

# CASE SUMMARY

**Case:** 2025-2255

**Request:** Proposed Text Amendments for the Unified Development Ordinance

**Location:** Properties within the Town of Danville Corporate Boundary

## **Staff Summary:**

This is a public hearing for a proposed text amendment to the Unified Development Ordinance (UDO) to address agricultural land uses and structures within the Town. The UDO was adopted on February 7, 2024, and became effective May 1, 2024. As the Town has annexed farmland in the areas surrounding the landfill and airport for potential future economic development, it has become clear that the ordinance does not adequately address agricultural uses. To allow these properties to continue agricultural operations without unnecessary regulation, amendments to the ordinance are proposed.

**Amendment 1:** Table 2.1: *Permitted and Special Exception Land Uses* – This amendment would allow *Agricultural, Low Intensity* as a permitted use in the R1, R2, R3, IL, and IG zoning districts, as well as in the APO Overlay District. This use would not be permitted in the CPOD Overlay District.

**Amendment 2:** Section 4.02.D.2: *Permits Not Required for Accessory Structures* – This amendment would allow agricultural structures strictly related to low-intensity agricultural uses to be constructed without requiring a permit. A new subsection “f” will be added.

**Amendment 3:** Section 4.03.E: *Accessory Structure Design Standards* – This amendment would exempt agricultural structures strictly related to low-intensity agricultural uses from the design standards. A new subsection “3” will be added.

**Amendment 4:** Section 9.02: *Definitions* – This amendment would add a definition for *Agricultural, Low Intensity*.

This public hearing was properly advertised, and copies of the proposed amendments were made available at the Danville Public Library and Danville Town Hall, as required by state statute.

No public inquiries regarding the proposed amendments have been received by staff.

## **Plan Commission Action:**

*Forward Favorable Recommendation for Text Amendments to Town Council*  
*Forward Unfavorable Recommendation for Text Amendments to Town Council*  
*Continue Pubic Hearing and Require Revisions*

## **ORDINANCE No. 18, 2025**

### **AN ORDINANCE AMENDING THE TEXT OF THE UNIFIED DEVELOPMENT OF THE TOWN OF DANVILLE**

**Whereas**, on February 7, 2024, the Town Council of Danville adopted Ordinance No. 1-2024 which provides for the administration, enforcement, and amendment of zoning regulations in the Town of Danville; and

**Whereas**, the Town Council of Danville deems it necessary to amend said ordinance for the purpose of promoting the general health, welfare, and safety of the citizens of the Town of Danville; and

**Whereas**, the Danville Plan Commission has given public notice of the hearing on this text amendment and a public hearing was held in accordance with state law.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF DANVILLE, INDIANA THAT** Ordinance No. 18-2025 be amended as follows:

**Table 2.1: Permitted and Special Exception Land Uses shall be amended to add:**

**Agricultural, Low Intensity as a permitted use in the R1, R2, R3, IL, and IG zoning district and the APOD Overlay District and not permitted within the CPOD Overlay District.**

**Section 4.02.D.2.: Permits Not Required for Accessory Structures shall be amended to add:**

**f. Agricultural structures strictly related to low intensity agricultural uses.**

**Section 4.03.E.: Accessory Structure Design Standards shall be amended to add:**

**3. Agricultural structures strictly related to low intensity agricultural uses shall be exempt from design standards.**

**Section 9.02: Definitions shall be amended to add:**

**Agriculture, Low Intensity. See CROP PRODUCTION**

Duly passed and adopted by the Danville Town Council, this 17<sup>th</sup> day of September, 2025.

THE TOWN COUNCIL OF THE TOWN OF  
DANVILLE, INDIANA

\_\_\_\_\_  
Dave Potter, President

\_\_\_\_\_  
Michael Chatham, Vice-President

\_\_\_\_\_  
Greg Irby, Member

\_\_\_\_\_  
Bret Doub, Member

\_\_\_\_\_  
Chris Gearld, Member

ATTEST:

\_\_\_\_\_  
Carrie Lofton, Clerk-Treasurer

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."

