

AGENDA
ELLETTSVILLE PLAN COMMISSION
Town Hall
1150 W. Guy McCown Drive
Ellettsville, Indiana
Thursday, July 8, 2021 - 6:00 P.M.

Pledge of Allegiance

Roll Call

Approval of Minutes – May 6, 2021 & June 3, 2021

Monthly Conflict of Interest Statement

Old Business

Petition for a Zoning Map Amendment to Rezone of a Portion of 3888 W. State Road 46 from Commercial 3 to a Planned Unit Development (6.33 Acres); Petitioner: Tyler Ridge, on behalf of the Ridge Group; Case No. PC 21-05

New Business

Sign Code

Planning Department Update

Next Meeting – August 5, 2021

Privilege of the Floor – Non Agenda Items

Plan Commission Comments

Adjournment



Town of Ellettsville

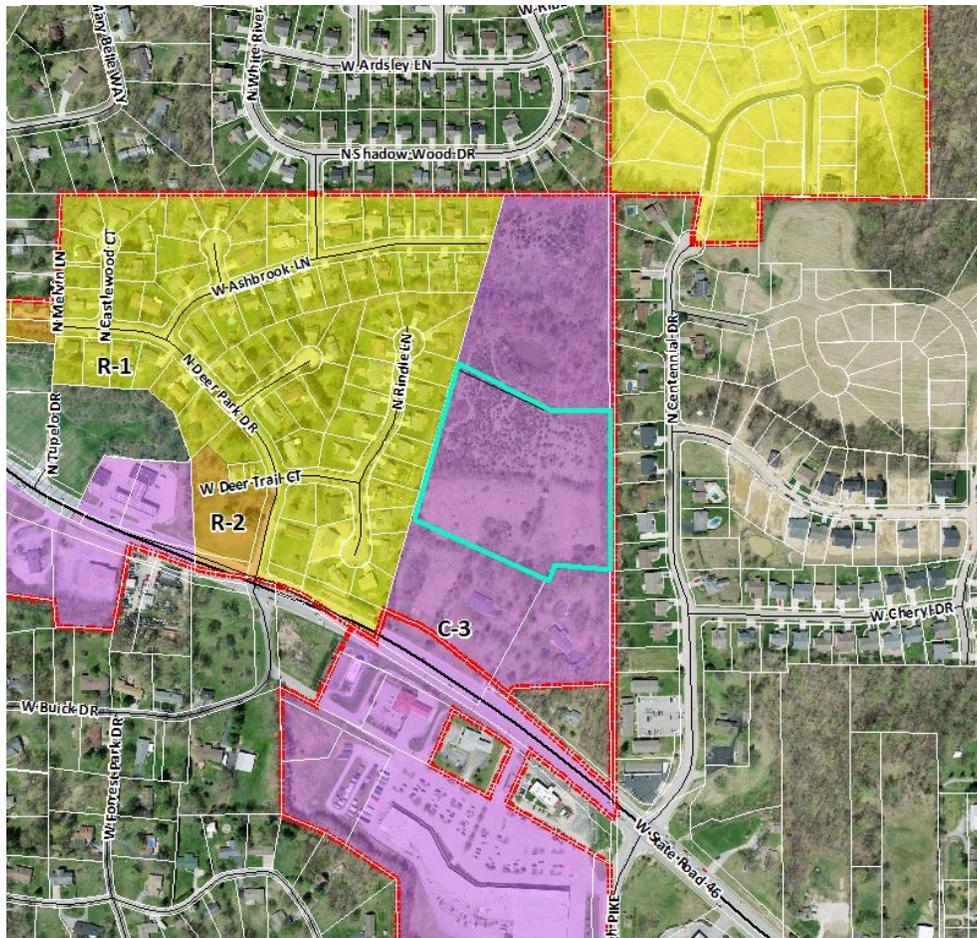
Department of Planning & Development

PC 21-05– Zoning Map Amendment Petition Planned Unit Development (PUD) Staff Report

Petition

Case - PC 21-05 – Zoning Map Amendment. A request by Tyler Ridge, on behalf of the Ridge Group, to rezone a portion of parcel ID # 53-04-13-300-062.000-013 from C-3; General Commercial to PUD; Planned Unit Development. The property is located at 3888 W. State Road 46.

Surrounding Zoning Districts & Uses



Zoning District	Property Use
North: C-3; General Commercial	Undeveloped Residential
South: C-3; General Commercial	Smith Pike Plaza/Undeveloped Commercial
East: MR; Medium Density Residential (County)	Residential Subdivision (Highland Park Estates)
West: R-1; Single Family Residential	Residential Subdivision (Spring Valley)

Considerations

1. The petitioner is requesting to rezone 6.33 acres, located 3888 W. State Road 46, parcel # 53-04-13-300-062.000-013 from C-3; General Commercial to PUD; Planned Unit Development.
2. Planned Unit Developments (PUD's) are treated as a separate zoning district by Indiana Code, and shall be approved in the same manner as a zoning map amendment.
3. Indiana Code (IC 36-7-4-603) requires that the Plan Commission and the legislative body shall pay reasonable regard to:
 - a. The comprehensive plan;
 - b. Current conditions and the character of current structures and uses in each district;
 - c. The most desirable use for which the land in each district is adapted;
 - d. The conservation of property values throughout the jurisdiction; and
 - e. Responsible development and growth.
4. The property was previously residential and is currently undeveloped.
5. The PUD will cover two (2) parcels, which would allow multi-family residential.
6. The eleven (11) acres not included in the PUD, both to the north and south, will remain C-3.
7. The property is bordered by residential subdivisions to the east and west, with two-family residential proposed due north. Future development due south is expected to be commercial and there is already commercial on the south side of State Road 46.
8. A defined bufferyard is shown in accompanying maps.
9. The minimum dwelling unit size would be reduced from 650 square feet to 415 square feet, which would allow for studio apartments.
10. Parking setbacks have been included in addition to building setbacks, and are as follows:
 - a. Front parking setback – 25'
 - b. Side parking setback – 10'
 - c. Rear parking setback – 10'
11. Required parking would be reduced to correlate with the size of the apartment:
 - a. 1 space per studio apartment
 - b. 1.5 spaces per one bedroom apartment
 - c. 2 spaces per two bedroom apartment
12. Lighting will be provided and required to measure at zero foot candles at the property line so as not to spill onto surrounding properties.
13. Total density for this project is based on Dwelling Unit Equivalence (DUE) as follows:
 - a. Less than 550 square feet = 0.33 units
 - b. Between 550 and 750 square feet = 0.5 units
 - c. Between 750 and 950 square feet = 0.66 units
 - d. 950 square feet and larger = 1.0 units

Criteria for Zoning Change Consideration

- 1. Comprehensive Plan:** The change of zoning (is or is not) substantially in compliance with the existing comprehensive plan.

Staff Finding:

The Comprehensive Plan calls for commercial type development along the State Road 46 corridor which includes multi-family type uses. The comprehensive plan also strongly recommends infill development, which this would fulfill. The rezoning will not cause any interference in compliance with the comprehensive plan.

- 2. Current Conditions:** The change of zoning (is or is not) based on the current conditions of the property and the surrounding character of the land.

Staff Finding:

The property has been zoned commercial upon annexation into Ellettsville in 2006, due in large part that it directly fronts along State Road 46. The change in zoning is rather minimal in scope, as the PUD would allow multi-family residential, which was previously permitted in this zoning district at the time it was zoned commercial. Other higher intensity commercial uses which are currently permitted would no longer be allowed. The use of this property for multi-family housing is less intense than nearby commercial uses.

- 3. Use of the Property:** The change in zoning (does or does not) result in allowance of the most desirable use of the property.

Staff Finding:

Multi-family housing (housing type diversity) is much needed in Ellettsville and this property is one of the very few that would be able to support this type of use. Although the entire property is zoned C-3 currently, more intense commercial uses are not necessarily appropriate in the central and northern portion of this parcel. The use of the central area of this parcel for multi-family housing serves as an ideal transition from higher intensity commercial to lower intensity residential.

- 4. Conservation of Property Values:** The use or value of adjacent properties and those throughout the Town (will or will not) be affected in a substantially adverse manner.

Staff Finding:

The rezoning of this property to a PUD which would allow for multi-family housing, is a minor change to the current zoning. Considering that multi-family housing was allowed in the current C-3 zoning district at the time this parcel was annexed, it is reasonable to believe that the zoning change will have minimum effect on property values. Additionally, multi-family housing is still permitted in the C-3 zone on upper levels of commercial buildings. Therefore, this is not so much a change in permitted uses, rather a change in the building layout of such uses.

- 5. Responsible Development:** The change in zoning (does or does not) promote the responsible development and growth of the property.

Staff Finding:

The change would actually limit the intensity of uses available, which in turn would significantly lower the expected traffic volume. Without the PUD, any size of high intensity commercial operation could occupy the property by right.

Plan Commission Action

The Plan Commission action shall be in the form of a favorable, unfavorable, or no recommendation to Town Council, which takes final action on the zoning map amendment petition.

Summary

The change in zoning of this parcel from C-3 to a PUD is a relatively small, but significant, change, with the main differences being the allowance of multi-family housing, a proposed reduction in parking, and a reduction of minimum dwelling unit size. A diversity of housing types is needed to keep Ellettsville a growing community and to provide housing at a more affordable level than the new single-family homes that are currently being constructed. The primary concern with the development of this property is traffic access, however, the change in uses allowed would limit more severe traffic impacts from currently permitted uses and allow this property to grow more responsibly. Therefore, Staff recommends a favorable recommendation to Town Council for the Flats on 46 PUD. The Plan Commission shall use the five (5) criteria above to base their recommendation to Council.

Submitted by Kevin Tolloty, AICP
Director of Planning, Town of Ellettsville
May 25, 2021





FLATS ON 46 PUD

OUTLINE PLAN



Petitioner:
The Ridge Group, Inc.
3225 S Hoyt Avenue
Muncie, IN 47302
765-282-3778

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**The Flats on 46
Planned Unit Development
Outline Plan Statement**

Overview

The site is located on the north side of State Road 46, west of the North Smith Pike/Centennial Drive intersection in Ellettsville, Indiana. This project will be located on Lot 15 and 16 of the proposed 17.53-acre Ellis-Ridge Subdivision. The property has been vacant and is a gateway property to the Ellettsville community. This is an in-fill site and is ideal for development to contemporary uses consistent with the future growth of Ellettsville. The project is located along a main roadway, designed to accommodate traffic flow and adequately meet the needs of a multifamily development. Adequate utility infrastructure will be in place with construction of the Ellis-Ridge Subdivision to meet the needs of the development. Existing access points are present on the north and south of the site connecting through the proposed subdivision of which the site is a part. The property is underutilized and needs to be redeveloped to create a first impression of Ellettsville for those traveling along State Road 46 from State Road 37 and the I-69 corridor. Redevelopment of the property as a Multi-Family Planned Unit Development is appropriate use for the property from both a development and tax base standpoint. A unified development with good visibility, new and architecturally pleasing buildings, good access and a complete landscape package will make the appropriate first impression on those traveling to and those currently living in the Ellettsville area.

