage by the Town of Sellersburg, Indiana and publication in conformance with applicable law.

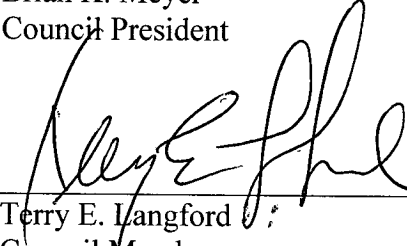
THIS ORDINANCE is hereby passed and adopted on this 11 day of
APRIL, 2011.



Brian K. Meyer
Council President



Paul J. Rhodes
Council Vice President



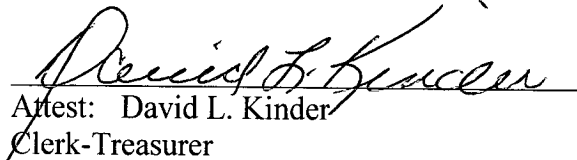
Terry E. Langford
Council Member



Michael N. Lockhart
Council Member



James H. LaMaster
Council Member



Attest: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2011-012

**AN ORDINANCE ESTABLISHING A FEE TO BE PAID TO THE SELLERSBURG
POLICE DEPARTMENT FOR FINGERPRINT CARDS**

WHEREAS, the Sellersburg Town Council has been informed by the Chief of Police processing fee needs to be assessed and collected for fingerprint cards for employment, handgun license, etc.; and

WHEREAS, the Sellersburg Town Council has determined the Sellersburg Police Department shall assess and collect a processing fee in the amount of ten (\$10) dollars, per card, for fingerprinting and that said fees shall be placed in the LECE account for the Sellersburg Police Department; and

WHEREAS, the processing fee shall only apply to persons who live outside the municipal limits of the Town of Sellersburg. All residents of the Town of Sellersburg shall not be assessed a fee for fingerprint cards upon proof of residency; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

WHEREAS, the herein ordinance is necessary for the efficient and effective administration of Town government; and


BE IT NOW THEREFORE ORDAINED by the Sellersburg Town Council that the Sellersburg Police Department shall assess and collect a ten (\$10) dollars, per card, fee for processing fingerprint card requests for any person who is not a resident of the Town of Sellersburg.

BE IT FURTHER ORDAINED residents of the Town of Sellersburg shall be exempt

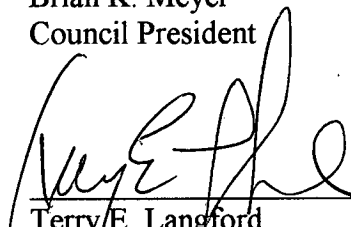
from the processing fee upon proof of Town residency.

So Ordained this 25th day of April, 2011.

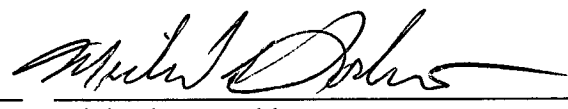
Brian K. Meyer
Council President



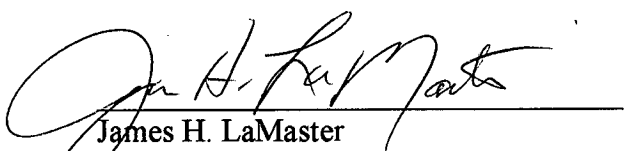
Paul J. Rhodes
Council Vice President



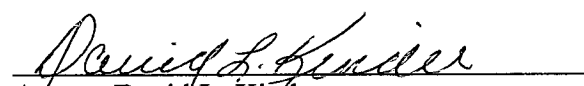
Terry E. Langford
Council Member



Michael N. Lockhart
Council Member



James H. LaMaster
Council Member



Attest: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2011-013

AN ORDINANCE AMENDING ORDINANCE NO. 2006-032 FIXING THE COMPENSATION OF APPOINTED OFFICIALS OF THE TOWN OF SELLERSBURG, INDIANA FOR CALENDAR YEAR 2007

WHEREAS, the Sellersburg Town Council did on December 11, 2006 pass Ordinance No. 2006-032 fixing the compensation of appointed officials of the Town of Sellersburg, Indiana for the calendar year 2007; and

WHEREAS, The Sellersburg Town Council desires to amend said ordinance to reflect that said compensation of appointed officials of the Town of Sellersburg, Indiana shall be the same for each year until modified by new ordinance; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

BE IT NOW THEREFORE ORDAINED by the Town Council of the Town of Sellersburg, Indiana that the compensation for appointed officials of the Town of Sellersburg, Indiana, payable from the General Fund and the Parks and Recreation Fund of the Town of Sellersburg shall be as follows:

PAYABLE FROM THE TOWN'S GENERAL FUND:

5 Police Commissioners	\$50.00 per meeting, maximum \$600.00 per year.
1 Police Commissioner/Council Member	\$50.00 per meeting, maximum \$600.00 per year.
1 Police Commissioner Secretary	\$50.00 per meeting, maximum \$600.00 per year.
5 Planning Commission Members	\$50.00 per meeting, maximum \$600.00 per year.
1 Planning Commission Secretary	\$50.00 per meeting, maximum \$600.00 per year.
2 Planning Commission/Council Member	\$50.00 per meeting, maximum \$600.00 per year.
5 Zoning Appeals Members	\$50.00 per meeting, maximum \$600.00 per year.
1 Zoning Appeals Secretary	\$50.00 per meeting, maximum \$600.00 per year.

PAYABLE FROM THE TOWN'S PARKS AND RECREATION FUND:

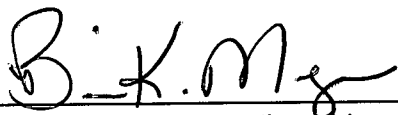
5 Parks Board Members	\$50.00pPer meeting, maximum \$600.00 per year.
1 Parks Board Member/Council Member	\$50.00 per meeting, maximum \$600.00 per year.
1 Parks Board Secretary	\$50.00 per meeting, maximum \$600.00 per year.

PAYABLE FROM THE TOWN'S TIF DISTRICT FUND:

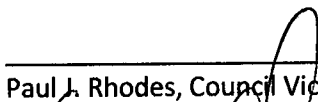
5 Redevelopment Commission Members
1 Redevelopment Commission Secretary

\$50.00 per meeting, maximum \$600.00 per year.
\$50.00 per meeting, maximum \$600.00 per year.

SO ORDAINED this 9th day of **May, 2011.**



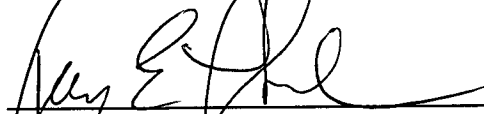
Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice-President



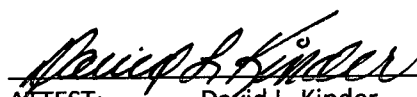
James H. LaMaster, 2nd Vice-President



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2011-014

ADDITIONAL APPROPRIATIONS

Whereas, It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget;

Whereas, this matter was considered at an open meeting to which the public were invited to participate; and

Now, Therefore be it ordained by the Town Council of the Town of Sellersburg, Clark County, that for the expenses of the Town of Sellersburg the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

Fund Name: <u>General</u>	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification:		
10000 Personal Services	\$396,407.00	\$396,407.00
TOTAL for <u>General</u> :	\$396,407.00	\$396,407.00

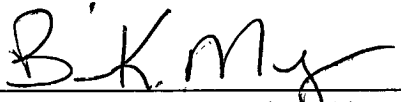
Fund Name: <u>CCD</u>	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification:		
40000 Capital Outlays	\$65,374.00	\$65,374.00
TOTAL for <u>CCD</u> :	\$65,374.00	\$65,374.00

Fund Name: <u>Clerk's Record Perpetuation:</u>	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification:		
30000 Other Services & Charges	\$ 5,782.00	\$ 5,782.00
TOTAL for <u>Clerk's Record Perpetuation:</u>	\$ 5,782.00	\$ 5,782.00


Fund Name: <u>Ordinance Deferral User Fee</u>	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification:		
30000 Other Services & Charges	\$ 2,818.00	\$ 2,818.00
TOTAL for <u>Ordinance Deferral User Fee:</u>	\$ 2,818.00	\$ 2,818.00

Fund Name: <u>Rainy Day</u>	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification:		
30000 Other Services & Charges	\$ 295,422.00	\$ 295,422.00
TOTAL for <u>Parks & Recreation:</u>	\$ 295,422.00	\$ 295,422.00

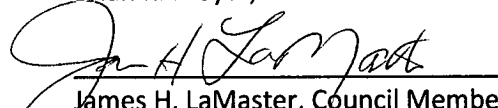
Adopted this 23RD day of MAY, 2011.



Brian K. Meyer, Council President



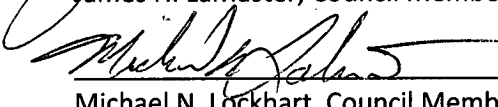
Paul J. Rhodes, Council Vice President



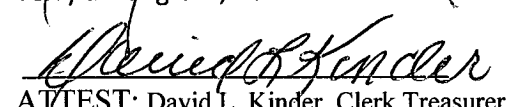
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder, Clerk Treasurer

ORDINANCE NO. 2011-015

AN ORDINANCE ADOPTING THE TIF DISTRICT MASTER PLAN AND PUD
ORDINANCE FOR THE TOWN OF SELLERSBURG

WHEREAS, the Sellersburg Town Council has heretofore established a Tax Increment Finance (TIF) District Master Plan for the Town of Sellersburg; and

WHEREAS, the Sellersburg Town Council through its Re- Development Commission engaged the services of outside consultants to develop a TIF District Master Plan and PUD Ordinance; and

WHEREAS, the Sellersburg Town Council has reviewed the TIF District Master Plan and PUD Ordinance and has determined said Master Plan and PUD Ordinance are necessary for the development of the TIF District; and

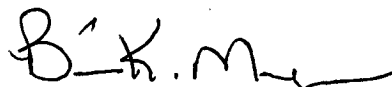
WHEREAS, the Sellersburg Town Council has determined the herein Ordinance is necessary for the efficient and affective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate; and

BE IT NOW THEREFORE ORDAINED by the Sellersburg Town Council that the TIF District Master Plan and PUD Ordinance shall be and hereby is adopted and incorporated by

reference into the herein Ordinance.

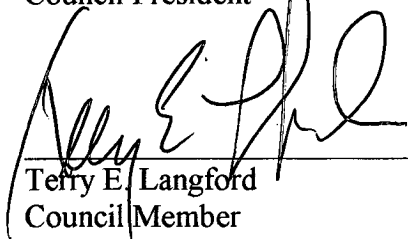
So Ordained this 27th day of June, 2011.



Brian K. Meyer
Council President



Paul J. Rhodes
Council Vice President




Terry E. Langford
Council Member



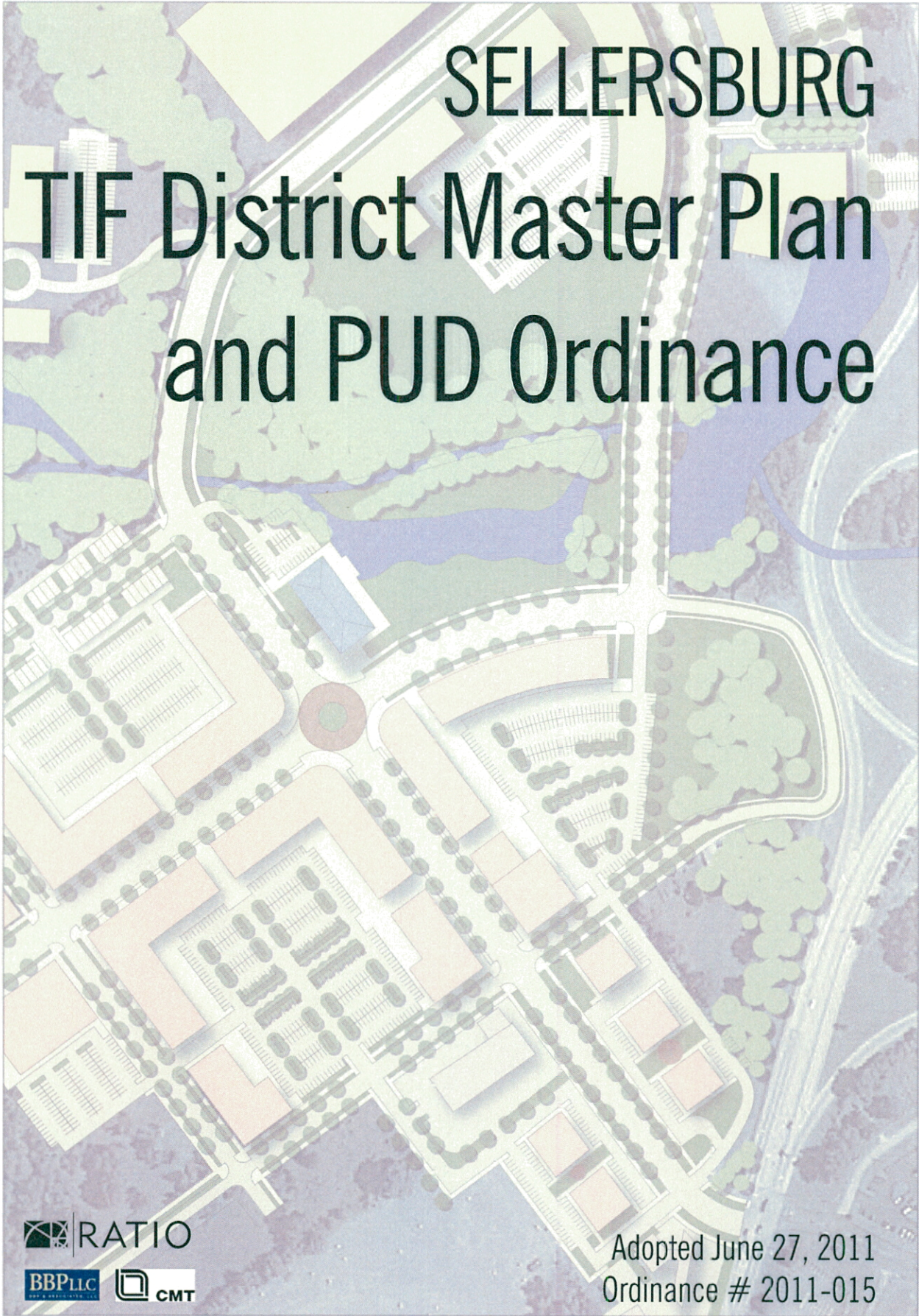
Michael N. Lockhart
Council Member



James H. LaMaster
Council Member



Attest: David L. Kinder
Clerk-Treasurer



SELLERSBURG TIF District Master Plan and PUD Ordinance

 RATIO

Adopted June 27, 2011
Ordinance # 2011-015

ORDINANCE NO. 2011-015

AN ORDINANCE ADOPTING THE TIF DISTRICT MASTER PLAN AND PUD
ORDINANCE FOR THE TOWN OF SELLERSBURG

WHEREAS, the Sellersburg Town Council has heretofore established a Tax Increment Finance (TIF) District Master Plan for the Town of Sellersburg; and

WHEREAS, the Sellersburg Town Council through its Re- Development Commission engaged the services of outside consultants to develop a TIF District Master Plan and PUD Ordinance; and

WHEREAS, the Sellersburg Town Council has reviewed the TIF District Master Plan and PUD Ordinance and has determined said Master Plan and PUD Ordinance are necessary for the development of the TIF District; and

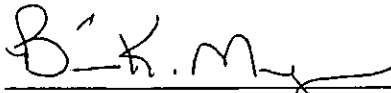
WHEREAS, the Sellersburg Town Council has determined the herein Ordinance is necessary for the efficient and affective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate; and

BE IT NOW THEREFORE ORDAINED by the Sellersburg Town Council that the TIF District Master Plan and PUD Ordinance shall be and hereby is adopted and incorporated by

reference into the herein Ordinance.

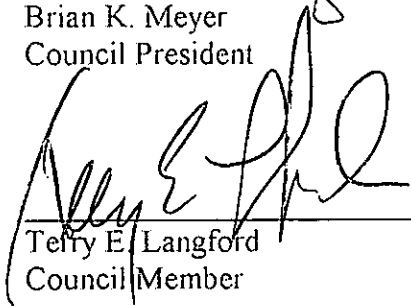
So Ordained this 27th day of June, 2011.



Brian K. Meyer
Council President



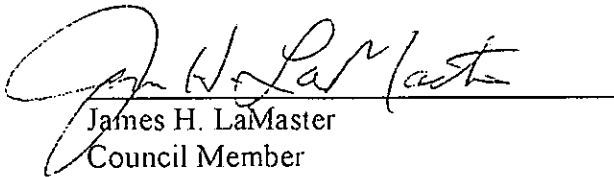
Paul J. Rhodes
Council Vice President



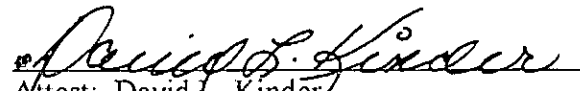
Terry E. Langford
Council Member



Michael N. Lockhart
Council Member



James H. LaMaster
Council Member



Attest: David L. Kinder
Clerk-Treasurer

TABLE OF CONTENTS

TABLE OF CONTENTS	3	Street Cross-Sections.....	20
ACKNOWLEDGEMENTS.....	4	Gateway and Wayfinding	21
OVERVIEW	5	Stormwater Detention Concept	21
Intent	5	STANDARDS & GUIDELINES	25
Plan Components	5	Purpose	25
Why a PUD?	6	Title.....	25
Public input process	6	Applicability.....	25
Project Steering Committee.....	6	Key to Standards and Guidelines	26
Public Meetings	6	Technical Committee.....	26
Analysis	7	Non-conforming Structures and Uses ..	26
Land Use.....	7	General Development Standards &	
Utilities.....	7	Guidelines	27
Zoning Considerations.....	8	1. Building Form and Lot Standards.....	27
TIF DISTRICT CONCEPT	9	2. Architectural / Building Standards.....	30
Development goals.....	9	3. Circulation Network	32
Economic Development	9	4. Landscape Standards	34
Sustainable Development	9	5. Parking Standards.....	37
Concepts	10	6. Drainage Standards.....	46
Site Circulation	10	7. Utilities	51
Complete Streets	10	8. Mechanical and Service Areas.....	52
Development Concepts by Subarea.....	12	9. Sign Standards	53
Village Square Subarea (#1)	12	10. Accessory Uses and Structures	55
Village Living Subarea (#2)	12	11. Outdoor Storage, Displays and Sales ..	55
Community Commercial Subarea (#3).....	14	12. Fence and Wall Standards	56
Employment Center Subarea (#4).....	14	13. Exterior/Site Lighting Standards.....	57
Phasing Considerations	15	14. Open Space	58
Phase #1 Features	15	Specific subarea Development	
Phase #2 Features	16	Standards	60
Phase #3 Features	16	15. Village Square Subarea	60
Illustrative Site Plan	17	16. Village Living Subarea	62
Subarea street Hierarchy.....	18	17. Community Commercial Subarea	63
TIF PUD Arterial	18	18. Employment Center Subarea	63
TIF PUD Collector.....	18	APPENDIX.....	65
TIF PUD Local Street.....	18	Appendix A: Legal Description	66
TIF District PUD Subarea		Appendix B: Market Study	
Street Hierarchy Map	19	and Analysis	70

ACKNOWLEDGEMENTS

The following individuals provided their considerable insight into the creation of the Sellersburg TIF District Plan and PUD Ordinance. The success of this or any plan is predicated on the valuable input of those affected by such a plan. The following individuals listed contributed relevant ideas that responded to changing needs of the community.

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TOWN OF SELLERSBURG

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Note: The graphics contained within this document, including illustrative plans, sketches, photographs, etc., are intended to portray design intent and not final architecture or design. Final architecture and site design will vary depending upon development proposals by final end users.

OVERVIEW

INTENT

In 2009 the Town of Sellersburg formed a redevelopment commission which created a Tax Increment Finance (TIF) District as an economic development tool to attract new commercial development. TIF financing utilizes the increased (“incremental”) property tax revenues of property in the district to pay for the construction of improvements and infrastructure inside the district for a designated period of time without the use of existing general funds.



Sellersburg TIF District north study area

As the accompanying graphic illustrates, Sellersburg’s complete TIF District extends from State Road 60 west of I-65, along Indiana Avenue to Penn Avenue, and south to the Clark County Airport. However for purposes of this planning study, the study area includes only the northwestern portion of the TIF. This portion of the district is located just west of I-65 and extends between State Roads 311 and 60. These three primary transportation corridors serve as major linkages to surrounding communities and the Louisville Metropolitan area. This area is approximately 260 acres, and is comprised primarily of agricultural uses with some residential and commercial.

PLAN COMPONENTS

This TIF District Master Plan and PUD Ordinance (TIF PUD) is comprised of four components to evaluate development proposals within the northern portion of the Sellersburg TIF District. These elements include:

1. General overview and analysis.
2. A northern TIF District Conceptual Master Plan and subareas.
3. A Land Use Matrix which identifies permitted, conditional and prohibited land uses by subarea.
4. Design Standards and Guidelines which address appearance and character including but not limited to landscaping, lighting, parking, etc.

OVERVIEW

WHY A PUD?

PUD zoning is intended to provide more development flexibility and innovation than is possible through the application of traditional zoning regulations. The PUD allows for a mix of uses and mixed densities. The PUD also establishes development and design standards for future development in the TIF District that reflects the community's vision. Illustrations and photos are included throughout this document to communicate the intent and character of the standards and guidelines. To this end, the current Sellersburg Zoning Ordinance shall be amended to establish procedures for the rezoning of land to a PUD and for the submission and review of Development Plans.

The standards and guidelines outlined in this plan are intended to strengthen the character and identity of development in the designated TIF District.

PUBLIC INPUT PROCESS

There were a number of opportunities throughout the planning process for Sellersburg residents to share their concerns and ideas regarding future site potential as summarized below.

Project Steering Committee

An eleven-member project steering committee met in June 2010, and worked with project consultants to oversee and guide this process. The steering committee members represented a diverse cross-section of Sellersburg's population including business leaders, residents, town staff and public officials. The group met on four occasions to ensure the planning process, and the plan itself responded to the community.

Public Meetings

A public workshop was held on September 22nd to introduce the general public to the TIF District planning process. There was a mapping exercise to allow attendees point out concerns or opportunities, and a survey was distributed to gather residents' preferences for the type of development they would like to see in the TIF District. The results of this workshop confirmed preliminary findings and helped establish a list of issues to be addressed in the plan.

A draft of the plan was presented at an open house on December 13, 2010 at the Sellersburg Town Hall to receive comment from the public. The meeting provided an opportunity for residents to review and comment on the plan in an informal way prior to a public hearing before the Plan Commission.



December 2010 Public Open House

ANALYSIS

Land Use

Land use within the TIF District is characterized by commercial development along S.R. 311, residences along the western (S.R. 60) and northern (Hillendale subdivision) edges, and agricultural uses comprising the remaining land to the north. There are also significant tracts of woodlands along Camp Run Creek which traverses the central part of the district. IVY Tech community college is located on the southside of S.R. 311 west of I-65. Although the campus with an enrollment of 5,800 is not subject to the standards of this ordinance, it is an influential presence in future development within the TIF District.

Utilities

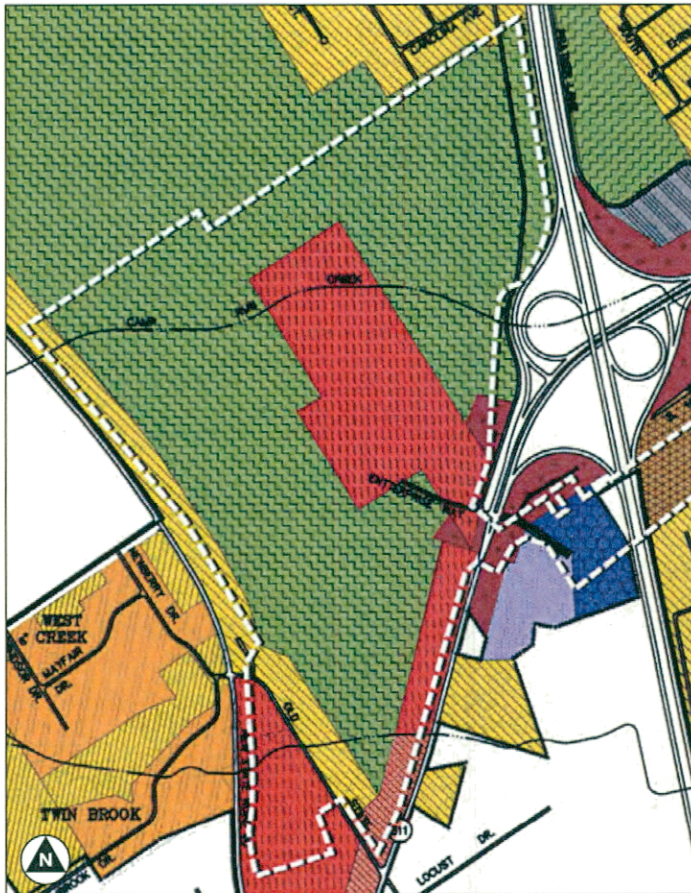
Current topography suggests stormwater drains primarily from the northwest to southeast, which is concurrent with the flow of Camp Run Creek through the north of the TIF District and an unnamed drain through the southern part of the TIF District. Both of these drainage channels are regulated by the Clark County Surveyor. The Sellersburg community regularly encounters flooding and surcharging in their storm sewer systems, which should be considered when making decisions on the treatment and design of stormwater solutions.

Another factor important to future development within the TIF District will be the availability and location of public and private utilities. It is important to coordinate infrastructure decisions to ensure fiscally-responsible development occurs in an effective manner within the TIF District. Most utility trunk lines currently access the area from S.R. 311 via Enterprise Drive and run north paralleling the road. These facilities include an 8" water service and an 8" sanitary force main. Private gas, electric and data service are in the vicinity as well. Future development will likely constitute a need for upgraded, re-sized facilities particularly water and sanitary. The existing lift station at the Enterprise Drive/S.R. 311 intersection is currently operating at capacity and will require an upgrade regardless of final pipe sizing. Additional data and electric facilities will likely be required as well.

OVERVIEW

Zoning Considerations

As illustrated on the zoning map below, much of the TIF District is currently zoned Agricultural. The R-1 (*Single-family Residences*) zoning classification reflects the residential uses along S.R. 60 and the Hillendale subdivision north of the district. There is also an IB-1 (*Interchange Business*) classification to accommodate the highway commercial uses centered around the S.R. 311 / Enterprise Drive intersection. A 30+ acre parcel is zoned B-3 *General Business* designation located in the central section of the TIF. However, as noted previously, it is zoned for business use, but remains in agricultural use.



Legend

	A	Agriculture
	R-1	Single-Family Residences
	R-2	Single- and Two-Family Residences
	R-3	Single-, Two-, and Multi-Family Residences
	RPO	Residential / Professional Office
	GO	General Office
	MHP	Mobile Home Park
	B-1	Local Business
	B-2	Central Business
	B-3	General Business
	IB-1	Interchange Business
	I-1	Light Industry

Existing Zoning Classifications (Source: Town of Sellersburg Zoning Ordinance)

TIF DISTRICT CONCEPTS

DEVELOPMENT GOALS

During the initial phases of this planning effort, the town's primary focus was to create additional retail development in the TIF District. Based on market analyses performed for the site and ongoing conversations between community leaders, Steering Committee members, and project consultants, it became apparent the community had a unique opportunity to create a mix of land uses for the area. Focusing on a mixed-use strategy would not only buffer downward trends in the economy, but also create a vibrant focal point for the community.

Economic Development

To understand the economic and market conditions in which the Town of Sellersburg and its commercial businesses operate, a baseline economic and demographic profile was performed which examines existing and projected demographic and economic factors for the town and surrounding retail trade areas. Several factors point to retail as a land use that could be accommodated within the study area:

- Evident demand for supermarket/grocery
- Excellent access and visibility at potential location
- Availability of undeveloped land
- Growing population and households
- Medium density residential development in vicinity
- Ability of undeveloped tracts to support additional land uses

NOTE: A full Market Study and Analysis with recommendations is included in the Appendix beginning on page 68. Conclusions of that report can be found on page 88 of this document.

Sustainable Development

As part of this planning process, the Town of Sellersburg sought opportunities to provide an ecologically-healthy environment which would, in turn, contribute to economic health by reducing long-term energy costs and demands on

TIF DISTRICT CONCEPTS

utilities and infrastructure. Such opportunities explored in this plan include shared stormwater detention strategies, a multi-modal circulation network, and green building principles. This plan seeks to increase the awareness of environmentally-sensitive, or sustainable, development principles, and to encourage developers to incorporate them as part of future development. Potential incentives provided by the town to support the inclusion of sustainable measures or practices in development proposals could include:

- expedited review and permitting process,
- waiver of selected fees,
- reduced utility connection fees or
- development density bonuses.