\_\_\_\_\_  
Lesa Ternet  
Document prepared by: Lesa Ternet

TABLE 2.1: PERMITTED AND SPECIAL EXCEPTION LAND USES

Use Type	Land Use	R1	R2	R3	RU	CB-P	CB-S	LB	GB	IL	IG	PR	ADOD	CPOD
accessory	clubhouse (residential/HOA)	P	P											X
accessory	dwelling, accessory unit (ADU)	S-S	S-S	S-S	S-S									
accessory	home occupation	P-S	P-S	P-S	P-S			P-S						
accessory	home-based business	S-S	S-S	S-S	S-S									
accessory	outdoor dining (restaurant)					P-S	P-S	P-S	P-S					
accessory	satellite recycling dropoff, public or private								S	S	P			X
accessory	roadside produce stand							S	P				P	
accessory	solar energy system, accessory	P-S	P-S	P-S	P-S	P-S	P-S	P-S	P-S	P-S	P-S	P-S		X
accessory	utility facility, public or private	P	P	P	P	P	P	P	P	P	P	P		
accessory	wind energy system, small and mini	S-S	S-S	S-S	S-S	P-S	P-S	P-S	P-S	P-S	P-S	P-S		X
agricultural	confined feeding operation (CFO) or concentrated animal feeding operation (CAFO)												S	X
agricultural	low intensity	P	P	P						P	P		P	X
agricultural	crop production (row, field, tree)												P	X
agricultural	greenhouse, commercial								P	P	P			X
agricultural	livestock or aquaculture												P	X
commercial	adult-oriented businesses										S-S			X
commercial	automobile, vehicle, and equipment sales, leasing, or service							S	P	P	P			X
commercial	bar, tavern, or club					P	P	S						
commercial	bed and breakfast		S-S	S-S	S-S	P-S	P-S	P-S	P-S					
commercial	boarding house (owner-occupied)		S	S	S	P	P							

Commented [LT1]: Agricultural Low Intensity Added

P = Permitted  
S = Special Exception  
X = Prohibited within the CPOD

P-S = Permitted, Additional Standards Apply (see Chapter 3: Error! Reference source not found.)  
S-S = Special Exception, Additional Standards Apply (see Chapter 3: Error! Reference source not found.)

f. Agricultural structures strictly related to low intensity agricultural uses.

**Commented [LT1]:** Section 4.02: Accessory Structure Standards, D.2, added f.; Permits not required for low intensity agricultural accessory structures.

- E. **Prohibited Accessory Structure Types.** No shipping containers, vehicles, or parts of vehicles shall be used as an accessory structure.

These structures shall be designed to create architectural harmony with the primary structure on the site.

- b. Gas island canopy structural columns shall be covered with the same architectural materials as the associated building.

3. **Agricultural Structures.**

- a. Agricultural structures strictly related to low intensity agricultural uses shall be exempt from design standards.

**Commented [LT1]:** Section 4.03.E: Accessory Structure Design Standards, added 3. **Agricultural Structures**

## GENERAL PROVISIONS

- A. The terms "shall" and "must" are always mandatory. The word "may" is allowed and/or recommended but not required.
- B. Words used in the present tense include the future tense.
- C. Any words not defined in this UDO shall be defined using the most recent version of the Merriam-Webster Dictionary. If a word or phrase is not defined within this dictionary, the Administrator shall provide a definition.

### 9.02 DEFINITIONS

**ABANDONED.** Abandonment or cessation of the use of the property or structure for a period of six (6) consecutive months, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

**ACCESS.** A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**ACCESSORY DWELLING.** See DWELLING, ACCESSORY.

**ACCESSORY STRUCTURE.** See STRUCTURE, ACCESSORY.

**ACCESSORY USE.** See USE, ACCESSORY.

**ADDITION.** A structure added to the original structure at some time after the completion of the original, or an extension or increase in floor area or height of a building or structure.

**ADMINISTRATOR.** The person(s) appointed or designated by the Town Manager to provide staff support to the PC and Board of Zoning Appeals (BZA) and to enforce the Unified Development Ordinance (UDO) under the supervision of the PC.

**ADULT ORIENTED BUSINESS.** See SEXUALLY ORIENTED BUSINESS.

**AGRICULTURE.** See CROP PRODUCTION, LIVESTOCK / AQUACULTURE.

**AGRICULTURE, LOW INTENSITY.** See CROP PRODUCTION.

**Commented [LT1]:** Added: Definition of Low Intensity Agriculture

**AGRITOURISM.** An accessory activity at a working farm or an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to visit, participate in, or view, activities for the purposes of enjoyment, education, or active involvement in the activities of the farm or operation. For the purposes of this UDO, agritourism is considered retail.

**AGRIVOLTAICS.** A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services. For the purposes of this UDO, this use shall be considered a solar energy system.

**AIRPORT.** Any area of land or water used or intended for landing or takeoff of aircraft, including appurtenant area(s) used or intended for airport buildings, facilities, and rights-of-way. This also includes uses that directly support airport operations, including but not limited to air traffic control, safety operations, hangars and terminals, aircraft repair and maintenance, flight instruction, aircraft chartering, aircraft fueling, food service, and support staff offices.