Existing Zoning and Property Size

The existing property is approximately 6.36 acres and is part of the proposed 17.53-acre Ellis-Ridge Subdivision. The property is currently zoned C-3 Commercial which includes multifamily as a special exception. The adjacent land to the north and south will be part of the proposed Ellis-Ridge Subdivision and will maintain the C-3 zoning. The adjacent property to the east is within Monroe County Jurisdiction and is zoned LR (Light Duty Residential, 3 units per acre) and the adjacent property to the west is zoned R-1 (lot size of 10,000 sf or 4.35 units per acre).

Proposed Zoning

The proposed zoning of the property is PUD (Planned Unit Development). The PUD will include 168 apartment units consisting of 48 studio apartments, 72 one-bedroom units and 48 two-bedroom units. The studio units will be 415 square foot, one-bedroom units will be two sizes:

562 square feet and 612 square feet, and the two-bedroom units will also be two sizes: 915 square feet and 890 square feet. In addition, there will be a management office, club house and park/greenspace area.

Proposed Uses

The proposed use of the property is multi-family residential apartments and associated uses such as management and maintenance facilities and park/greenspace. The mix of units and their size are intended for occupancy by young professionals working in the area. There is a need for these apartments at a rent that is consistent with the income of early career professionals. Attraction and retention of these tenants is important to the economic development of Ellettsville and the region. The petitioner has developed a similar project on the north side of Tapp Road, east of I-69 interchange and the experience with occupancy of that project confirms the need. The units in that project are renting as they become available and the tenants are the type sought for the proposed project in Ellettsville. The unit size and type are attractive to young, employed professionals desiring a comfortable, mature and convenient neighborhood.

Illustrative Plan

An illustrative Plan has been prepared showing how the site could be developed based on permitted land uses and development standards. The key components are access location, buffer area and general lot layout. The illustrative plan shows a concept plan for the property but is not intended to be a detailed plan for development. A more detailed plan will follow at the Development Plan approval stage of the project.

Buffer Area

The existing wooded area located at the eastern and southern edge of Lot 2 will be preserved and maintained as a buffer area to the greatest extent possible. This wooded area is approximately 0.25 acres in size and shall serve as a buffer area between the development and the neighborhood to the east.

The existing wooded area located at the western edge of Lot 1 will be preserved and maintained as a buffer area to the greatest extents possible. This wooded area is approximately 0.14 acres in size and shall serve as a buffer area between the development and the neighborhood to the west.

Additional trees or buffering (i.e. fence) will be included within the building setbacks to serve as the buffer areas for privacy between the development and neighboring properties at the time of the development plan.

Open Space

Open space is included within the development and totals approximately 1.18 acres or 18% of the property. This includes the interior open space within the lots and the community park and excludes the buffer yards. The total open space including buffer yards is approximately 2 acres or 31% of the total property.

A larger portion of the open space will include a community park in the middle of the development that will feature possible amenities such as a dog run, bocce ball, shelter with grills, etc. This park will be an amenity to be utilized not only by the multi-family residents, but also the surrounding neighborhoods.

Development Standards

A complete list of applicable development standards for the PUD are shown on Table A. Those not expressly noted would revert to the Town of Ellettsville requirements for a C-3 zoned property.

Landscape Standards

Landscaping for the PUD shall utilize native plant material. A complete list of landscaping standards and requirements is listed in Table B. The intent of the landscaping requirements of the PUD is to provide an attractively landscaped development, encourage native plant material use to reduce the need for irrigation and set minimum standards

Road and Access Standards

Access to this project will be through the Ellis-Ridge Subdivision. A full access drive will be provided onto SR 46 and a second access point will be from Ashbrook Drive from the north. There will be several drive cuts along the main north/south road within the Ellis-Ridge Subdivision for access to the internal parking areas to this project. All internal parking lots shall be asphalt or concrete pavement with concrete curb perimeter.

Sanitary Sewer

All lots shall be served by and connect to the Eastern Richland Sanitary Sewer system which will be installed as a part of the Ellis-Ridge Subdivision. Although not a proposed use, any development within the PUD with a commercial kitchen will be require the installation of an external grease interceptors.

Water Service

All lots shall be served by and connected to the Town of Ellettsville Utilities water system. This system will be extended as required to serve the developments domestic and fire protection needs as a part of the Ellis-Ridge Subdivision. Master-metering of the multifamily residential component will be permitted.

Storm Water Management

Storm water management will be provided by the Ellis-Ridge Subdivision design. Stormwater runoff from this PUD will be directed either to a common detention pond located south of the project or directed to a common detention pond located north of the project. The common detention ponds are adequately sized to provides detention and water quality needs for this PUD. The common detention ponds will be owned and maintained by the Ellis-Ridge Subdivision Owner’s Association.

A storm sewer system along the main north/south road within the Ellis-Ridge Subdivision will be utilized for this PUD to convey stormwater runoff to the appropriate common detention ponds.

Lighting

Lighting within the development, whether street lighting, parking lot lighting, bollard lighting or accent lighting shall be pedestrian scale lighting, meaning that no fixture may extend higher than 14’. All lighting fixtures will be shielded cut-off type fixtures and downward directed. The maximum foot candle level at the property line of any lot shall be zero. This limitation will preclude light spill or glare onto adjacent properties

Schedule

Development will begin within 1 year following approval of the PUD Development Plan. It is anticipated that the Development Plan submission and processing would follow the Outline Plan approval within 6 months. The project will likely require 2 years for complete build out.

The Flats on 46	
Table A	
Development Standards	
PUD Element	Lot 15 and 16 of Ellis-Ridge Subdivision
Land Use	Multi-family Residential
	Leasing Office
	Club House
Descriptive Features	Multi-family Residential
Density	20 units per acre based on DUE**
Dwelling Unit Size	Min. 415 SF
Land Area	6.36 acres
Development Standards	
Setbacks	
Front Setback (building)	25'
Side Setback (building)*	10'
Rear Setback (building)*	20'
Parking (front yard)	25'
Parking (side yard)	Half of building setback
Parking (rear yard)	Half of building setback
*Doubles when adjacent to different zoning district	
Parking/Building Setback from access and utility easement	N/A
Setback from internal lot line	N/A
Building Height	40'
Maximum Stories	3
Parking	MULTIFAMILY
	1 spaces/studio
	1.5 spaces/ 1 bedroom
	2 spaces/2 or more bedroom
	CLUBHOUSE/LEASING
	2 spaces/1,000 GFA
Lighting	
Type	Pedestrian scale
Pole height	Max height of 14'
Fixture Type	Downward directed cut off fixture
Lighting Level	0 foot candle at Prop. Line
Landscaping	Based on Table B
Signage	
Integrated Center Signage	1 integrated center sign per development
Location	10' beyond R/W line
Type	Ground monument
Height	Maximum 8'
Total Sign Face Area	80 SF per side
Illumintaion	Ground illuminated
Material	Limestone base
Building Signage	As permitted by Town code

**DUE = Dwelling Unit Equivalence

Efficiency or studio of less than 550 SF = 0.33 of a unit

1 bedroom unit with less than 750 SF = 0.50 of a unit

2 bedroom unit of less than 950 SF = 0.66 of a unit

3 or more bedroom unit = 1.0 unit

Landscape Requirements

Table B

(a) Placement of Landscape Materials:

- (1) *Rights-of-way and Easements:* It shall be the responsibility of the property owner to install and maintain landscape material in rights-of-way or easements. Plant types shall be approved by either the Town or the easement holder.
- (2) *Utility Infrastructure:* Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections. Trees shall be planted at least ten (10) feet from sanitary sewer and water service lines. A tree canopy may project over a right-of-way or easement. All landscaping plans shall be reviewed by the Town Utilities Department in order to ensure that there are no conflicts between proposed landscaping and utility lines.
- (3) *Vehicular and Pedestrian Movement:* Plant materials shall be located to avoid interference with vehicular and pedestrian movement. Plant materials shall not project over sidewalks, paths, or trails below a height of eight (8) feet. Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of fifteen (15) feet.
- (4) *Vision Clearance:* Materials shall be located to avoid interference with visibility.
- (5) *Distribution:* Required landscaping shall be reasonably distributed throughout all open space areas. It is suggested that the required plantings be planted in clusters or irregular patterns, and that native grasses and other native species be used for ornamentation in addition to the required plantings.

(b) Maintenance: Developers and their successors in interest shall be responsible for the regular maintenance of all landscaping elements in perpetuity. Failure to maintain all landscaping is a violation of the PUD zoning ordinance and subject to enforcement. Specifically:

- (1) All plant material shall be maintained alive, healthy, and free from disease and pests.
- (2) All landscape structures including, but not limited to, fences and walls shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition.

(c) Plant Material Standards:

- (1) *Live Plantings:* All plant material shall be living species. Dead, diseased, or artificial plants shall not be recognized as contributing to require landscaping.
- (2) *Species Diversity:* On sites that require an aggregate total of twenty (20) or more new trees, any given species of tree shall be limited to a maximum of thirty-three percent (33%) of the total number of newly planted trees on site.
- (3) *Permitted Plant Material:* All plant material shall be selected from the material listed in this section. Substitutions to the list shall be submitted to the Planning Department for approval.

- (4) *Prohibited Plant Material*: Species identified in within the Invasive and Poor Characteristics Species shall under no circumstances be planted.
- (5) *New Planting Sizes*: The following minimum sizes shall apply to all required plant material:
 - (A) Deciduous Trees: All newly planted deciduous trees shall be at least two (2) inches in caliper.
 - (B) Evergreen Trees: All newly planted evergreen trees shall be at least six (6) feet tall.
 - (C) Shrubs: Shrubs shall be at least three-gallon container size or eighteen (18) inches tall. (6)
- (d) Street Trees: Existing street trees shall be preserved to the extent possible. Additional street trees shall be added where required as follows:
 - (1) *Number*: A minimum of one (1) canopy tree shall be planted per forty (40) feet of property that abuts a public right-of-way or private street within the Flats on 46 PUD.
 - (2) *Location*:
 - (E) Vision Clearance: Street trees shall be planted outside the vision clearance triangle. Within fifty (50) feet of an intersection, street trees may be planted behind the sidewalk in order to maintain sight distances for traffic control signs. Low-branching species shall not be allowed within fifty (50) feet of an intersection. Locations for street trees within fifty (50) feet of an intersection shall be *approved* by the Town Street Department. Street trees shall be located a minimum of ten (10) feet from a driveway cut, traffic control sign, or street light, and a minimum of three (3) feet from a fire hydrant.
 - (3) *Type*: Street tree species shall be selected from those listed within this section.

Landscaping Standards; Multifamily Residential

This Landscaping Standards section applies to the following zoning districts:

- (a) Interior Plantings: The following standards apply:
 - (1) *Trees*:
 - (A) Number: Any areas of a site not covered by a structure, parking lot or required buffer yard shall be planted with a minimum of fourteen (14) large canopy trees, five (5) evergreen trees, and five (5) medium or small canopy trees per acre.
 - (2) *Shrubs*:
 - (A) Number: Lots shall be planted with a minimum of thirty-six (36) shrubs per acre.

