

ORDINANCE 10-05

AN ORDINANCE TO ADD SECTIONS 152.010 THROUGH 152.014 TO CHAPTER 152 OF THE ELLETTSVILLE TOWN CODE TO ADD A MUNICIPAL PUBLIC DISTRICT CLASSIFICATION

WHEREAS, Judy Morran of the Edgewood Intermediate School and her fifth grade students, on February 22, 2010, made a proposal to the Ellettsville Town Council to designate the property known as the Wells Site Woodland Park as a nature preserve;

WHEREAS, the Ellettsville Plan Commission, on April 1, 2010, certified to the Ellettsville Town Council a favorable recommendation for the adoption of a protective overlay district as a new zoning classification in order to preserve and manage all town owned property which is used for public and semi-public purposes; and

WHEREAS, the Ellettsville Town Council finds that the purposes summarized above are achieved through the adoption of new district land use ordinances;

NOW THEREFORE, BE IT ORDAINED AND ADOPTED BY the Ellettsville Town Council, Ellettsville, Indiana, that Sections 152.010 through 152.014 are added to the Ellettsville Town Code to establish a Municipal Public District, and read as follows:

DISTRICT LAND USE REGULATIONS

§ 152.010 PURPOSE; Municipal Public District- MPD-1, MPD-2, and MPD-3.

The primary purpose of the municipal public district is to classify town owned property primarily used for, but not limited to: government offices, treatment plants, operating and storage facilities, and public parks. The zoning classification, Municipal Public District, shall be established to protect, provide and devote public and semi-public uses providing social and physical services to the Town of Ellettsville.

The Municipal Public District (MPD) is defined as that which is primarily intended to accommodate uses of local government owned property.

This zone is applicable to property owned or managed by the Town of Ellettsville. This purpose is accomplished by:

1. Placement of this zone on properties owned by the Town of Ellettsville;
2. Providing a zone in which uses serving public needs may be located with attention to the specific needs of such uses;
3. Limiting or prohibiting residential and privately owned operations on MPD zoned land;
4. Protect adjacent properties from potential impacts of public uses,

§ 152.011 PERMITTED USES; DEFINITIONS AND CONDITIONS.

Reference shall be made to 152.001 and 152.295 et seq. for the definitions of and special conditions concerning the uses listed in the following sections.

§ 152.012 PERMITTED USES; RESTRICTED.

The following uses are permitted, except as restricted or prohibited by this chapter or by Indiana or federal law:

(A) Town owned government offices, treatment plants, storage and operating facilities, public parks and nature preserves.

The Municipal Public District is intended to establish standards and criteria to permit or protect recreational areas having unique or irreplaceable natural resources which are vital elements for a safe, healthful and pleasant environment for human life. The Municipal Public District may be applied to public lands where the Ellettsville Parks and Recreation Plan, Ellettsville Rural Area Plan and or the Ellettsville Comprehensive Plan, requires natural resource or site protection. To minimize the potential hazards of pollution, resource conversion and land development resulting from increases in human population, urbanization, income, leisure time and individual mobility, emphasis will be placed on limiting and regulating human activity in those areas where:

(a) The acceptable water quality of streams, lakes and rivers may be endangered;

(b) Watersheds and their streams or lakes are used for domestic water supplies;

(c) Vegetative cover is essential to maintain soil stability and prevent erosion;

(d) Natural conditions are vital for either unique vegetative ecosystems, aquatic or wildlife habitat; and

(e) Scenic quality or open space is unique and/or irreplaceable.

(1) **MPD-1 District.** Except as noted, the following uses are permitted only in the MPD-1 district, Town owned natural resource areas, and Town designated nature preserve-Wells Site Woodland Park.