CONCEPTS

The following concepts are a summary of the analysis, vision and goals for economic development and sustainable development. Portions of the plan represent the town's commitment to the development's success via public investment for infrastructure in order to be a catalyst for private investment. An Illustrative Master Plan is shown on page 17 and represents one potential concept for future development primarily in the vicinity of the identified Phase #1 and area with the most interstate visibility. The graphics contained within this document, including illustrative plans, sketches, photographs, etc., are intended to portray design intent and not final architecture or design. Final architecture and site design will vary depending upon development proposals by final end users.

SITE CIRCULATION

Enhancing the district's streetscape is a cooperative effort between public and private entities. However, the initial streetscape improvements will most likely be constructed as part of a public infrastructure project. Constructing the extensions of Enterprise Drive and Poindexter Lane into the site serve to organize and focus development in the PUD.

Streets and sidewalks often form the greatest amount of public space in a community. The scale and proportion of the street in relation to the surroundings, and the streetscape amenities can contribute to or detract from the ultimate goal to bring vibrancy to an area. The width of the street can influence the desired height of the building street wall, which in turn can help to create a comfortable, well-proportioned environment.

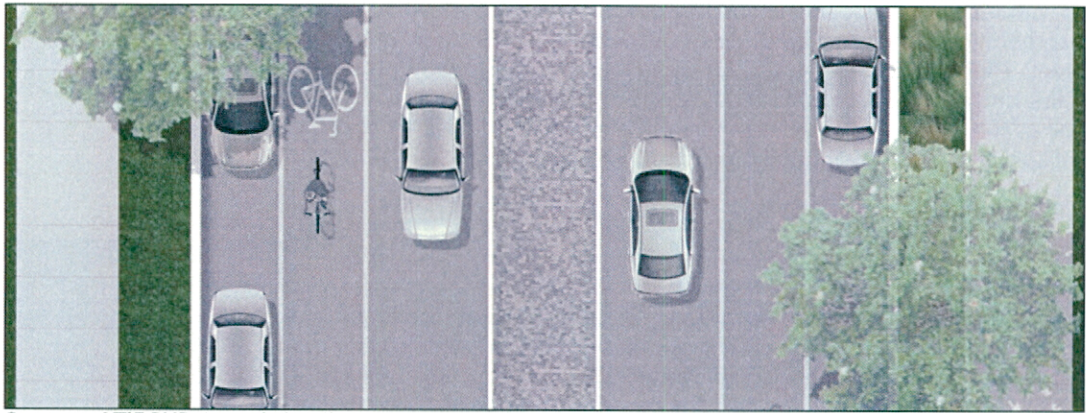
Complete Streets

"Complete streets" is a philosophy of streets designed to enable safe access with all users in mind including drivers, public transportation vehicles and riders, pedestrians, and bicyclists, as well as older people, children, and those with disabilities. A complete street is safer, more livable, and welcoming to

TIF DISTRICT CONCEPTS

everyone. Instituting a complete streets policy ensures that transportation planners and engineers consistently design and operate the entire roadway.

There is no one design prescription for a complete streets. Ingredients that may be found on a complete street include: sidewalks, bike lanes (or wide paved shoulders), special bus lanes, comfortable and accessible public transportation stops, frequent crossing opportunities, median islands, accessible pedestrian signals, curb extensions, and more. Many of the elements that are appropriate



Conceptual TIF PUD Arterial plan illustrating "complete streets" features

for the TIF District PUD are reflected in the street plan and cross-sections shown on pages 19 and 20.

Sellersburg's 1993 Comprehensive Plan recommended the creation of an access road to connect Ohio Avenue and Poindexter Lane. The current alignment of Ohio Avenue has created safety and efficiency issues at the junction of S.R. 311 and Enterprise Drive (near the existing McDonald's). This Master Plan provides a street network that relieves congestion along S.R. 311 and opens up the TIF District for development. The relocation of Ohio Avenue through the TIF District and signalization improvements will minimize congestion at the intersection.

In addition to the relocation of Ohio Avenue, an important consideration for development in the TIF District will be the extension and connection of Enterprise Drive and Poindexter Lane. This connection, along with a connection to Alabama Avenue will allow for full access to the TIF District. By establishing the arterial street sections first, traffic flow through the TIF District will be initially optimized and traffic patterns can begin to adjust to the new roadway network. Collector streets and local streets then can be added to provide access to additional parcels as development occurs.

TIF DISTRICT CONCEPTS

DEVELOPMENT CONCEPTS BY SUBAREA

The 260-acre TIF District is divided into four subareas as depicted on the TIF District Subarea Plan on the next page. The intent is to provide a cohesive, master-planned community which encourages mixed-uses, and compact development in a walkable setting. Walkability refers to an approximately one-quarter mile (1,320 feet) distance as shown on the plan that most people will walk to run daily errands.

The IVY Tech campus, comprised of approximately 5,800 students, represents an immense, untapped resource relative to future development. The incorporation of various land uses and activities, pedestrian amenities, and streets that accommodate various modes of transportation can result in an active and vibrant district. Listed below is an overview of the four subareas as well as the intent or character of each. Permitted land uses for each subarea are specified in Table 1: Land Use, beginning on page 28.

Village Square Subarea (1)

The *Village Square* subarea creates a central focal point not only for future development within the TIF District, but for the greater Sellersburg community. The Village Square concept seeks to encourage mixed-use development centered around a public space in the vicinity of the extension of Poindexter Lane and Enterprise Drive. Key features or principles for the *Village Square* subarea include:

- Serves as a catalyst for future development and a gathering place for residents, IVY Tech students, and motorists/visitors.
- Includes two and three story buildings with minimal setbacks which frame and shape the central public place.
- Serves as an identifiable place or feature that sets Sellersburg apart from other communities along I-65.
- Supports a combination of land uses including retail stores, professional offices, restaurants, and/or second-story multi-family housing.



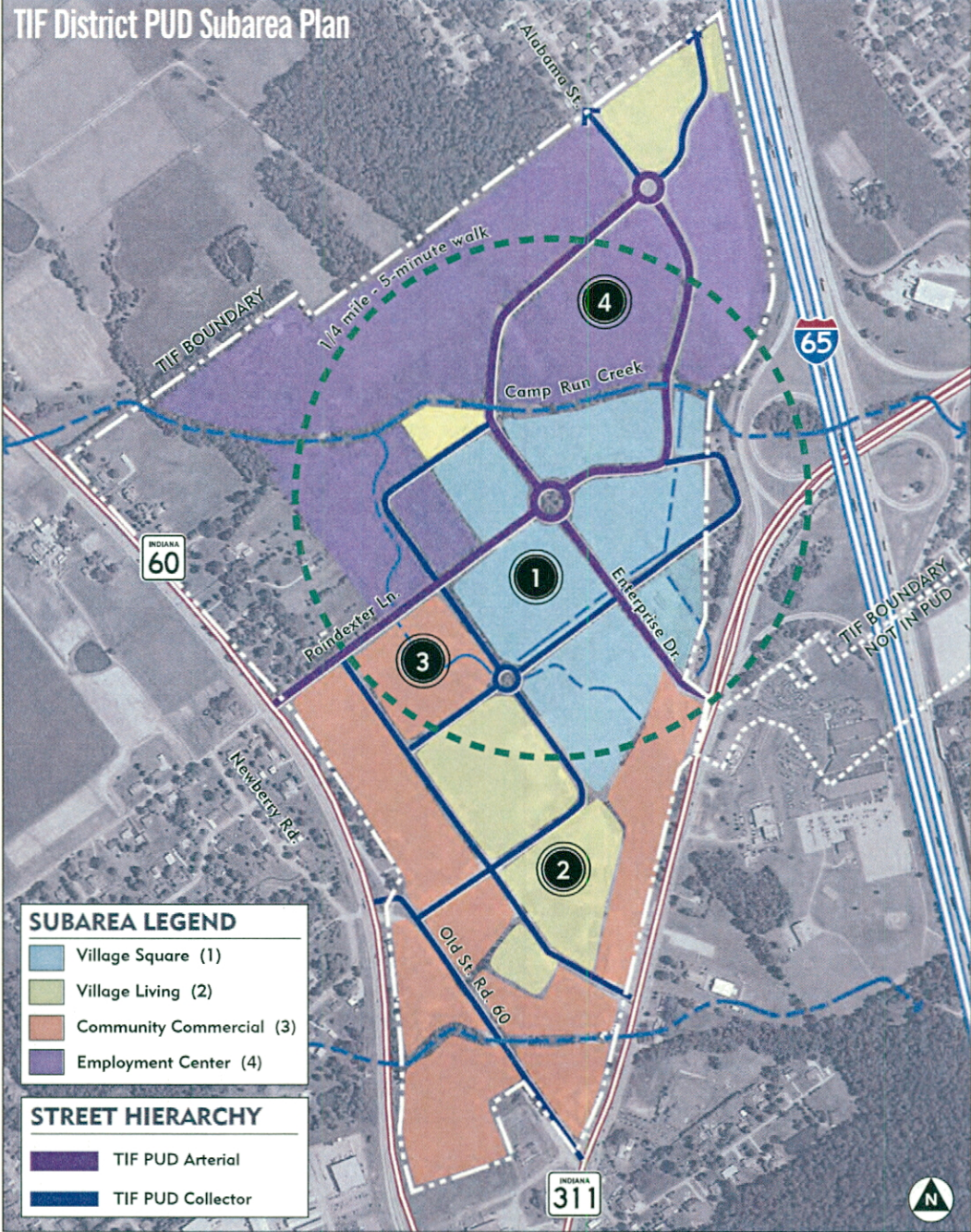
Characteristic development in the Village Square subarea

Village Living Subarea (2)

The creation of the *Village Living* subarea is intended to encourage a variety of residential uses that respond to the needs of the community. The TIF District provides alternatives to traditional, single-family, detached homes, promotes density and walkability, encourages social and economic diversity, supports a greater variety of amenities, and produces more active developments. Key features for the *Village Living* subarea include:



Multi-family development in the Village Living Subarea



Map illustrating subareas and road network with 1/4 mile diameter circle representing "walkability".

TIF DISTRICT CONCEPTS

- Integrates rather than isolates new residential development into mixed-use development.
- Includes opportunities for assisted-living facilities, student housing, condominiums, multi-family units and/or traditional apartments.
- Serves as a buffer or transition between more intense land uses and adjacent (single-family) residences.
- Encourages clustered development centered on pedestrian walks or common green space, which can increase density while simultaneously reducing street paving or impervious surfaces.

Community Commercial Subarea (3)

The purpose of the *Community Commercial* subarea is to encourage quality commercial/retail development that responds to the needs of current market conditions. As indicated on the accompanying illustration, this development is located along State Roads 60 and 311 and is more auto-oriented. Below are additional features or principles for the *Community Commercial* subarea.

- Development adjacent to the intersection of S.R. 311 and Enterprise Drive should incorporate a gateway into the TIF District (see Page 17).
- Creates a more pedestrian-friendly setting and ties into a multi-modal transportation network rather than typical, auto-oriented commercial development.
- Anchored by a grocery store, new commercial development would focus on the needs of residents, IVY Tech students, and motorists/visitors.



Characteristic development in the Community Commercial subarea

Employment Center Subarea (4)

The *Employment Center* subarea is intended to be an economic engine strengthening the local tax base, and providing employment opportunities for residents. The concept is to provide a business or light industrial park in a campus setting that is also well-connected to the activity areas. Listed below are additional key features or principles for the *Employment Center* subarea.

- Creates a visible presence along the I-65 corridor.
- Gives residents the opportunity to work where they live.
- Promotes shared stormwater detention facilities that serve as amenities for employees and residents.
- Integrates development with the surrounding natural (riparian) landscape.



Office building in the Employment Center subarea

PHASING CONSIDERATIONS

With over 260 acres available for development, town officials recognize Sellersburg cannot feasibly provide the needed investment/infrastructure for development throughout the entire TIF District. As such, it is important to develop a rationale or strategy for incremental investment that focuses on establishing an identity for the TIF that is affordable for the town, and serves as a catalyst for future development. The following outlines a potential 3-phased approach for developing the TIF District over an extended time period that is typically dependent on the market. It is only one representation of the what could happen.



Phase #1 Features:

- Extend Enterprise Drive and Poindexter Lane to provide internal access to the district and potentially alleviate some traffic congestion at or near the intersection of State Roads 311 and 60.
- Establish a regional linear, shared stormwater detention system to serve short- and long-term development patterns.
- Improve intersection functionality at S.R. 311 and Enterprise Drive by eliminating Ohio Avenue as a frontage road. This will also make the land along I-65 more developable as well.
- New street network to connect the Hillendale subdivision at Alabama Avenue.
- Gateway feature(s) at the intersection of S.R. 311 and Enterprise Drive.
- Pedestrian enhancements across S.R. 311 to safely link the IVY Tech campus to the TIF District.
- New development along Enterprise Drive and around the Village Square.

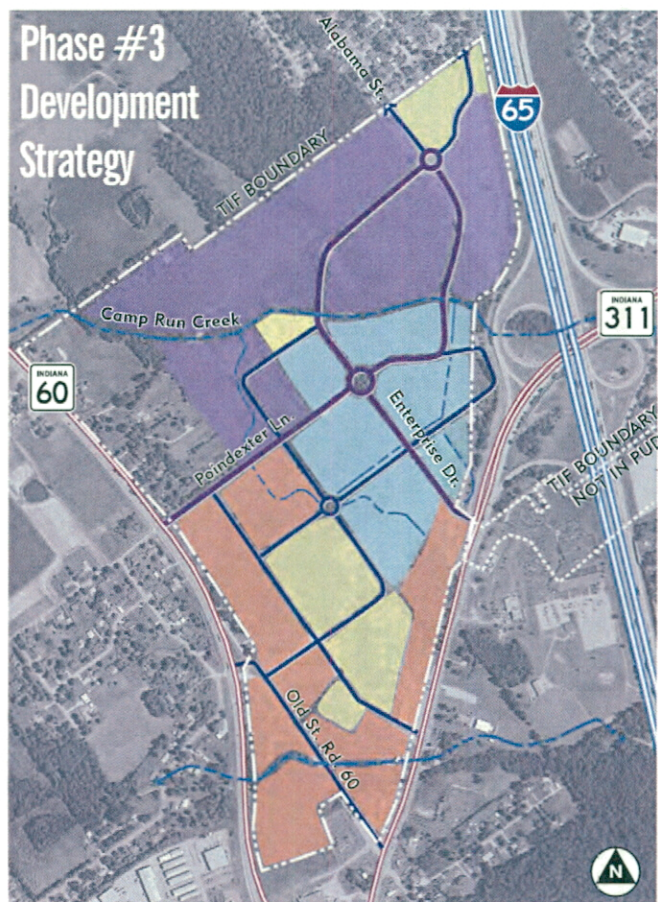
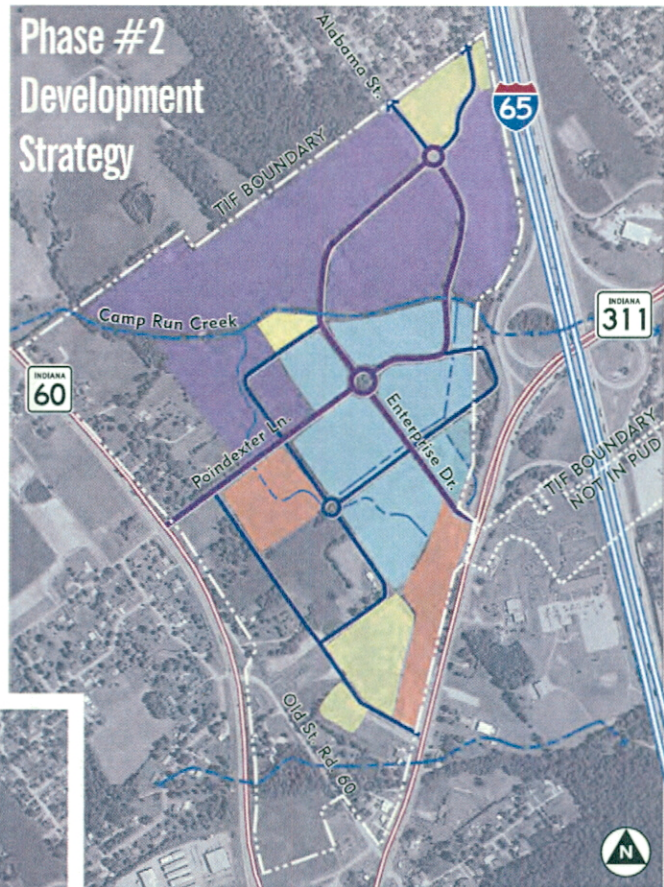
SUBAREA LEGEND	
	Village Square (1)
	Village Living (2)
	Community Commercial (3)
	Employment Center (4)

STREET HIERARCHY	
	TIF PUD Arterial
	TIF PUD Collector

TIF DISTRICT CONCEPTS

Phase #2 Features:

- Most development focused on the Employment Center subarea along the northern edge of the district.
- Inclusion of multi-family residential development to meet increasing demands of new employees or students and serve as a buffer for existing residences.
- Additional retail/commercial development along S.R. 311.
- Continued build-out of the Village Square subarea.
- Expanded (arterial) street network southwest of the Village Square area to accommodate additional commercial and residential development.



SUBAREA LEGEND	
	Village Square (1)
	Village Living (2)
	Community Commercial (3)
	Employment Center (4)

STREET HIERARCHY	
	TIF PUD Arterial
	TIF PUD Collector

Phase #3 Features:

- Final build-out fronting State Road 60 along the western edge of the TIF District.
- Expansion of the local street network to accommodate additional commercial and residential development.

Note: The graphics contained within this document, including illustrative plans, sketches, photographs, etc., are intended to portray design intent and not final architecture or design. Final architecture and site design will vary depending upon development proposals by final end users.



Illustrative Site Plan of one potential concept focused on core and interstate areas

TIF DISTRICT CONCEPTS

SUBAREA STREET HIERARCHY

The Subarea Street Hierarchy illustrated on page 19 includes three roadway types based on the Thoroughfare Plan in the 1993 Sellersburg Comprehensive Plan. The cross sections on page 20 that illustrate the following roadway types and characteristics including tree lawns, sidewalks, and/ optional infiltration basins between the curb and sidewalk. These concepts are suggested and can be modified based on factors such as right-of-way availability. The intent to have a "complete street" and community of walkable scale should still be honored in the final design.

TIF PUD Arterial

A major roadway through the PUD. This type of roadway accommodates the highest number of users including vehicular, pedestrian, and cyclist.

The existing Sellersburg cross-section that is most similar to TIF PUD Arterial is "Type 4-2 Arterial (undivided minor arterial)" with the following differences:

- Reduction from two moving lanes in each direction to one moving lane in each direction with a center turn lane
- Addition of an 8-foot parking lane along the curb in each direction
- Inclusion of striped bike lanes on the boulevard-type street

TIF PUD Collector

This roadway will function as a collector within the PUD, providing connections to the TIF PUD Arterials and lower traffic volumes.

The existing Sellersburg cross-section that is most similar to TIF PUD Collector is "Type C Arterial (collector)" with the following differences:

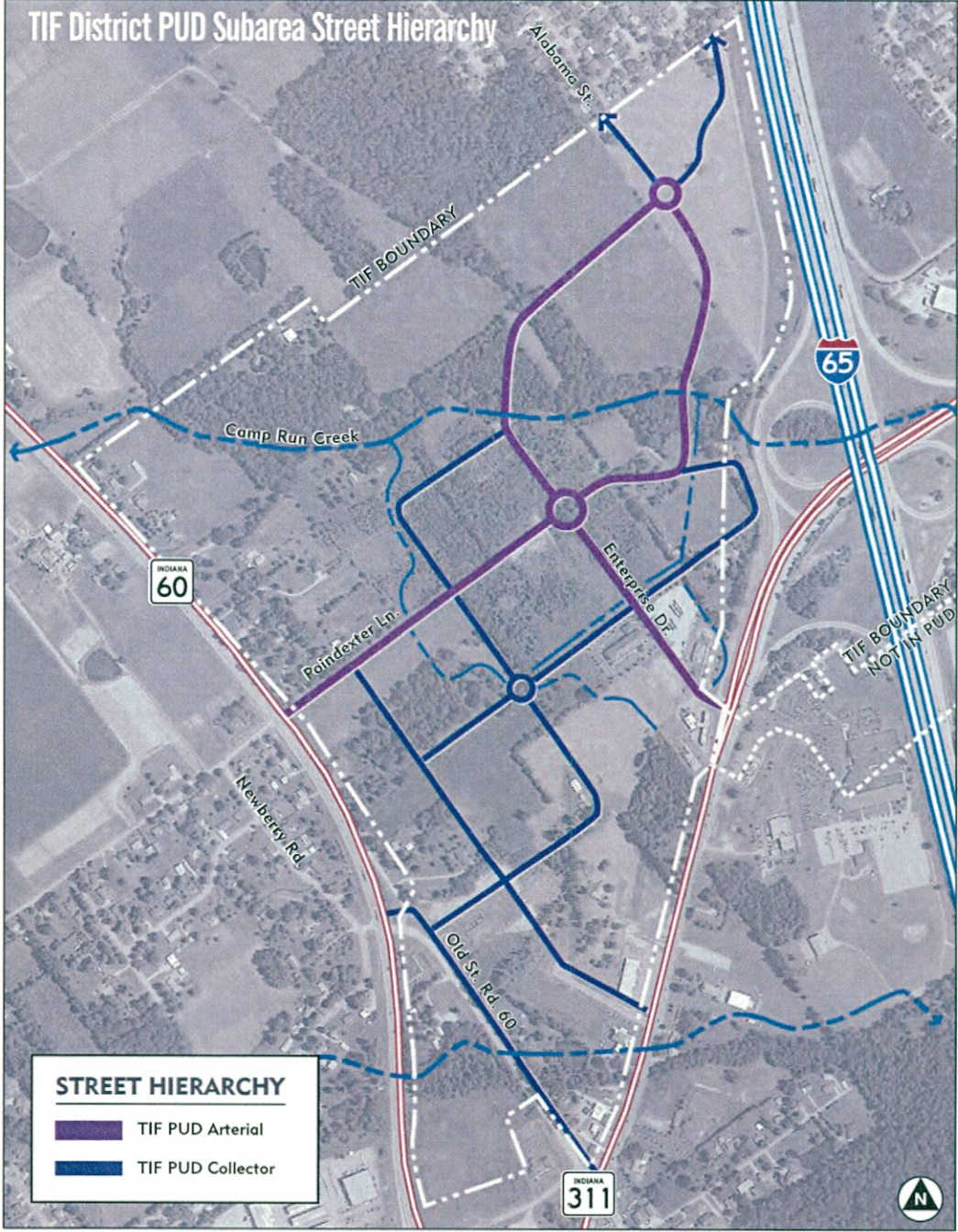
- No center turn lane is included
- Increase in curb-to-curb area from 36 feet to 40 feet, intended to include two travel lanes and an 8-foot parking lane on each side

TIF PUD Local Street

The Local Street is intended for use in low-traffic areas, primarily residential areas. It is not shown on the Street Hierarchy Map (page 20) as the location of these streets would not be identified until the preparation of a Primary Development Plan for PUD implementation. A cross-section is included to illustrate a preferred design for a Local Street. Within that cross-section the travel lanes have been identified as "Shared Travel Lane / On-Street Parking". This is intended to provide a flexible design that could include two travel lanes and on-street parking on one side.

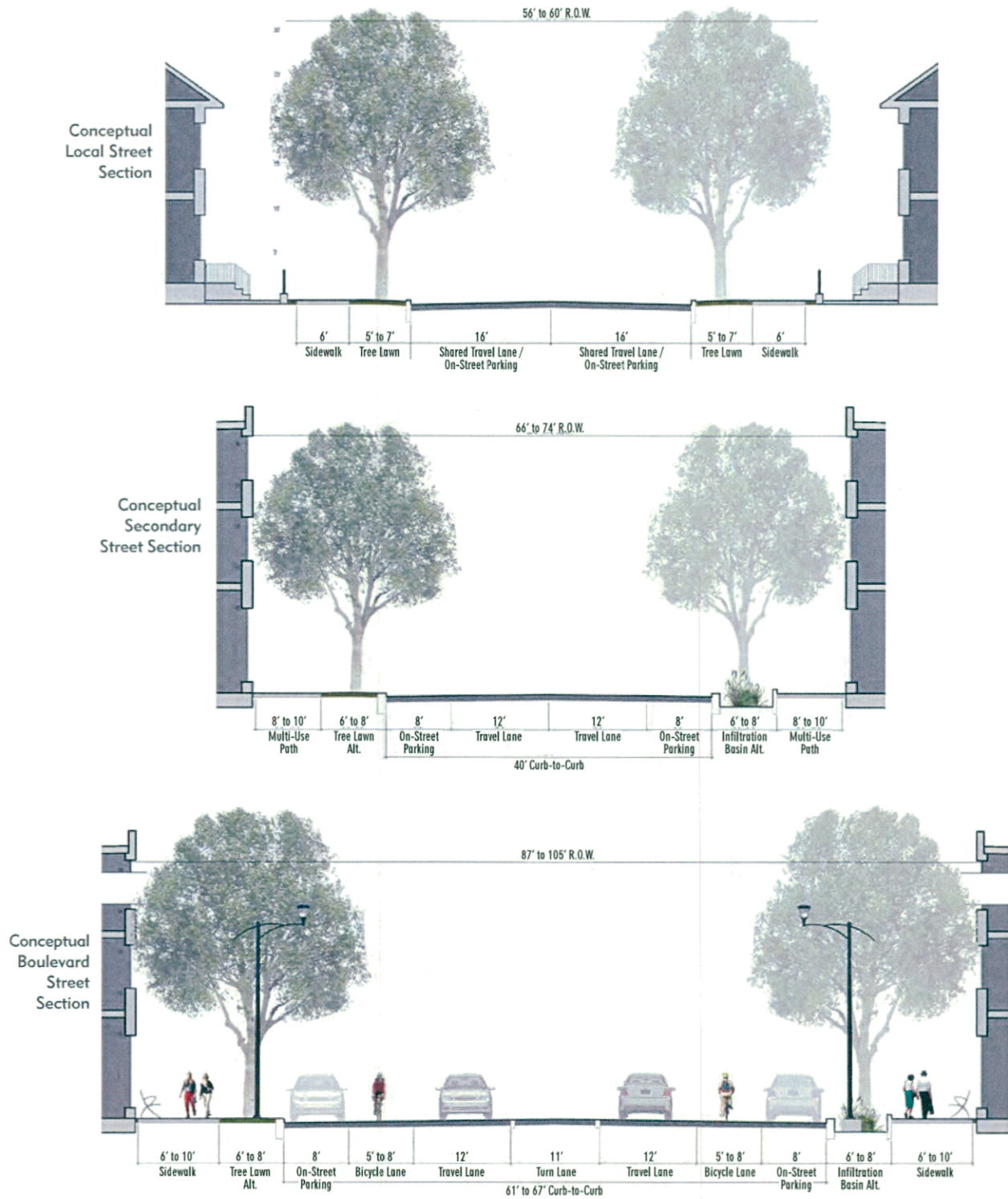
The existing Sellersburg cross-section that is most similar to Local Street is "Type C Arterial (collector)" with the following difference:

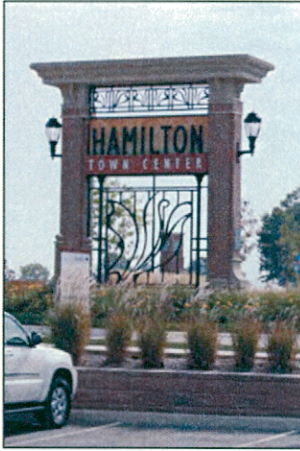
- Reduction in curb-to-curb area from 36 feet to 32 feet
- Flexibility of design within the travel area



TIF DISTRICT CONCEPTS

Street Cross-Sections





Gateway Signage Example



Wayfinding signage example

GATEWAY AND WAYFINDING

A gateway can delineate and announce one's arrival into a region, city, neighborhood, or unique place. Gateways features vary and can take the form of a signature building, "welcome" signage, or streetscape enhancements (street lighting and landscaping) on a transportation corridor. Public art can also be an integral part of any gateway experience. Working with the Sellersburg non-profit *Art in Speed Park* can lead to creating distinctive gateway experiences.