- (B) Type: A minimum of fifty percent (50%) of the required shrubs shall be evergreen.
- (C) Substitution: One (1) ornamental tree may be substituted for every four (4) shrubs; however, substitution shall not exceed fifty percent (50%) of the required shrubs.
- (D) Foundation Plantings: Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two (2) feet and eight (8) feet respectively from the foundation wall.

Buffer Areas

This Landscaping Standards section applies as follows:

- (a) Multifamily Residences - Existing tree lines along the property boundaries shall be preserved to the greatest extent possible.
- (b) Multifamily Residences - There shall be a landscape buffer of a minimum of 6' high and 10' wide between the multifamily area and adjacent properties that are single-family residential use that share a common lot line. The buffer shall include a mix of evergreen trees and tall deciduous shade trees with a spacing between of 20'.
- (c) Responsibility: The developer or owner of the property being developed is responsible for installing the buffer yard at the time of that development. The adjacent property owner shall not be required to participate in the installation of the buffer yard.
- (d) Location: All required buffer yard areas shall be provided entirely on the subject property and may be placed within the setbacks. The required buffer yards shall be installed despite the presence of streets, alleys, streams or other features that may separate the two properties.
- (e) Plant Material: All plant material used to meet the buffer yard requirements shall meet the standards and shall be selected from the list of permitted plant species.
- (f) Groundcover: All portions of a buffer yard not planted with trees, shrubs, or other required landscape materials shall be covered with grass or similar ground-covering vegetation. Landscaping stone or other non-vegetative materials may not be substituted for ground-covering vegetation. Decorative mulch or stone planting beds may be used around trees, provided that such planting beds are no greater than six (6) feet in diameter.

Proposed Plant Material

Street Trees

Trees suitable for planting along public streets and highways, parking lots, and in locations where low maintenance and hardy constitution are required. (Bold indicates native species)

Permitted Plant Species by Characteristics and Location

Large street trees 45' and over at mature height

<u>Common Name</u>	<u>Scientific Name</u>
Black Maple	<i>Acer nigrum</i>
Red Maple	<i>Acer rubrum</i>
Sugar Maple	<i>Acer saccharum</i>
Sugar Hackberry	<i>Celtis laevigata</i>
Hackberry	<i>Celtis occidentalis</i>
American Beech	<i>Fagus grandfolia</i>
Thornless Honeylocust	<i>Gleditsia triacanthos inermis</i>
Kentucky Coffee Tree	<i>Gymnocladus dioica</i>
Sweetgum	<i>Liquidambar styraciflura</i>
Tulip Tree	<i>Liriodendron tulipifera</i>
Blackgum or Tupelo	<i>Nyssa sylvatica</i>
Sycamore	<i>Platanus occidentalis</i>
White Oak	<i>Quercus alba</i>
Swamp White Oak	<i>Quercus bicolor</i>
Scarlet Oak	<i>Quercus coccinea</i>
Shingle Oak	<i>Quercus imbricaria</i>
Bur Oak	<i>Quercus macrocarpa</i>
Red Oak	<i>Quercus rubra</i>
Shumard Oak	<i>Quercus shumardii</i>
Black Oak	<i>Quercus velutina</i>
Bald Cypress	<i>Taxodium distichum</i>
Basswood or American Linden	<i>Tilia Americana</i>
Littleleaf Linden	<i>Tilia cordata</i>

Medium street trees 25' to 45' at mature height

<u>Common Name</u>	<u>Scientific Name</u>
Autumn Flame Red Maple	<i>Acer rubrum</i>
Downy Serviceberry	<i>Amelanchier arborea</i>
American Hornbeam or Blue Beech	<i>Carpinus caroliniana</i>
Yellowwood	<i>Cladrastis lutea</i>
Hop Hornbeam or Ironwood	<i>Ostrya virginiana</i>

Small street trees under 25' at mature height

<u>Common Name</u>	<u>Scientific Name</u>
Shadblow Serviceberry	<i>Amelanchier canadensis</i>
Allegheny Serviceberry	<i>Amelanchier laevis</i>
Eastern Redbud	<i>Cercis canadensis</i>
Flowering Dogwood	<i>Cornus florida</i>
Thornless Cockspur Hawthorn	<i>Crataegus crus-galli</i>
Washington Hawthorn	<i>Crataegus phaenopyrum</i>
Green Hawthorn	<i>Crataegus viridis</i>
Flowering Crabapple	<i>Malus sp.</i>

Interior Trees

Trees suitable for use within the interior of a site.

Permitted street tree species listed in previous tables may also be used in addition to the species identified below.

Large trees 45' and over at mature height

<u>Common Name</u>	<u>Scientific Name</u>
Ohio Buckeye	<i>Aesculus glabra</i>
Yellow Buckeye	<i>Aesculus octandra</i>
Horsechestnut or Buckeye	<i>Aesculus sp.</i>
Bitternut Hickory	<i>Carya cordiformis</i>
Pignut Hickory	<i>Carya glabra</i>
Shellbark Hickory	<i>Carya laciniata</i>
Shagbark Hickory	<i>Carya ovata</i>
Mockernut Hickory	<i>Carya tomentosa</i>
Northern Catalpa	<i>Catalpa speciosa</i>
Black Walnut	<i>Juglans nigra</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Cucumber Tree	<i>Magnolia acuminata</i>
White Pine	<i>Pinus strobes</i>
Virginia Pine	<i>Pinus virginiana</i>
Black Cherry	<i>Prunus serotina</i>
Chestnut Oak	<i>Quercus prinus</i>
Canadian or Eastern Hemlock	<i>Tsuga Canadensis</i>

Medium trees 25' to 45' at mature height

<u>Common Name</u>	<u>Scientific Name</u>
River Birch	<i>Betula nigra</i>
Sassafras	<i>Sassafras albidum</i>
American Arborvitae	<i>Thuja occidentalis</i>

Small trees under 25' tall at mature height

<u>Common Name</u>	<u>Scientific Name</u>
Pawpaw	<i>Asimina triloba</i>
Persimmon	<i>Diospyros virginiana</i>
Silverbell	<i>Halesia carolina</i>
Wild Plum	<i>Prunus Americana</i>
Staghorn Sumac	<i>Rhus typhina</i>

Shrubs, Bushes, & Hedges. Plants suitable for individual, screen, biohedge uses (up to 12 feet at mature height)

<u>Common Name</u>	<u>Scientific Name</u>
Black Chokeberry	<i>Aronia melanocarpa</i>
Boxwood	<i>Buxus species Caolinia</i>
New Jersey Tea	<i>Ceanothus americanus</i>
Buttonbush	<i>Cephalanthus occidentalis</i>
American Hazelnut	<i>Corylus Americana</i>
Eastern Witch Hazel	<i>Hamamelis virginiana</i>
Wild Hydrangia	<i>Hydrangia arborescens</i>
Inkberry	<i>Ilex glabra</i>
Winterberry Holly	<i>Ilex verticillata</i>
Virginia Sweetspire	<i>Itea virginica</i>
Juniper	<i>Juniper species</i>
Spicebush	<i>Lindera benzoin</i>
Ninebark	<i>Physocarpus opulifolius</i>
Shrubby Cinquefoil	<i>Potentilla</i>
Sand Cherry	<i>Prunus pumila</i>
Fragrant Sumac	<i>Rhus aromatic</i>
Winged Suma	<i>Rhus copallina</i>
Shinning Sumac	<i>Rhus glabra</i>
Virginia Rose	<i>Rosa virginiana</i>
Pussy Willow	<i>Salix discolor</i>
Bladdernut	<i>Staphylea trifolia</i>
Coralberry or Indian Currant	<i>Symphoricarpos orbiculatus</i>
Canadian Yew	<i>Taxus canadensis</i>
Highbush Blueberry	<i>Vaccinium corymbosum</i>
Mapleleaf Viburnum	<i>Viburnum acerifolium</i>
Arrowwood	<i>Viburnum dentatum</i>
Nannyberry	<i>Viburnum lentago</i>
Black Haw	<i>Viburnum prunifolium</i>
Prickly Ash	<i>Zanthoxylum americanum</i>

Herbaceous Perennial Plants and plants suitable for infill, aesthetics, and cover

(bold indicates native species)

Flowering Perennials

<u>Common Name</u>	<u>Scientific Name</u>
Canadian Anemone	<i>Anemone canadensis</i>
Columbine	<i>Aquilegia canadensis</i>
Swamp or Marsh Milkweed	<i>Asclepias incarnata</i>
Common Milkweed	<i>Asclepias syriaca</i>
Butterflyweed	<i>Asclepias tuberosa</i>
Smooth Aster	<i>Aster laevis</i>
Short's Aster	<i>Aster shortii</i>
False Blue Indigo	<i>Baptisia australis</i>
Tall Coreopsis	<i>Coreopsis tripteris</i>
Larkspur	<i>Delphinium tricorne</i>
Purple Coneflower	<i>Echinacea purpurea</i>
Spotted-Joe-Pye-Weed	<i>Eupatorium maculatum</i>
Wild Geranium	<i>Geranium maculatum</i>
Autumn Sneezeweed	<i>Helenium autumnale</i>
Stiff or Prairie Sunflower	<i>Helianthus pauciflorus</i>
False Sunflower	<i>Heliopsis helianthoides</i>
Violet Lespedeza	<i>Lespedeza violacea</i>
Rough Blazing Star	<i>Liatris aspera</i>
Prairie Blazing Star	<i>Liatris pycnostachya</i>
Dense Blazing Star	<i>Liatrus spicata</i>
Cardinal Flower	<i>Lobelia cardinalis</i>
Great Blue Lobelia	<i>Lobelia siphilitica</i>
Virginia Bluebells	<i>Mertensia virginica</i>
Bergamot or Bee-balm	<i>Monarda fistulosa</i>
Purple Prairie Clover	<i>Petalostemum purpureum</i>
Blue Phlox	<i>Phlox divaricate</i>
Summer Phlox	<i>Phlox paniculata</i>
Obedient Plant	<i>Physostegia virginiana</i>
Yellow Coneflower	<i>Ratibida pinnata</i>
Orange Coneflower	<i>Redbeckia fulgida</i>
Black-Eyed-Susan	<i>Rudbeckia hirta</i>
Green-Headed Coneflower	<i>Rudbeckia laciniata</i>
Sweet Coneflower	<i>Rudbeckia subtomentosa</i>
Stiff Goldenrod	<i>Solidago rigida</i>
Blue-stemed Goldenrod	<i>Solidago caesia</i>
Grey Goldenrod	<i>Solidago nemoralis</i>

Flats on 46 PUD Outline Plan

Royal Catchfly	<i>Silene regia</i>
Fire Pink	<i>Silene virginica</i>
Celandine Poppy	<i>Stylophorum diphyllum</i>
Coralberry	<i>Symphoricarpos orbiculatus</i>
Culver's Root	<i>Veronicastrum virginicum</i>
Violet	<i>Viola sororia</i>