(a) Nature Preserve;

(b) Unpaved or paved trails and paths are permitted for use only by pedestrians. Limited access is permitted for maintenance vehicles only;

(c) Picnic and sitting areas subject to minimal disturbance of the natural surroundings;

(d) Access driveways and parking areas are permitted; subject to minimal disturbance of the natural surroundings;

(e) All new utilities must be underground;

(f) It is unlawful for any person to allow or permit any pet to run at large in any park. All dogs must be on a leash at all times, animal waste shall be picked up and disposed of properly in waste receptacles;

(g) Educational Use;

(h) Signage, as approved by the Planning Commission and/or Planning Department;

(i) Operations, maintenance, and repair of existing facilities, services, and improvements;

(j) Preservation and rehabilitation activities and projects for existing facilities, and services;

(k) New facilities as determined by the Town of Ellettsville and Parks Department;

(l) Rain Gardens and bio-retention areas;

(2) **MPD-2 District.** Except as noted, the following uses are permitted only in the MPD-2 district, Town owned facilities; Public Parks

(a) Unpaved or paved trails;

(b) Public Parks, playgrounds and ball fields;

(c) Unpaved or paved trails or paths are permitted for use only by pedestrians. Limited access is permitted for maintenance vehicles only. Use by all-terrain vehicles is prohibited;

(d) Picnic and sitting areas subject to minimal disturbance of the natural surroundings and BBQ grills and outdoor cooking are allowed in designated areas only- Campbell's Park;

(e) Access driveways and parking areas are permitted; subject to minimal disturbance of the natural open space;

(f) All new utilities must be underground.

(g) It is unlawful for any person to allow or permit any pet to run at large in any park. All dogs must be on a leash at all times, animal waste shall be picked up and disposed of properly in waste receptacles;

(h) Shelter houses and rental facilities;

- (i) Festivals and special uses or events;
- (j) Community center, nature center, and educational facilities;
- (k) New facilities as determined by the Town of Ellettsville and Parks Department;
- (l) Rain Gardens and bio-retention areas.

(3) **MPD-3 District.** Except as noted, the following uses are permitted only in the MPD-3 district, Town owned facilities; offices and operations.

- (a) Providing a zone in which uses serving public needs may be located with attention to the specific needs of such uses;
- (b) Limiting or prohibiting residential and privately owned operations on MPD zoned land;
- (c) Public agency offices and support facilities;
- (d) Town Hall;
- (e) Waste Water Treatment Facility;
- (f) Parking lots;
- (g) Public information kiosks and similar facilities for public posting of official communications;
- (h) Public agency training facility;
- (i) Signage, as approved by the Planning Commission and/or Planning Department;
- (j) Rental facilities;
- (k) Exhibit areas;
- (l) Rain gardens and bio-retention areas.

§ 152.013 REMOVAL OF PROPERTY FROM THE MPD OVERLAY ZONE.

1. When a Town owned property, agency, or district, no longer intends to utilize its property zoned MPD and intends to place it on the market for purchase and use by the private sector the agency shall be responsible to apply for a zone map amendment to remove the MPD overlay zone from the property.
2. The zone applied to the property shall be the zone underlying the MPD overlay zone called for by the Comprehensive Plan.

3. This is a mechanism to provide notice to the community and neighboring property owners that the intended public use of the subject property is no longer part of the agency's future plan and that the property is available for the range of private sector uses provided for in the zone that applies to the property after removal of the overlay zone.

§ 152.014 VIOLATIONS AND FINES.

Any person, firm, or corporation violating any of the provisions of this chapter shall be fined \$1000.00 for each offense. Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues. Any person(s), company, business or non-profit organization that violates any of the provisions of this section commits a Class B ordinance violation.

BE IT FURTHER ORDAINED AND ADOPTED BY THE TOWN OF ELLETTSVILLE, INDIANA that § 152.001 of the Ellettsville Town Code is amended to include the following definitions:

Nature Preserve- A nature preserve is a protected area of importance for wildlife, flora, fauna or features of geological or other special interest, which is reserved and managed for conservation and to provide special opportunities for study or research. Nature preserves may be designated by government institutions, or by private landowners, such as charities and research institutions.

Watersheds- A watershed is the area of land where all of the water that is under it or drains off of it goes into the same place. Watersheds come in all shapes and sizes. They cross county, state, and national boundaries.

Municipal District. The use of land owned by the Town of Ellettsville primarily for Town usage and includes government offices, operating and storage facilities, and public parks.

This ordinance was passed and adopted by the Town Council of Ellettsville, Indiana, at the Ellettsville Fire Station on the _____ day of _____ 2010.

ELLETTSVILLE TOWN COUNCIL

Phillip Smith, President

ATTEST:

Sandra Hash, Clerk/Treasurer