Improvements at the Enterprise Drive and S.R. 311 intersection provide an opportunity to create a unique gateway to the TIF District. Landscape treatments along a roadway, at intersections, in medians or roundabouts can also be used to designate and lead visitors to special areas. A signature element repeated at every gateway, or combination of elements that reflect the character of each individual gateway can also be utilized.

Guiding motorists to the TIF or other parts of Sellersburg will begin at the I-65 exit. One effective method of doing this is by implementing a wayfinding system. It will be important to partner with INDOT to develop a wayfinding signage program that incorporates signature design and color. This signage could be placed at the end of interstate exit ramps and direct motorists to various districts or destinations (both old and new) throughout Sellersburg. If designed and implemented well, a wayfinding system has the potential for significant impacts not only on the visitor's experience of the community, but also benefit local residents and businesses. In any town which has more than one commercial center, there is the possibility that location can affect one center more than the other. Wayfinding can help to balance out the location differences by giving equal representation to all commercial centers and increase awareness and business activity.

STORMWATER DETENTION CONCEPT

The treatment and storage of stormwater runoff and the placement, permitting and management of public and private utilities should be analyzed and coordinated to ensure that fiscally responsible decisions can be made with respect to future development in the district. Therefore, the following goals are provided:

- Promote water infiltration and water quality
- Habitat value and plant conservation
- Improve aesthetic quality
- Design stormwater management and detention facilities as an amenity for the district
- Shared regional detention facilities utilizing linear detention concepts are preferred over separate, single property retention ponds.

TIF DISTRICT CONCEPTS

For the TIF District PUD, shared detention facilities along Camp Run Creek are recommended. They can not only reduce the load on stormwater utility service, but can provide an attractive amenity for potential property developers and site visitors. Other greenbelt amenities such as picnic areas and pedestrian trails could be developed adjacent to these spaces to create a neighborhood park amenity that also serves as stormwater detention. The image on page 23 illustrates the conceptual locations of this type of shared detention facility.

In order to fully implement and facilitate the regional, shared detention philosophy of this TIF District, the Town of Sellersburg will need to develop and construct the regional detention facilities, prior to development in the area. Additionally, in accordance with the development standards established in Section 6 of the design standards, which allow for post development release rates to match predevelopment release rates, the Town of Sellersburg will need to size the regional detention facilities to meet the reduction goal of the community. It is suggested that the Town of Sellersburg design the regional facilities so that the post-development release rates for the 10-year storm do not exceed the pre-developed 2-year storm and the release rates for the post-developed 100-year storm do not exceed the pre-developed 10-year storm. This sizing will be based on the anticipated development illustrated in the conceptual figures in this document. Any deviation from that philosophy should be approved by the Town of Sellersburg prior to implementation.

Strategies that could be utilized to help establish, evaluate, and modify this regional, shared detention policy includes:

- Purchase right-of-way and drainage easements initially to support the size and layout of the final regional detention facility.
- Design and construct detention facilities in accordance with the phasing suggestions of this document. The regional facilities would then be expanded as development progresses.
- Establish a "Regional Detention Trust" which would be used to construct the facilities. As developers purchase land, they would be required to pay a drainage fee to support the initial investment and ongoing maintenance of the Town of Sellersburg.
- Continually evaluate the effectiveness of the stormwater runoff reduction. Modify the release rates of the TIF District to maintain the goal of the community and the downstream water rights of land owners.



An example of regional / shared stormwater detention that is also an amenity.



Drainage concept of swales, linear detention ponds and existing creeks.

TIF DISTRICT CONCEPTS



STANDARDS & GUIDELINES

PURPOSE

The following Development and Design Standards are intended to reflect the Town of Sellersburg's vision for new development within the boundaries of the district. This section is organized to include both standards (requirements) and guidelines (recommendations) for all development within the PUD TIF District. Standards that are specific to a subarea will be noted as such.

TITLE

These regulations shall hereafter be referred to as the "Town of Sellersburg TIF District Planned Unit Development Ordinance," and it may be cited and referred to as the "TIF PUD".

APPLICABILITY

This TIF PUD ordinance serves as the concept plan for the northern part of the TIF District as identified in the map on page 5. Upon adoption by the Town of Sellersburg Town Council, the real estate described in "Exhibit A" (Appendix Section 1 of this Master Plan) shall be located with the TIF PUD zoning district.

The standards in this plan are applicable to new primary and accessory structure construction requiring Development Plan approval in the TIF District Planned Unit Development District (PUD). These standards shall also be applied to additions and expansions of primary and accessory structures and surface parking lots exceeding fifty percent (50%), as well as new signs, fences, and major facade renovations. The standards contained herein are not applicable to structures undergoing interior renovation only.

Any development requirement, excluding uses that are not governed by or covered within this TIF PUD, shall be governed by the applicable provision of the 1993 Sellersburg Zoning Ordinance.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

KEY TO STANDARDS AND GUIDELINES

Standards are requirements and include the words "must" or "shall". Statements using these words are regulations and can be enforced. Guidelines are noted, displayed a grey font and will include wording such as "should," "may," "preferred," and "encouraged." In recognition that not all design criteria may be workable or appropriate for each proposed project, the Technical Committee may interpret guidelines with flexibility as they are applied to specific proposals.

TECHNICAL COMMITTEE

The existing Sellersburg Technical Committee, established by the Sellersburg Zoning Ordinance, shall provide review of future primary and secondary development plans. The current technical committee makeup includes a knowledge base for road design/construction, sewer/water facility design/construction, solid waste, health requirements for water/sewer, recreation/open space, environmental planning (geology, vegetation, noise, water system). In order to apply the standards of this TIF PUD with accuracy, the committee may want to include professionals with experience in planning, engineering, architecture, landscape architecture, and urban design.

The Technical Committee may, during review of proposed development plans, request copies of all permits or approvals necessary for compliance with other governmental regulations such as building permits, drainage permits, or permits from state departments including but not limited to the Indiana Department of Transportation (INDOT), the Indiana Department of Natural Resources (IDNR), and the Indiana Department of Environmental Management (IDEM). Other submittal and review procedures are specified in the SZO Amendment, Ordinance # 2011-015, passed 06-27-2011.

NON-CONFORMING STRUCTURES AND USES

Within the designated TIF District there may exist certain structures or uses of land that were lawful before this ordinance was passed or amended, but which are prohibited, regulated or restricted under the terms of this ordinance or may be by future amendments hereto. All previously existing uses, lots and structures which do not comply with the regulations in this ordinance and its amendments, shall be deemed legal nonconforming ("Grandfathered") uses, lots, and structures. Refer to Sections 1.11 and 1.12 of the Sellersburg Zoning Ordinance for additional stipulations regarding non-conforming structures and/or uses. Land uses in effect prior to the adoption of these regulations and operating in a legal fashion according to the prior zoning classification of the property, including legal non-conforming uses, may continue to operate under the prior zoning classification of the property. Legal non-conforming uses may not be expanded.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

GENERAL DEVELOPMENT STANDARDS & GUIDELINES

1. Building Form and Lot Standards

Intent: Building placement should reinforce exterior spaces and respond to the context of the existing built and natural environment. Buildings oriented towards the street and public spaces promote interaction and provide a pedestrian friendly environment. Lot Standards for each subarea dictate the minimum and/or maximum standards that apply to lots within certain zoning districts (Table 1: Lot Standards).

REQUIREMENTS:

- 1.1 The minimum lot frontage shall be construed to be the portion nearest the street. For the purpose of determining setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.
- 1.2 Building height shall be defined as the vertical distance as measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Table 1: Lot Standards

Type	Minimum Height	Maximum Height	Minimum Lot Width	Front Setback	Side Setback	Minimum Building Separation	Minimum Rear Setback	Minimum Naturally Sensitive Area Setback	Minimum FAR	Maximum Lot Coverage
Village Living Subarea	20 ft	35 ft	50 ft	min: 15 ft	min: 0 ft	20 ft	20 ft	75 ft	1.0	65%
Village Square Subarea	20 ft	45 ft	25 ft	min: 0 max: 10 ft	min: 0 max: 10 ft	NA	5 ft	100 ft	1.5	NA
Community Commercial Subarea	20 ft	45 ft	100 ft	min: 20 ft	min: 20 ft	40 ft	15 ft	100 ft	0.5	50%
Employment Center Subarea	20 ft	55 ft	100 ft	min: 30 ft	min: 20 ft	40 ft	20 ft	100 ft	0.5	50%

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

Table 2: Land Use

List of Uses* P = Permitted S = Special Exception C = Conditional X = Prohibited	Village Living	Village Square	Community Commercial	Employment Center
A. AGRICULTURAL				
Crops, Greenhouses, Livestock	P			P
B. RESIDENTIAL				
Attached Residential (Townhouse)	P	P	P	
Multi-Family	P	P	P	
C. BUSINESS - COMMERCIAL RETAIL				
Small Store (antiques, books, clothing, florist, gifts, hardware, pets, thrift, etc.)	S	P	P	P
Large Store (grocery, furniture, department store, etc.)	S	P	P	P
Vehicular Sales and Large Items (auto, farm, mobile home, motorcycle, etc.)	X	X	P	P
Manufacturing/Repair + Sales (small appliance repair, bakery, confectionery, etc.)	S	P	P	P
D. BUSINESS - COMMERCIAL TRADE				
Repair (auto, large appliance, furniture, etc.)			P	P
Services (bank branch, salon, dry cleaning, printing, etc.)	P	P	P	S
Restaurants (including bar/tavern)	P	P	P	P
Establishments with Drive-Through Facilities (restaurants, banks, gas, etc.)	X	S/C	C	S/C
Office (corporate campus)		P	P	P
Office (design, medical, financial services, etc.)	P	P	P	P
Theaters	S	P	P	
Transit Terminal (Passengers)		P	P	P
Funeral Homes / Parlors	P	P	P	P
Hotel / Motel		P	P	P
Radio and TV Stations		P	P	P
Schools (Trade & Business)		P	P	P
13. Warehouses			S	P

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

Table 2: Land Use (cont.)

List of Uses* P = Permitted S = Special Exception C = Conditional X = Prohibited	Village Living	Village Square	Community Commercial	Employment Center
E. BUSINESS - COMMERCIAL WHOLESALE				
Wholesale Store (building materials, farm products and supplies, food, household goods, etc.)			P	P
F. BUSINESS - SCIENCE AND RESEARCH				
Drug and Pharmaceutical		P	P	P
Medical Equipment		P	P	P
Research Laboratories			P	P
G. INSTITUTIONAL				
Airports, Heliport				S
Cultural Facilities		P	P	P
Lodge Halls		P	P	
Schools (K-12)	P	P	P	S
Municipal Buildings (Administrative)		P	P	P
Municipal Buildings (Garage/Repair/Storage)		S	S	P
Fire and Police Stations	S	S	S	S
Public Assembly Halls		P	P	P
Religious Organizations	S	P	P	S
Parks & Playgrounds	P	P	P	P
Civic & Community Clubs	P	P	P	P
Day-care Centers	P	P	P	P
Medical Offices	P	P	P	P
Hospitals		P	P	P
Assisted Living / Nursing Homes	P	P	P	
H. INSTITUTIONAL - UTILITIES				
Communication, Transmission			S	S
Storage (with regard to utilities)			P	S

* **NOTE:** Specific uses not listed shall require an interpretation by the Technical Committee. Notice shall be given per established procedures. The determination may be appealed to the Board of Zoning Appeals.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

- 1.3 There shall be a setback for naturally sensitive areas, such as floodplains, woodlands and other areas as determined by the Plan Commission. This setback shall overlap (not be in addition to) front, side, and rear setbacks. The setback with the largest width shall apply.
- 1.4 The minimum building separation of structures on one (1) lot shall be twenty feet (20').
- 1.5 No building or structure shall be placed or erected over utility easements, except for lot line fences which shall be subject to the paramount right of the utility or municipality to install, repair, maintain or replace its installation.

GUIDELINES

- » Buildings should frame a corner or enclose a "main street" type corridor.
- » Buildings surrounded by parking should be avoided.

2. Architectural / Building Standards

Intent: Buildings with architectural variety and sustainable materials are encouraged. Structures that emphasize durability and diversity, along with responding to the pedestrian environment, can contribute to a sense of place, helping to establish a long-term vision and create an environment that will provide for the needs of the community into the future.

REQUIREMENTS:

- 2.1 Corners of buildings shall include additional building mass or distinctive architectural elements to emphasize the corner location.
 - a. Buildings on corner lots shall use windows, doors or architectural detail to address facade design on both street frontages.
- 2.2 Durable, high quality materials that convey a sense of permanence shall be used. Building facades shall be constructed from wood, stone, masonry, E.I.F.S., cement fiber board, split-face, textured concrete, heavy gauge vinyl, metal, glass or other materials which provide the same desired quality.
 - a. Similar building materials should be used throughout a development with multiple buildings.
 - b. Concrete finish or precast concrete panels shall be textured using the following techniques: exposed aggregate, bushhammered, sand blasted, or other concrete finish as approved.



New commercial mixed-use "village style" development.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

- 2.3 Building facades shall use columns, piers, and window design/ placement or similar architectural features spaced no less than every twenty-five feet (25') to create vertical breaks at regular intervals (Village Square and Village Living subareas).
- 2.4 Facades shall be designed with cornices, parapets, or similar architectural elements to add appropriately-scaled embellishment to the roofline.
 - a. Parapets shall not exceed one-third (1/3) of the height of the supporting wall.
 - b. Cornices shall be three-dimensional.
 - c. Eaves and overhangs shall extend a minimum of twelve inches (12") from the surface of the wall.
- 2.5 At least one pedestrian entrance shall be provided, accessed directly from the street frontage. Entries shall be well-lit and clearly identifiable using architectural design elements.
- 2.6 The architectural style, materials, color and design on the front elevation shall be applied to all elevations of the structure adjacent to a public street, primary internal drive or residential zoning district (four-sided architecture).
- 2.7 Roof- and ground-mounted mechanical equipment shall either be screened or designed to integrate fully into the building's design. See also Section 7, this Chapter.
- 2.8 The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, and be free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated shall be refinished, repainted, or replaced.

GUIDELINES:



Building corner entry with columns, recessed entry, and change of material.

- » Encourage new construction/development to meet or obtain LEED (Leadership in Energy and Environmental Design) certification standards as an expression of commitment to sustainable construction, energy efficiency, and a healthy environment. Refer to www.USGBC.org for standards and procedures such as those below.
- » Promote building design and site layouts that result in increased passive solar access. Buildings with a high amount of natural daylighting can reduce energy costs.
- » The use of a single material on any facade is discouraged
- » Encourage the use of operable windows or building orientation to promote natural ventilation in buildings.
- » Promote the use of roofing materials with a high degree of reflectivity. This can contribute to lower cooling costs during months of extreme sun exposure, and combat the urban heat island effect.

3. Circulation Network

Intent: "Complete Streets", as described on page 10, are encouraged. Streetscape enhancements outside of the right-of-way shall be provided as part of future development and as specified in this ordinance.

STREET REQUIREMENTS:

- 3.1 A modified grid layout is part of the design concept of the TIF PUD. The average maximum block perimeter within the Village Square subarea shall be 1,500 feet to achieve an integrated pedestrian network.
- 3.2 All streets shall be designed and constructed in a manner that meets all the requirements of the Town of Sellersburg in order to be dedicated to the Town of Sellersburg at completion of the roadway project. All streets within the TIF District shall be deemed public streets. No private or gated streets are permitted.
- 3.3 Public streets shall be constructed from concrete or asphalt and meet the design requirements for the roadway classification and transfer. Porous paving materials may be considered for parking area materials, where applicable. An Operations and Maintenance Manual shall be supplied with construction documents. Dirt, gravel, and "chip n' seal" type paving are prohibited.
- 3.4 Easements for utilities shall be not interfere with the provision of the components of the "complete street".
- 3.5 Cross-access easements shall be required between adjacent developments.
- 3.6 Stub Streets shall be built in all cases where the circulation network is continued as part of the current or a later phase of the PUD.
- 3.7 Sidewalks shall be provided on both sides of a street.
- 3.8 The minimum width of a sidewalk shall be six feet (6') or as shown in the cross-sections on page 20.
- 3.9 Sidewalks should be wider in pedestrian-oriented areas. Refer to Section 15.7, Village Square subarea, page 60 for additional requirements.

STREET GUIDELINES:

- » *Cul-de-sacs are discouraged.*
- » *Careful attention should be paid to the sustainable qualities of the paving material for qualities of durability, water quality, recycled content, maintenance and usability (snow plow usage, etc.).*

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES



Brick paving used for street entry accent.

- » *In general, streets should be designed to accommodate automobile travel lanes, on-street parking, a planting or bio-swale buffer and sidewalk, as indicated by the conceptual typical sections. Bicycle lanes should be added to accommodate bicycle traffic, unless right of way constraints dictate otherwise.*
- » *Utilities should be installed underground and as a part of the street system where possible.*
- » *Decorative paving materials should be incorporated into pedestrian areas to highlight pedestrian crosswalks, semi-public space or building entries.*

ACCESS MANAGEMENT REQUIREMENTS:

- 3.10 Shared access drives shall be provided with contiguous lots.
- 3.11 Access points onto state highways shall not occur at intervals of less than five hundred feet (500'). Approval by INDOT and the County Highway Engineer shall be required for new access and/or intersection improvements onto SR 60 and SR 311.
- 3.12 New access points onto TIF PUD Arterial and TIF PUD Collector streets within the TIF PUD shall be coordinated with existing access points whenever possible.

ACCESS MANAGEMENT GUIDELINES:



Example of a boulevard entry.

- » *Vehicular access to the side or rear of buildings is encouraged.*
- » *Regulating the maximum number of driveways per property frontage limits the number of conflict areas and provides turning drivers more time and distance to execute their maneuvers. Number of driveways should be kept to a minimum to adequately serve the needs of the abutting property. Access should be limited to a single drive per property unless frontage exceeds four hundred feet (400'). When more than one driveway per frontage is necessary to facilitate operations; site conditions, current traffic pattern and engineering judgement should be used to make a decision.*
- » *Developments located near the corner of an arterial and a collector should be restricted to access on the collector only.*

4. Landscape Standards

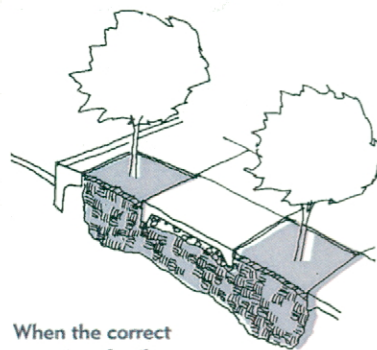
Intent: Landscaping is not only visually appealing but also serves to screen and buffer structures and uses, delineate separations, conserve energy, and moderate the effects of sun and wind. Street trees are visually significant elements of the streetscape used to both reinforce the linear axis and enclose the pedestrian space.

REQUIREMENTS:

- 4.1 Landscaping shall be in conformance with Section 2.16 of the Sellersburg Zoning Ordinance, dated 1993.
- 4.2 A landscape plan is required for each proposed development. The landscape plan may be prepared by a landscape professional or nurseryman experienced in landscape design and the installation and care of plant materials, but shall be sealed by a licensed landscape architect.
- 4.3 Every attempt shall be made to preserve existing wooded areas. Preserved trees may count towards fulfilling landscape requirements as determined by the Administrator.
- 4.4 To the greatest extent possible, existing trees shall be saved on development of a property unless it can be demonstrated that the site design restrictions necessitate their removal.
- 4.5 All landscape plans submitted for approval as a component of a required development plan shall be prepared to scale on twenty-four inch by thirty-six inch (24"x36") sheets and shall contain the following information:
 - a. The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and right-of-way, sidewalks, refuse disposal areas, utility lines and easements, freestanding structural features, signs, and other landscape improvements, such as earth berms, walls, fences, screens and paved areas;
 - b. The name and address of the owner, developer, and who prepared the plan, the date the plan was prepared, scale, and north arrow;
 - c. The location, quantity, size, and name - both botanical and common - of all proposed planting materials;
 - d. The location, size, and common name of existing trees and individual shrubs, areas of dense trees or shrubs, and other natural.
- 4.6 Deciduous street trees, as listed in Table 3: Suggested Trees, page 36, shall be provided within the right-of-way along the frontage of any new construction. Coordinate planting with the Public



Street trees.



When the correct quantity of soil cannot be provided, tree pits can be interconnected. Roots are able to grow out of the tree pit and gain access to other soil volumes.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

Works Department to avoid utility conflicts. Trees shall be spaced a minimum of ten feet (10') from light and utility poles.

- a. Street trees shall be spaced between forty and sixty feet (40'-60') on center, depending on mature crown width and utility conflicts.

- 4.7 All off-street parking shall have a perimeter landscaped area at least five feet (5') wide.

- a. Surface parking lots shall be screened from public streets and residential areas by a continuous screen a minimum of three feet (3') in height. Refer to Table 4: Suggested Shrubs on page 37. The screen may be achieved through the use of:

1. Living plant material (shrubs); fifty percent (50%) of which shall be evergreen species;
2. Masonry walls, metal, or wrought iron decorative fencing; or
3. A combination of (1) and (2) above.

- b. Interior parking lot planting shall be required based on the percentage of the gross square footage of parking areas including driveways.

1. Less than ten (10) spaces = no landscaping required
2. Over ten (10) spaces = five percent (5%) landscaped area
3. One (1) shade tree per twenty (20) spaces in an island a minimum of one hundred eighty (180) square feet



Parking lot planting.

- 4.8 One (1) broadleaf / deciduous tree or evergreen conifer shall be required for every one thousand (1,000) square feet of yard area.

- 4.9 Landscaping shall be provided at the base of all buildings at a rate equal to 50% of the building perimeter excluding doors.

- 4.10 Sign bases shall be landscaped. Plant material shall be required at the base of a sign at the rate of two (2) square feet per one (1) square foot of sign area.

- 4.11 Landscape Buffers between dissimilar development shall be as specified in the 1993 SZO, Section 2.16.

GUIDELINES:

- » *Utilize native plants for landscaping projects when feasible. Native plants are often hardier and require less irrigation than non-native plants.*
- » *Deciduous trees should be planted to the south and west of building to allow for shade in summer and sun light in winter. This reduces energy costs.*

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

Table 3: Suggested Trees

Botanic Name	Common Name	Type	Height	Tree Category
<i>Acer campestre</i>	Hedge Maple	D	30'-40'	Ornamental
<i>Acer Freemanii</i>	Freeman Maple	D	50'-60'	Shade
<i>Acer rubrum</i>	Red Maple	D	40'-60'	Shade
<i>Acer saccharum</i>	Sugar Maple	D	50'-70'	Shade
<i>Carpinus betulas 'Fastigiata'</i>	Upright European Hornbeam	D	30'-40'	Ornamental
<i>Carpinus caroliniana</i>	American Hornbeam	D	25'-30'	Ornamental
<i>Celtis occidentalis</i>	Hackberry	D	50'-75'	Shade
<i>Crataegus phaenopyrum inermis</i>	Washington Hawthorn	D	25'-30'	Ornamental
<i>Ginkgo biloba (male only)</i>	Ginkgo	D	40'-60'	Shade
<i>Gleditzia tricanthos inermis</i>	Thornless Honeylocust	D	30'-60'	Shade
<i>Gleditzia tricanthos 'Imperial'</i>	Imperial Honeylocust	D	30'-60'	Shade
<i>Koelreuteria paniculata</i>	Golden Rain Tree	D	30'-40'	Ornamental
<i>Liquidambar styraciflua</i>	American Sweet Gum	D	40'-60'	Shade
<i>Liriodendron tulipifera</i>	Tulip Tree	D	70'-80'	Shade
<i>Picea abies</i>	Norway Spruce	E	50'-60'	Evergreen
<i>Picea glauca densata</i>	Black Hills Spruce	E	50'-60'	Evergreen
<i>Picea omorika</i>	Serbian Spruce	E	50'-60'	Evergreen
<i>Picea pungens</i>	Colorado Spruce	E	60'-75'	Evergreen
<i>Picea pungens 'Glauca'</i>	Colorado Blue Spruce	E	60'-75'	Evergreen
<i>Pinus nigra</i>	Austrian Pine	E	30'-60'	Evergreen
<i>Pinus strobus</i>	Eastern White Pine	E	50'-100'	Evergreen
<i>Platanus x Acer Folia</i>	London Plane Tree	D	40'-60'	Shade
<i>Quercus alba</i>	White Oak	D	60'-80'	Shade
<i>Quercus bicolor</i>	Swamp White Oak	D	40'-50'	Shade
<i>Quercus coccinea</i>	Scarlet Oak	D	60'-80'	Shade
<i>Quercus palustris</i>	Pin Oak	D	50'-80'	Shade
<i>Quercus phellos</i>	Willow Oak	D	50'-70'	Shade
<i>Quercus robur</i>	English Oak	D	50'-70'	Shade
<i>Quercus rubra</i>	Red Oak	D	40'-60'	Shade
<i>Taxodium Distichum</i>	Bald Cypress	D	70'-80'	Shade
<i>Tillia americana</i>	Basswood Linden	D	40'-60'	Shade
<i>Tillia cordata 'Green Spine'</i>	Little-Leaf Linden	D	40'-50'	Shade
<i>Tillia tomentosa</i>	Silver Linden	D	40'-50'	Shade
<i>Tsuga canadensis</i>	Canada Hemlock	E	60'-75'	Evergreen
<i>Zelkova serrata 'Village Green'</i>	Village Green Zelkova	D	40'-60'	Shade

D = Deciduous E = Evergreen

Note: Several varieties of each species may be available and may substituted upon approval by the Administrator.

Table 4: Suggested Shrubs

Botanic Name	Common Name	Type	Height
Aronia melanocarpa	Black Chokeberry	D	4'-6'
Buxus microphylla 'Koreana'	Korean Boxwood	E	2'-3'
Chaenomeles species	Flowering Quince	D	2'-6'
Cotoneaster divaricata	Spreading Cotoneaster	D	5'-6'
Hydrangea macrophylla 'Nikko Blue' spp.	Nikko Blue Hydrangea	D	3'-4'
Ilex crenata	Japanese Holly	E	3'-5'
Juniperus Conferta	Shore Juniper	E	1'
Mahonia aquifolium	Oregon Grape	E	3'-6'
Physocarpus opulifolius intermedius	Dwarf Ninebark	D	4'-5'
Rhus aromatica	Fragment Sumac	D	4'-6'
Symphoricarpos alba	White Snowberry	D	5'-6'
Taxus x media	Yew (various species)	E	2'-6'

D = Deciduous E = Evergreen

Note: Several varieties of each species may be available and may substituted upon approval by the Administrator.

5. Parking Standards

Intent: The parking regulations of this section are designed to establishing minimum requirements for off-street parking of motor vehicles, in accordance with the use on the property. This section updates and reflects current trends which considers alternative modes and also seeks to reduce stormwater runoff and urban heat islands.

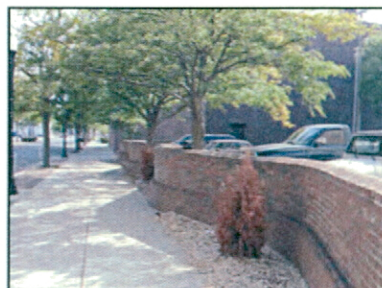
REQUIREMENTS:

- 5.1 Parking spaces shall be located on the lot with the uses for which they are required.
- 5.2 Refer to the 1993 SZO for parking standards related to ADA requirements, parking space and aisle requirements, etc.
- 5.3 Parking shall be required according to the minimum (unless otherwise stated) sum of spaces required for each applicable use as determined by Table 5: Minimum Parking Standards, beginning on page 38. If the use is not listed, the Administrator may make a determination of the requirement based on similar

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

use with regard to number of employees, frequency of visitors/clients, and necessary dedicated storage space.

- 5.4 Parking that exceeds the minimum required by more than ten percent (10%) shall increase required interior parking lot landscaping for the entire site from five percent (5%) to ten percent (10%) to offset additional paving.
- 5.5 Off-street parking spaces shall be located at the rear or side(s) of structures unless otherwise specified.
- 5.6 Parking areas shall be hard surfaced and internally drained. Pervious pavement and individual pavers may be permitted.
- 5.7 Off-street parking facilities shall be utilized solely for the parking of passenger automobiles or light trucks of less than one (1) ton capacity, belonging to patrons, occupants or employees of specified uses. Said parking facilities shall not be used for the storage, display, sale, repair, dismantling or wrecking of any vehicle, equipment or material, unless such facilities are enclosed in a building and otherwise permitted in the district.
- 5.8 Except on property where a parking lot or parking garage is the permitted principal use, no vehicle, including recreational and commercial vehicles, shall be parked, stored, or allowed to remain on a lot or parcel of land that does not contain a principal structure.
- 5.9 Parking structures shall be compatible in terms of design and materials with the building with which it is associated. Parking structures shall be exempt from maximum parking requirements.
- 5.10 All nonresidential uses shall provide one designated bicycle parking area for every twenty-five (25) vehicle parking spaces required by this ordinance, with a minimum provision for two (2) bicycle spaces. Each bicycle area shall provide adequate facilities for securing the parked bicycles.
 - a. The location of bicycle parking facilities shall be within fifty feet (50') of the primary entrance of the structure they are associated with. Alternatively, facilities to secure bicycles may be located in adjacent parking lots or structures, or designated interior space.