Ground Covers

<u>Common Name</u>	<u>Scientific Name</u>
Canada Anemone	<i>Anemone canadensis</i>
Wild Ginger	<i>Asarum canadense</i>
Palm Sedge	<i>Carex muskingumensis</i>
Common Oak Sedge	<i>Carex pensylvanica</i>
Running Strawberry Bush	<i>Euonymus obovatus</i>
Wild Strawberry	<i>Fragaria virginiana</i>
Dwarf Crested Iris	<i>Iris cristata</i>
Creeping Juniper	<i>Juniperus horizontalis</i>
Creeping Phlox	<i>Phlox subulate</i>
Partridge Berry	<i>Mitchella repens</i>
Wild Stonecrop	<i>Sedum ternatum</i>
Foam Flower	<i>Tiarella cordifolia</i>

Vines

<u>Common Name</u>	<u>Scientific Name</u>
Woolly Douchman's Pipe	<i>Aristolochia tomentosa</i>
Crossvine	<i>Bignonia capreolata</i>
Trumpet Creeper	<i>Campsis radicans</i>
Virgin's Bower (native clematis)	<i>Clematis virginiana</i>
Virginia Creeper <i>quinquefolia</i>	<i>Parthenocissus</i>

Ferns

<u>Common Name</u>	<u>Scientific Name</u>
Maidenhair Fern	<i>Adiantum pedatum</i>
Lady Fern	<i>Athyrium filix-femina</i>
Giant Wood Fern or Goldie's Fern	<i>Dryopteris goldiana</i>
Evergreen Shield Fern	<i>Dryopteris marginalis</i>
Ostrich Fern	<i>Matteuccia struthiopteris</i>
Cinnamon Fern	<i>Osmunda cinnamomea</i>
Christmas Fern	<i>Polystichum acrostichoides</i>

Grasses

<u>Common Name</u>	<u>Scientific Name</u>
Big Bluestem	<i>Andropogon gerardii</i>
Side-Oats Gramma	<i>Bouteloua curtipendula</i>
Indian Seoats	<i>Chasmanthium latifolium</i>
Bottlebrush Grass	<i>Elymus hystrix</i>
Virginia Wild Rye	<i>Blymus virginicus</i>
June Grass	<i>Koeleria macrantha</i>
Switch Grass	<i>Panicum virgatum</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Prairie Dropseed	<i>Sporobolus heterolepsis</i>

Invasive Species, Species with Poor Characteristics and Noxious or Detrimental Plants

Species considered unacceptable and that should not be planted because of invasive characteristics, weak wood, and/or abundant litter.

* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner)

+ = Indiana detrimental plants (INDNR)

Invasive Trees

<u>Common Name</u>	<u>Scientific Name</u>
Amur Maple	<i>Acer ginnala</i>
Norway Maple	<i>Acer platanoides</i>
Tree-of-Heaven	<i>Ailanthus altissima</i>
Black Alder	<i>Alnus glutinosa</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
White Mulberry	<i>Morus alba</i>
Princess Tree	<i>Paulownia tomentosa</i>
Sawtooth Oak	<i>Quercus acutissima</i>
Armur Cork Tree	<i>Phellodendron amurense</i>
Callery Pear and all cultivars	<i>Pyrus calleryana</i>
European or Common Buckthorn	<i>Rhamnus cathartica</i>
Glossy or Smooth Buckthorn	<i>Rhamnus frangula</i>
Buckthorn Tallhedge	<i>Rhamnus frangula columnaris</i>
Black Locus	<i>Robinia pseudoacacia</i>
Siberian Elm	<i>Ulmus pumila</i>

Trees with Poor Characteristics

<u>Common Name</u>	<u>Scientific Name</u>
Box Elder	<i>Acer negundo</i>
Silver maple	<i>Acer saccharinum</i>
European White Birch	<i>Betula pendula</i>
Poison Hemlock	<i>Conium maculatim L</i>
Ash	<i>Fraxinus species</i>
Gingko (female only)	<i>Gingko biloba</i>
Giant Hogweed	<i>Heracleum mantegazzinum</i>
Rice Cutgrass	<i>Leersia oryzoides</i>
Flowering Crabapple	<i>Malus</i>
Wild Parsnip	<i>Pastinaca sativa</i>
American Elm	<i>Ulmus Americana</i>

Poison Ivy	<i>Toxicodendron radicans</i>
Poison Sumac	<i>Toxicodendron vernix</i>

Invasive Herbaceous Perennials

<u>Common Name</u>	<u>Scientific Name</u>
Japanese Chaff Flower	<i>Achyranthes japonica</i>
Wild Garlic and Wild Onion	<i>Alliums spp. *</i>
Garlic Mustard	<i>Alliaria petiolata</i>
Mugwort	<i>Artemisia vulgaris</i>
Spiny Plumless Thistle	<i>Carduus acanthoides</i>
Cornflower or Bachelor's Button	<i>Centaurea cyanus</i>
Russian Knapweed	<i>Centaurea repens *</i>
Spotted Knapweed	<i>Centaurea stoebe</i>
Canada Thistle	<i>Cirsium arvense *+</i>
Bull Thistle	<i>Cirsium vulgare</i>
Poison Hemlock	<i>Conium maculatum</i>
Grecian Foxglove	<i>Digitalis lanata</i>
Teasel	<i>Dipsacus fullonum ssp. Sylvestris</i>
<i>Cutleaf Teasel</i>	<i>Dipsacus lacinatedum</i>
Giant Hogweed	<i>Fallopia japonica</i>
Dame's Rocket	<i>Hesperis matronalis</i>
Meadow Fleabane or British Yellowhead	<i>Inula britannica</i>
Perennial Peppergrass	<i>Lepidium draba*</i>
Pepperweed	<i>Lepidium latifolium</i>
Bicolor Lespedeza	<i>Lespedeza Cuneata</i>
Sericea Lespedeza	<i>Lespedeza cuneata</i>
Purple Loosestrife	<i>Lythrum salicaria *</i>
Sweet Clover	<i>Melilotus alba, M.</i>
<i>officinalis</i> Star of Bethlehem	<i>Ornithogalum umbellatum</i>
Lesser Celandine	<i>Ranunculus ficaria</i>
Japanese Knotweed	<i>Polygonum cuspidatum</i>
Giant Knotweed	<i>Reynoutria sachalinensis</i>
Bohemian Knotweed	<i>Reynoutria x bohemica</i>
Perennial Sowthistle	<i>Sonchus arvensis *</i>
Black Swallow-wort	<i>Vincetoxicum nigrum</i>
Pale Swallow-wort	<i>Vincetoxicum rossicum</i>

Invasive Grasses

<u>Common Name</u>	<u>Scientific Name</u>
Quackgrass	<i>Agropyron repens *</i>
Giant Reed	<i>Arundo donax</i>
Small Carpgrass	<i>Arthraxon hispidus</i>
Smooth Brome	<i>Bromus inermis</i>

Flats on 46 PUD Outline Plan

Tall Fescue	<i>Festuca elatior</i>
Japanese Stilt Grass	<i>Microstegium vimineum</i>
Maiden Grass	<i>Miscanthus sinensis</i>
Reed Canary Grass	<i>Phalaris arundinacea</i>
Common Reed Grass	<i>Phragmites australis</i>
Columbus Grass	<i>Sorghum almun Parodi *</i>
Shattercane	<i>Sorghum bicolor *+</i>
Johnson Grass or Sorghum Almun	<i>Sorghum halepense *+</i>
Yellow Groove Bamboo	<i>Phyllostachys aureosulcata</i>

Invasive Vines and Groundcovers

<u>Common Name</u>	<u>Scientific Name</u>
Oriental Bittersweet	<i>Celastrus orbiculatus</i>
Asiatic Bittersweet	<i>Celastrus scandens</i>
Sweet Autumn Clematis	<i>Clematis terniflora</i>
Field Bindweed	<i>Convolvulus arvensis *</i>
Crown Vetch	<i>Coronilla varia</i>
Black Swallow-Wort	<i>Cynanchum nigrum, syn. Vincetoxicum nigrum</i>
Pale Swallow-Wort	<i>Cynanchum rossicum</i>
Potato vine	<i>Dioscorea batatas</i>
Chinese Yam	<i>Dioscorea oppositifolia</i>
Purple Winter Creeper	<i>Euonymus fortunei</i>
Creeping Charlie	<i>Glechoma hederacea</i>
English Ivy	<i>Hedera helix</i>
Japanese Hops	<i>Humulus japonicus</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Creeping Jenny or Moneywort	<i>Lysimachia nummularia</i>
Mile-A-Minute Weed	<i>Polygonum perfoliatum</i>
Kudzu	<i>Pueraria montana lobata</i>
Bur Cucumber	<i>Sicyos angulatus *+</i>
Periwinkle or Myrtle	<i>Vinca minor</i>
Wisteria	<i>Wisteria sinensis</i>

Invasive Shrubs

<u>Common Name</u>	<u>Scientific Name</u>
Black Alder	<i>Alnus glutinosa</i>
Japanese Barberry	<i>Berberis thunbergii</i>
Butterfly Bush	<i>Buddleia davidii</i>
Burning Bush	<i>Euonymus alatus</i>
Blunt-leaved Privet	<i>Ligustrum obusifolium</i>
Common Privet	<i>Ligustrum vulgare</i>
Bush or Amur Honeysuckle	<i>Lonicera maackii</i>
Morrow's Honeysuckle	<i>Lonicera morowii</i>

Flats on 46 PUD Outline Plan

Tatarian Honeysuckle	<i>Lonicera tatarica</i>
Bell's Honeysuckle	<i>Lonicera x bells</i>
Jetbead	<i>Rhodotypos scandens</i>
Multiflora Rose	<i>Rosa multiflora *</i>
Multiflora Rose	<i>Rosa multiflora*</i>
Winberry	<i>Rubus phoenicolasius</i>
Japanese Spirea	<i>Spiraea japonica</i>
Atlantic Poison Oak	<i>Toxicodendron pubescens, syn. Rhus pubescens</i>
Poison Sumac	<i>Toxicodendron vernix, syn Rhus vernix</i>
European Highbush Cranberry	<i>Viburnum opulus v. opulus</i>

ARBORS @ WOODGATE PHASE III

SPRING VALLEY SECTION 2

ASHBROOK LN

CENTENNIAL DR

HIGHLAND PARK PHASE I

SPRING VALLEY SECTION 3

WINDY LN

LOT 15

LOT 16

LOT 19

LOT 17

LOT 18

SR 46

**FLATS ON 46 PUD SITE
REDEVELOPMENT
EXISTING SITE**

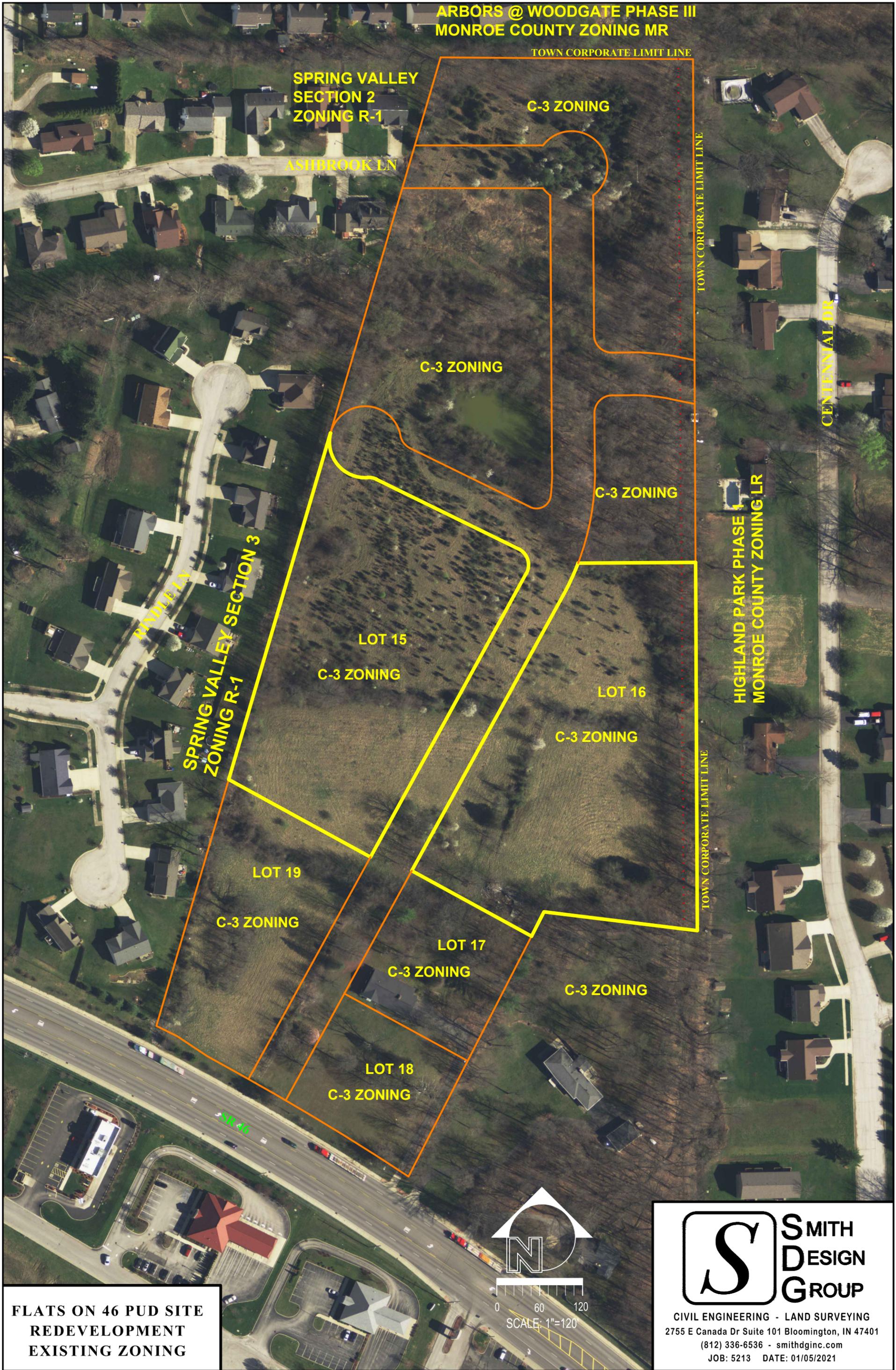


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SCALE: 1"=120'



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2755 E Canada Dr Suite 101 Bloomington, IN 47401
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JOB: 5213 DATE: 01/05/2021

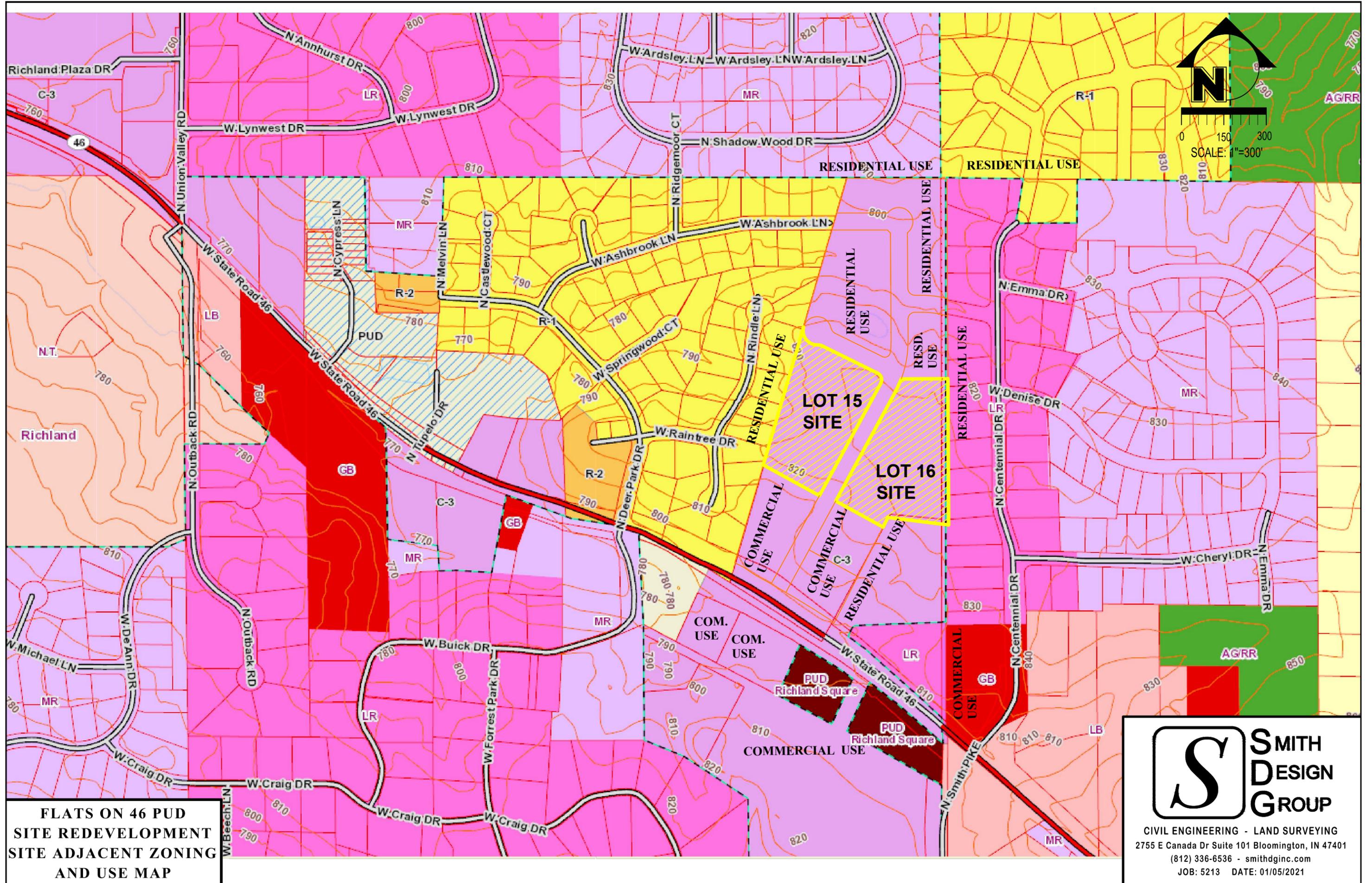
ARBORS @ WOODGATE PHASE III
MONROE COUNTY ZONING MR



FLATS ON 46 PUD SITE
REDEVELOPMENT
EXISTING ZONING



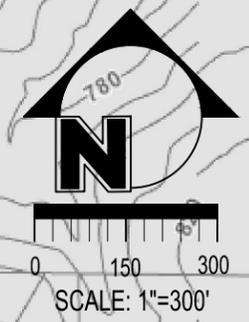
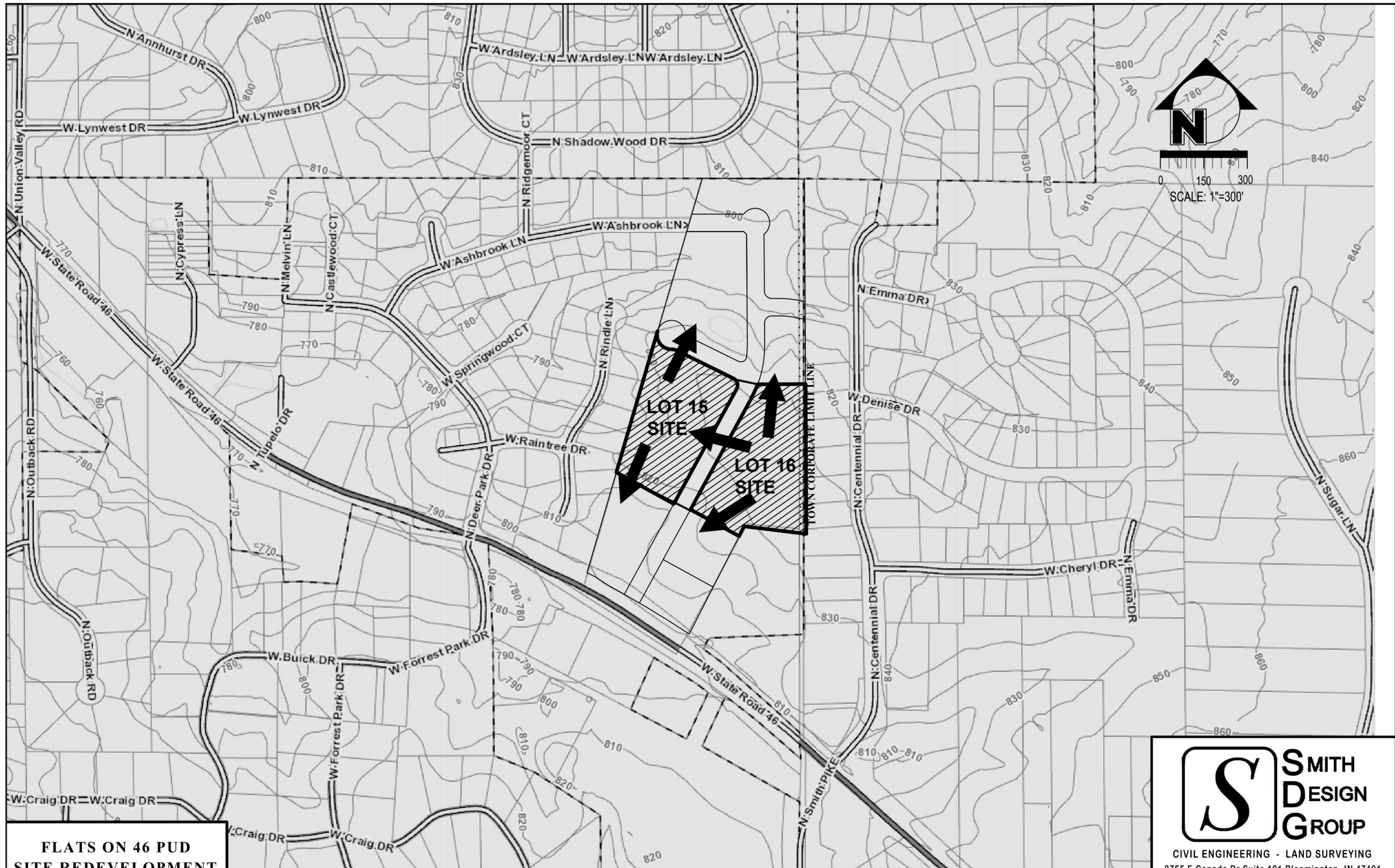
CIVIL ENGINEERING - LAND SURVEYING
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JOB: 5213 DATE: 01/05/2021