Parking edge landscape treatments



Bicycle parking.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES



Permeable asphalt paving.

GUIDELINES:

- » *The use of pervious pavement and individual pavers is encouraged.*
- » *Shared parking is strongly encouraged between adjacent or vertically mixed uses whose peak demand is offset.*

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

Table 5: Minimum Parking Standards

All requirements are minimums unless otherwise noted.

RESIDENTIAL USES		
Group Home	1 space per 5 residents; plus 1 space per employee on largest shift	
Multi-Family (Apartment or Townhome)		
Studio or 1 bedroom	1 space per unit	
2 bedroom	1.6 spaces per unit	
3 bedroom	1.8 spaces per unit	
4 bedroom	2 spaces per unit	
each bedroom after 4	add 0.5 spaces per additional bedroom	
Nursing Home or Congregate Housing	1 per 5 beds; plus 1 per employee on largest shift	
Senior Housing/Assisted Living	1 space per three units	
INSTITUTIONAL USES		
Airport, Heliport	1 space for every 5 tie-down or hangar spaces at airport or heliport; plus 1 space per employee	
Cemetery	1 space per employee plus provision of space for parking along internal drives	
Church or Synagogue	1 space per 4 seats in the largest assembly room	
Community Center	1 space per 3 persons at maximum capacity	
Day Care (Adult, Child)	1 space per 4 persons at maximum capacity	
Facility for Development Disabled / Mentally Ill	1 space per employee; plus 1 space per 3 clients	
Fire Station	1 space per full-time employee plus 1 space per 3 volunteers on a normal shift plus space to accommodate all vehicles for this use	
Hospital	2 spaces per bed	
Jail or Correctional Institution	1 space per employee on largest shift plus 1 space per 20 cell occupants	
Library (public), Art Gallery, or Museum	1 space per 800 square feet	
Municipal, County or Governmental Building	1 space per 300 square feet	

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

Table 5: Parking Minimum Standards (cont.)

All requirements are minimums unless otherwise noted.

INSTITUTIONAL USES (cont.)		
Park		
Active with Facilities (courts/fields)	20 spaces per field or court	
Passive Recreation	Spaces equivalent to 1% of the total land area (parking along park roads may be used to fill this requirement)	
Police Station	1 space per employee on largest shift, plus 1 space per police vehicle	
Post Office	1 space per employee on largest shift; plus 1 space per 250 square feet of floor area open to the public	
Radio and Television Studios	1 space for each 2 employees	
School: public, private, parochial, or special		
Nursery School, Kindergarten	1 space per employee; plus 1 space per 5 attendees	Additional Parking may be required during the Conditional Use approval process for auditorium, etc. space
K-8	2.5 spaces per classroom	
9-12	1 space per 5 students; plus one space per employee	
University or College	1 space per 3 students	
Trade or Business School	1 space per 200 square feet of gross floor area; plus 1 space per employee	
Utility Company Business Office	1 space per employee on largest shift; plus one space per company vehicle parked on the premises; plus one space per 1,000 square feet of floor area open to the public	
Utility Service Facility (excluding offices)	1 space per employee on largest shift plus spaces for operational vehicles	
Veterinary Hospital for Small Animals	4 spaces per treatment room	No long-term boarding

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

Table 5: Parking Minimum Standards (cont.)

All requirements are minimums unless otherwise noted.

PROFESSIONAL SERVICES/OFFICE		
Bank and Other Financial Institutions	1 space per 300 square feet; plus 1 space per employee on the largest shift	
With Drive Through	plus 4 stacking spaces per window	
With Automatic Teller Machine	no additional spaces provided that drive-through machines be provided with 4 stacking spaces each	
Medical Office: Medical Clinic, Dental Office, Eye Care, Laboratory, etc.	3 spaces per examination chair/table/room depending on use	
Office - General, Financial Services, Law, Insurance, Travel, Design	1 space per 300 square feet	
RETAIL AND SERVICES		
Assembly, Reception, or Exhibit Hall	1 space per 4 seats	
Amphitheater	1 space per 3 seats, plus 1 space for every 25 square feet of open seating area; plus 1 space per employee on the largest shift	
Automobile, Truck, Trailer, Boat, Mobile Home, etc. Sales or Rental	2 spaces per employee on the largest shift	
Automobile, Truck, Boat, etc. Service or Repair	1 space per service bay; plus 1 space per employee on largest shift	
Banquet Hall	1 space per 150 square feet of seating and display area	
Bowling Alley	4 spaces per lane	
Convenience Store		
Without pumps	1 space per 300 square feet	
With pumps	See "Gas Filling Station"	
Country Club	Space to accommodate 50% of the active membership at one space per 3 members	
Dancing, Aerobics, or Gymnastics Studio or Martial Arts	1 space per 250 square feet of studio floor area	

Table 5: Parking Minimum Standards (cont.)

All requirements are minimums unless otherwise noted.

RETAIL AND SERVICES (cont.)		
Department Store (retail or wholesale)		If use is proposed as attached to other businesses, refer to standards for "Shopping Center"
<50,000 square feet gross leasable area	1 space per 350 square feet	
between 50,001-100,000 sq ft gross leasable area	1 space per 300 square feet Maximum: 1 space per 250 square feet	
between 100,001-250,000 sq ft gross leasable area	1 space per 350 square feet	
>250,000 sq ft gross leasable area	1 space 400 square feet	
Funeral Home / Mortuary / Crematorium		
		1 space per 2 employees; plus 1 space per 4 seats in the chapel (if applicable)
Gas Filling Station		
		1.5 spaces per fuel nozzle
With convenience store		
		1 space per 300 square feet of enclosed area
With repair		
		1 space per service bay
Golf Course		
		1 space per 2 employees; plus 3 spaces per hole
Golf, Driving Range		
		1 space per tee; plus 1 space per employee on largest shift
Golf, Miniature		
		1 space per hole
Highway Maintenance Garage		
		1 space per employee; plus one space for each company vehicle parked on the premises
Hotel or Motel		
		1 space per room, plus 1 space per employee on largest shift, plus 1 space per 500 square feet of meeting space
Kennel		
		1 space per 300 square feet
Laundry, Self Service or Self Service Dry Cleaning		
		1 space per 3 washing machines
Motor Bus or Light Railroad Commuter Station		
		1 per 10 seats in waiting room(s) plus 1 per 2 employees on largest shift
Private Club or Lodge		
		1 space per 4 persons at maximum occupancy
Repair Shop (electric appliance, radio, satellite dish or television)		
		1 space per 400 square feet; plus 1 space per employee on the largest shift
Restaurant		
		1 space per 3 seats; plus 1 space per employee on largest shift

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

Table 5: Parking Minimum Standards (cont.)

All requirements are minimums unless otherwise noted.

RETAIL AND SERVICES (cont.)		
Restaurant, Fast Food	1 space per 2.5 seats; and 1 space per 2 employees on largest shift	
With Drive-Through	plus 7 stacking spaces per window	
If no indoor seating	10 spaces	
Rifle Range	1 space per firing position	
Shopping Center (retail or wholesale)		
< 100,000 square feet of gross leasable area	3 spaces per 1000 square feet of gross floor area Maximum: 5 spaces per 1000 square feet of gross floor area	
> 100,000 square feet gross leasable area	4 spaces per 1000 square feet of gross floor area Maximum: 5 spaces per 1000 square feet of gross floor area	
Shops and Service Stores		If stand-alone store size exceeds 30,000 square feet, "Department Store (Big Box)" standards apply
antiques, books, clothes, parts, dry cleaning, hardware, jewelry, salon, bakery, grocery, etc.	1 space per 300 square feet	
Furniture	1.5 spaces per 1000 square feet of gross floor area	
Skating Rink (Roller/Ice)	4 spaces per 1000 square feet of skating area	
Swimming Pool (public)	1 space per 75 square feet for recreational activity and area devoted to spectators	
Swimming Pool	1 space per 300 sq. ft. of enclosed space; 1 space per 75 sq. ft. of water surface of competition pools; 1 space per 250 sq. ft. of water surface for non-competition pools	
Tavern or Night Club or Bar	1 space per 4 people at maximum occupancy	
Theater		
Drive-In Movie Theater	1 space per vehicle at maximum capacity plus 3 spaces	
Indoor Theater	1 space per 4 seats, plus 1 per employee on largest shift	

Table 5: Parking Minimum Standards (cont.)

All requirements are minimums unless otherwise noted.

WAREHOUSING & INDUSTRIAL USES		
Printing, Lithographing, and Publishing Establishments	1 space per 2 employees; plus 2 spaces per 1000 square feet of floor area used for offices or open to the public	
Recycling Center - Collection (Public)	1 space per employee; plus 1 space per bin	
Recycling (Sorting/Distribution)	1 space per employee on largest shift	
Research and Development Facilities	4 spaces per 1000 square feet of floor area up to 20,000 square feet; plus 2 spaces per 1000 square feet of floor area greater than 20,000 square feet	
Self Storage Facility	3 spaces; plus 1 space for each 75 units	
Warehouse	1 space per employee on largest shift; plus one space per vehicle used in the operation of the warehouse	

Note: If the amount of parking exceeds the minimum requirement as shown, additional landscaping will be required in accordance with requirement 5.4 on page 38.

6. Drainage Standards

Intent: Stormwater management, drainage, and detention facilities represent a significant portion of open space within the district and substantial investment for private developments. Proper design and installation of these systems are critical not only for future development to be successful, but also for properly maintaining the natural landscape that supports all development.

The guidelines and standards listed below are intended to assist in improving the overall character of the community, storm drainage function, reducing irrigation demand, improving wildlife habitat, and promoting maintenance of these open areas.

REQUIREMENTS:

- 6.1 General Release Rates - In general, the post-development release rates for developments for the 10-year return period storm may not exceed the pre-developed 10-year return period storm. The post-development release rate for developments for the 100-year return period storms shall not exceed the pre-developed 100-year return period storm. These fixed general release rates may be set at a sewer value by the Town of Sellersburg for certain watersheds if more detailed data becomes available as a result of comprehensive watershed studies conducted and/or formally approved and adopted. The applicant shall confirm the applicable release rates with the Town of Sellersburg prior to initiating the design calculations to determine whether a basin-specific rate has been established for the watershed.
- 6.2 Site-Specific Release Rates for Sites with Depressional Storage - For sites where depressional storage exists or becomes the preferred storage/treatment system, the general release rates provided above may have to be further reduced. If depressional storage exists at the site, site-specific release rates shall be calculated, accounting for the depressional storage by modeling it as a pond whose outlet is a weir at an elevation that stormwater can currently overflow the depressional storage area, or whose outlet is a grate where runoff can enter a storm sewer. Depressional storage depths may not exceed six inches (6") in height. Post developed release rate for sites with depressional storage shall be the 10-year pre-developed peak runoff rate for the post-developed 10-year storm and 100-year pre-developed peak runoff rate for the post-developed 100-year storm. In



Stormwater filtration within a parking lot.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

no case shall the calculated site-specific release rates be larger than general release rates provided above.

- 6.3 Acceptable Outlet and Adjoining Property Impact Policies - Design and construction of the stormwater facility shall provide for the discharge of the stormwater runoff from off-site land areas as well as the stormwater from the area being developed (on-site land areas) to an acceptable outlet(s) having capacity to receive upstream (off-site) and on-site drainage. The flow path from the development outfall(s) to a regulated drain or natural watercourse shall be provided on an exhibit that includes topographic information. Any existing field tile encountered during the construction shall also be incorporated into the proposed stormwater drainage system or tied to an acceptable outlet.

Where the outfall from the stormwater drainage system of any development flows through real estate owned by others prior to reaching a regulated drain or watercourse, no approval shall be granted for such drainage system until all owners of real estate and/or tenants crossed by the outfall consent in writing to the use of their real estate. In addition, no activities conducted as part of the development shall be allowed to obstruct the free flow of flood waters from an upstream property.

If an adequate outlet is not located on site, then off-site drainage improvements may be required. Those improvements may include, but are not limited to, extending storm sewers, clearing, dredging and/or removal of obstructions to open drains or natural water courses, and the removal or replacement of undersized culvert pipes as required by the Town of Sellersburg.

- 6.4 Stormwater Facility Design - The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications outlined in the Indiana Drainage Handbook, Clark County Drainage Ordinances and Town of Sellersburg Drainage Ordinances, unless otherwise modified in this document.
- a. Detention facility that are intended for multiple uses, such as a recreation or athletic field shall include gentle side slopes to allow for easy access to the play fields and avoid unsafe conditions. Gentler slopes for detention may require more land for the facility, but by combining the required detention volume with required community uses less land may be used for these open areas overall. Steeper side slopes can

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

be designed with terraced flat areas to serve as spectator seating.

6.5 General Facility Design Requirements

a. Detention facilities designed to be naturalized open space shall include varied side slopes and an undulating bottom. Varied slope conditions will promote opportunities for plant diversity and wildlife habitat by creating subtle changes in elevation above the average water level. Combine these techniques to create a wide array of diverse soil conditions and exposures for plants and animals to inhabit and “naturalize”.

b. Linear detention facilities and waterway draws shall be located along each side of the arterial rights of way. This configuration will help restrict access to only planned street intersections. Linear detention facilities shall have a minimal longitudinal slope to facilitate infiltration and evaporation, and shall be controlled with check dams to restrict flow and minimize channel velocity. A naturalized drainage channel slows waterflow and promotes habitat establishment.



Raingarden between sidewalk and adjacent roadway.

c. General access is a primary safety consideration.

Ramped access and gentle side slopes allow people and animals to evacuate the basin in the event of high water.

d. Access for maintenance equipment and personnel is necessary for proper care and management of stormwater facilities. Design slopes to provide appropriate access for wheeled service vehicles, utility vehicles, lawn mowers and/or brush hogs. Consider that trash and debris must be regularly removed by maintenance personnel. Periodic cleanup operations may also require the use of heavy equipment.

e. If walls are used, they shall be limited to the minimum required height and length needed. Ideally no more than 50% of a basin perimeter shall be bound by walls. All walls shall be built of suitable materials matching adjacent architecture or designed into the landscape scheme.

f. In all cases the following standards apply:

1. No concrete lined ditches/channels shall be used where free draining soils are present. Limit their use to areas with clayey soils, if necessary.
2. Side slopes should vary and range from 4:1 to 20:1
3. No vegetated slope should exceed 3:1
4. Landscaped areas should slope to drain or be planted appropriately so regular mowing is not required.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

5. No more than 50% of a basin area can be bound by walls. All walls proposed for the pond perimeter are required to have a high quality visual character (such as natural stone or integral color concrete with form liner). Walls should not exceed 30" in height.
 6. Drainage basins shall be designed so that safety fences are not required.
 7. Provide a minimum of one entry point for regular access by maintenance vehicles and mowers, and for occasional access by heavy equipment if necessary. Provide adequate egress to allow users to safely evacuate the area in the event of high water.
- 6.6 Allowance for Sedimentation - Detention basins shall be designed with an additional ten percent (10%) of available capacity to allow for sediment accumulation resulting from development and to permit the pond to function for reasonable periods between cleanings. Basins shall be designed to collect sediment and debris in specific locations, such as a forebay, so that removal costs are kept to a minimum.
- For wet-bottom ponds, the sediment allowance may be provided below the permanent pool elevation. No construction trash or debris shall be allowed to be placed within the permanent pool.
- If the pond is used as a sediment control measure during active construction, the performance sureties will not be released until sediment has been cleaned out of the pond and elevations and grades have been reestablished as noted in the accepted plans.
- 6.7 Placement of Utilities - No utility company may disturb existing storm drainage facilities without the consent of the Town of Sellersburg and/or Clark County Surveyor, whose decision may be appealed to the Sellersburg Town Council. All existing drainage facilities shall have senior rights.

GUIDELINES:



Stormwater facility that doubles as an amenity.

» *Linear, open channel detention facilities should be considered first when developing detention facility interconnectivity concepts, as a means of providing connectivity from upstream developments to the downstream facilities or the desired regional detention facilities. These linear, dry-bottom basins shall be designed to be aesthetically appealing in both wet and dry conditions. Topographic water draws shall be established so that runoff is directed to the desired regional detention facilities. The linear open channel facilities may utilize check dams, or other appropriate velocity reducing measures as a means of achieving the appropriate detention volume requirements.*

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

- » Stormwater facilities may be planned and constructed jointly by multiple developers as long as compliance with this Ordinance is maintained. Interconnectivity and shared use detention facilities are encouraged as a means of achieving regional detention requirements and goals. The Town of Sellersburg may require grading and drainage easements through a parcel in an effort to maintain predetermined runoff draws and flow channels.
- » Design detention facilities with positive slopes near the outlet to avoid standing water and limit mosquito habitat. Manicured turf areas that require regular mowing should also be sloped to drain appropriately (4:1 Max). However, flatter areas are encouraged to increase infiltration, but must be landscaped appropriately with wetland plants, forbs and shrubs that do not require regular mowing and will tolerate wet and dry conditions.
- » Avoid the use of concrete lined ditches/channels in areas with well-draining soils as they reduce infiltration and increase velocity runoff. Where necessary, concrete ditches shall be designed as an integrated part of the landscape. Horizontal alignment shall complement topographic character and be non linear. Embedded cobbles and/or boulders are encouraged.
- » Since storm drainage and detention areas account for the most significant portions of open landscaped space in most projects, their design can greatly impact the amount of irrigation water demand for a project. Irrigation and landscape design should correspond to the types of uses planned for the detention areas. Areas planned for high pedestrian use such as recreational fields will require higher irrigation needs to provide regular, controlled irrigation levels. More natural areas may be able to minimize or eliminate completely the need for supplemental irrigation.
- » All irrigation systems should be designed such that stormwater runoff can be collected and stored in cisterns or other appropriate storage devices on-site. These devices will be the primary water provider for irrigation systems, and should only be supplemented with clean water during drought seasons. The volume of storage created within the cistern may be credited toward the total site detention volume requirements.



Stormwater facility that doubles as an amenity,

7. Utilities

Intent: Utilities are the lifeblood of a community, providing needed energy, communications, and quality of life services. Yet, the placement and design of utilities and the elements which provide them (poles, valves, etc.) can often detract from the character and quality of a community. It is the intent of the PUD Ordinance to create an environment which has intentionally designed utility systems, which remain generally unnoticed or serve as an amenity.

REQUIREMENTS:

- 7.1 Utilities shall be installed underground and as a part of the street system where possible.
- 7.2 Storm Sewers - See Drainage Standards.
- 7.3 Sanitary Sewers - All developments shall connect to the local municipal sanitary sewer system. Septic Fields and/or tanks are not permitted. All connections must follow applicable codes.
- 7.4 Water - All developments must connect to the local municipal water system. On-Site potable water tanks are not permitted. (Rain barrels and on-site rainwater/ greywater collection/ treatment systems however, are encouraged.) Fire hydrant installation spacing and required sprinkler shall follow current Town of Sellersburg Standards.
- 7.5 Gas - All developments using gas shall have access to the local gas system. LP tanks shall not be permitted.
- 7.6 Electric - All developments shall have access to the local electrical system. New overhead powerlines (pole to pole) are not permitted within a development.
- 7.7 Satellite Communications - Satellites will be permitted, however, they shall be less than three feet (3') in diameter and must be located away from the PUBLIC FACE of a building and at no point can be attached to a building in the space from ground level up to twenty feet (20').
- 7.8 Telephone Communications - All developments shall have access to a local telephone system. Overhead telephone lines (pole to pole) are not permitted within a development. Cell towers are not permitted. Wireless Internet communication devices up to five feet (5') in height are allowed, provided that they are not located on the PUBLIC FACE of a building. Proposals for transmitting wireless communications from buildings is subject to review by the Technical Committee.
- 7.9 Industrial Utilities - Any and all industrial utilities (gas tanks, hazardous waste containers) are generally not permitted.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

However, petition for variance can be made within the submittal of the Utilities Plan to the Technical Committee.

- 7.10 Location of Utilities - Metering and equipment for utilities shall not be located on the street frontage of any building or development. When metering and equipment is located on the side or rear of the building or development, it must be screened with appropriate landscaping. Any utilities located on the roof of a building must be screened from view from the street frontage with a wall or landscape element.
- 7.11 Utilities - Temporary overhead powerline connections are allowed during construction only. Care shall be taken with construction period utilities as the visual appearance of the community will be important for marketing and development perception.

GUIDELINES:

» *Utilities not specifically outlined, such as solar panels, localized wind turbines and other sustainable utilities, are encouraged. Proposals to include such elements in a development can be made within the submittal of the Utilities Management Plan to the Technical Committee.*

8. Mechanical and Service Areas

REQUIREMENTS:

- 8.1 Roof-mounted mechanical equipment such as roof vents, metal chimneys, solar panels, television antennae/satellite dishes, or air conditioning units shall be adequately screened so as not to be visible from any adjacent street or sidewalk.
- 8.2 Ground-mechanical equipment shall be screened with an enclosure constructed of materials that are compatible with the primary structure materials or with evergreen landscaping which is not less than the height of the mechanical equipment at the time of planting.
- 8.3 Loading berths, service areas, trash storage, exterior work areas, storage yards, and truck parking shall be adequately screened from public streets, public open spaces and residential properties using building mass, freestanding walls and gates, and/or landscaping. The screening shall be a minimum of six feet (6') in height. Landscaping may also be incorporated to enhance the structural screen.



Loading, service and trash area behind retail center.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

- 8.4 Dumpsters, recycling containers, and trash compactors shall be fully enclosed by a structure that shall be:
- Located no closer to any right-of-way than the principal structure;
 - Dumpsters and recycling containers shall be screened on three sides by the construction of permanent opaque wooden, brick, or masonry screens that are compatible with the principal structure. Landscaping shall be used to soften the wall.
 - The fourth side which provides access to the dumpster or recycling container for refuse collectors shall be gated.



Multi-tenant monument sign.



Monument sign.



Canopy sign.

9. Sign Standards

Intent: Signs not only communicate information about goods or services offered at a particular establishment, they can also reveal the quality of the particular business or development. Wayfinding signage and general street identification signage will be coordinated by the Town.

REQUIREMENTS:

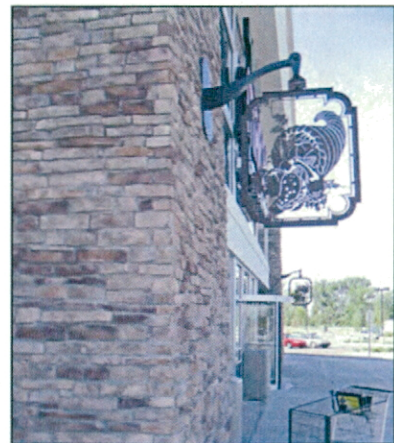
- The standards of Section 2.15 of the Sellersburg Zoning Ordinance shall apply to all signs except on specific matters addressed within this PUD.
- The erection, construction, enlargement, movement or conversion of all permanent and temporary signs, banners, exterior graphic displays and sign structures within the TIF District shall require a sign permit from the Administrator in accordance with the provisions of this section.
- A minimum of two (2) square feet of landscaping per one (1) square foot of sign area shall be placed around the base of a freestanding sign. The landscape area shall consist of shrubs, groundcover and perennial plant material. Turf does not satisfy this requirement.
- Freestanding signs shall not exceed twelve feet (12') in height.
- The following types of signs shall be prohibited within the TIF PUD District:
 - Outdoor advertising / off premise / billboard signs
 - Freestanding signs supported by a single pole or pylon, except directional signs
 - Portable signs
- No sign shall have more than two (2) faces.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

- 9.7 Ground/monument signs shall be:
- Placed perpendicular to the street and shall not block sight lines at entry driveways or circulation aisles.
 - Have the street address prominently displayed on the sign.
 - Be externally illuminated either with light cast directly onto the sign or with individual, backlit letters.
- 9.8 Standards for wall signs within the TIF PUD are as follows:
- There shall be no more than 1 wall sign per frontage on a public street.
 - A wall sign shall not exceed one (1) square foot area per one linear foot (1') of tenant frontage up to one hundred (100) square feet in area. See Village Square and Village Living subareas for maximum sizes.
- 9.9 Awning signs
- The shape, design, and color of awnings shall be carefully designed to coordinate with, and not dominate, the architectural style of the building.
 - Signs on awnings shall not exceed fifty percent (50%) of the area of the face to which it is affixed.
 - Awnings shall not be internally illuminated. Lighting directed downward that does not illuminate the awning is allowed.
- 9.10 Directional signs shall be used for directional indications and address identification purposes only.
- One (1) directional sign shall be permitted per entry.
 - Directional signs shall not exceed two feet (2') in height and two (2) square feet in area.
- 9.11 Signs composed of individual letters per Section 2.15.4(2)(ix) of the SZO mounted to the facade or a backing placed on the facade are preferable to cabinet/box type signs.
- 9.12 Projecting signs shall be permitted per Section 2.15.4 of the SZO with the stipulation:
- The sign area shall not exceed sixteen (16) square feet.
 - The sign shall project no more than four feet from the facade.
 - Mounting details shall be submitted to the zoning administrator for review.



Directional sign.



Projecting sign.

GUIDELINES:

- » Signs should be architecturally-compatible with the overall design of the individual building or overall development in which they are associated in terms of materials, size, shape, color, and lighting.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

10. Accessory Uses and Structures

REQUIREMENTS:

- 10.1 The standards of Section 1.24 of the Sellersburg Zoning Ordinance shall apply to all accessory structures except on specific matters addressed within this PUD.
- 10.2 Accessory structures shall:
 - a. be located to the side or rear of the principal structure and shall be constructed and/or placed in the location of least visibility from the public right-of-way.
 - b. not exceed twenty-five percent (25%) of the ground floor area of the primary structure.
 - c. shall be greater than eighteen feet (18') in height.
- 10.3 Accessory structures should be constructed of materials that are compatible with the primary structure materials, in terms of type, pattern, and durability.

11. Outdoor Storage, Displays and Sales

Permanent outdoor sales, display, storage of materials, areas for wholesaling, warehousing or distribution operations shall be permitted if they conform to the standards of this section.

REQUIREMENTS:

- 11.1 Outdoor displays shall not be located in any required yards or off-street parking or loading areas.
- 11.2 Display areas shall be of concrete, asphaltic pavement, or other permanent paving material and shall be maintained in good condition. Pervious asphalt pavement may be permitted as approved by the Zoning Administrator.
- 11.3 Approved permanent outdoor display areas can be used at any time and for any duration to display products, seasonal sales and the like; including vending machines, propane tanks, and ice machines without the need for another permit when new items are displayed.
- 11.4 Vending machines on the exterior of any building on the premises shall:
 - a. Be located under an awning or contained in a roofed shelter, stall or other structure.
 - b. Not be visible from the street frontage.
- 11.5 The maximum area for outdoor sales and display shall not exceed ten percent (10%) of the principal structure or primary tenant space.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

- 11.6 Storage shall be located behind the front facade of the main building facing any street.
- 11.7 All outdoor storage area shall be screened from public streets and adjacent properties by a continuous screen a minimum of six feet (6') in height. The screen may be achieved through the use of:
- Dense, living plant material (shrubs); fifty percent (50%) of which shall be evergreen species;
 - Masonry walls, metal, or wrought iron decorative fencing; or
 - A combination of (a) and (b) above.
 - In instances where a non-opaque or open fence is used (chainlink), landscaping consisting of evergreen plantings shall be provided around the exterior perimeter of the required fencing planted at a rate to form a screen a minimum of six feet (6') high.
- 11.8 Automobile sales areas shall have a landscaped perimeter as described above with a minimum height of three feet (3').

GUIDELINES:

- » Screens should be dense enough or solid enough to minimize the affects of noise, dust, or unsightly view from adjacent properties and public streets.