**FLATS ON 46 PUD
SITE REDEVELOPMENT
SITE ADJACENT ZONING
AND USE MAP**

S SMITH
DESIGN
GROUP

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**FLATS ON 46 PUD
SITE REDEVELOPMENT
DRAINAGE AREA**



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ARBORS @ WOODGATE PHASE III

SPRING VALLEY SECTION 2

ASHBROOK LN

ASHBROOK LN

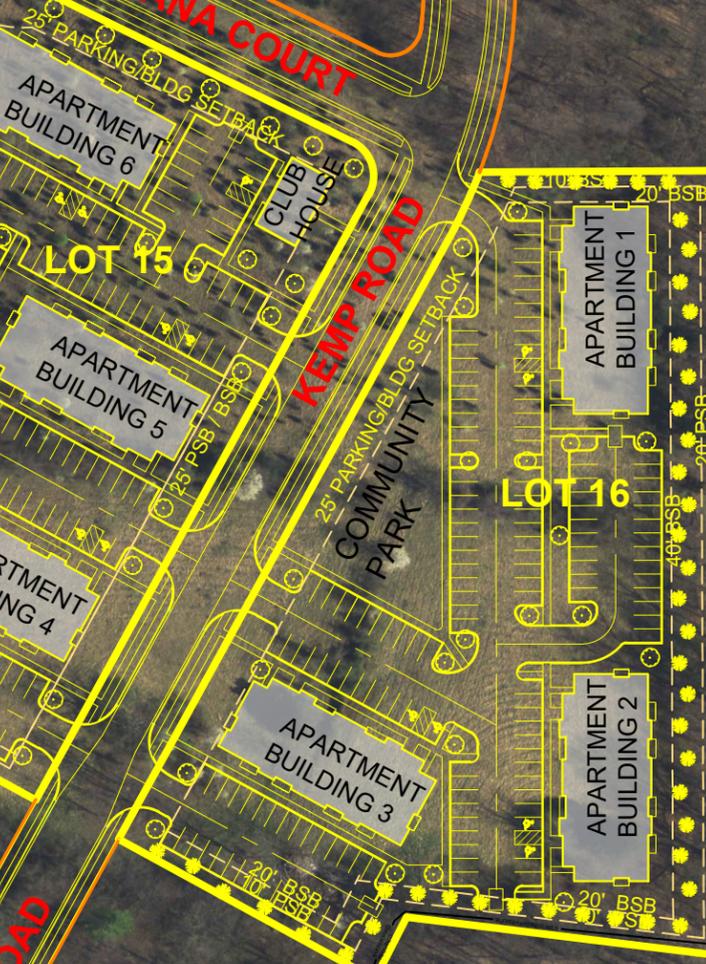
KEMP ROAD

CENTENNIAL DR

ELANA COURT

SPRING VALLEY SECTION 3

HIGHLAND PARK PHASE I



SR 46



FLATS ON 46 PUD SITE REDEVELOPMENT ILLUSTRATIVE PLAN



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3225

FLATS
ON
46



FLATS ON 46 - APARTMENT BUILDING CONCEPT

JANUARY 5, 2021





SIGN REGULATIONS

§ 152.255 PURPOSE.

The intent of this code is to promote the public health, welfare, safety and community identity while improving the quality of the visual environment. The provisions of the Sign Code are not intended to and do not restrict, limit or control the content or message of signs. The Sign Code has the following specific purposes:

- (A) To encourage the effective use of signs as a means of communication;
- (B) To protect, conserve and enhance property values;
- (C) To enhance the attractiveness and economic well being of Ellettsville as a place to live and conduct business;
- (D) To encourage creative and well-designed signs that contribute in a positive way to the town's visual environment, express local character, and help develop a distinctive image in the town;
- (E) To recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances;
- (F) To encourage and, to the maximum extent feasible, require that all signs within the town be brought into compliance with the terms of the Sign Code;
- (G) To reduce visual clutter;
- (H) To discourage light pollution from improperly illuminated signs;
- (I) To reduce traffic and safety hazards as to not distract motorists or create a hazard to vehicular and pedestrian traffic; and
- (J) To prevent the proliferation of off-premises commercial signs which obscure the legitimate effort of local businesses to reasonably identify the location and nature of their business.

(Ord. 03-05, § 832-05, passed 5-27-2003; Am. Ord. 10-07, passed 5-24-2010; Am. Ord. 2017-06, passed 6-12-2017)

§ 152.256 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVERTISING. The use of any structure, placard, wall, banner, balloon, or other device or structure or part thereof, and which forms, or on which is located, graphics, symbols, lights, words and/or numbers intended to convey information to the public, and which announces, notifies, or promotes a person, organization, company, church, club, lodge, group, establishment, structure, product, goods or services. The expression of an opinion which does not announce, notify, or promote as outlined above, and which otherwise does not break any laws, is not advertising.

A-FRAME SIGN. An unlighted freestanding sign in the shape of an inverted-V, having a maximum sign face area of eight square feet.

ABANDONED SIGN. A sign or sign structure on a site where all buildings have been demolished or removed.

AWNING SIGN. A sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building.

BANNER. A temporary advertising sign of lightweight fabric, plastic or similar material, which is not more than 32 feet in sign face area, and which is mounted flush on a building or mounted between two points.

CHANGEABLE COPY SIGN. A sign or portion thereof designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign.

FREESTANDING SIGN. A lighted or unlighted permanent sign that is anchored to or into the ground, and which is not supported by or attached to any structure other than its own support structure. Includes monument and pole signs.

GOVERNMENT SIGN. A sign erected and maintained by or on behalf of the federal, state, county, or town governments for the purpose of regulating traffic or for civic purposes.

ILLUMINATED SIGN. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated), including neon signs; or reflecting off its surface(s) (externally illuminated).

INFLATABLE SIGN. Any object enlarged or inflated which floats, is tethered in the air, is activated by air or moving gas, or is located on the ground or on a building with or without copy or other graphic.

INFORMATION SIGN. Any on-premise sign which directs or regulates pedestrians or vehicle traffic within private property and includes information of a general directive or informational nature such as no parking, entrance and exit drives, loading area, self-service, and rest rooms; which bears no advertising matter, and does not exceed four square feet of sign area per face.

LIGHT TRESPASS. Light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

MONUMENT SIGN. A freestanding sign where the base of the sign structure is on the ground or a maximum of 12 inches above the adjacent grade.

MULTI-TENANT SIGN. A sign that serves as a common or collective identification for two or more uses on the same premises.

NON-COMMERCIAL OPINION SIGN. A sign, which does not advertise products, goods, businesses, or services and which expresses an opinion or point of view, such as a political, religious, or other ideological sentiment or support or opposition to a candidate or proposition for a public election. A sign which meets the definition of an on-premise sign, an off-premise sign, and/or an advertising sign, shall not be considered a noncommercial opinion sign.

OFF-PREMISES ADVERTISING SIGN. A sign, which announces, notifies, or advertises goods or services which are not located on the same property on which the sign is located.

ON-PREMISES ADVERTISING SIGN. A lighted or unlighted permanent sign located on the property on which an organization, or business is located.

POLE SIGN. A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is nine feet or more above grade.

PORTABLE SIGN. A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. **PORTABLE SIGNS** shall include, but are not limited to, signs mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.

PROJECTING SIGN. A lighted or unlighted permanent sign which is attached only to a building and projects at least six inches but not more than six feet from the face of the building. A **PROJECTING SIGN** shall not be supported by any posts or other support structure other than those devices which connect the sign to the building.

ROOF. A horizontal or sloping surface of a building which serves as a cover for the building or its entry, portico or other appurtenances. This definition shall include any part of a building which resembles a roof in form or function.

ROOF SIGN. A permanent sign painted on, supported by or attached to the roof or roof structure of a building. This definition shall not include a sign attached flat against the wall of a penthouse, or other integral part of a building, which projects above the main roof.

SIGN. Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties.

SIGN FACE AREA. The area of the sign used for displaying the symbols, words or numbers used to convey a message. In determining the area of the sign face, the smallest area described by a rectangle that completely encloses the message and symbols shall be used. A two-faced sign where the faces are parallel, or nearly parallel, and where the back of each face is separated from the back of the other by not more than 12 inches shall be treated as one sign face for purposes of calculating sign face area.

TEMPORARY SIGN.

(1) An unlighted sign intended to display either commercial or noncommercial messages of a transitory or temporary nature.

(2) *Temporary sign amortization period.* Temporary signs which do not conform to this subchapter, shall, within 30 days after the effective date of this section, be removed or made to conform.

UTILITY LOCATION MARKERS. Markers installed by public utility organizations to identify the locations of gas, water, wastewater and electric valves, lines and other components of the system.

WALL SIGN.

(1) A sign attached parallel to a wall or painted on a wall, with no part of the sign extending more than six inches from the face of the wall, nor extending beyond the side or top of the wall to which the sign is attached.

(2) Windows are not calculated into the total area of a wall for purposes of calculating total sign face area.

WINDOW SIGN. A sign affixed or painted to the interior or exterior surface of a window with its message intended to be visible to and readable from the public way or from adjacent property. A sign attached to a window, but not projecting from or exceeding the frame limits of the window.

(Ord. 03-05, § 832-10, passed 5-27-2003; Am. Ord. 10-07, passed 5-24-2010; Am. Ord. 2017-06, passed 6-12-2017)

§ 152.257 GENERAL REGULATIONS.

The following regulations apply to all signs in any zoning district:

(A) *Height, width and ground clearance.* Except as otherwise provided in this subchapter, the following are the maximum permitted height, width and ground clearance for all signs:

(1) *Height.* Except as permitted in this subchapter, no part of a sign shall extend more than 26 feet above the highest point on the surface of the street adjacent to the sign, or in the absence of an adjacent street, not more than 26 feet above the average elevation of the ground for a radius of 50 feet around the sign.

(2) *Ground clearance.* A portable, projecting or freestanding (pole) sign located within 15 feet of the edge of a street, alley, curblin or within any sight distance triangle shall have not less than nine feet of open clearance between the bottom of any part of the sign and the highest point of the surface of the street or alley, and shall be supported by not more than two supporting structures below the sign face, each of which shall be not more than 12 inches in-width or depth, and have not less than 36 inches of open space between the supports. Monument signs shall not be permitted within any sight distance triangle.

(3) *Separation from streets.* No part of any sign or support structure for a sign shall be closer than ten feet to a street, alley or back of a curb, or five feet to a property line, whichever is more.

(B) *Lights and lighted signs.* Lamp bulbs and reflectors shall not be visible from any location on adjacent property or from a street, and light shall not glare into any thoroughfare or onto a residential property.

(C) *Public property.* No sign shall be placed in a public right-of-way or on public property except signs so placed by units of government on rights-of-way or other property under the unit's control without approval from Town Council. Signs shall not be attached to utility poles, traffic control signs or other permitted structures located on public property or in utility easements on private property.

(D) *Public safety/visibility.* Any sign whether on public or private property which does not meet the requirements of this chapter for clear vision at intersections or which otherwise creates or causes a public safety concern is prohibited, and shall be removed.

(E) *Maintenance and removal.* All signs shall be maintained in a readable state of repair. Signs which do not display any advertising or other message for a period of six months, or which are in a state of dilapidation, shall be removed within 30 days following notification.

(F) *Legally non-conforming signs.* A sign which does not conform with the regulations under this subchapter and which existed at the time that a governing regulation made the sign legally non-conforming may remain for a specified time as determined by the Department of Planning until the sign is brought up to code, shall not have its message or ad copy changed, and may undergo normal repair and maintenance, but shall not be expanded in any dimension, shall not if unlighted be changed to a lighted sign, and shall not be relocated to another place.

(Ord. 03-05, § 832-15, passed 5-27-2003; Am. Ord. 10-07, passed 5-24-2010; Am. Ord. 2017-06, passed 6-12-2017; Am. Ord. 2019-05, passed 2-25-2019)

§ 152.258 EXEMPT SIGNS.

The following signs with the indicated conditions are permitted in all zoning districts.

(A) Government signs; any sign except animated signs, balloons or prohibited lights which are installed or permitted to be installed by a unit of government on land which the unit owns or controls;

(B) Legal notices; no trespassing, no hunting, survey markers and monuments, information and warning signs; provided, that, they are used only to the degree necessary to adequately convey the intended message to the average person;

(C) Utility location markers, as defined in this subchapter;

(D) Any sign that is located completely within an enclosed building and that is not visible from outside of the building; or

(E) Memorials, tablets, grave markers, headstones, statutory/memorial plaques or such remembrances of persons or events that are non-commercial in nature.

(Ord. 03-05, § 832-20, passed 5-27-2003; Am. Ord. 10-07, passed 5-24-2010; Am. Ord. 2017-06, passed 6-12-2017)

§ 152.259 PROHIBITED SIGNS.

The following signs are prohibited:

(A) Any sign not permitted by this subchapter;

(B) Any sign which does not conform with the regulations in this chapter;

(C) Flashing, strobing or blinking lights, and beacons or other lights which are used for a purpose other than solely to illuminate the face of a sign which are not part of the sign;

(D) No device or vehicle which has been, is or could be licensed as a vehicle, a trailer, or a part of a vehicle or trailer shall be used as either a temporary or permanent sign. This does not preclude the painting or placement of signs on vehicles which are licensed for and operated on streets for the purpose of providing mobile advertisement, provided the vehicle so equipped is otherwise in compliance with all local, state and federal laws pertaining to the operation of vehicles on streets;

- (E) Changeable copy signs in residential districts;
- (F) All miscellaneous advertising devices not specifically authorized by this code;
- (G) Portable signs, or signs with movable stands, legs or on wheels;
- (H) Signs attached to fences, trees, street signs or utility poles;
- (I) Abandoned signs;

(J) Signs on or within parked motor vehicles, farm equipment, all-terrain vehicles or other similar vehicles, designed to be conspicuously visible for advertising or informational purposes from outside the vehicle, other than trailer signs, lettering on trucks or other commercial vehicles;

- (K) Signs that imitate, or can be confused with, traffic control devices;
- (L) Off premise advertising; and
- (M) Signs on microwave, radio, transmission or receiving towers or on satellite dishes.

(Ord. 03-05, § 832-25, passed 5-27-2003; Am. Ord. 10-07, passed 5-24-2010; Am. Ord. 2017-06, passed 6-12-2017)

§ 152.260 TEMPORARY SIGNS.

(A) *General temporary sign guidelines:*

(1) Temporary signs shall be kept in good condition and any sign that is torn, faded or in the process of decline, shall be considered a public nuisance and shall be removed;

(2) Temporary signs shall be non-illuminated; and

(3) Undeveloped parcels, one acre in size or larger may be permitted one temporary freestanding sign up to 32 square feet.

(B) (1) The following guidelines shall apply to all residential districts and for properties used as single family or two-family residential in other zoning districts. These guidelines shall also apply to agricultural districts which are undeveloped.

(2) *No permit required.*

(a) Non-commercial opinion signs, eight square feet and under;

(b) Commercial temporary signs, eight square feet and under, a maximum of one sign per parcel;

(c) One temporary sign up to 32 square feet may be displayed for a period of three days up to four separate occasions per year; and

(d) All other temporary signs not listed shall not be permitted, except as permitted under §152.258.

(C) (1) The following guidelines shall apply to all agricultural districts specifically used for agricultural purposes:

(2) *No permit required.*

(a) Non-commercial opinion signs, eight square feet and under;

(b) Commercial temporary signs, eight square feet and under;

(c) One temporary sign up to 32 square feet may be displayed for a period of three days up to four separate occasions per year; and

(d) All other temporary signs not listed shall not be permitted, except as permitted under §152.258.

(D) The following guidelines shall apply to all commercial and industrial districts, excluding properties used primarily for single-family or two-family residential. These guidelines shall also apply to agricultural districts used primarily for commercial or industrial purposes.

(1) *Permit required. Banners:*

(a) Banners will be permitted for a period of 30 days per permit;

(b) A maximum of six permits will be allowed per one calendar year;

(c) There shall be a minimum of ten days between issued permits;

(d) Banners shall be permitted a maximum of 32 square feet in area; and

(e) A maximum of two permitted banners may be displayed at any one time.

(2) *No permit required.*

(a) Non-commercial opinion signs, eight square feet and under;

- (b) Commercial temporary signs, eight square feet and under, a maximum of two signs per parcel;
- (c) Inflatable signs are permitted for two separate periods of up to one week each, per calendar year. Must be tethered at an elevation that does not exceed 20 feet in height and not more than 12 inches in diameter;
- (d) A-frame signs eight square feet and under;
 - 1. Shall not obstruct pedestrian traffic or any ADA required path;
 - 2. Shall be located within 50 feet of an entrance to an approved use;
- (e) Window signs that cover not more than 25% of all windows visible from public streets;
- (f) Scrolling interior window display signs, which are located behind a glass window, and do not exceed nine inches by 36 inches.

(Ord. 2017-06, passed 6-12-2017)

§ 152.261 PERMANENT SIGNS, AGRICULTURAL DISTRICTS (AG-1, AG-2).

(A) General requirements.

- (1) The maximum total sign area for all permanent signs on any one lot shall be 100 square feet.
- (2) Electronic changeable copy signs shall not be permitted.
- (3) Sign permits are required unless specifically exempted.
- (4) Signs not listed are not permitted.
- (5) Properties in which the primary use is single- or two-family residential shall follow requirements for signs permitted in residential districts (§ 152.263).
- (6) Sign lighting may be internal or external.
 - (a) External lighting shall be shielded in a way to direct light onto the sign only and minimize light trespass onto adjacent properties;
 - (b) External lighting shall not be permitted to be directed toward roads in a manner that could interfere with the vision of drivers; and
 - (c) External lighting shall be directed downward only.

(B) Freestanding signs.

- (1) One freestanding on-premises advertising sign.
- (2) Maximum sign area shall be 40 square feet per sign.
- (3) Signs may be internally lit.

(C) Wall signs.

- (1) There shall be a maximum of three wall signs permitted per commercial or industrial structure.
- (2) Wall signs shall have a maximum sign area of 40 square feet.

(D) Other signs.

- (1) One manual changeable copy sign attached to the same support structure which holds the freestanding sign or on the side of the building shall be permitted. The maximum sign area shall be 30 square feet.
- (2) One freestanding sign is permitted at each entrance to a platted subdivision or otherwise recognized neighborhood:
 - (a) Not to exceed three freestanding signs per platted subdivision or otherwise recognized neighborhood; and
 - (b) The maximum sign area shall be 24 square feet.
- (3) Roof signs which are flush with and an integral part of the surface of the roof are permitted on commercial or industrial structures.
 - (a) Signs which extend above or protrude from the roof of a structure are permitted with a certified structural engineering report to verify wind shear and safety.
 - (b) Roof signs shall have a maximum sign area of 40 square feet.

(Ord. 2017-06, passed 6-12-2017)

§ 152.262 PERMANENT SIGNS, COMMERCIAL AND INDUSTRIAL DISTRICTS (C-1, C-2, C-3, I-1, I-2).

The following signs are permitted in the designated zoning districts subject to the conditions in this subchapter.

(A) Commercial and industrial sign regulations, all districts;

(1) Signs not listed are not permitted.

(2) Sign permits are required unless specifically exempted.

(3) Properties in which the primary use is single- or two-family residential shall follow requirements for signs permitted in residential districts (§ 152.262).

(4) Sign lighting may be internal or external.

(a) External lighting shall be shielded in a way to direct light onto the sign only and minimize light trespass onto adjacent properties.

(b) External lighting shall not be permitted to be directed toward roads in a manner that could interfere with the vision of drivers.

(B) *Signs permitted in C-1 and C-2 zones:*

(1) The total combined sign face area for all permanent signs on any one lot shall be not more than the lesser of either:

(a) One and a half (1.5) square foot of sign face area per linear foot of lot line adjacent to the street right-of-way; or

(b) One hundred twenty (120) square feet total signage.

(c) The total allowance shall be not less than 50 square feet on any lot.

(d) Where the lot is a corner lot, the longer of the two rights-of-way may be used for the calculation of total sign face area.

(2) *Freestanding signs.*

(a) Maximum height for freestanding signs shall be 15 feet;

(b) Maximum sign area shall be 60 square feet;

(c) Freestanding signs may be monument type or pole type freestanding signs.

(d) Maximum of one freestanding sign per lot.

(3) *Wall signs.*

(a) Maximum sign area shall be 50 square feet; and

(b) Maximum of two signs per exterior wall.

(4) *Projecting signs.*

(a) Maximum sign area shall be 24 square feet;

(b) Shall require written approval from Town Council if projecting over a right-of-way;

(c) Shall require written approval from INDOT if projecting over a state owned right-of-way; and

(d) Minimum clearance between the bottom of the sign and level ground shall be nine feet.

(5) *Roof signs.*

(a) Maximum sign area shall be 50 square feet;

(b) Maximum of two signs;

(c) Signs which are flush with and an integral part of the surface of the roof are permitted; and

(d) Signs which extend above or protrude from the roof of a structure are permitted with a certified structural engineering report to verify wind shear and safety.

(6) *Awning signs.*

(a) Maximum sign area shall be 24 square feet; and

(b) Only the portion of the awning with signage shall be calculated.

(7) *Changeable copy signs.*

(a) Electronic changeable copy signs permitted with Plan Commission approval in C-1 Zone, not permitted in C-2 Zone;

(b) Manual changeable copy signs shall be permitted in both C-1 and C-2 Zones;

1. Maximum sign area for wall mounted sign shall be 32 square feet; and

2. Maximum sign area for freestanding signs shall make up no more than 50% of the total freestanding sign area and must be incorporated into the freestanding sign.

(8) *Multi-tenant signs.*

(a) 1. Buildings with multiple non-residential tenants shall be permitted one freestanding, multi-tenant sign per street frontage;

2. Maximum sign area shall be 30 square feet plus 24 square feet per tenant space;

(b) Properties utilizing multi-tenant signs will not be permitted additional freestanding signs for each tenant; and

(c) Multi-tenant signs are not calculated in total square footage allowed.