12. Fence and Wall Standards

REQUIREMENTS:

- 12.1 All fences and walls shall present the non-structural face outward.
- 12.2 No fence or wall shall disrupt the flow of water in any drainage easement, or otherwise result in impediments for storm-water runoff. Any fence or wall located in an easement may be removed by the easement holder when accessing the easement.
- 12.3 All fences and walls may be permitted up to a property line except as noted in this ordinance.
- No fence or wall may be placed in any right-of-way or otherwise obstructs the motorists view.
 - Fences shall be setback a minimum of fifteen feet (15') from the top of bank of a pond in order to provide of emergency access and maintenance.
 - Fences shall only be placed in common areas as part of an approved Development Plan.



Screening for outdoor storage.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

- 12.4 Fences and walls shall be constructed of wood, decorative metal, textured masonry, stone, or synthetic materials styled to simulate natural materials.
- 12.5 Height Requirements
 - a. Fences and walls shall not exceed six feet (6') in height in rear and side yards.
 - b. Decorative fences constructed of high quality materials such as brick, stone, decorative block, metal or wood not exceeding forty-eight inches (48") in height and may be located in any frontyard, provided that they are a minimum of fifty percent (50%) open.
 - c. The height of a fence shall be determined by measuring from the adjacent grade to the highest point of the fence, excluding fence posts. Fence posts may exceed the maximum height of the fence by up to one foot (1').
- 12.6 Landscaping shall be used to complement a fence.
- 12.7 Prohibited Fences. All electrified, barbed wire, razor wire, and stockade fences are prohibited.

13. Exterior/Site Lighting Standards

Intent: Lighting can serve many functions in a development. Proper lighting extends the energy of the daytime street life into the evening, contributes to the perception of safety, and can enhance the overall appearance of an area.

REQUIREMENTS:

- 13.1 Electrical service to all outdoor lighting shall be underground.
- 13.2 Light fixtures shall be cutoff, semi-cutoff, or full cutoff fixtures (luminaires) focused directly downward.
- 13.3 Any light used to illuminate parking areas or driveways shall be installed so as to reflect the light away from any adjoining residential district or public roads.
- 13.4 The average maximum maintained illumination shall be three (3) footcandles. The maximum footcandles at the property line shall not exceed five-tenths (0.5) footcandles.
- 13.5 For exterior display or open sales areas, the average horizontal illumination at grade level shall not exceed five (5.0) footcandles on average.
- 13.6 The maximum mounting height for street and parking lot light fixtures shall be twenty-five feet (25') from the adjacent grade. See Village Square and Village Living subarea standards, page 50, for maximum light standard height.



Multi-functional streetlight incorporating street signs and hanging baskets.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES

- 13.7 External lighting fixtures illuminating signs shall be located, aimed, and shielded so that light is directed onto only the sign face, with minimal light spillage. House-side shields shall be used as necessary in residential areas.

GUIDELINES:

- » *Site lighting should illuminate pedestrian areas outside of the public right-of-way including parking areas, building entries, service areas, sidewalks, pathways, parks, and plazas.*
- » *Whenever feasible or practical, exterior lighting should include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate excessive lighting.*
- » *Building-mounted light fixtures shall be an architectural accent to the building.*
- » *A photometric plan may be requested as part of the Development Plan.*

14. Open Space

Intent: To provide open space as an amenity that promotes physical and environmental health within the community and to provide residents with access to a variety of active and passive outdoor experiences.

REQUIREMENTS:

- 14.1 Open space may be publicly or privately owned and may take the form of a park, greenway, playground, plaza, ballfields among others.
- 14.2 All new development shall provide public access to open space or connect to a vehicular right-of-way that has access to the open space/ greenway.
- 14.3 For developments over two (2) acres, inclusion of at least one amenity from the following list is required.
- a. Patio/seating area;
 - b. Pedestrian plaza with benches;
 - c. Water feature,
 - d. Clock tower or other public art;
 - e. Or other such deliberately shaped area and/or a focal feature of amenity that, adequately enhances such community and public spaces.
- 14.4 New development within one hundred feet (100') of the top of bank of Camp Run Creek shall provide an easement a minimum of thirty feet (30') wide for a greenway trail.



A water feature incorporated into public open space.



Multi-functional open space.

14.5 Stormwater Management in Open Spaces: Stormwater management practices, such as storage and retention facilities, shall be integrated into Open Space Types. Stormwater features in open space may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design. Stormwater features shall not be fenced and shall not impede public use of the land they occupy. Refer to Section 6 for additional details.

GUIDELINES:

- » *Open spaces should be located in highly visible places that are easily accessible from public areas such as streets, building entrances, and sidewalks.*
- » *Incorporate outdoor/sidewalk dining areas to encourage day and night activity. Consider providing a barrier such as a decorative metal fence or concrete planters to define the public and private space. These barriers should be temporary in nature to accommodate seasonal changes.*

SPECIFIC SUBAREA DEVELOPMENT STANDARDS

15. Village Square Subarea

The intent of this section is to create a strong relationship between buildings the street, and the pedestrian or sidewalk promoting walkability and social interaction.

REQUIREMENTS:

- 15.1 Building height shall not exceed a height of thirty-five feet (35') as measured to the building cornice line. Building height shall also not be less than two (2) stories or twenty feet (20').
- 15.2 A clear visual division between the ground floor and upper level floors shall be established using cornice lines, windows, permanent awnings, or similar architectural elements.
- 15.3 Buildings located at street corners shall serve as distinguishable gateways, engaging the interest of drivers, pedestrians and bicyclists at the intersection.
 - a. Corner buildings shall provide additional building mass or distinctive architectural elements to emphasize the corner location.
 - b. Buildings on corner lots shall use windows, doors or architectural detail to address facade design on both street frontages.
- 15.4 Windows shall provide visual definition and help to reduce the visual mass of buildings. A minimum of seventy-five percent (75%) of the street level facade shall be transparent.
- 15.5 Opaque or reflective glass shall not be used on street level facades.
- 15.6 Canopies and/or awnings shall extend a minimum of three feet (3') from the facade of the building.
 - a. Awnings, when used, shall be installed so that the valance is at least eight feet (8') above the sidewalk.
 - b. Awnings shall not be internally lit.
 - c. Neither fiberglass or plastic materials shall not be used for awnings.
- 15.7 Sidewalks shall be a minimum of eight feet wide within the Village Square to provide for amenities such as landscaping, seating, window boxes, planters, bike racks, and similar elements.



An example of development that incorporates many requirements of this PUD such as facade division, height, and use of windows.



Wide sidewalks allow for foot traffic and amenities in the same space.

TIF DISTRICT PUD DEVELOPMENT STANDARDS & GUIDELINES



Projecting sign.



Pedestrian-scaled lighting that incorporates decorative banners.

- 15.8 Off-street parking shall not be located in the front or side yard of any new structure. On-street parking is encouraged.
- 15.9 Projecting signs shall be permitted. Such signs generally project at right angles to the building and are typically oriented towards pedestrian traffic.
- A maximum of one (1) sign per street frontage shall be permitted per business.
 - No projecting or suspended sign shall, at its lowest point, be less than eight feet (8') above grade.
 - Projecting and suspended sign area shall not exceed sixteen (16) square feet.
- 15.10 The following signs shall be prohibited:
- Internally illuminated
 - electronic reader boards
- 15.11 Site lighting shall be required to illuminate pedestrian areas outside of the public right-of-way including parking areas, service areas, sidewalks and pathways, and plazas.
- Lighting intended for pedestrian pathway illumination shall have a maximum height of fifteen feet (15').
- 15.12 The following land uses shall not be permitted in the Village Square subarea.
- Uses having drive-through service
 - Sexually oriented business, massage parlors, tattoo parlors, amusement arcade, or similar amusement, and Methadone Clinic or Treatment Facility.
 - Motor vehicle sales and repair
 - Gasoline service stations and car washes
 - Industrial and manufacturing use of any kind
 - Warehousing (including mini-storage facilities)

GUIDELINES:

- » *Open Space: As noted previously, the Village Square subarea is centered on creating a central gathering space that is an identifiable feature for Sellersburg. Open space may come in the form of plazas, parks, athletic fields, and places to rest. Open space should be located in highly visible places that are easily accessible from public areas such as streets, building entrances, and sidewalks. They should allow for multiple points of entry.*

16. Village Living Subarea

Primarily multi-family residential development (townhome, duplex, assisted living housing types) is intended for the Village Living Subarea. There may be small scale (less than 5,000 square feet) neighborhood-serving retail to provide daily conveniences for area residents. Refer to Table 2: Land Use, page 28.

REQUIREMENTS:

- 16.1 Multi-family structures shall not have attached front facing garages. Developments consisting of multiple units, garages shall be accessed from an internal drive accessible from the rear.
- 16.2 On-site parking shall be provided in attached garages, detached garages or detached carports.
- 16.3 Multi-family residential development or mixed-use development with greater than fifty percent (50%) residential use shall provide either a plaza, patio, or landscaped green area equal to or greater in size than one percent (1%) of the building footprint.
- 16.4 Building height shall not exceed a height of thirty-five feet (35'). Minimum building height shall be twenty feet (20').
- 16.5 Luminaires used only to illuminate pedestrian facilities shall not be mounted higher than fifteen feet (15') from the finished grade of the walking surface.
- 16.6 The following land uses shall not be permitted in the Village Living subarea.
 - Uses having drive-through service
 - Sexually oriented business, massage parlors, tattoo parlors, amusement arcade, or similar amusement, and Methadone Clinic or Treatment Facility.
 - Motor vehicle sales and repair
 - Gasoline service stations and car washes
 - Industrial and manufacturing use of any kind
 - Warehousing (including mini-storage facilities)
 - Freestanding, ground mounted wireless telecommunication facilities



Multi-family development.



Appropriate commercial development for the Community Commercial Subarea.

17. Community Commercial Subarea

This subarea contains uses that serve the entire Sellersburg community. A Uses in this category typically are of larger and include those found in Village Square, as well as those found in Table 2: Land Use, page 28. Drive-through facilities may be located in this more automobile-oriented subarea.

REQUIREMENTS:

- 17.1 Building height shall not exceed forty-five feet (45') in height, nor be less than twenty feet (20').
- 17.2 Drive-through facilities provide convenient access to goods and services; however, they are predominantly automobile-oriented uses which can negatively impact pedestrian circulation. If traffic safety and other related site issues can be adequately addressed, drive-through facilities may be permitted as an accessory use subject to the following standards:
 - a. The principle structure shall be located at the minimum front setback or build-to line.
 - b. There shall be direct pedestrian access between the primary entrance of the structure and the adjacent public sidewalk.
 - c. Drive-through service windows and ordering stations shall be located on the rear of a structure, with access to the window provided by new or existing alley access points.
 - d. The drive-through shall exit to an alley or access drive.
 - e. Canopies for the drive-through windows shall be attached to the structure.
 - f. The drive-through facility, including any canopy, shall be compatible in both material and architecture with the primary structure.
- 17.3 Signage may be increased by thirty percent (30%) above the standards in Section 9 this ordinance as some development may be viewed from greater distances and at higher speeds.

18. Employment Center Subarea

REQUIREMENTS:

- 18.1 Facades shall be designed with cornices, parapets, or similar architectural elements to add appropriately-scaled embellishment to the roofline.

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- 18.2 High quality materials shall be durable, and convey a sense of permanence. The use of a single material on any facade is discouraged.
- 18.3 Signage may be increased by thirty (30) percent above the standards in Section 9 this ordinance for parcels with Interstate 65 visibility.
- 18.4 Up to twenty percent (20%) of required parking may occur in the front yard.
- 18.5 Two percent (2%) of the site shall be dedicated to amenities for employees.



Large office developments incorporating varying facade materials, architectural elements, and a cornice roofline.

APPENDIX

APPENDIX A: "EXHIBIT A" - LEGAL DESCRIPTION OF THE TIF PUD AREA

DESCRIPTION OF SELLERSBURG ECONOMIC DEVELOPMENT AREA

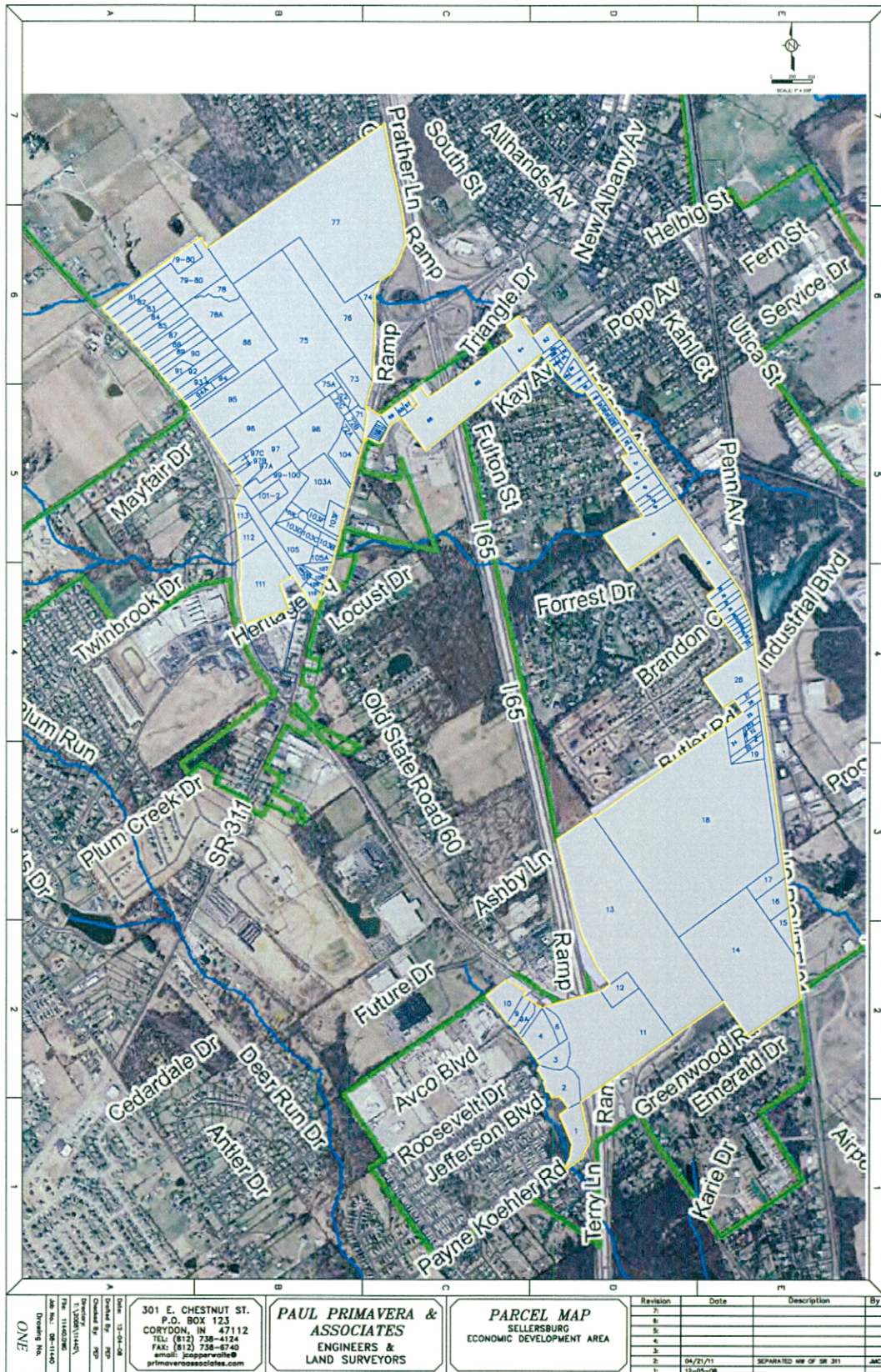
NORTHWEST OF CHARLESTOWN ROAD

The following is a legal description prepared this 21st day of April, 2011, of real property being parts of Surveys #108, #109, and #110 of the Illinois Grant, located in the Town of Sellersburg, Clark County, Indiana, more particularly described as follows:

Beginning at the West corner of Survey #110 of the Illinois grant, thence along the Northern line of Survey #110 North 55° 09' 25" East 2693.81 feet to a point on the Western right of way of Interstate #65, thence with said right of way as follows: South 10° 28' 25" East 605.58 feet, thence South 14° 51' 25" East 100.70 feet, thence South 12° 21' 25" East 79.03 feet, thence South 12° 30' 25" East 321.30 feet, thence South 07° 07' 25" East 386.35 feet, thence South 21° 28' 35" West 285.55 feet, thence South 34° 09' 35" West 137.14 feet, thence South 58° 02' 41" West 165.94 feet, the above being along the Northeastern line of that property recorded in Deed Record Book 230, Page 19, thence continuing along said right of way and along the Southeasterly line of those properties recorded in Instrument #200114150, in Deed Record Book 153, Page 102 and Deed Drawer 30, Instrument #11252 as follows: South 24° 47' 41" West 171.60 feet, thence South 01° 54' 16" East 371.85 feet, thence South 02° 35' 51" West 731.41 feet, thence South 16° 31' 18" West 318.10 feet, thence continuing along said right-of-way as follows: South 12° 50' 01" East 105.50 feet, thence South 08° 45' 11" West 365.12 feet, thence South 16° 38' 27" West 148.04 feet, thence South 14° 11' 27" West 696.80 feet, thence South 14° 11' 00" West 628.91 feet, thence South 15° 53' 56" West 46.38 feet, thence South 16° 44' 26" West 121.62 feet, thence South 22° 02' 59" West 502.06 feet to a point in the centerline of Old State Road #60, thence with said centerline North 33° 57' 49" West 501.69 feet, thence leaving said centerline to a point in the Eastern line of that property recorded in Instrument #200811450, thence along the line of said tract South 56° 20' 51" West 189.13 feet, thence South 21° 03' 39" East 332.14 feet, thence cutting diagonally across said tract South 72° 28' 42" West 584.82 feet to a point on the Eastern right of way of State Road #60, thence along the Eastern right of way of State Road #60 as follows: along a curve concave Southeasterly (said curve having a radius of 1834.86 feet and whose long chord bears North 08° 34' 42" West, having a length of 468.26 feet) a distance of 469.54 feet, thence continuing with said right of way North 12° 11' 09" East 103.06 feet, thence North 01° 09' 57" West 200.00 feet, thence North 09° 07' 29" West 34.87 feet, thence North 05° 48' 41" West 371.99 feet, thence North 07° 05' 43" West 307.66 feet to a point in said right of way marking the Northernmost corner of that property recorded in Instrument #3216980, thence North 25° 54' 54" East crossing Old State Highway #60 240.01 feet to a point on the Eastern right of way, thence with said right of way of State Road #60 as follows: North 34° 05' 26" West 168.24 feet, thence North 34° 49' 05" West 154.44 feet, thence North 33° 43' 09" West 232.93 feet, thence North 36° 30' 48" West 119.66 feet, thence along a curve concave Westerly (said curve having a radius is 2606.48 feet and whose long chord bears North 32° 07' 53" West, having a length of 333.94 feet) a distance of 334.17 feet, thence continuing with said right of way North 32° 04' 57" West 84.10 feet, thence North 35° 48' 15" West 28.15 feet, thence North 35° 52' 36" West 62.91 feet, thence North 38° 57' 47" West 192.83 feet, thence North 37° 50' 41" West 100.63 feet, thence North 47° 38' 56" West 126.99 feet, thence North 39° 19' 21" West 172.68 feet, thence North 34° 19' 07" West 103.83 feet, thence North 42° 01' 28" West 529.77 feet, thence North 43° 34' 28" West 437.48 feet, thence leaving said right of way and along the North line of that property recorded in Deed Drawer 31, Instrument #14909 North 55° 05' 35" East 1509.98 feet to a point in the Grant line between Surveys #109 and #129, thence with said Grant line South 32° 54' 37" East 157.75 feet to the point of beginning, containing 259.00 Acres, more or less.

The above description has been compiled from existing deeds and does not represent an actual field survey of this parcel.

APPENDIX A: "EXHIBIT A" - LEGAL DESCRIPTION OF THE TIF PUD AREA



ONE Drawing No. Job No. DR-11-140 Title: 11-140-0000 Date: 03-04-08 Checked by: JWP Drawn by: JWP	301 E. CHESTNUT ST. P.O. BOX 123 CORYDON, IN 47112 TEL: (812) 738-4124 FAX: (812) 738-6740 email: jcopperwolfe@primaveraassociates.com primaveraassociates.com	PAUL PRIMAVERA & ASSOCIATES ENGINEERS & LAND SURVEYORS	PARCEL MAP SELLERSBURG ECONOMIC DEVELOPMENT AREA	Revision 3 4 5 6 7 8 9 10 11 12	Date 04/21/11 12-05-08	Description SEPARATED NW OF SR 311	By JAC
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APPENDIX A: "EXHIBIT A" - LEGAL DESCRIPTION OF THE TIF PUD AREA

Parcel List - Sellersburg Economic Development Area

4/24/2011

Map Key #	Tax ID	Parcel Number	Owner	Recording Info.
71	017-42-011-0	10-17-11-000-714-000-031	Dairy Mart Convenient Store, Inc.	DD-26 - 863
72	017-42-016-0	10-17-11-000-715-000-031	James L. O'Neal Revocable Trust	I 201008827
72A	017-42-014-0	10-17-11-000-711-000-031	Wang, Jyh Chuang & Maria Young 2/3 & Kuo, Wei-Swan 1/3	DD26 - 1602
72B	017-42-017-0	10-17-11-000-703-000-031	C & M Smith Partnership	DD25 - 16800
72C	017-42-015-0	10-17-11-000-716-000-031	Hecker, Kenneth R. & Ellen K.	DD18 - 15821
73	017-42-009-0	10-17-11-000-710-000-031	McDonald's Corp.	DD30 - 11252
74	009-09-004-0	10-09-11-000-003-000-030	Haenisch, J. C. & Judith A.	I 200114150
75	017-42-007-0	10-17-08-900-001-000-031	James L. O'Neal Revocable Trust	I 201009348
75	017-42-007-0	10-17-08-900-001-000-031	James L. O'Neal Revocable Trust	I 2010009348
75A	017-42-0180	10-17-11-000-704-000-031	Vishnu (I), Inc.	DD30 - 11254
76	009-09-003-0	10-09-11-000-004-000-030	Appell, Joseph R. & Edith	Bk153 - Pg102
77	009-09-001-0	10-09-11-000-005-000-030	Prather, Victor E. & Clea M.	Bk230 - Pg19
78	017-58-023-0	10-17-10-900-010-000-031	Pesquentos, James A. & Lisa	I 200720408
78A	017-58-022-0	10-17-10-900-012-000-031	Hess, Ronald J. & Cynthia S.	DD27 - 7267
79	017-58-003-0	10-17-10-900-013-000-031	O'Neil, Gail L.	DD31 - 14909
80	017-58-021-0	10-17-10-900-016-000-031	O'Neil, Gail L.	DD31 - 14909
81	017-58-007-0	10-17-10-900-003-000-031	Goode, Robert & Judie	DD8 - 7552
82	017-58-005-0	10-17-10-900-017-000-031	Mayden, Kenneth & Shirley	I 200311121
83	017-58-015-0	10-17-10-900-018-000-031	Mahon, Kenneth A. & Mary F.	DD30 - 15116
84	017-58-017-0	10-17-10-900-004-000-031	Terry, Stephen T. & Christianna	DD18 - 10172
85	017-58-010-0	10-17-10-900-019-000-031	Roberts, Joseph R. & Diana L.	DD18 - 15457
86	017-58-012-0	10-17-10-900-023-000-031	Hess, Ronald J. & Cynthia S.	DD30 - 5712
87	017-58-006-0	10-17-10-900-005-000-031	Graf, Anthony D.	I 200914324
88	017-58-009-0	10-17-10-900-006-000-031	Perry, James & Barbara	DD8 - 7556
89	017-58-020-0	10-17-10-900-011-000-031	Perry, James A.	DD24 - 13899
90	017-58-014-0	10-17-10-900-024-000-031	Lukes, John R.	I 201002218
91	017-58-013-0	10-17-10-900-026-000-031	Pierce, Charles R. & Tonja	I 200623935
92	017-58-011-0	10-17-10-900-020-000-031	Adams, John & Janet	I 200717747
93	017-58-008-0	10-17-10-900-002-000-031	Ellis, James F. & Norma A.	DD28 - 7554
94	017-58-016-0	10-17-10-900-022-000-031	Ellis, James F. & Norma A.	DD20 - 4018
94A	017-58-018-0	10-17-10-900-021-000-031	Ratcliff, Richard E., Jr. & Anita R. & Richard E., Sr.	I 3215302
95	017-57-017-0	10-17-10-800-431-000-031	Steele, Rhonda K. & Crum, David, Trustee, Steele, Rhonda K. 1/2, Lloyd V. Dold Trust 1/2	DD29 - 14712
96	017-57-001-0	10-17-10-800-432-000-031	Mary Jennie Dold Rev. Trust	I 200619732
97	017-57-020-0	10-17-10-800-451-000-031	Trester, Mary Jo	DD30 - 1103
97B	017-57-014-0	10-17-10-800-439-000-031	Pennington, William & Helen H.	DD3 - 6674
97C	017-57-019-0	10-17-10-800-438-000-031	Pennington, Helen H.	Bk293 - Pg195
98	017-57-002-0	10-17-10-800-453-000-031	Hecker, Floyd H. & Mazie W.	DD21 - 13034
99	017-57-023-0	10-17-10-800-452-000-031	NovaStar, LLC	I 200405984
100	017-57-003-0	10-17-10-800-448-000-031	NovaStar, LLC	I 200405984
101	017-57-025-0	10-17-10-800-441-000-031	Evinger, Dan R. & Joan V.	I 3220148
102	017-57-024-0	10-17-10-800-440-000-031	Evinger, Dan R. & Joan V.	I 3220148
103A	017-88-001-0	10-17-10-800-807-000-031	Z S Developers, LLC	I 200804468
103B	017-78-001-0	10-17-10-800-001-000-031	River Valley Financial Bank	I 200213520
103C	017-78-002-0	10-17-10-800-002-000-031	Storage Express Holdings, LLC	I 200803716
103D	017-78-003-0	10-17-10-800-003-000-031	Storage Express Holdings, LLC	I 200813715
103E	017-78-004-0	10-17-10-800-004-000-031	Storage Express Holdings, LLC	I 200813715
103F	017-78-005-0	10-17-10-800-006-000-031	McDonner, Nicholas J. & Heather S.	I 200803795
103F	017-78-006-0	10-17-10-800-005-000-031	Wintersong, LLC	I 200429063
104	017-57-005-0	10-17-10-800-433-000-031	Benjamin, Bruce & Joseph & Nancy Summers	I 200921805

APPENDIX A: "EXHIBIT A" - LEGAL DESCRIPTION OF THE TIF PUD AREA

4/24/2011

Map Key #	Tax ID	Parcel Number	Owner	Recording Info.
104	017-42-013-0	10-17-11-000-712-000-31	Benjamin, Bruce & Joseph & Nancy Summers	I 200921805
105	017-57-006-0	10-17-10-800-434-000-031	Love, Jeanne A. & Love, Linda J.	DD31 - 705
105A	017-57-008-0	10-17-10-800-430-000-031	Richards, Joseph C., JR. & Karen S.	DD25 - 9564
106	017-57-010-0	10-17-10-800-443-000-031	Thompson, Alden Lee	DD22 - 9163
106A	017-57-015-0	10-17-10-800-430-000-031	Lisa Mullah	I 201014929
107	017-57-009-0	10-17-10-800-435-000-031	J. J. Craig Co., LLC	I 200705713
108	017-57-016-0	10-17-10-800-447-000-031	Troy French Automotive, LLC	I 200109417
108	017-57-007-0	10-17-10-800-446-000-031	Troy French Automotive, LLC	I 200109417
109	017-57-012-0	10-17-10-800-445-000-031	Coomer, Jessie L. & Ethel L.	DD27 - 5839
109	017-57-013-0	10-17-10-800-444-000-031	Coomer, Jessie L. & Ethel L.	DD27 - 5839
110	017-57-011-0	10-17-10-800-436-000-031	Rogers, Charles J. & RoseAnn	DD29 - 4982
111	017-35-014-0	10-17-10-800-427-000-031	ICON - Sellersburg Center, LLC	I 200811450
112	017-35-013-0	10-17-10-800-423-000-031	Patriot Rentals, LLC	I 201005372
113	017-35-012-0	10-17-10-800-417-000-031	Neace, John F.	I 3216980

APPENDIX B: MARKET STUDY AND ANALYSIS

INTRODUCTION

This section of the Appendix summarizes the findings of an analysis of the market conditions in the Sellersburg, Indiana area relative to the support of new retail space as a potential land use. The subject area comprises approximately 260 acres of land located to the west of Interstate 65, at its interchange with State Road 311.

This summary is divided into four sections. The first section examines economic and demographic conditions within the Town of Sellersburg and three drivesheds that radiate out from it. The second section is a discussion of various types of retail shopping centers and standards that are used when assessing market demand. The third section analyzes the market demand potentials for the various categories of retail, and the fourth and last section is a discussion of the strengths, weaknesses, and opportunities for retail development in the Sellersburg marketplace, and specifically, the study area.

1.0 Economic and Demographic Profile

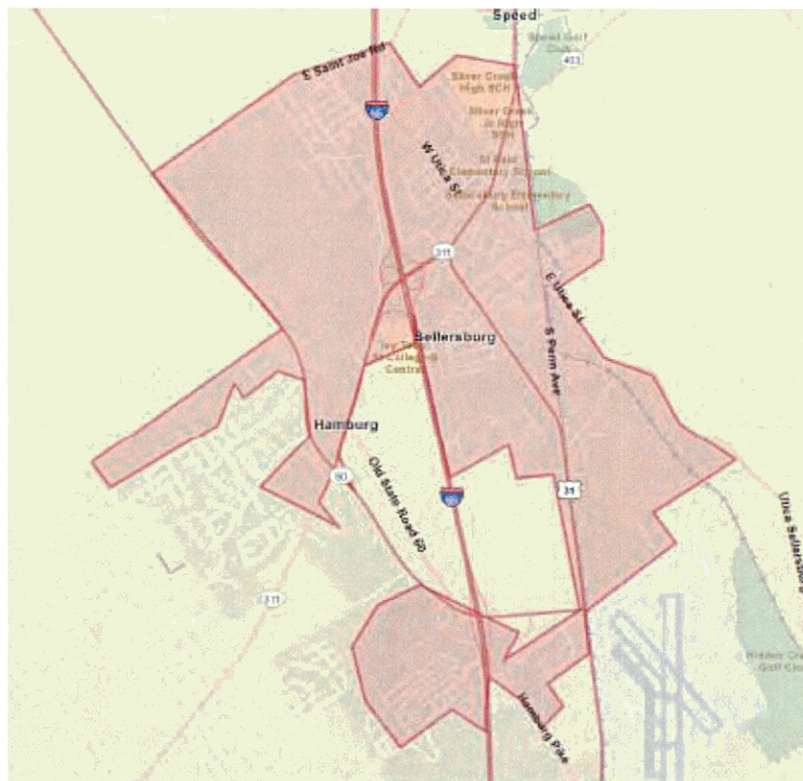
1.1 Overview

To understand the economic and market conditions in which the Town of Sellersburg and its commercial businesses operate, a baseline economic and demographic profile was performed which examines existing and projected demographic and economic factors for the Town and surrounding retail trade areas.

1.2 Analysis Areas

The Town of Sellersburg study area includes the area within the Town's municipal boundaries, as illustrated in the following map.

Exhibit 1.0 – Town Boundaries, Town of Sellersburg



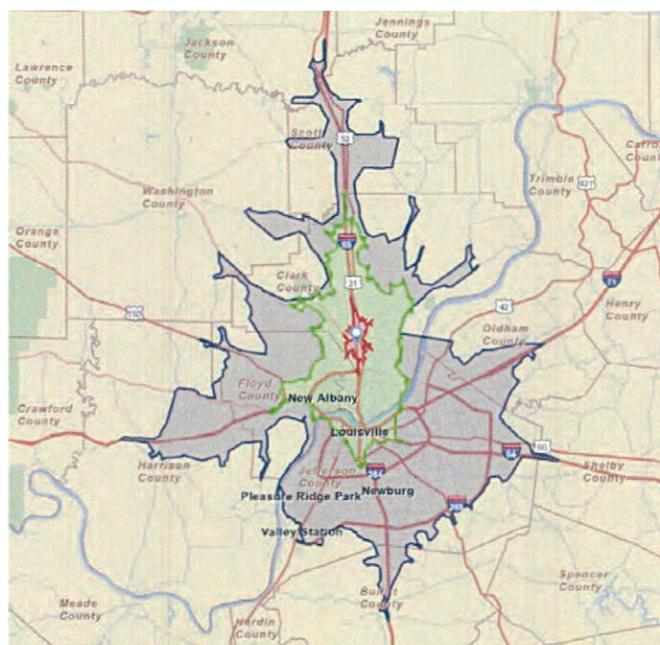
Source: ESRI Business Information Solutions

Other geographies assessed as part of this analysis include retail trade areas surrounding the Town of Sellersburg. A trade area is the geographic area from which the preponderance of a retail business' customers live. Trade areas differ based on the type of products offered and the size of the retail center. For example:

- **Neighborhood Shopping Center** – the trade area for a neighborhood shopping center, which provides everyday convenience goods (foods, drugs, and sundries) and personal services (e.g. laundry, hair-styling, and shoe repair), is typically the area within a convenient **5-minute drive** of the center. Neighborhood centers provide the daily needs of residents in this immediate area, and often are built around an anchor tenant such as a grocer or pharmacy. Neighborhood shopping centers generally contain from 30,000 to 150,000 square feet.
- **Community Shopping Center** – the trade area for a community shopping center is typically the area within a **15-minute drive** of the center. Community centers capture residents from a larger area because they offer an expanded line of goods than neighborhood centers. A community center provides the convenience goods and personal services offered by a neighborhood center, but with the addition of a wider range of soft lines (apparel) and hard lines (hardware and appliances). Many centers feature multiple anchors, including a supermarket and an additional anchor of a junior department store, variety store, super drugstore, or discount department store. Most community centers range from 100,000 to 350,000 square feet.
- **Regional Shopping Center** – a regional center, which draws from a large **30-minute driving** radius, offers an extensive variety of general merchandise, apparel, furniture and home furnishings, services and recreational facilities. These shopping centers typically contain three or more full-line department stores and range in size from 500,000 to over 1.5 million square feet.

More detailed definitions of shopping centers and drivesheds is contained in Section 2.1.

Exhibit 1.1 – Town of Sellersburg Retail Trade Areas: 5-, 15-, and 30-Minute Drivetimes



Source: ESRI Business Information Solutions

1.3 Household Demographics

To understand characteristics of the households in the Town of Sellersburg and surrounding trade areas, an assessment of demographic and economic conditions was performed.

The Town of Sellersburg features:

- Over 6,500 residents, representing nearly 90 percent of the nearly 7,500 residents living in the 5-minute driveshed, 3 percent of the over 211,000 residents living in the 15-minute driveshed, and 1 percent of the over 915,000 residents in the 30-minute driveshed.
- Over 2,700 households which represent similar shares of the surrounding drivesheds (e.g. 85 percent of the 5-minute driveshed, 3 percent of the 15-minute driveshed, and 1 percent of the 30-minute driveshed).
- Over 3,000 jobs, again representing similar shares of the surrounding drivesheds (e.g. 83 percent of the 5-minute driveshed, 2 percent of the 15-minute driveshed, and 1 percent of the 30-minute driveshed).
- A similar average household size (2.37) compared to the 5-minute driveshed (2.28), 15-minute driveshed (2.22) and 30-minute driveshed (2.36).
- A similar median household income (over \$55,000) compared to the 5-minute driveshed (nearly \$58,000) and 30-minute driveshed (over \$53,000) but higher than the 15-minute driveshed (nearly \$44,000).
- More homeowners (73% owner occupied homes) compared to surrounding retail trade areas (71% in the 5-minute driveshed, 48% in the 15-minute driveshed, and 59% in the 30-minute driveshed).
- Home values that are comparable to those in surrounding areas (Town's median home value was approximately \$113,000 compared to \$125,000 in the 5-minute driveshed, \$111,000 in the 15-minute driveshed, and \$127,000 in the 30-minute driveshed).

Table 1.1

Demographic and Economic Overview (2010)				
	Town of Sellersburg	5-Minute Drivetime	15-Minute Drivetime	30-Minute Drivetime
Population	6,580	7,450	211,250	915,653
Households	2,738	3,226	91,627	381,302
Average Household Size	2.37	2.28	2.22	2.36
Median Household Income	\$55,566	\$57,955	\$43,679	\$53,130
Median Home Value	\$113,611	\$125,824	\$111,087	\$127,639
% Owner Occupied Homes	73%	71%	48%	59%
Labor Force	2,980	3,438	91,109	407,047
At-Place Employment	3,176	3,822	202,251	535,867
Median Age	39.8	40.8	37.1	38.7

Source: ESRI Business Information Solutions, BBP LLC 2010

The Town of Sellersburg can be characterized as a middle-income community, with over 60% of households earning between \$35,000 to \$100,000. Over 60% of residents in the 5-minute driveshed also earn in this range. In contrast, approximately half of residents in the 15-minute and 30-minute drivesheds earn \$35,000 to \$100,000; a significant 17 percent of households in the 5-minute driveshed earn less than \$15,000 per year, and nearly 12 percent of households in the 30-minute driveshed earn in this low income range.

Table 1.2

Households by Income (2010)				
	Town of Sellersburg	5-Minute Drivetime	15-Minute Drivetime	30-Minute Drivetime
< \$15,000	5.8%	5.5%	17.2%	11.9%
\$15,000-\$24,999	6.0%	6.2%	11.3%	9.3%
\$25,000-\$34,999	13.9%	13.1%	12.3%	10.7%
\$35,000-\$49,000	17.8%	16.9%	15.2%	14.6%
\$50,000-\$74,999	25.0%	24.3%	20.2%	21.5%
\$75,000-\$99,999	19.7%	20.0%	12.9%	15.2%
\$100,000-\$149,999	10.3%	11.4%	7.9%	11.6%
\$150,000-\$199,999	1.2%	1.8%	1.5%	2.4%
\$200,000+	0.5%	0.7%	1.5%	2.9%

Source: ESRI Business Information Solutions, BBP LLC 2010

Median household income in the Town rose slightly faster (3.4% per year) over the past decade compared to income growth in the surrounding retail trade areas. However, the Town's median income is projected to grow slightly less rapidly than in surrounding trade areas over the next five years (2.4% per year).

Table 1.3

Median Household Income				
	Town of Sellersburg	5-Minute Drivetime	15-Minute Drivetime	30-Minute Drivetime
2000	\$39,825	\$42,650	\$31,932	\$39,924
2010	\$55,566	\$57,955	\$43,679	\$53,130
2015	\$62,531	\$65,666	\$51,877	\$60,784
% Change 2000-2010	3.4%	3.1%	3.2%	2.9%
% Change 2010-2015	2.4%	2.5%	3.5%	2.7%

Source: ESRI Business Information Solutions, BBP LLC 2010

A similar pattern of per capita income growth was observed in the past decade, as the Town's per capita income rose 3.4% per year, higher than in surrounding drivesheds. Over the next five years, the Town's per capita income is projected to grow less rapidly (2.4%), slightly lower than per capita income growth in the 5-minute (2.5%) and 15-minute (2.6%) drivesheds, but higher than in the 30-minute driveshed (1.9%).

Table 1.4

Per Capita Income				
	Town of Sellersburg	5-Minute Drivetime	15-Minute Drivetime	30-Minute Drivetime
2000	\$18,648	\$20,483	\$18,785	\$21,969
2010	\$26,099	\$27,442	\$24,194	\$27,957
2015	\$29,421	\$31,084	\$27,453	\$30,754
% Change 2000-2010	3.4%	3.0%	2.6%	2.4%
% Change 2010-2015	2.4%	2.5%	2.6%	1.9%

Source: ESRI Business Information Solutions, BBP LLC 2010

Households in the Town of Sellersburg, on average, spend nearly \$22,000 per year on retail goods, in line with their counterparts in surrounding retail trade areas. The total spent on retail goods by Town residents in 2010 was nearly \$59 million.

Table 1.5

Household Spending Patterns, Retail Goods (2010)				
	Town of Sellersburg	5-Minute Drivetime	15-Minute Drivetime	30-Minute Drivetime
Total Spent (All Households)	\$58,918,704	\$72,146,312	\$1,726,458,808	\$8,720,425,018
Average Spent (Per Household)	\$21,519	\$22,364	\$18,842	\$22,870
Spending Potential Index	87	90	76	92

Source: ESRI Business Information Solutions, BBP LLC 2010

1/ Spending potential index represents the amount spent relative to a national average of 100

The Town of Sellersburg contains many families compared to surrounding geographies, with 73% of households consisting of families. The Town contains a similar proportion of older households headed by residents over 65 compared to surrounding drivesheds.

Table 1.6

Households by Type (2000)			
	Family	Non-Family	Households with Persons 65+
Town of Sellersburg	73%	27%	22%
5-Minute Driveshed	71%	29%	22%
15-Minute Driveshed	58%	42%	22%
30-Minute Driveshed	65%	35%	23%

Source: ESRI Business Information Solutions, BBP LLC 2010

To identify the lifestyle characteristics and preferences of local residents, an evaluation of top household tapestry segments was performed. *ESRI Business Information Solutions* uses demographic information such as labor force characteristics, median income, age, and spending habits to categorize neighborhoods according to a trademarked Community Tapestry classification system.

The following table identifies the top tapestry segments in the Town and surrounding retail trade areas/drivesheds.

Table 1.7

Top Three Tapestry Segments (2010)				
	Town of Sellersburg	5-Minute Drivetime	15-Minute Drivetime	30-Minute Drivetime
1	Midlife Junction	Midlife Junction	Great Expectations	Rustbelt Traditions
2	Crossroads	Rustbelt Traditions	Rustbelt Traditions	Cozy and Comfortable
3	Rustbelt Traditions	Rustbelt Retirees	Simple Living	Rustbelt Retirees

Source: *ESRI Business Information Solutions, BBP LLC 2010*

The tapestry segments represented in the Town of Sellersburg and surrounding retail trade areas include:

- **Midlife Junction** – households in this tapestry segment consist primarily of married-couple families headed by middle-age parents. Residents typically are middle-income earners who own their homes (which are often single-family residences). Popular leisure time activities include dining out at family-friendly restaurants, enjoying the outdoors, watching television and reading.
- **Crossroads** – similar to the Midlife Junction tapestry segment, most households in the Crossroads segment are married couples; this segment differs in that the median age of households is younger, and some couples have children while others are childless. Household incomes are moderate, and most residents work in manufacturing, retail, construction and service fields. Most households own their homes. Crossroads residents are conscientious shoppers, and patronize discount department stores. Households with children focus spending on their children in addition to daily needs. Popular activities include watching televised sports, listening to the radio, watching movies and participating in outdoor activities.
- **Rustbelt Traditions** – these households include a mix of married-couples, single parents, and singles, and because of this segment’s concentration at the national level in older industrial cities are termed “rustbelt” communities. Residents earn moderate incomes and work in service industry occupations, manufacturing, and retail trade. Most residents own their homes, and prioritize their spending on their families, homes and gardens. Like Crossroads households, Rustbelt Traditions households are frugal and shop at discount department stores. Outdoor activities, watching televised sports and sitcoms, and surfing the Internet are popular leisure time pursuits.
- **Rustbelt Retirees** – like the Rustbelt Traditions segment, at the national level households that meet these characteristics are concentrated in older industrial cities, hence the “rustbelt” name. Rustbelt Retirees are typically older (age 65+) married couples with no children or singles. Households earn moderate incomes, and many residents are still working but approaching retirement. Households are settled, and have lived in the same home for many years. Residents are civically engaged, participating in public activities, fraternal organizations, and veterans’ clubs. Home improvement projects, including do-it-yourself projects, are popular. Residents are cost-conscious, and shop at discount stores and warehouse clubs. Dining out at casual restaurants, listening to the radio, and watching television are leisure time activities.

- **Great Expectations** – in contrast to Rustbelt Retirees, Great Expectations residents are young singles or married-couples just beginning their careers and/or families. As these residents are still starting out, incomes are lower, and half of residents rent their homes rather than own. Residents partake in active leisure time pursuits such as participating in sports leagues and other outdoor activities. They often dine out and go out to the movies, and shop at department stores as well as discount department stores.
- **Simple Living** – residents in this segment are older, with one-fifth over the age of 65. Residents who are still working are employed in health care, retail, manufacturing, education and accommodation/food service industries. Residents participate in civic organizations such as fraternal organizations and veterans' clubs, and are cost-conscious shoppers. They frequent discount stores and occasionally dine out.
- **Cozy and Comfortable** – these residents are primarily middle-aged married couples. Residents work in a variety of industries in professional, managerial and service occupations. Incomes are moderate, and most residents own their homes. Home improvement and garden care are popular activities, as are outdoor pursuits including golfing. Dining out at family-friendly restaurants and watching television are common leisure time activities.

The diverse interest of these tapestry segments indicates they together demand a variety of retail goods and services to meet their unique preferences. Some common themes among the tapestries include shopping at discount department stores and dining at family-friendly/casual restaurants.

1.4 Employment and Labor Force

In 2010, the Town of Sellersburg's establishments employed nearly 3,200 individuals. These employees worked in a variety of industries, the top five being: transportation (19%), accommodation and food services (16%), retail trade (14%), manufacturing (11%), and educational services (10%).

Table 1.8

At-Place Employment by Industry (2010)				
Town of Sellersburg				
	# Businesses	% Businesses	# Employees	% Employees
Agriculture	0	0.0%	0	0.0%
Mining	0	0.0%	0	0.0%
Utilities	0	0.0%	0	0.0%
Construction	28	11.4%	192	6.0%
Manufacturing	15	6.1%	338	10.6%
Wholesale Trade	8	3.3%	47	1.5%
Retail Trade	33	13.5%	458	14.4%
Transportation	11	4.5%	610	19.2%
Information	5	2.0%	10	0.3%
Finance and Insurance	15	6.1%	53	1.7%
Real Estate, Rental and Leasing	7	2.9%	15	0.5%
Professional, Scientific and Technical Services	9	3.7%	43	1.4%
Management of Companies and Enterprises	0	0.0%	0	0.0%
Administrative Support Services	4	1.6%	39	1.2%
Educational Services	6	2.4%	329	10.4%
Health Care and Social Assistance	13	5.3%	116	3.7%
Arts, Entertainment and Recreation	4	1.6%	35	1.1%
Accommodation and Food Services	25	10.2%	495	15.6%
Other Services	43	17.6%	190	6.0%
Public Administration	17	6.9%	206	6.5%
Unclassified Establishments	0	0.0%	0	0.0%
Total	243	100.0%	3,176	100.0%

Source: ESRI Business Information Solutions, BBP LLC 2010

The Town of Sellersburg's labor force (that is, working-age residents in the Town, who may work in the Town or in other areas) is concentrated in the service sector (44%). Many residents also work in the manufacturing sector (14.5%) and retail trade (9.5%).

Table 1.9

Labor Force by Industry (2010)		
Town of Sellersburg		
	# Employees	% Employees
Agriculture/Mining	3	0.1%
Construction	179	6.0%
Manufacturing	432	14.5%
Wholesale Trade	98	3.3%
Retail Trade	283	9.5%
Transportation/Utilities	185	6.2%
Information	63	2.1%
Finance/Insurance/Real Estate	200	6.7%
Services	1,311	44.0%
Public Administration	221	7.4%
Total	2,980	100.0%

Source: ESRI Business Information Solutions, BBP LLC 2010

The unemployment rate in Sellersburg, at 8.6%, is similar to that of the 5-minute driveshed (8.5%), but lower than that of the 15-minute (11.9%) and 30-minute drivesheds (11.1%).

Table 1.10

Civilian Labor Force Participation, 2010		
	Employed	Unemployed
Town of Sellersburg	91.4%	8.6%
5-Minute Drivetime	91.5%	8.5%
15-Minute Drivetime	88.1%	11.9%
30-Minute Drivetime	88.9%	11.1%

Source: ESRI Business Information Solutions, BBP LLC 2010

2.0 Retail Standards

2.1 Retail Definitions

The term “retail” generally refers to operations involved in the sale of goods, merchandise, or services from a fixed location, such as a shopping center or freestanding store. Retail can generally be classified into two major categories by building configuration: **general retail**, which is typically single tenant freestanding general purpose commercial buildings with parking; and, shopping centers.

The definition of a **shopping center** is standard. As formulated by the former Community Builders Council of the Urban Land Institute (ULI) in the 1950s and reaffirmed over time, a shopping center is a group of commercial establishments planned, developed, owned, and managed as a unit related in location, size, and type of shops to the trade area it serves. It provides on-site parking relating to the types and sizes of its stores.

As the shopping center evolved, five basic types emerged, each distinctive in its own function: the convenience, the neighborhood, the community, the regional, and the super regional. In all cases, a shopping center’s type and function are determined by its major tenant or tenants and the size of its trade area; they are never based solely on the area of the site or the square footage of the structures.

(ULI) defines the types of shopping centers that comprise the majority of retail development in the United States. For purposes of understanding terms and characterizations used in this report, the types of retail centers are summarized:

Convenience Center — Provides for the sale of personal services and convenience goods similar to those in a neighborhood center. It contains a minimum of three stores, with a gross leasable area (GLA) of up to 30,000 square feet. Instead of being anchored by a supermarket, a convenience center is usually anchored by some other type of personal/convenience services such as a minimarket.

Neighborhood Shopping Center — This type of retail center provides for the sale of convenience goods (foods, drugs, and sundries) and personal services (e.g. laundry and dry cleaning, hair-styling, shoe repair and tailoring) for the day-to-day needs of the residents in the immediate area. It is built around a supermarket as the principal tenant and typically contains a gross leasable area of about 60,000 square feet. In practice, neighborhood centers can range from 30,000 to 150,000 square feet.

Community Shopping Center — In addition to the convenience goods and personal services offered by the neighborhood center, a community center provides a wider range of soft lines (wearing apparel) and hard lines (hardware and appliances). The community center makes merchandise available in a greater variety of sizes, styles, colors, and prices. Many centers are built around a junior department store, variety store, super drugstore, or discount department store as the major tenant, in addition to a supermarket.

Although a community center does not have a full-line department store, it may have a strong specialty store or stores. Its typical size is about 150,000 square feet of gross leasable area, but in practice, it may range from 100,000 to 350,000 or more square feet. Centers that fit the general profile of a community center but contain more than 250,000 square feet are classified as super community centers. As a result, the community center is the most difficult to estimate for size and pulling power.

A power center is a type of super community center that contains at least four category-specific, off-price anchors of 20,000 or more square feet. These anchors typically emphasize hard goods such as consumer electronics, sporting goods, office supplies, home furnishings, home improvement goods, bulk foods, health and beauty aids, and personal computer hardware/software.

Regional Shopping Center — This type of center provides general merchandise, apparel, furniture, and home furnishings in depth and variety, as well as a range of services and recreational facilities. It is built around two or more full-line department stores of generally not less than 50,000 square feet. Its typical size is about 500,000 square feet of gross leasable area, but in practice it may range from 250,000 square feet to more than 800,000 square feet. The regional center provides services typical of a business district yet not as extensive as those of the super regional center.

Super Regional Shopping Center — A super regional center offers an extensive variety in general merchandise, apparel, furniture and home furnishings, as well as a variety of services and recreational facilities. It is built around three or more full-line department stores generally of not less than 75,000 square feet each. The typical size of a super regional center is about 1 million square feet of GLA. In practice the size can range from about 500,000 to more than 1.5 million square feet. Super regional centers have been typified by enclosed malls for over the past thirty years, but have transitioned to outdoor “town centers” over the past decade or so

Table 2.1 contains the criteria for the four types of shopping centers referred to in subsequent analysis, discussions, tables, maps, etc. contained in this report. Although shopping centers of one classification or another contain the majority of retail inventory in the Sellersburg trade area, it should be noted that free standing retail constitutes a significant amount as well. Older “main street” style shopping districts are typically comprised of a collection of single tenant buildings, and national chain pharmacies and grocery stores have increasingly embraced the stand alone building concept.

Table 2.1

Shopping Center Definitions					
Center Type	GLA Range	Acres	# of Anchors	% Anchor GLA	Type of Anchors
Neighborhood	30,000-150,000	3-15	1+	30-50%	Supermarket
Community	100,000-350,000	10-40	2+	40-60%	Discount, supermarket, drug, home improvement, large specialty discount
Regional	250,000-800,000	40-100	2+	50-70%	Full-line dept, jr dept, mass merchant, discount dept, fashion apparel
Super Regional	800,000+	60-120	2+	50-70%	Full-line dept, jr dept, mass merchant, discount dept, fashion apparel

Source: ULI; BBP

2.2 Retail Standard Guidelines

The concept of establishing retail standards for communities and neighborhoods is a subjective one. What may be considered lacking or inconvenient to one person may be inconsequential or otherwise readily available to another, depending on a variety of factors including, but not limited to, mobility, income, personal taste or need, and perception. That being said, certain basic criteria or thresholds can be established to provide a framework for standards, which in turn can be refined through a process such as local market surveys, targeted supply analysis, etc. This section seeks to define standards for the trade area of a neighborhood's commercial core (activity center) from the perspective of residents, rather than the perspective of a particular type of retail activity.

ULI has established minimum thresholds for market support for retail centers based on population, radius, and drive time. As a demonstration of the subjective nature of this analysis, it should be noted that ULI's criteria and thresholds for GLA and trade area size (and by inference minimum standards) differ slightly from the ESRI approach. Taking them all into account can provide a balanced view of the topic and its implications on policy and planning decisions.

The thresholds utilized in this section of the analysis are expressed in the following table.

Table 2.2

Standard Guidelines - Shopping Center Thresholds			
Center Type	Min. Population	Trade Area Radius	Driveshed
Neighborhood	3,000-4,000	3 miles	5-10 minutes
Community	40,000-50,000	3-6 miles	15-20 minutes
Regional	150,000	5-15 miles	20 minutes
Super Regional	300,000	5-25 miles	30 minutes

Source: ULI; BBP

3.0 Retail Opportunity Gap Analysis

3.1 Overview

Retail opportunity gap (leakage) analysis compares supply (sales) and demand (expenditures) to determine whether there is a net outflow of expenditures out of an area (e.g. leakage) or a net inflow of sales (e.g. surplus). Leakage generally indicates opportunities for new retail goods and services that can capture some of the leaked sales, while surplus generally indicates an area is saturated with retail goods and services.

3.2 Retail Opportunity Gap by Trade Area

At the neighborhood retail trade area level (5-minute driveshed), leakage of sales is evident in every category of retail goods and services, including retailers most typically associated with the daily needs provided at the neighborhood scale. Both food and beverage stores and health and personal care stores exhibit sales leakage, which indicates there may be opportunities in the Town of Sellersburg to capture some of the leaked sales in these categories. Limited service eating places also exhibited leakage of sales.

Table 3.1

Retail Opportunity Gap Analysis 5-Minute Drivetime				
	Expenditures	Sales	Leakage/Surplus	Capture Rate
Daily Needs				
Food & beverage stores	\$13,599,367	\$11,198,248	(\$2,401,119)	82.3%
Health & personal care stores	\$2,330,949	\$531,641	(\$1,799,308)	22.8%
GAFO				
General merchandise	\$9,671,638	\$0	(\$9,671,638)	0.0%
Clothing and clothing accessories	\$2,099,544	\$195,854	(\$1,903,690)	9.3%
Furniture and home furnishings stores	\$1,906,804	\$1,733,772	(\$173,032)	90.9%
Electronic and appliance stores	\$1,908,902	\$0	(\$1,908,902)	0.0%
Sporting goods, hobby, book and music stores	\$1,002,001	\$62,306	(\$939,695)	6.2%
Miscellaneous retail	\$1,802,134	\$730,745	(\$1,071,389)	40.5%
Food service				
Full-service restaurants	\$5,405,379	\$4,856,911	(\$548,468)	89.9%
Limited service eating places	\$5,438,779	\$3,409,071	(\$2,029,708)	62.7%

Source: ESRI Business Information Solutions, BBP LLC 2010

At the community shopping center trade area level (15-minute driveshed), only one retail store group exhibits leakage: food and beverage stores, for which over \$32 million in sales were made elsewhere. In the other categories, surplus of sales relative to expenditures was found, suggesting that within this trade area, households are generally well-served by retailers.