(C) Signs permitted in C-3, I-1 and I-2 zones:

(1) The total combined sign face area for all permanent signs on any one lot shall be not more than the lesser of either:

(a) One and a half (1.5) square foot of sign face area per linear foot of lot line adjacent to the street right-of-way; or

(b) Two hundred (200) square feet total signage.

(c) The total allowance shall be not less than 50 square feet on any lot.

(d) Where the lot is a corner lot, the longer of the two rights-of-way may be used for the calculation of total sign face area.

(2) *Freestanding signs.*

(a) Maximum height for freestanding signs shall be 26 feet;

(b) Freestanding signs may be monument type or pole type freestanding signs:

(c) *Monument type signs.* Maximum sign area shall be 120 square feet;

(d) *Pole type signs.* Maximum sign area shall be 80 square feet; and

(e) One freestanding sign per 500 linear feet of frontage, maximum of two freestanding signs.

(3) *Wall signs.* Maximum sign area shall be 60 square feet.

(4) *Projecting signs.*

(a) Maximum sign area shall be 24 square feet;

(b) Shall require written approval from Town Council if projecting over a right-of-way;

(c) Shall require written approval from INDOT if projecting over a state owned right-of-way; and

(d) Minimum clearance between the bottom of the sign and level ground shall be nine feet.

(5) *Roof signs.*

(a) Maximum sign area shall be 60 square feet;

(b) Maximum of two signs;

(c) Signs which are flush with and an integral part of the surface of the roof are permitted; and

(d) Signs which extend above or protrude from the roof of a structure are permitted with a certified structural engineering report to verify wind shear and safety.

(6) *Awning signs.*

(a) Maximum sign area shall be 24 square feet; and

(b) Only the portion of the awning with signage shall be calculated.

(7) *Changeable copy signs.*

(a) *Electronic changeable copy signs;*

1. Brightness levels to not exceed 0.5 foot candles above ambient light;

2. A minimum message hold time of five seconds;

3. Maximum sign area for wall mounted sign shall be 32 square feet; and

4. Maximum sign area for freestanding signs shall make up no more than 50% of the total freestanding sign area and must be incorporated into the freestanding sign.

(b) *Manual changeable copy signs;*

1. Maximum sign area for wall mounted sign shall be 32 square feet; and

2. Maximum sign area for freestanding signs shall make up no more than 50% of the total freestanding sign area and must be incorporated into the freestanding sign.

(8) *Multi-tenant signs.*

(a) Buildings with multiple non-residential tenants shall be permitted one freestanding, multi-tenant sign per street frontage. Maximum sign area shall be 40 square feet plus 32 square feet per tenant space;

(b) Properties utilizing multi-tenant signs will not be permitted additional freestanding signs for each tenant; and

(c) Multi-tenant signs are not calculated in total square footage allowed.

(Ord. 2017-06, passed 6-12-2017)

§ 152.263 SIGNS PERMITTED IN RESIDENTIAL R1, R2 AND R3 DISTRICTS.

The following signs are permitted in the designated zoning districts subject to the conditions in this subchapter.

(A) One freestanding sign is permitted at each entrance to a platted subdivision or otherwise recognized neighborhood.

(1) Not to exceed three freestanding signs per platted subdivision or otherwise recognized neighborhood;

(2) The maximum sign area shall be 24 square feet; and

(3) A sign permit is required for each freestanding sign.

(B) Temporary signs as permitted under § 152.260.

(C) Signs not listed are not permitted.

(D) Only signs permitted by § 152.263(A) may be lighted.

(1) Sign lighting may be external only;

(2) External lighting shall be shielded in a way to direct light onto the sign only and minimize light trespass onto adjacent properties; and

(3) External lighting shall not be permitted to be directed toward roads in a manner that could interfere with the vision of drivers.

(Ord. 2017-06, passed 6-12-2017)

§ 152.264 SIGN PERMIT FEE.

The Sign Code provides two types of sign permits.

(A) A permanent sign permit application is intended for signs that conform to the terms of the Sign Code as it relates to permanent signs. There shall be a zoning and compliance review fee and permanent sign permit application on file for each sign. The permanent sign permit fee is \$50 plus one dollar per square foot per sign.

(B) A temporary sign permit application is intended for signs that conform to the terms of the Sign Code as it relates to temporary signs. There shall be a zoning and compliance review fee and temporary sign application on file for each sign. The temporary sign permit fee is \$40 per sign for a 30-day period per sign.

(C) Applying for either type of sign permit does not constitute approval to manufacture, erect or construct a sign. An approved sign permit must be issued prior to a sign being displayed in the town. All filing fees shall be submitted after the sign permit application has been approved, but prior to issuance of the permit.

(Ord. 06-19, passed 11-13-2006; Am. Ord. 10-07, passed 5-24-2010; Am. Ord. 2017-06, passed 6-12-2017)

§ 152.265 PERMITS AND APPROVAL PROCESS.

(A) *General requirements.* The sign permit applicant shall present sign design information as required with the sign application. The Director of Planning or designee shall review the application and information. The final administrative interpretation of these design standards and location shall be at the discretion of the Department of Planning Director or designee and Town of Ellettsville Plan Commission. Regular inspections of outdoor signage will be conducted by the Department of Planning. Failure to comply with sign regulations may result in sign permit revocation or code enforcement by the Planning Department or the Town of Ellettsville.

(B) *Approval process.*

(1) *Sign permit required.* No sign or sign structure shall be displayed or altered prior to an approved sign permit;

(2) *Inspection or fee not required.* Normal maintenance or a change in sign face shall not require a sign permit fee or inspection, provided the sign structure and sign cabinet are not altered.

(3) *Form.* Applications for sign permits shall be provided by the Department of Planning.

(4) *Complete application.* Within ten business days of the submission of an application for a sign permit, the Director of Planning or designee shall determine whether the application is complete and in compliance with the requirements of the Sign Code. Complete applications shall be processed in accordance with this section of the Sign Code. The Director of Planning or designee will attempt to provide the applicant of an incomplete application with a written description of the application's deficiencies within the ten-day review period. Incomplete applications will not be processed.

(5) *Information required for standard sign permit.*

(a) Permanent sign permit applications shall include the information specified on the application form and the following:

1. Scale drawings showing elevations of the proposed sign, relationship to buildings and other signs, and location of the foundation or post hole location in relation to the property line and public right-of-way;
2. Graphic representation of proposed sign with dimensions;
3. Construction specifications;
4. Electrical components and wiring;
5. Method of attachment and design of structured members to which attachment is to be made;
6. Name, address, telephone number and signature of property owner granting permission for the construction, operation, maintenance or display of sign structure;
7. Name, address, telephone number, and signature of sign contractor, if applicable;
8. Street address of premises or property upon which sign is to be located;
9. Use of property, lot, building or structure for which sign will provide information or advertising;
10. Other information, as may be reasonably required by the Plan Commission or Director of Planning or designee.

(b) *Information required for temporary sign permit applications.* A temporary sign permit application shall include the sign size and all reasonable measurements, location, materials and time duration, along with such information as deemed necessary by the Plan Commission or Director of Planning or designee.

(6) *Review and action.* Upon the submission of a complete application, the Director of Planning or designee shall process the application within 15 working days. The Director of Planning or designee shall either issue the permanent or temporary sign permit or notify the applicant in writing of his or her denial and reasons thereof, according to the procedures outlined in this subsection.

(C) *Appeals.* Any final determination, made by the Director of Planning or designee may be appealed to the Board of Zoning Appeals by filing a written notice of appeal with the Director of Planning or designee within ten days of the determination. All appeals shall be heard in accordance with the rules and procedures of the Board of Zoning Appeals.

(D) *Inspections and certificates of compliance.* Any permitted sign that is not constructed in accordance with the approved application shall be removed by the business or property owner, and may not be reinstalled until such time that the sign has a valid permit. Failure to timely remove or otherwise amend a sign constructed not in accordance with approved plans shall be considered a Class D ordinance violation with the total fine amount not to exceed \$1,000 per violation. Each sign shall constitute a separate violation.

(E) *Suspension/revocation.* The Director of Planning or designee may, in writing, suspend or revoke a permit issued pursuant to the Sign Code where the permit is issued on the basis of a material omission or misstatement of fact.

(F) *Expiration.* It is unlawful to maintain a sign or sign structure without a validly issued sign permit unless the sign is specifically exempt from a permit requirement pursuant to this Sign Code. Issued permits shall expire and become void if the work authorized by the permit is not completed within 180 days from the date of permit issuance, or if the work is abandoned (as evidenced by failure to make reasonable progress) for a period of 30 days or more at any time after the work is commenced. Before such work can be commenced or resumed thereafter, a new permit shall be obtained and a fee of one-half the amount required for a new permit shall be paid to the town, provided no changes have been made in the original plans and specifications and, further provided, that the permit issuance date has not exceeded one year.

(G) *Electrical permit required.* All permanent signs that will be lit, either internally or externally, and require an electrical hook-up shall obtain an electrical permit. An approved electrical permit must be submitted before a sign permit can be issued.

(H) *Construction plans review.* All permanent freestanding signs shall include construction plans for review. A building permit may be required.

(Ord. 10-07, passed 5-24-2010; Am. Ord. 2017-06, passed 6-12-2017)

§ 152.266 SIGN ENFORCEMENT PROCEDURES AND FINES.

(A) If a sign is installed without a permit, inspection or is a prohibited sign and personnel in the field determines the sign can not be easily removed, the Planning Department will notify the offender of their sign violation.

(B) Offenders will have a time period to remove the sign. If the sign is not removed within the time period they are subject to a violation fine.

(C) The Ellettsville Planning Department shall issue a written order, letter or posted notice of violation to abate, remove, or repair the issue in violation.

(D) If the issue is not addressed within seven days following the notice of violation the fine shall be daily. Any person(s), company, business or non-profit organization that violates any of the provisions of this chapter commits a Class D ordinance violation and shall be fined for each offense, with the total fine amount not to exceed \$1,000 per violation.

(E) In addition to any fines, for any temporary sign installed without a permit, the violator shall be required to pay for the cost of a temporary sign permit for the period it is displayed, if the violation is not abated within seven days of the notice.

(F) Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues. If a business, not for profit agency or public agency receives two notices of violation within one year for a Sign Code violation the sign permit shall be revoked and the signs removed from the premises by the sign permit applicant, business or property owner by order of the Ellettsville Planning Department.

(G) *Maintenance, repair and removal.* Any sign which becomes unsafe or is not maintained and in violation of any of the provisions of this subchapter, shall remove or cause such sign to be removed at the expense of the business, property owner and/or the user of the sign. In the case of immediate danger the Town Council and/or the Planning Department will attempt to contact the owner of the sign or property owner to have the sign removed or secured at the owner's expense. If the sign owner or property owner can't be contacted the sign will be removed or secured by the Town of Ellettsville and the owner of the sign or property owner will be responsible for all expenses incurred in the removal and storage of the signage.

(Ord. 10-07, passed 5-24-2010; Am. Ord. 2017- 06, passed 6-12-2017) Penalty, see §10.99