Table 3.2

Retail Opportunity Gap Analysis 15-Minute Drivetime				
	Expenditures	Sales	Leakage/Surplus	Capture Rate
Daily Needs				
Food & beverage stores	\$314,080,376	\$281,672,345	(\$32,408,031)	89.7%
Health & personal care stores	\$56,654,201	\$134,238,632	\$77,584,431	236.9%
GAFO				
General merchandise	\$259,902,565	\$762,162,737	\$502,260,172	293.2%
Clothing and clothing accessories	\$51,582,251	\$54,495,959	\$2,913,708	105.6%
Furniture and home furnishings stores	\$51,682,139	\$67,784,520	\$16,102,381	131.2%
Electronic and appliance stores	\$43,590,125	\$46,467,556	\$2,877,431	106.6%
Sporting goods, hobby, book and music stores	\$22,335,846	\$43,454,922	\$21,119,076	194.6%
Miscellaneous retail	\$40,559,423	\$105,254,095	\$64,694,672	259.5%
Food service				
Full-service restaurants	\$108,199,349	\$168,239,306	\$60,039,957	155.5%
Limited service eating places	\$145,255,175	\$182,156,558	\$36,901,383	125.4%

Source: ESRI Business Information Solutions, BBP LLC 2010

Finally, at the regional shopping center trade area level (30-minute driveshed) shown in Table 3.3, a surplus of sales to expenditures was found in every retail category except electronic and appliance stores. In this category, nearly \$47 million of sales were leaked to other areas. Like the community shopping center trade area, the regional shopping center trade area appears to be saturated with retail goods and services sufficient to meet (and exceed) the expenditures of area residents, as evidenced by the preponderance of regional and super regional shopping centers as illustrated in Table 3.4.

Table 3.3

Retail Opportunity Gap Analysis 30-Minute Drivetime				
	Expenditures	Sales	Leakage/Surplus	Capture Rate
Daily Needs				
Food & beverage stores	\$1,395,083,453	\$1,719,574,803	\$324,491,350	123.3%
Health & personal care stores	\$294,534,155	\$475,171,561	\$180,637,406	161.3%
GAFO				
General merchandise	\$1,460,700,980	\$1,672,923,795	\$212,222,815	114.5%
Clothing and clothing accessories	\$321,598,683	\$357,505,440	\$35,906,757	111.2%
Furniture and home furnishings stores	\$295,831,636	\$300,125,225	\$4,293,589	101.5%
Electronic and appliance stores	\$253,868,189	\$207,032,561	(\$46,835,628)	81.6%
Sporting goods, hobby, book and music stores	\$108,314,317	\$132,899,917	\$24,585,600	122.7%
Miscellaneous retail	\$203,769,196	\$234,230,738	\$30,461,542	114.9%
Food service				
Full-service restaurants	\$485,121,762	\$591,962,293	\$106,840,531	122.0%
Limited service eating places	\$785,384,126	\$811,810,551	\$26,426,425	103.4%

Source: ESRI Business Information Solutions, BBP LLC 2010

Table 3.4

Regional Shopping Centers		
Center	Location	Anchors
Green Tree Mall	Clarksville, IN	JC Penney, Dillard's, Sears, Burlington
River Falls	Clarksville, IN	Bass Pro Shops, Dick's Sporting Goods
Mall St, Matthews	Louisville, KY	Dillard's, JC Penney
Jefferson Mall	Louisville, KY	JC Penney, Dillard's, Sears, Macy's
Oxmoor Center	Louisville, KY	Sears, Macy's, Dick's Sporting Goods, Von Maur
The Summit	Louisville, KY	Old Navy, Office Depot, GAP
Old Brownsboro Crossing	Louisville, KY	Costco, Lowes

Source: BBP

3.3 Supportable Square Feet

The calculation of supportable square feet in the retail market sector is a function of the opportunity gap ("leakage") in a specific category and the average sales per square foot for that type of store. Opportunity gaps signify that household expenditure levels for a specific geography are higher than the corresponding retail sales estimates, and are shown in Tables 3.2 and 3.3 for specific retail categories. Average sales per square foot are typically expressed as a range of annual dollar amounts in a specific retail category. For example, casual family apparel stores such as Gap, Old Navy, Hollister and Abercrombie and Fitch had an average range of annual taxable sales per square foot of between \$250 and \$400 in 2007 according to the HDL Companies' 2007 Retail Store Taxable Sales Estimates. Actual individual store results vary based on store size, location, and market characteristics.

Two retail categories stand in the previous tables out as having sufficient unmet demand to support additional net new square feet of space in the Sellersburg marketplace: *Food & Beverage Stores*, in the 15-minute driveshed, and; *Electronic and Appliance Stores*, in the 30-minute driveshed.

Using HDL Companies' 2007 Retail Store Taxable Sales Estimates for chain supermarkets (Albertson's, Safeway, Kroger, Stater Bros.) of \$100 to \$150 per square foot, and a retail opportunity gap of approximately \$32.4 million, we calculate that **the Sellersburg marketplace could support an additional 216,000 to 324,000 square feet of supermarket space** in a 15-minute driveshed, which is consistent with a neighborhood or community shopping center.

Using HDL Companies' 2007 Retail Store Taxable Sales Estimates for volume electronics/appliances (Best Buy, H.H. Gregg) of \$250 to \$950 per square foot, and a retail opportunity gap of approximately \$46.8 million, we calculate that **the Sellersburg marketplace could support an additional 49,000 to 187,000 square feet of volume electronics/appliances space** in a 30-minute driveshed, which is consistent with a community or regional shopping center.

4.0 Assets, Challenges and Opportunities

4.1 Study Area Assessment

Location — The study area is comprised of approximately 173 acres in Sellersburg, Clark County, Indiana, bounded by Interstate 65 and State Road 311 to the east and south, and Old State Road 60 and State Road 60 to the west, at the interchange of Interstate 65 and State Road 311.

Land Uses — Exhibit 4.0 on the following page shows the study area as two large parcels bonded by a bold yellow line, which are each actually comprised of several separate parcels. The upper, 81.67-acre tract is characterized mainly by open space and agricultural uses, and is mostly defined by three large, contiguous parcels. The lower, 91.51-acre tract contains a mix of uses, including both single family and multifamily (which is currently under development) residential, small commercial operations, and open space, and is characterized by a more fragmented ownership pattern than the upper tract.

Access and Visibility — The area is easily accessible off of Interstate 65 by way of State Road 311, Old State Road 60, State Road 60, and Ohio Avenue to the north, which runs parallel to Interstate 65. The upper tract is highly visible from Interstate 65.

Exhibit 4.0: Aerial Map of Study Area



4.2 Market Conditions

Population and Household Growth — Population and households are projected to increase between 2010 and 2020 within the 15-minute driveshed by 12,858 and 6,816, respectively.

Table 4.1

Population and Household Growth Projections, 2010-2020				
	Population			
	2010	Projected 2020	Real Increase	% Increase
Town of Sellersburg	6,580	7,135	555	8.4%
5-Minute Drivetime	7,450	8,348	898	12.1%
15-Minute Drivetime	211,250	224,108	12,858	6.1%
30-Minute Drivetime	915,653	968,624	52,971	5.8%
	Households			
Town of Sellersburg	2,738	3,036	298	10.9%
5-Minute Drivetime	3,226	3,702	476	14.8%
15-Minute Drivetime	91,627	98,443	6,816	7.4%
30-Minute Drivetime	381,302	406,821	25,519	6.7%

Source: ESRI Business Solutions; BBP

Residential Construction Activity — Based on building permit activity, residential construction between 2005 and July 2010 peaked in 2007, when 634 permits were issued for single family dwellings and 332 permits were issued for multifamily dwellings. The multifamily complex under development on State Road 311 within the study area could account for some of the 332 multifamily permits issued in 2007.

Table 4.2

Clark County Building Permits							
Use Type	2005	2006	2007	2008	2009	YTD 2010	Total
Single Family	972	658	634	289	339	181	3,073
Multifamily	8	93	332	48	20	8	509
Total	980	751	966	337	359	189	3,582

Source: US Census; BBP

Access to Capital — The impact of the economic downturn on the real estate development market is well documented. The restrictions on access to capital are unprecedented, and the expansion plans of many national retailers are on hold. Nonetheless, some retailers are forging ahead with new stores, albeit more slowly than anticipated, while others await the loosening up of the capital markets before proceeding on.

4.3 Conclusions

Several factors point to retail as a land use that could be accommodated within the study area:

- Evident demand for supermarket/grocery
- Excellent access and visibility at potential location
- Availability of undeveloped land
- Growing population and households
- Medium density residential development in vicinity
- Ability of undeveloped tracts to support additional land uses

While evident support exists solely for supermarket space in the neighborhood shopping center driveshed, the presence of a supermarket anchor and a desirable location could transcend the oversupply of other categories in the marketplace in terms of attracting retailers, particularly to a location visible and accessible from the interstate. The demand for additional volume electronics/appliance presence shows potential for that type of retail space as well, which could represent a possible second anchor at that location.

The land area of 81.67 acres in the upper tract could support a large (150,000-square-foot) neighborhood shopping center with a supermarket anchor on 15 acres, with 65-or-so acres available for additional mixed-use development such as medium density residential and non-retail commercial uses. The Town Center concept, which typically incorporates these types of uses in a planned development, could be a viable option.

ORDINANCE NO. 2011-016

ORDINANCE AMENDING ORDINANCE NO. 505, ORDINANCE NO. 511 AND ORDINANCE NO. 2003-018 AS SAID ORDINANCES CONCERN INSUFFICIENT FUND CHECK OR DRAFT SERVICE FEES AND ESTABLISHING A SERVICE FEE FOR INSUFFICIENT FUND CHECK OR DRAFTS AS AUTHORIZED BY I.C. 35-43-5-5

WHEREAS, the Sellersburg Town Council heretofore, passed Ordinance Numbers 505, 511, 2003-018 establishing a service fee for insufficient fund checks; and

WHEREAS, the Sellersburg Clerk-Treasurer has advised the Sellersburg Town Council the current insufficient fund check service fee should be amended to comply with the requirements of I.C. 35-43-5-5; and

WHEREAS, the Sellersburg Town Council has determined the herein ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

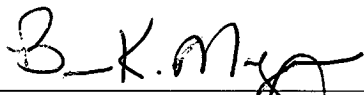
BE IT NOW THEREFORE ORDAINED as follows:

1. The Sellersburg Town Council hereby adopts and incorporates into the herein Ordinance the provisions of I.C. 35-43-5-5 thereby establishing a service fee for all insufficient fund checks or drafts said service fee shall not exceed the greater of twenty seven dollars and fifty cents (\$27.50) or five percent (5%) but not more than two hundred fifty dollars (\$250.00) of the amount due on any insufficient fund check or drafts which has not been paid by a credit or financial institution.

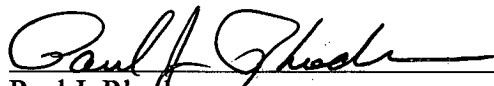
IT IS FURTHER ORDAINED by the Sellersburg Town Council the service fees previously established under Ordinances No. 505, No. 511 and No. 2003-018 shall be amended to reflect the provisions of I.C. 35-43-5-5 and the service fee established therein.

BE IT FURTHER ORDAINED by the Sellersburg Town Council the service fee established for all insufficient fund checks or drafts by the herein Ordinance shall apply to any department or office for the Town of Sellersburg.

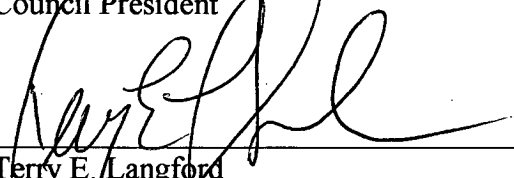
So Ordained this 11th day of July, 2011.



Brian K. Meyer
Council President



Paul J. Rhodes
Council Vice President



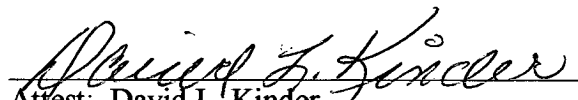
Terry E. Langford
Council Member



Michael N. Lockhart
Council Member



James H. LaMaster
Council Member



Attest: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2011-017

AN ORDINANCE AMENDING ORDINANCE NO. 2008-009

WHEREAS, the Sellersburg Town Council did on the 14th day of April, 2008 adopt Ordinance No. 2008-009 prohibiting any person from possessing on or about his or her person a weapon within any Town of Sellersburg municipal building or structure; and

WHEREAS, the General Assembly for the State of Indiana has enacted legislation effective July 1, 2011 which specifically regulates and governs a individuals ability to possess and/or carry a firearm in a municipally owned building or structure; and

WHEREAS, IC 35-47-11.1 applies to the Town of Sellersburg as a political subdivision; and

WHEREAS, IC 35-47-11.1 Section 2 states:

A political subdivision may not regulate:

firearms, ammunition, and firearm accessories;

the ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, ammunition, and firearm accessories; and

commerce in and taxation of firearms, firearm ammunition, and firearm accessories.

WHEREAS, IC 35-47-11.1 further states any provision of an ordinance, measure, enactment, rule, or policy or exercise of proprietary authority of a political subdivision or of an employee or agent of a political subdivision acting in an official capacity:

1. Enacted or undertaken before, on, or after June 30, 2011; and
2. That pertains to or affects the matters listed in Section 2 of said statute is

void.

WHEREAS, with the enactment of IC 35-47-11.1 all provision of Ordinance No. 2008-003 prohibiting a person from possessing on or about his or her person a weapon within any municipal building or structure of the Town of Sellersburg shall be stricken and held void; and

WHEREAS, the Sellersburg Town Council desires to comply with Indiana Law and therefore believes the herein Ordinance is necessary for the efficient, effective, and fair administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

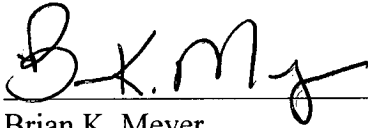
BE IT NOW THEREFORE ORDAINED, by the Sellersburg Town Council Ordinance No. 2008-009 shall be and hereby is amended and the provision contained therein preventing a person from possessing on or about his person a weapon within any municipal building or structure of the Town of Sellersburg is hereby rescinded and held void;

BE IT FURTHER ORDAINED by the Sellersburg Town Council that IC 35-47-11.1 shall be incorporated to the herein Ordinance and that all regulation or possession of firearms

shall be enforced pursuant to said statute.

Considered and passed on a first reading on this 11th day of July, 2011.

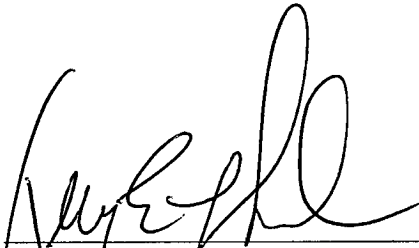
Considered and passed on a second reading on the 25th day of July, 2011.



Brian K. Meyer
Council President



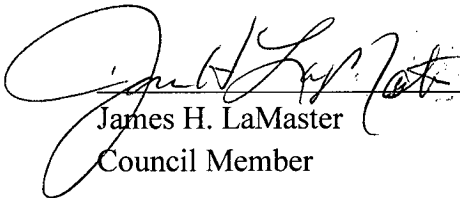
Paul J. Rhodes
Council Vice President



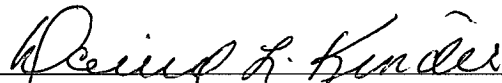
Terry E. Langford
Council Member



Michael N. Lockhart
Council Member



James H. LaMaster
Council Member



Attest: David L. Kinder
Clerk-Treasurer

Ordinance No. 2011-018

**AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING
THE TOWN OF SELLERSBURG FIELDHOUSE FUND**

WHEREAS, the Town of Sellersburg Clerk-Treasurer has determined there exists a need to transfer appropriations to continue efficient and effective maintenance of the Town of Sellersburg; and

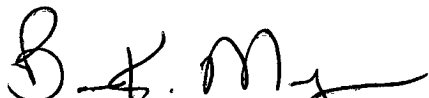
WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective maintenance of the Town of Sellersburg; and

WHEREAS, this matter was considered in an open public meeting at which the public were invited to attend and participate.

BE IT NOW THEREFORE ORDAINED that the following appropriations be transferred as follows:

<u>Fieldhouse Fund</u>	
<u>Transfer From/To:</u>	<u>Amount:</u>
Rainy Day Fund/Fieldhouse Fund	\$40,000.00

SO ORDAINED THIS 8TH DAY OF AUGUST 2011.



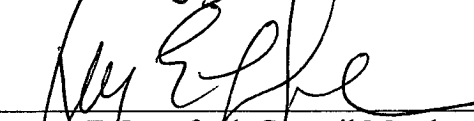
Brian K. Meyer, Council President



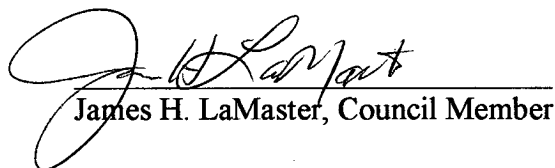
Paul J. Rhodes, Council Vice President



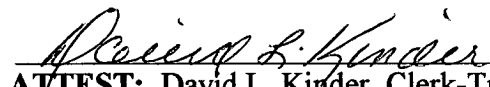
Michael N. Lockhart, Council Member



Terry E. Langford, Council Member



James H. LaMaster, Council Member



ATTEST: David L. Kinder, Clerk-Treasurer

ORDINANCE NO. 2011-019

**AN ORDINANCE ESTABLISHING A TAX INCREMENT FINANCE DISTRICT FUND
(T.I.F. FUND)**

WHEREAS, the Sellersburg Town Council has been advised by the Sellersburg Clerk-Treasurer of the need to establish a Tax Increment Finance District Fund (T.I.F. Fund); and

WHEREAS, the Sellersburg Town Council has determined a Tax Increment Finance District Fund (T.I.F. Fund) should be established as soon as possible; and

WHEREAS, the Sellersburg Town Council has determined all revenue received from the Tax Increment Finance District, as well as transfers from County Economic Development Income Tax (CEDIT) may be deposited in the Tax Increment Finance District Fund; and

WHEREAS, the Sellersburg Town Council has determined that disbursements shall be made from the Tax Increment Finance District Fund (T.I.F. Fund) as a revenue source for capital projects and facilities that are needed to attract or retain economic enterprise in the Town of Sellersburg. Said revenue may also be used to provide operating expenses of a governmental entity and plans to implement economic development projects within the municipal limits of the Town of Sellersburg; and

WHEREAS, the Sellersburg Town Council has determined revenues received from Tax Increment Finance District shall be used for blight and economic development area within the Town of Sellersburg. Said revenue may be used for all capital projects intended to eliminate blight or enhance development or economic development within the Tax Increment Finance District; and

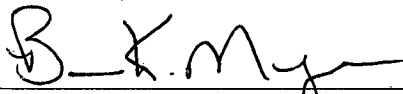
WHEREAS, the Sellersburg Town Council has determined that the herein ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;


BE IT NOW THEREFORE ORDAINED, by the Sellersburg Town Council that the Town of Sellersburg shall create a Tax Increment Finance District Fund (T.I.F. Fund) for purposes of receiving Tax Increment Finance revenue and transfers from the county economic development income tax.

IT IS FURTHER ORDAINED by the Sellersburg Town Council that all disbursements from said fund shall be made pursuant to Indiana Code and as set forth above in the herein ordinance.

So ordained this 12th day of September, 2011.




Brian K. Meyer
Council President



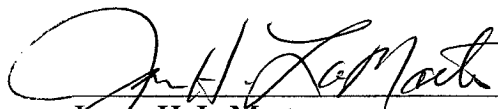
Paul J. Rhodes
Council Vice President




Terry E. Langford
Council Member



Michael N. Lockhart
Council Member



James H. LaMaster
Council Member



Attest: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2011-020

**AN ORDINANCE RE-ESTABLISHING ECONOMIC DEVELOPMENT COMMISSION
AND APPOINTMENT OF ITS MEMBERS**

WHEREAS, I.C. 36-7-12, et seq. authorizes the Town of Sellersburg to create and appoint members to the Economic Development Commission; and

WHEREAS, the Town of Sellersburg believes the continued existence of an Economic Development Commission is necessary for the efficient and effective administration of Town of government;

WHEREAS, the Economic Development Commission consist of three (3) members, one (1) of which shall be appointed by the Town executive, one (1) shall be nominated by the fiscal body of the County in which the Town is located and one (1) shall be nominated by the Town fiscal body; and

WHEREAS, the Economic Development Commissioner shall take office upon their appointment and the term shall run from February 1 after the original appointment for a period of three (3) years if selected by the Town executive, two (2) years if nominated by the Town fiscal body, and one (1) year if nominated by the County fiscal body; and

WHEREAS, the Sellersburg Town Council desires to reappoint members to the Economic Development Commission with Earl G. Bonnville as the appointment of the Sellersburg Town Executive, Donald C. Haas as the appointment of the Sellersburg Town Council, and Michael D. Whalen the appointment of the Clark County Council; and

WHEREAS, the Sellersburg Town Council executive shall make the appointments of all three (3) members pursuant to I.C. 36-7-12-9 and I.C. 36-7-12-10 due to the failure to make reappointments of the members to the Economic Development Commission in the past as required by statute;

BE IT THEREFORE NOW ORDAINED by the Sellersburg Town Council that the Economic Development Commission is hereby reestablished; and

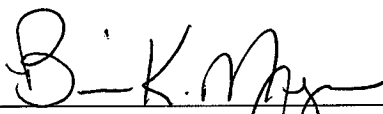
BE IT FURTHER ORDAINED, by the Sellersburg Town Council that the appointments to the Economic Development Commission shall be as follows:

1. Earl G. Bonniville as the appointment of the Sellersburg Town Executive,
2. Donald C. Haas as the appointment of the Sellersburg Town Council, and
3. Michael D. Whalen as the appointment of the Clark County Council

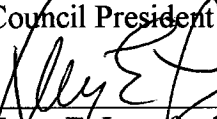
BE IT FURTHER ORDAINED, by the Sellersburg Town Council that these appointments shall run until February 1, 2012 whereupon the appointment of Earl G. Bonniville shall be for a period of three (3) years as the Sellersburg Town Executive appointment, the appointment of Donald C. Haas shall be for a period of two (2) years as the appointment of the Sellersburg Town Council and the appointment of Michael D. Whalen shall be for one (1) year as the appointment of the Clark County Council.

BE IT FURTHER ORDAINED, the appointments of each commissioner thereafter shall be for a term of four (4) years.

So Ordained this 12th day of September, 2011.




Brian K. Meyer
Council President



Terry E. Langford
Council Member



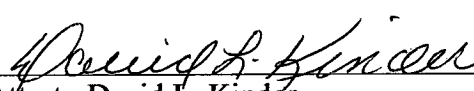
James H. LaMaster
Council Member



Paul J. Rhodes
Council Vice President



Michael N. Lockhart
Council Member



Attest: David L. Kinder
Clerk-Treasurer

Ordinance Number: 2011-021
ORDINANCE FOR APPROPRIATIONS AND TAX RATES

Be it Ordained by the **Town of SELLERSBURG**, Indiana: That for the expenses of the Town government and its institutions for the year ending **December 31, 2012**, the sums of money shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition for the purpose of raising revenue to meet the necessary expense of town government, tax rates are shown on Budget Form 4-B and included herein. Two (2) copies of Budget Forms 4-A and 4-B for all funds and departments are made a part of the budget report and submitted herewith.

APPROVED BY:

TOWN COUNCIL

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

Adopted with the following vote on October 24, 2011.

YEA	NAY
<u>B. K. Myers</u> Council Member	_____ Council Member
<u>Ray E. Kirk</u> Council Member	_____ Council Member
<u>Michael J. Schick</u> Council Member	_____ Council Member
<u>John W. LaMar</u> Council Member	_____ Council Member
_____ Council Member	_____ Council Member

ATTEST:

David L. Kinder
David L. Kinder, Town Clerk-Treasurer

BUDGET REPORT FOR

**TOWN OF SELLERSBURG
 TAXING UNIT**

ORIGINAL PUBLISHED BUDGET APPROPRIATION	AMOUNT APPROVED BY		FINAL BUDGET AFTER REDUCTION ORDERED BY THE DEPT OF LOCAL GOVT. FINANCE
	LOCAL COUNCIL OR BOARD	TAX ADJUSTMENT BOARD	

FUND: GENERAL

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT: TOWN COUNCIL

FUNCTION:

425000.00	425000.00		
3000.00	3000.00		
413080.00	413080.00		
18300.00	18300.00		
859380.00	859380.00		

FUND: GENERAL

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT: POLICE DEPARTMENT

FUNCTION:

1201770.00	1201770.00		
29000.00	29000.00		
88150.00	88150.00		
77700.00	77700.00		
1396620.00	1396620.00		

FUND: GENERAL

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT: STREET & SANITATION

FUNCTION:

255000.00	255000.00		
83000.00	83000.00		
292000.00	292000.00		
69000.00	69000.00		
699000.00	699000.00		

FUND: GENERAL

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT: CLERK TREASURER

FUNCTION:

172000.00	172000.00		
6000.00	6000.00		
33000.00	33000.00		
4000.00	4000.00		
215000.00	215000.00		

FUND GENERAL
 (ONLY IF DEPARTMENTALIZED)

TOTAL

3170000.00

FUND: PARKS & RECREATION

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:

FUNCTION:

70500.00	70500.00		
45000.00	45000.00		
39500.00	39500.00		
20000.00	20000.00		
175000.00	175000.00		

FUND: METRO POLICE PENSION (MPP)

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:

FUNCTION:

150000.00	150000.00		
150000.00	150000.00		

FUND: LOCAL ROADS & STREETS (LRS)

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:

FUNCTION:

63232.00	63232.00		
25000.00	25000.00		
88232.00	88232.00		

FUND: MOTOR VEHICLE HIGHWAY (MVH)

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:

FUNCTION:

154438.00	154438.00		
25000.00	25000.00		
179438.00	179438.00		

FUND: CUMULATIVE CAPITAL IMPROVEMENT (CCI)

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:

FUNCTION:

21578.00	21578.00		
21578.00	21578.00		

FUND: CUMULATIVE CAPITAL DEVELOPMENT (CCD)

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:

FUNCTION:

55000.00	55000.00		
55000.00	55000.00		

FUND: RAINY DAY FUND

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:		FUNCTION:	
255052.00		255052.00	
255052.00		255052.00	

FUND: LAW ENFORCEMENT CONTINUING EDUCATION (LECE)

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:		FUNCTION:	
48800.00		48800.00	
48800.00		48800.00	

FUND: CHRISTMAS FOR KIDS

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:		FUNCTION:	
25000.00		25000.00	
25000.00		25000.00	

FUND: POLICE GRANTS

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:		FUNCTION:	
125000.00		125000.00	
125000.00		125000.00	

FUND: POLICE STATION FUND

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:		FUNCTION:	
1857.00		1857.00	
1857.00		1857.00	

FUND: POLICE EQUIPMENT FUND

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:		FUNCTION:	
8708.00		8708.00	
8708.00		8708.00	

FUND: COUNTY ECONOMIC DEVELOPMENT INCOME TAX (CEDIT)

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:		FUNCTION:	
574175.00		574175.00	
574175.00		574175.00	

FUND: PUBLIC SAFETY FUND

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:		FUNCTION:	
247774.00		247774.00	
247774.00		247774.00	

FUND: FIELDHOUSE FUND

100000 PERSONAL SERVICES
 200000 SUPPLIES
 300000 OTHER SERVICES AND CHARGES
 400000 CAPITAL OUTLAYS
 9999 TOTAL

DEPARTMENT:		FUNCTION:	
20000.00		20000.00	
20000.00		20000.00	

TOTAL 5145614.00 5145614.00

2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND GENERAL

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$3,170,000.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$1,893,267.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$5,063,267.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$509,971.00			
7. Taxes to be collected, present year (December settlement)	\$700,000.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$709,778.00			
b. Total Column B Budget Form 2	\$1,113,314.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$3,033,063.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)	\$2,030,204.00			
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	\$0.00			
12. Amount to be raised by tax levy (add lines 10 and 11)	\$2,030,204.00			
13. a. Property Tax Replacement Credit from Local Option Tax	\$95,000.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)	\$1,935,204.00			
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	
16. Net amount to be raised	\$1,935,204.00			
17. Net Tax Rate on each one hundred dollars of taxable property	0.8005			

2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND PARKS & RECREATION

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$175,000.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$127,238.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$302,238.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$119,352.00			
7. Taxes to be collected, present year (December settlement)	\$35,000.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$27,345.00			
b. Total Column B Budget Form 2	\$46,690.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$228,387.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)	\$73,851.00			
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)				
12. Amount to be raised by tax levy (add lines 10 and 11)	\$73,851.00			
13. a. Property Tax Replacement Credit from Local Option Tax	\$0.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)	\$73,851.00			
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX	
16. Net amount to be raised	\$73,851.00			
17. Net Tax Rate on each one hundred dollars of taxable property	0.0305			



2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND MPP

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$150,000.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$110,436.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$260,436.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$176,891.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$40,000.00			
b. Total Column B Budget Form 2	\$80,000.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$296,891.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)				
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	\$0.00			
12. Amount to be raised by tax levy (add lines 10 and 11)	\$0.00			
13. a. Property Tax Replacement Credit from Local Option Tax	\$0.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)	\$0.00			
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX	
16. Net amount to be raised	\$0.00			
17. Net Tax Rate on each one hundred dollars of taxable property	0.0000			

2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND LRS

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$88,232.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$103,024.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$191,256.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$97,937.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$29,651.00			
b. Total Column B Budget Form 2	\$63,668.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$191,256.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)				
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)				
12. Amount to be raised by tax levy (add lines 10 and 11)				
13. a. Property Tax Replacement Credit from Local Option Tax				
13. b. Property Tax Levy Freeze from LOIT				
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)				
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	
16. Net amount to be raised				
17. Net Tax Rate on each one hundred dollars of taxable property				



2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND MVH

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$179,438.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$168,254.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$347,692.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$93,570.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$87,299.00			
b. Total Column B Budget Form 2	\$166,823.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$347,692.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)	\$0.00			
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	\$0.00			
12. Amount to be raised by tax levy (add lines 10 and 11)	\$0.00			
13. a. Property Tax Replacement Credit from Local Option Tax	\$0.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)				
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX	
16. Net amount to be raised				
17. Net Tax Rate on each one hundred dollars of taxable property				

2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND CCI

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$21,578.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$15,533.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$37,111.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$11,520.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$8,985.00			
b. Total Column B Budget Form 2	\$16,606.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$37,111.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)				
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	\$0.00			
12. Amount to be raised by tax levy (add lines 10 and 11)	\$0.00			
13. a. Property Tax Replacement Credit from Local Option Tax	\$0.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)	\$0.00			
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	
16. Net amount to be raised	\$0.00			
17. Net Tax Rate on each one hundred dollars of taxable property	0.0000			



2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND CCD

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$55,000.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$99,003.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$154,003.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$69,030.00			
7. Taxes to be collected, present year (December settlement)	\$20,000.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$6,198.00			
b. Total Column B Budget Form 2	\$13,396.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$108,624.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)	\$45,379.00			
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)				
12. Amount to be raised by tax levy (add lines 10 and 11)	\$45,379.00			
13. a. Property Tax Replacement Credit from Local Option Tax	\$0.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)	\$45,379.00			
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX	
16. Net amount to be raised	\$45,379.00			
17. Net Tax Rate on each one hundred dollars of taxable property	0.0188			

2012
 ID YEAR CO TYPE FUND

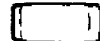
BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND RAINY DAY

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$255,052.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$0.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$255,052.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$255,052.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$0.00			
b. Total Column B Budget Form 2	\$0.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$255,052.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)				
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	\$0.00			
12. Amount to be raised by tax levy (add lines 10 and 11)				
13. a. Property Tax Replacement Credit from Local Option Tax	\$0.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)	\$0.00			
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	
16. Net amount to be raised	\$0.00			
17. Net Tax Rate on each one hundred dollars of taxable property	0.0000			



2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND LLECE

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$48,800.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$0.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$48,800.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$48,800.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$3,525.00			
b. Total Column B Budget Form 2	\$7,050.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$59,375.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)				
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	\$0.00			
12. Amount to be raised by tax levy (add lines 10 and 11)	\$0.00			
13. a. Property Tax Replacement Credit from Local Option Tax	\$0.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)	\$0.00			
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX	
16. Net amount to be raised	\$0.00			
17. Net Tax Rate on each one hundred dollars of taxable property	0.0000			

2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND CHRISTMAS FOR KIDS

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$25,000.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$0.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$25,000.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$12,030.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$13,000.00			
b. Total Column B Budget Form 2	\$13,000.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$38,030.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)				
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	\$0.00			
12. Amount to be raised by tax levy (add lines 10 and 11)				
13. a. Property Tax Replacement Credit from Local Option Tax	\$0.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)	\$0.00			
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	
16. Net amount to be raised	\$0.00			
17. Net Tax Rate on each one hundred dollars of taxable property	0.0000			



2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND POLICE GRANTS

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$125,000.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$0.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$125,000.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$3,819.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$50,000.00			
b. Total Column B Budget Form 2	\$100,000.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$153,819.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)	\$0.00			
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	\$0.00			
12. Amount to be raised by tax levy (add lines 10 and 11)				
13. a. Property Tax Replacement Credit from Local Option Tax	\$0.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)	\$0.00			
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	
16. Net amount to be raised	\$0.00			
17. Net Tax Rate on each one hundred dollars of taxable property	0.0000			

2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

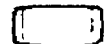
TAXING UNIT TOWN OF SELLERSBURG
 FUND POLICE STATION FUND

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)

(NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$1,857.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$0.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$1,857.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$1,857.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$0.00			
b. Total Column B Budget Form 2	\$0.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$1,857.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)	\$0.00			
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	\$0.00			
12. Amount to be raised by tax levy (add lines 10 and 11)	\$0.00			
13. a. Property Tax Replacement Credit from Local Option Tax	\$0.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)	\$0.00			
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	
16. Net amount to be raised	\$0.00			
17. Net Tax Rate on each one hundred dollars of taxable property	0.0000			



2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND POLICE EQUIPMENT FUND

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)

(NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$8,708.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$0.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$8,708.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$8,708.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$0.00			
b. Total Column B Budget Form 2	\$0.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$8,708.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)	\$0.00			
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	\$0.00			
12. Amount to be raised by tax levy (add lines 10 and 11)	\$0.00			
13. a. Property Tax Replacement Credit from Local Option Tax	\$0.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)	\$0.00			
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX	XXXXXXXXXXXXXXX	
16. Net amount to be raised	\$0.00			
17. Net Tax Rate on each one hundred dollars of taxable property	0.0000			

2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND CEDIT

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)

(NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$574,175.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$0.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$574,175.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$338,933.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$78,414.00			
b. Total Column B Budget Form 2	\$156,828.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$574,175.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)				
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	\$0.00			
12. Amount to be raised by tax levy (add lines 10 and 11)				
13. a. Property Tax Replacement Credit from Local Option Tax	\$0.00			
13. b. Property Tax Levy Freeze from LOIT	\$0.00			
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)	\$0.00			
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	
16. Net amount to be raised	\$0.00			
17. Net Tax Rate on each one hundred dollars of taxable property	0.0000			



2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND PUBLIC SAFETY FUND

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)

(NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$247,774.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$0.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$247,774.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	\$69,906.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$57,868.00			
b. Total Column B Budget Form 2	\$120,000.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$247,774.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)				
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)				
12. Amount to be raised by tax levy (add lines 10 and 11)				
13. a. Property Tax Replacement Credit from Local Option Tax				
13. b. Property Tax Levy Freeze from LOIT				
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)				
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	
16. Net amount to be raised				
17. Net Tax Rate on each one hundred dollars of taxable property				

2012
 ID YEAR CO TYPE FUND

BUDGET ESTIMATE- FINANCIAL STATEMENT- PROPOSED TAX RATE

TAXING UNIT TOWN OF SELLERSBURG
 FUND FIELDHOUSE

COUNTY _____
 NET ASSESSED VALUATION \$2,417,500.47

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	DLGF FINAL ACTION
1. Total budget estimate for incoming year	\$20,000.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	\$0.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. TOTAL FUNDS required (add lines 1,2,3,4a and 4b)	\$20,000.00			
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:				
6. Actual cash balance, June 30 of present year (including cash investments)	-\$1,700.00			
7. Taxes to be collected, present year (December settlement)	\$0.00			
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year	\$0.00			
(Schedule on File):				
a. Total Column A Budget Form 2	\$40,000.00			
b. Total Column B Budget Form 2	\$0.00			
9. TOTAL FUNDS (Add lines 6, 7, 8a and 8b)	\$38,300.00			
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from 5)				
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)				
12. Amount to be raised by tax levy (add lines 10 and 11)				
13. a. Property Tax Replacement Credit from Local Option Tax				
13. b. Property Tax Levy Freeze from LOIT				
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13a and 13b from line 12)				
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	
16. Net amount to be raised				
17. Net Tax Rate on each one hundred dollars of taxable property				



ORDINANCE NO. 2011-022

AN ORDINANCE OF THE TOWN OF SELLERSBURG, INDIANA AUTHORIZING THE ISSUANCE OF ITS ECONOMIC DEVELOPMENT REVENUE NOTE, SERIES 2011 (IVY TECH FOUNDATION PROJECT), IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$1,500,000 TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION, INSTALLATION AND EQUIPPING OF AN ECONOMIC DEVELOPMENT FACILITY FOR IVY TECH FOUNDATION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND PROMISSORY NOTE WITH RESPECT TO THE PROJECT AMONG THE TOWN OF SELLERSBURG, INDIANA, AS ISSUER, MAINSOURCE BANK, AS PURCHASER, AND COMMUNITY ENTERPRISES PROPERTIES, LLC, AS BORROWER, PROVIDING FOR LOAN REPAYMENTS SUFFICIENT TO PAY THE PRINCIPAL OF, AND INTEREST ON THE NOTE AS THE SAME BECOME DUE; AND TAKING OTHER RELATED ACTION

A. The Town of Sellersburg, Indiana (the "Town") is organized and exists under the laws of the State of Indiana (the "State") and as such is authorized under the Economic Development and Pollution Control Act, as amended IC 36-7-11 and 12 (the "Act"), to issue its economic development revenue bonds and notes and lend the proceeds thereof to "developers or users" (as defined in the Act) to finance the cost of "economic development facilities" (as defined in the Act), including, specifically, facilities for commercial, business, healthcare, including education, or recreational activities (whether for profit or not-for-profit), in order to accomplish thereby the public purposes of the Act and to benefit the general welfare of the Town, provided that such bonds or notes are payable solely from revenues and receipts derived from the "financing agreement" (as defined in the Act) and are not in any respect a general obligation of the Town nor payable in any manner from revenues raised by taxation.

B. The Town of Sellersburg, Indiana does not reasonably expect to issue more than \$10,000,000 in tax exempt obligations in calendar year 2011.

C. Community Enterprises Properties, LLC, the sole member and controlling member of which is Ivy Tech Foundation, Inc. (the "Organization"), an Indiana 501(c)(3) non-

profit corporation engaged in the business of supporting Ivy Tech Community College, has now applied to the Town of Sellersburg Economic Development Commission (the "Commission") for an economic development revenue note up to the principal amount of \$1,500,000 to finance the acquisition of a facility to be used for educational classes by Ivy Tech's Sellersburg campus students, located at 1638 Production Drive, within the boundaries of the City of Jeffersonville, Indiana ("Jeffersonville").

D. The Commission adopted on October 6, 2011, a Resolution approving the Borrower's application to the Town for issuance of economic development revenue bonds and adopted and approved the Project Report. On October 6, 2011, pursuant to prior published notice, the Commission, on behalf of itself and on behalf of the Town Council conducted a public hearing, in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, (the "Code") and I.C. 36-7-12-24 of the Act, at which members of the general public were given an opportunity to comment on the proposed issuance of an Economic Development Revenue Note to finance the Project, after which hearing the Commission found that the Project will have no adverse competitive effect on similar facilities already operating in the Town; will meet all applicable zoning laws; will benefit the health and general welfare of the Town; will comply with the Act; and the forms of the Loan Agreement and Promissory Note among MainSource Bank, as Purchaser (the "Purchaser"), The Town and the Borrower, is in accord with the Act, and recommended the financing of the acquisition, construction, installation and equipping of the Project through an Economic Development Revenue Note of the Town.

E. In order to accomplish the public purposes of the Act and to benefit the economic and educational welfare of the citizens of the Town, the Town Council considers it necessary and proper to (i) authorize the issuance of the Town's Economic Development Revenue Note, Series

2011 (Ivy Tech Foundation Project) (the "2011 Note") and the loan of the proceeds thereof to the Borrower to finance the costs of the Project, (ii) authorize the execution and delivery of the Loan Agreement and 2011 Note, and (iii) take other related action.

F. The Town Council of Jeffersonville will approve (i) the use of the proceeds of the 2011 Note for the financing of the acquisition, construction, installation and equipping of the Project to be located in Jeffersonville and (ii) the issuance of the 2011 Note by the Town.

NOW, THEREFORE, BE IT ORDAINED by the Town of Sellersburg Economic Development Commission as follows:

1. Public Purpose. The Town Council hereby finds and declares that the issuance of the 2011 Note in favor of the Purchaser to finance the costs of the Project, as herein provided, will further the public purposes of the Act and will be of benefit to the general and educational welfare of the Town.

2. Authorization of the 2011 Note and the Project. For the purposes set forth in the preamble hereto, there is hereby authorized and directed:

A. the confirmation and ratification of the Commission's Resolution;

B. the issuance, sale and delivery of the 2011 Note and the Loan Agreement, as provided in the Loan Agreement.

C. the execution and delivery by the President of the Town Council of the 2011 Note and the Loan Agreement with the attestation of the Clerk/Treasurer of the Town Council of the 2011 Note and Loan Agreement.

3. The Town has not issued and does not reasonably anticipate issuing more than \$10,000,000 in tax exempt obligations during the calendar year 2011 and therefore we hereby

designate the 2011 Note to be a “qualified tax exempt obligation” for the purposes of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

4. THE 2011 NOTE WILL NOT BE A GENERAL OBLIGATION OF THE TOWN OF SELLERSBURG, THE TOWN COUNCIL OR THE TOWN OF SELLERSBURG ECONOMIC DEVELOPMENT COMMISSION; NEITHER THE 2011 NOTE NOR THE INTEREST THEREON CONSTITUTES OR GIVES RISE TO ANY INDEBTEDNESS OF THE TOWN OF SELLERSBURG, THE TOWN COUNCIL OR THE TOWN OF SELLERSBURG ECONOMIC DEVELOPMENT COMMISSION OR ANY CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER; THE 2011 NOTE AND THE PAYMENT OF INTEREST THEREON SHALL BE SECURED AND PAYABLE SOLELY AND ONLY BY A PLEDGE OF AMOUNTS TO BE PAID BY THE BORROWER UNDER THE LOAN AGREEMENT AND THE 2011 NOTE; AND NO PART OF SAID PROJECT COSTS WILL BE PAYABLE OUT OF ANY GENERAL FUNDS, REVENUES, ASSETS, PROPERTIES OR OTHER CONTRIBUTIONS OF THE TOWN OF SELLERSBURG, THE TOWN COUNCIL OR THE TOWN OF SELLERSBURG ECONOMIC DEVELOPMENT COMMISSION.

5. Further Acts and Deeds. The President of the Town Council and the Clerk/ Treasurer of the Town Council and other appropriate officers and employees of the Town are hereby authorized and directed to execute, acknowledge and deliver on behalf of the Town any and all papers, instruments, certificates, affidavits, forms and other documents and to do and cause to be done any and all acts and things necessary or proper for entering into and effecting this Ordinance, the Loan Agreement and the 2011 Note, provided that neither the Town nor any of its members, officers, employees or agents shall incur any general liability thereby,

6. Severability. The provisions of this Ordinance are severable, and if any section phrase or provision hereof shall for any reason be declared invalid or unenforceable, such declaration shall not affect the validity of the remainder of this Ordinance.

7. Prior Conflicting Actions Superseded. To the extent that any ordinance, resolution, order or part thereof is in conflict with the provisions of this Ordinance, the provisions of this Ordinance shall prevail and be given effect.

8. Effective Date. This Ordinance shall be in full force and effect from and after its enactment.

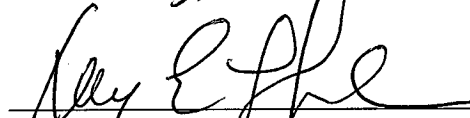
SO ORDAINED this 10th day of **October, 2011**.

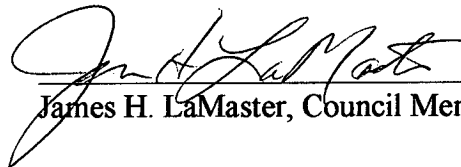
ABSENT

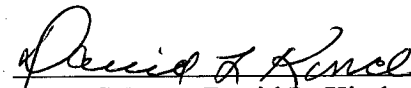
Bryan K. Meyer, Council President


Paul J. Rhodes, Council Vice President


Michael N. Lockhart, Council Member


Terry E. Langford, Council Member


James H. LaMaster, Council Member


ATTEST: David L. Kinder
Clerk-Treasurer

72752:2:JEFFERSONVILLE

ORDINANCE NO. 2011-023

An ORDINANCE AMENDING ORDINANCE NO. 2005-031 CONCERNING LONGEVITY PAY FOR ELIGIBLE EMPLOYEES OF THE TOWN OF SELLERSBURG.

WHEREAS, the Sellersburg Town Council did on the 19th day of December, 2005, pass Ordinance No. 2005-031 establishing longevity pay for eligible employees of the Town of Sellersburg; and

WHEREAS, the Sellersburg Town Council has been advised by the Indiana State Board of Accounts that language in Ordinance No. 2005-031 should include the words, Clerk-Treasurer, and the Ordinance be amended to insure compliance with the Indiana State Board of Accounts protocol; and

WHEREAS, the Sellersburg Town Council has determined an amendment to Ordinance 2005-031 is necessary for the efficient and effective administration of Town Government; and

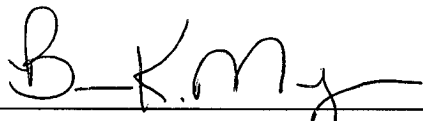
WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

BE IT NOW THEREFORE ORDAINED, by the Sellersburg Town Council that Ordinance No. 2005-031 paragraph five (5) should be amended to read as follows:

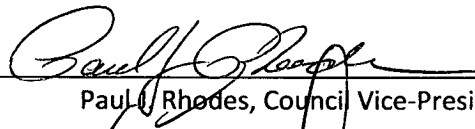
"All full time employees, and the Clerk-Treasurer, who have served at least two (2) consecutive, full-time, non-interrupted years of service to the Town of Sellersburg, as of the adoption of the herein ordinance, shall receive annually, on his/her anniversary date, the lump sum amount equal to 1% of the base salary of a First Class Patrolman, multiplied by the number of years of service that the eligible employee has to the Town of Sellersburg, with a maximum accumulation of twenty (20) years of service."

IT IS FURTHER ORDAINED by the Sellersburg Town Council all other provisions of Ordinance No. 2005-031 shall remain in full force and effect without modification.

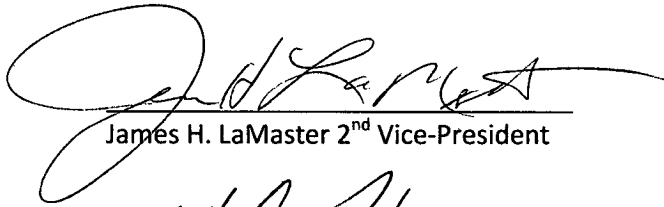
So ordained this 28th day of November, 2011.



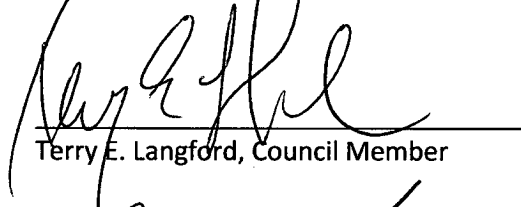
Brian K. Meyer, Council President



Paul Rhodes, Council Vice-President



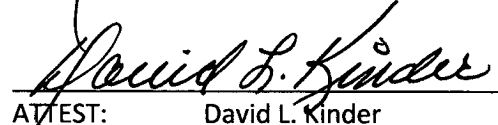
James H. LaMaster 2nd Vice-President



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2011-024
HOURLY, WEEKLY AND MONTHLY PAY FOR EMPLOYEES AND ELECTED
OFFICIALS OF THE TOWN OF SELLERSBURG, INDIANA FOR CALENDAR YEAR
2012

BE IT ORDAINED by the Town Council of the Town of Sellersburg, Indiana, that the hourly, Weekly and Monthly pay for the Town of Sellersburg, Indiana for calendar year 2012 payable from the General Fund, Parks and Recreation Fund, Water Utility and Waste Water Utility of the Town of Sellersburg, Indiana shall be as follows:

<u>Town Council-General Fund</u>	<u>Qty.</u>	<u>Hourly</u>	<u>Weekly</u>	<u>Monthly</u>
Town Council President	1			\$926.12
Town Council Members	4			\$826.12

<u>Police Officers-General Fund</u>	<u>Qty.</u>	<u>Hourly</u>	<u>Weekly</u>	<u>Monthly</u>
Chief	1		\$1,074.76	
Asst. Chief	1		\$987.84	
Detective	1		\$833.84	
Sergeant	3		\$815.84	
Corporal	3		\$793.04	
First Class Patrolman	5		\$773.04	
School Resource Officer	1		\$773.04	
Probationary Patrolman hired in 2012			\$745.84	

<u>Dispatchers-General Fund</u>		<u>Hourly</u>	<u>Weekly</u>	<u>Monthly</u>
Full Time Police Dispatcher/Secretary	1		\$731.44	
Full Time Police Dispatcher/IDACS Coordinator	1	\$15.35		
Full Time Police Dispatcher	3	\$14.35		
Part-Time Police Dispatcher	1	\$14.35		
Probationary Dispatchers		\$13.65		

<u>Public Works-General Fund</u>		<u>Hourly</u>	<u>Weekly</u>	<u>Monthly</u>
Team Member	1	\$18.10		
Team Member w/CDL	2	\$17.60		

<u>Clerk Treasurer's Office-General Fund</u>		<u>Hourly</u>	<u>Weekly</u>	<u>Monthly</u>
Clerk Treasurer	1		\$762.95	
Chief Deputy Clerk Treasurer	1		\$851.84	
Deputy Clerk Treasurer	1		\$789.04	

<u>Public Works-Water Fund</u>		<u>Hourly</u>	<u>Weekly</u>	<u>Monthly</u>
Water Superintendent	1		\$929.40	
Team Member	1	\$18.10		

Public Works-WasteWater Fund		Hourly	Weekly	Monthly
Asst. Public Works Director	1		\$1,104.24	
WasteWater Superintendent	1		\$887.38	
Safety Coordinator	1	\$17.60		
Team Member	1	\$17.10		

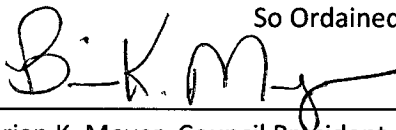
Public Works-Split Funds		Hourly	Weekly	Monthly
15% Civil/40% Water/45% Waste Water				
Public Works Director	1		\$1,197.84	
Building/Utilities Inspector	1		\$990.64	
Billing Manager	1		\$793.82	
Billing Clerk	2	\$16.10		
Team Leader	1	\$19.19		
Team Member	1	\$17.60		
Team Member	2	\$17.10		
Team Member	1	\$16.35		
Team Member-Seasonal/Part-Time	2	\$10.24		
On Call Pay 15.00 per day				
Apprentice Team Member	1	\$13.24		

Upon receiving a Commerical Driver's License (CDL) Team Member's will receive a pay increase of \$0.50 per hour

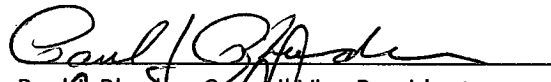
Pool/Seasonal Part-Time		Hourly
Pool Manager	1	\$12.99
Assistant Manager	1	\$11.99
Head Lifeguard	1	\$10.99
Senior Lifeguard		\$10.49
Junior Lifeguard	.	\$9.74
Concession Workers		\$8.74

Overtime pay is one and a half times the hourly rate.

So Ordained this **12th** day of **December, 2011**.



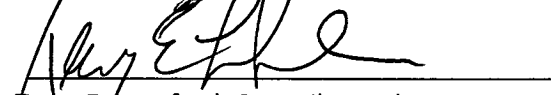
Brian K. Meyer, Council President



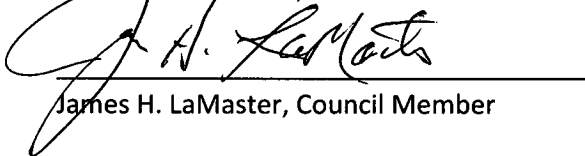
Paul J. Rhodes, Council Vice President



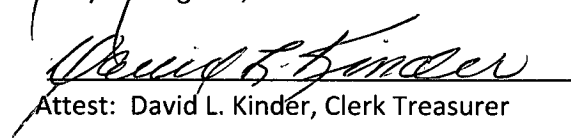
Michael N. Lockhart, Council Member



Terry E. Langford, Council Member



James H. LaMaster, Council Member



Attest: David L. Kinder, Clerk Treasurer

Ordinance No. 2011-025

AN ORDINANCE FOR THE TRANSFER OF FUNDS REGARDING THE TOWN OF SELLERSBURG GENERAL AND PARKS AND RECREATION FUNDS

WHEREAS, the Town of Sellersburg Clerk-Treasurer has determined there exists a need to transfer funds to continue efficient and effective maintenance of the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of funds is necessary for continued efficient and effective maintenance of the Town of Sellersburg; and

WHEREAS, this matter was considered in an open public meeting at which the public were invited to attend and participate.

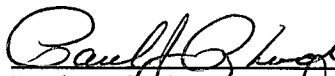
BE IT NOW THEREFORE ORDAINED that the following funds be transferred as follows:

<u>Transfer From:</u>	<u>Transfer To:</u>	<u>Amount:</u>
101003319 TC Annexation	101003341 TC Ins. other than group	\$ 1000.00
101019211 Court Misc.	101019112 Court Administrators	\$ 2000.00
101301384 S&S Paving	101301123 S&S PERF	\$30000.00
101301384 S&S Paving	101301225 S&S Fuel for Packer	\$ 8000.00
101301384 S&S Paving	101301242 S&S Misc. Supplies	\$ 1200.00
101301384 S&S Paving	101301314 S&S Consulting	\$ 700.00
101301384 S&S Paving	101301369 S&S Street Maintenance	\$ 1500.00
101301384 S&S Paving	101301443 S&S Street Equipment	\$15000.00
204001111 PR Pool Salaries	204001226 PR Chemicals	\$ 200.00
204001111 PR Pool Salaries	204001351 PR Electric Pool	\$ 3000.00

SO ORDAINED THIS 12 DAY OF December, 2011.



Brian K. Meyer, Council President



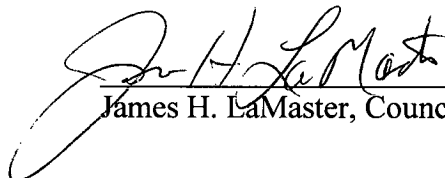
Paul J. Rhodes, Council Vice President



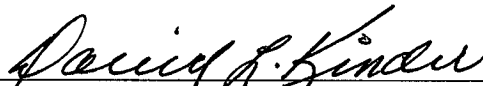
Michael N. Lockhart, Council Member



Terry E. Langford, Council Member



James H. LaMaster, Council Member



ATTEST: David L. Kinder, Clerk-Treasurer

ORDINANCE NO. 2011-026

**ORDINANCE AMENDING ORDINANCE 2002-008 REGARDING
UNIFORM/CLOTHING ALLOWANCES FOR THE TOWN OF SELLERSBURG
POLICE DISPATCHERS, CLERK/TREASURER, CLERK TREASURER
EMPLOYEES, PUBLIC WORKS DIRECTOR, EMPLOYEES OF THE
SELLERSBURG WATER/WASTEWATER BILLING DEPARTMENT,
EMPLOYEES OF WATER/WASTEWATER, STREET AND SANITATION
DEPARTMENTS**

WHEREAS, the Town Council for the Town of Sellersburg did on December 11, 2000 pass Ordinance No. 2000-024 establishing a uniform/clothing allowances for the Town of Sellersburg Police Officers, Dispatchers, Clerk/Treasurer, and Clerk Treasurer Employees; and

WHEREAS, the Town Council for the Town of Sellersburg has been advised by the Town of Sellersburg Clerk/Treasurer Ordinance No. 2000-024 and Ordinance No. 2002-008 should be amended as set forth below; and

WHEREAS, the amendment to said ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, the Town Council for the Town of Sellersburg considered this matter at an open meeting to which the public was invited to attend and participate;

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that Ordinance No. 2000-024 and Ordinance No. 2002-008 shall be and hereby are amended as follows:

The Police Department Dispatchers, Clerk-Treasurer, Clerk-Treasurer's employees, Public Works Directors, employees of Town Billing Office and all employees of the Water/Wastewater, Street and Sanitation Departments shall submit a claim so that

each person shall receive a uniform/clothing allowance of \$300.00 paid the first pay period in the month of January each year.

All other provisions of Ordinance No. 2000-024 and Ordinance No.2002-008 which are not inconsistent herewith shall remain in full force and effect.

So ordained this 12th day of December, 2011.



Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice-President



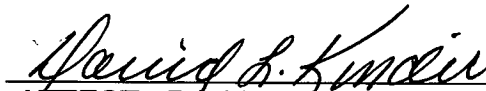
James H. LaMaster, 2nd Vice President



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer