

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE MEETING

PACKET PART 2
New Business Agenda Items



Tuesday, July 5, 2022
5:30 pm

Hybrid Meeting

In-person

Monroe County Government Center
501 N Morton Street, Room 100B
Bloomington, Indiana

Virtual

Zoom Link: <https://monroecounty-in.zoom.us/j/84585419468?pwd=TKRjdIRKOGRVcWM4VGh1YlhrUmVvUT09>

If calling into the Zoom meeting, dial:
312-626-6799 Meeting ID: 845 8541 9468
Password: 418555

Agenda
Plan Commission Administrative Meeting
5:30 p.m. – 7:00 p.m.
Tuesday, July 5, 2022
VIRTUAL MEETING

Please take notice that the Monroe County Plan Commission will hold an Administrative Meeting (Work Session) on Tuesday, July 5, 2022 at 5:30 PM. The following meeting will be held via teleconference. The link for the teleconference can be found on the Planning Department's website (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>). For information about the teleconference meeting, you may call (812)349-2560 or email (PlanningOffice@co.monroe.in.us) our office. The work session agenda includes the following agenda items for the regularly scheduled Tuesday, July 19, 2022 Plan Commission meeting:

ADMINISTRATIVE BUSINESS:

1. Discussion regarding Plan Commission Committee Appointments – ORC, PRC
2. CDO work session

UNFINISHED BUSINESS:

1. PUO-21-1 P & G Planned Unit Outline Plan to rezone property from PB to PUD

One (1) 4.93 +/- parcel located in Section 29, Perry Township at 5100 W Victor Pike. Parcel number: 53-08-29-200-023.000-008.

Zoned PB. Contact: acrecelius@co.monroe.in.us

2. REZ-22-4 Young Trucking Construction Shop Rezone from IG to HI

One (1) 8.5 +/- acre parcel in Richland Township, Section 36 at 1238 N Loesch Road, parcel no. 53-04-36-200-016.013-011

Owner: Arrow Properties LLC

Zoned IG. Contact: dmyers@co.monroe.in.us

NEW BUSINESS:

**1. SSS-21-9 Rust Road Sliding Scale Subdivision Preliminary Plat
Road Width Waiver Requested.**

PAGE 4

Preliminary Hearing. Waiver of Final Hearing Requested.

Four (4) parcels on 32.59 +/- acres in Section 33 of Benton North Township at Parcel no. 53-01-32-400-002.000-003, 53-01-33-200-006.000-003, 53-01-33-300-006.000-003, and 53-01-33-300-007.000-003.

Owner: Rhett Elliott

Zoned FR. Contact: dmyers@co.monroe.in.us

**2. PUD-22-3 The Lakes (Verona Park) Planned Unit Development Plan Ph 2A
Amend 1 to Common Area A**

PAGE 36

Preliminary Hearing. Waiver of Final Hearing Requested.

One (1) 0.31 +/- acre parcel in Perry Township, Section 14 at S Constance Ave, parcel no. 53-08-14-200-020.000-008.

Owner: 3051 S Sare Road LLC

Zoned PUD. Contact: jnester@co.monroe.in.us

- 2. SPP-22-7** **Pinnacle Business Park Major Subdivision Preliminary Plat Amendment 1 to Lots 1-3, 5-7, 10-12, 14-16, and dedicated Right-of-Way. PAGE 54**
Preliminary Hearing. Waiver of Final Hearing Requested.
 Eleven (11) parcels on 46.30 +/- acres in Section 36 of Richland Township at 3794, 3718, 3232, 3300, 3274, 3797, 3625, and 3379 W Profile PKWY, 310 N Curry PIKE, and parcel number # 53-04-36-100-054.014-011 at W Jonathon DR.
 Owner: BB Profile LLC, ABB Inc
Zoned IG. Contact: acrecelius@co.monroe.in.us
- 2. SAD-21-4** **O'Bannon Type E Administrative Subdivision PAGE 81**
Waiver of Right of Way Dedication. Waiver of Final Hearing.
Preliminary Hearing.
 Two (2) parcels 3.14 +/- acres located in Section 6 of Bloomington Township at 6597 & 6601 N Maple Grove RD.
 Owners: O'Bannon, Karen; Ogle, Kathy
Zoned ER. Contact: acrecelius@co.monroe.in.us
- 3. REZ-22-5** **Sonya Leigh Rezone from IL to AG/RR PAGE 95**
Preliminary Hearing. Waiver of Final Hearing Requested.
 Two (2) 4.648 +/- acre parcel in Richland Township, Section 35 at 353 N Knapp Rd, parcel no. 53-04-35-300-034.000-011.
 Owner: Wiens, Timothy B & Pamela Jo (aka Sonya Leigh).
Zoned IL. Contact: drbrown@co.monroe.in.us
- 3. ZOA-22-4** **Amendment to the Monroe County Zoning Ordinance: PAGE 115**
Chapter 801- Definitions
Preliminary Hearing. Waiver of Final Hearing Requested.
 Amendment to the 'Change in Use' definition, addition of definitions for 'Certified Site Plan', 'Plot Plan', 'Plot Plan, Certified', 'Structure, Commercial', 'Structure, Residential', and 'Structure, Residential Accessory.'
 Contact: jnester@co.monroe.in.us

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Monroe County, should contact Monroe County Title VI Coordinator Angie Purdie, (812)-349-2553, apurdie@co.monroe.in.us, as soon as possible but no later than forty-eight (48) hours before the scheduled event.

Individuals requiring special language services should, if possible, contact the Monroe County Government Title VI Coordinator at least seventy-two (72) hours prior to the date on which the services will be needed.

The meeting will be open to the public.



MONROE COUNTY PLAN COMMISSION ADMIN

Public Meeting

Date: July 5, 2022

CASE NUMBER	PROPOSED NAME	DETAIL
SSS-21-9	Rust Road Sliding Scale Subdivision	4-Lot Sliding Scale Subdivision Preliminary Plat

The Subdivision Control Ordinance shall be interpreted, administered and enforced in a manner that is consistent with Chapter 850-3.

RECOMMENDED MOTION	Denial	Planner: Drew Myers
<p><i>Recommended Motion Conditions or Reasoning:</i> <u>Deny</u> based on the finding that the proposed preliminary plat does not meet the Subdivision Control Ordinance, specifically Finding (C) and (D). <u>Deny</u> the Road Width Waiver based upon the findings of fact, as well as review and recommendation by the Highway Department and Monroe Fire Territory. PLAT COMMITTEE (March 24, 2022): Voted to forward this petition on to the Plan Commission with “no recommendation” by a vote of 2-0.</p>		

Waiver(s) Requested:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes:	Road Width Waiver
Waiver of Final Hearing Requested:	<input type="checkbox"/> N/A <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Plat Vacation:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Partial <input type="checkbox"/> Yes:	

PETITIONER	Todd Borgman, Smith Design Group Inc.	
OWNERS	Rhett Elliott	
ADDRESS	E Rust RD; 53-01-32-400-002.000-003, 53-01-33-200-006.000-003, 53-01-33-300-006.000-003, 53-01-33-300-007.000-003	
TOWNSHIP + SECTION	Benton North; 32 & 33	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	32.91	
	PETITION SITE	ADJACENT
ZONING	Forest Reserve (FR)	Forest Reserve (FR)
CDO ZONE	Farm and Forest	Farm and Forest
USE	Vacant / DNR Classified Forest	Residential; Vacant / DNR Classified Forest

SUMMARY

The petitioner is proposing a 4-lot Sliding Scale Subdivision with one waiver request for road width. East Rust Road measures 15' +/- in width, while Chapter 862(A)(5) requires 18' in width. The proposed lots will be serviced by septic systems. At the time of this report's publication, the property owner intends to provide water service to each of the lots via private cistern systems.

This petition was previously continued after being heard at the April 5, 2022 Plan Commission Administrative meeting at the petitioner's request. The petitioner wanted more time to consider his options with respect to the alternative option of a Type "E" Administrative Subdivision. The petitioner reconnected with Planning Staff to confirm his desire for this petition to move forward and expressed his interest in proceeding with the necessary road improvements as discussed in previous committee meetings. Planning Staff is currently working with the Highway Department to provide the petitioner

with detailed information on what would be expected with regards to the specific road improvement standards and timeline of when said improvements would need to be completed.

MEETING SCHEDULE

Plat Committee – March 24, 2022

Plan Commission Admin – April 5, 2022

Plan Commission Regular – April 19, 2022 (Continued)

Plan Commission Admin – July 5, 2022

Plan Commission Regular – July 19, 2022 (Preliminary Hearing – Waiver of Final Hearing Requested)

Plan Commission Admin – August 2, 2022

Plan Commission Regular – August 16, 2022 (Final Hearing)

DISCUSSION

Table 1 provides a summary of the lot configurations and requirements for the Rust Road Sliding Scale. The preliminary plat (Exhibit 3) provides more detail in regards to buildable area, site conditions, and lot dimensions. Sidewalks and street trees were not required for this subdivision.

A Construction Stormwater General Permit (CSGP) – formerly known as Rule 5 – is not required for this subdivision per recent updates by made by the Indiana Department of Environmental Management (IDEM) to the language on CSGP applicability. In short, if the subdivider makes no land improvements and only sells the lots, then they do not need to submit a Stormwater Pollution Prevention Plan (SWPPP) or a Notice of Intent (NOI). The individual(s) who purchases the lot(s) and build there must submit their own SWPPP and NOI, even if land disturbance is under one (1) acre.

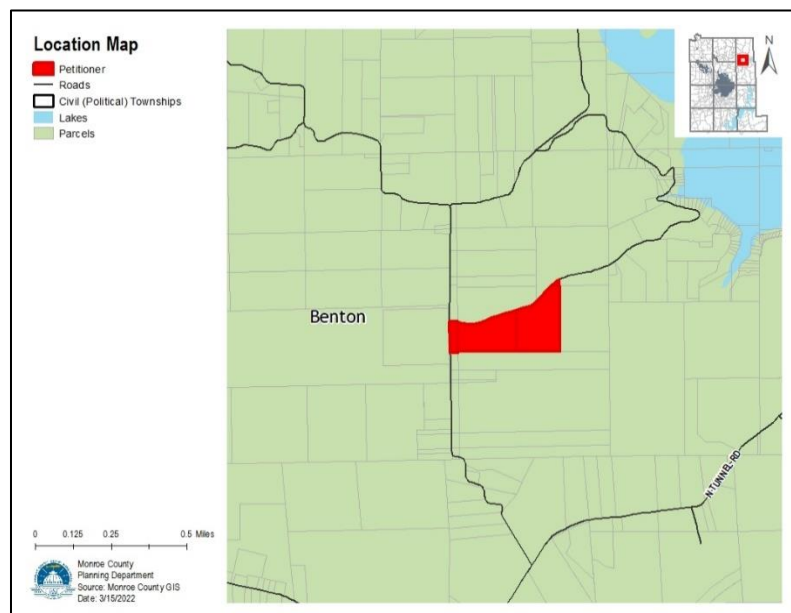






TABLE 1: Summary of Lot Configurations

	LOT 1	LOT 2	LOT 3 (Parent Parcel)	LOT 4
Acreage / Buildable Area (+/-)	3.298 / 1.016	2.544 / 1.528	21.269 / 4.295	3.824 / 1.006
Wastewater	Proposed Septic # WW-21-257	Proposed Septic # WW-21-258	Proposed Septic # WW-21-259	Proposed Septic # WW-21-260
Utility Access / Capacity	Water = private cisterns; potential B&B Water access in 2025			
Property Access	RW-21-389	RW-21-389	RW-21-389	RW-21-389
ROW Dedication; E Rust RD; Local N Shilo RD; Local	Yes = 25'	Yes = 25'	Yes = 25'	Yes = 25'
Environmental Conditions	Steep slopes / Drainage easements	Steep slopes / Drainage easements	Steep slopes / Drainage easements	Steep slopes
Existing Structure(s)	Vacant	Vacant	Vacant	Vacant

HIGHWAY COMMENTS:

	Paul Satterly	Remove Comment • Nov 2, 2021 at 2:52 pm
Call out the dedicated right of way including dimension for the dedicated right of way on Rust Road and Shilo Road.		
	Paul Satterly	Remove Comment • Apr 5, 2022 at 4:21 pm
The Highway Department cannot support a road width waiver for the existing width of Rust Road at this location. We recommend that the roadway be at least 16 ft. wide and paved along the frontage.		
	Drew Myers ✓	Remove Comment • Apr 11, 2022 at 4:03 pm
Hi Todd and Rhett -		
The Highway Department has communicated updated recommendations to Planning Staff for the Rust Road Sliding Scale Subdivision. The Highway Department recommends either one of the following:		
#1: Expand E Rust Road to 16' wide and pave along the frontage. Please note, if this recommendation is pursued, the Road Width Waiver must still receive approval from the Plan Commission.		
#2: Expand E Rust Road to 18' wide and pave along the frontage. Please note, if this recommendation is pursued, approval of the Road Width Waiver will no longer be necessary.		
Overall, the width of 18' is a <i>standard</i> of Chapter 862 for Sliding Scale Subdivisions. The paving of E Rust Road is a <i>recommendation</i> made by the Highway Department. If the road is paved, the County requires a 6.5" asphalt pavement section on 6" of No. 53 compacted aggregate base. The existing gravel road can serve as the aggregate base but any widening would need to have new base material.		

STORMWATER COMMENTS:

	Kelsey Thetonia	Remove Comment • Nov 29, 2021 at 11:44 am
<u>Rust Road Sliding Scale Subdivision - Stormwater Comments</u>		
- Drainage Easements: Please provide 100' Drainage Easements centered on the flowlines, see attached exhibit.		
- Stormwater Permit Coverage: Development of this subdivision will require coverage under 327 IAC 15-5 (Rule 5). Please submit a SWPPP, including individual lot erosion control plans.		
- Drainage and Water Quality: Minor subdivision, 4 lots, does not require post-construction detention or water quality treatment. Not located in a critical drainage area.		
- Karst: No apparent sinkhole concerns, based on desktop review.		

MONROE FIRE TERRITORY COMMENTS:



Rusty Clark

Remove Comment • Apr 11, 2022 at 5:49 pm

Thank you for adding me Drew. Here is one thing to keep in mind. If we respond to this area with a fire, hauling 2,000 gallons on water in the event of a fire. The water alone weighs roughly 16,600 pounds. This pushes the weight of the truck well up over 25,000 pounds. I do understand cisterns and water lines and the importance of not running over them. I also know it take a substantial road to support the weights we as the Fire Department work with. We also have a few trucks that are almost 12 feet wide.

I really feel at least 16' would be necessary. Most definitely, I would rather see 18'. Small neighborhoods don't normally check with us at the Fire Department - this causes us not to be able to get to some of the houses.

With weather that we are having right now in this area. The gravel drives and road we travel down when necessary - do suffer a little damage. This would lead me to suggest for Fire Protection purposes, the road should be 18' feet wide and paved. With not being able to get a good water source we will rely heavily on tankers for water. These are some of our larger apparatus.



Rusty Clark

Remove Comment • Apr 12, 2022 at 8:27 am

Hello, I have been doing some checking on our responses to this area. The Fire District does have a couple of trucks that are closer to 40,000 pounds that do respond in this area for water supply (Tankers).

COMPREHENSIVE PLAN

The petition site is located within the Farm and Forest Comprehensive Plan designation, which states:

Farm and Forest

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential category. These natural features provide a low density residential option while protecting the lakes and the water supply resources of the County. The Farm and Forest areas comprise most of the Vulnerable Land in Monroe County.

A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

In reviewing rezoning, subdivision and site development proposals, the County Plan Commission shall consider the following:

- Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.
- New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.
- Low density residential opportunities and their associated lifestyle are scarce resources that

are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

To maintain Farm and Forest property use opportunities an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential units sharing the same ingress/egress onto a County or state roadways shall not occur on rural property in this category. All property subdivided in this category must provide for adequate contiguous Resilient Land to support either two independent conventional septic fields or one replaceable mound system, sufficient space for buildings traditionally associated with this type use must also be available. In addition, public roadways shall not experience less than the Monroe County Level of Service standard designation which exists at the time this Plan is adopted as a result of subdivision. Roadways classified as state Highways, major collectors, or local arterials are exempt from this requirement.

EXHIBITS - <i>Immediately following report</i>

1. County Slope Map
2. Site Photos
3. Rust Road Sliding Scale Subdivision Preliminary Plat
4. Petitioner Findings for Waiver(s)
5. Petitioner Submittals Regarding Water Service
6. Staff Findings of Fact for Subdivision and Road Width Waiver
7. Letters from Neighbors/Public

EXHIBIT 1: County Slope Map

Slope Map

- Local Roads [50']
- ▭ Petitioner
- ▭ Parcels
- 10-Foot Contours

15% Slope (2010)

- ▭ 0 - 15
- ▭ > 15
- Hydrologic Features

PARCEL #:

53-01-32-400-002.000-003;
 53-01-33-200-006.000-003;
 53-01-33-300-006.000-003;
 53-01-33-300-007.000-003

NOTE:

Areas > 15% slope are classified as nonbuildable area per Chapter 804.

0 100 200 400 600 Ft



Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 3/16/2022

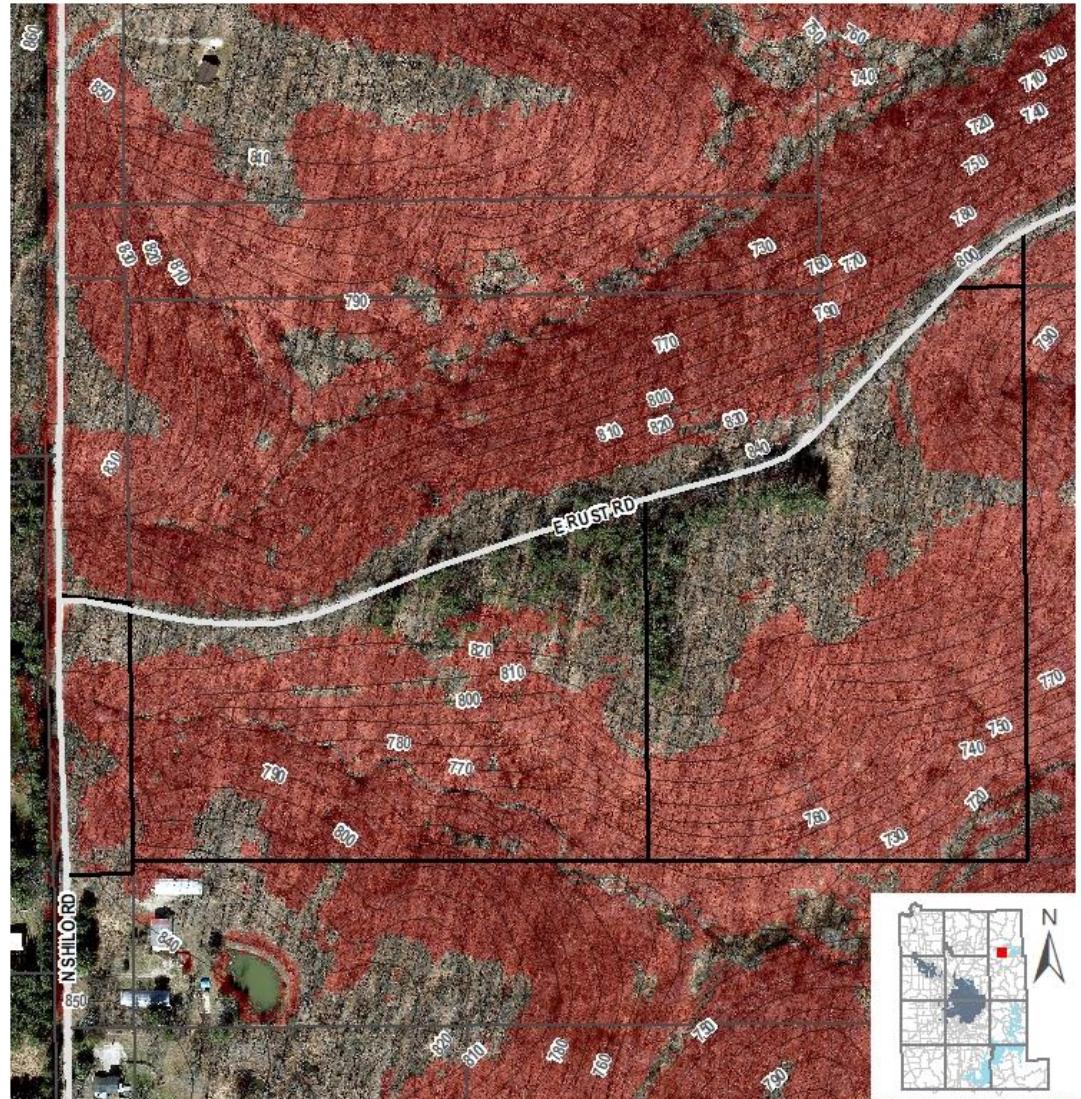


EXHIBIT 2: Site Photos



Photo 1: N Shilo RD – facing north



Photo 2: N Shilo RD – facing south

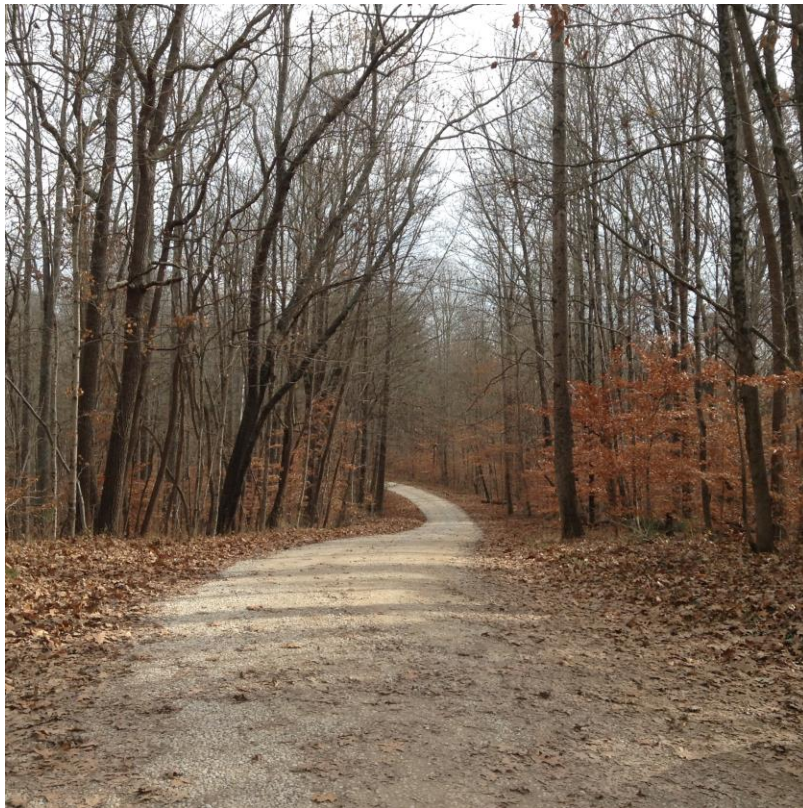


Photo 3: E Rust RD – facing east at intersection



Photo 4: E Rust RD – facing west towards N Shilo RD intersection



Photo 5: E Rust RD – facing east (lot 1 marker)



Photo 6: E Rust RD – facing south (lot 1 marker)



Photo 7: E Rust RD – facing east (lot 1-2 marker)



Photo 8: E Rust RD – facing south (lot 1-2 marker)



Photo 9: E Rust RD – facing east (lot 2-3 marker)



Photo 10: E Rust RD – facing south (lot 2-3 marker)



Photo 11: E Rust RD – facing east (lot 3-4 marker)



Photo 12: E Rust RD – facing south (proposed lot 3)



Photo 13: E Rust RD – facing north (proposed lot 3)

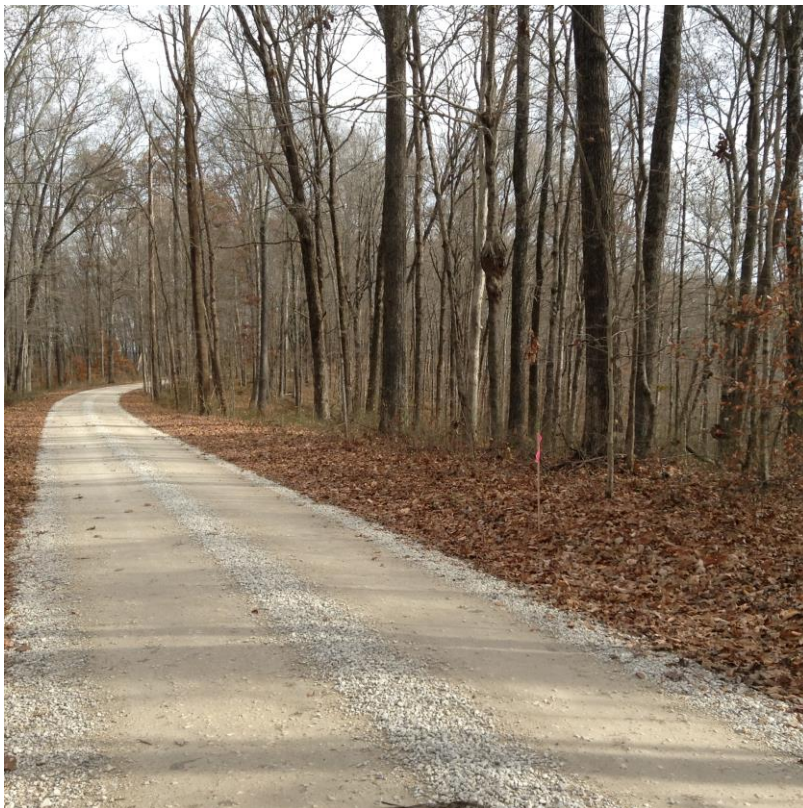


Photo 14: E Rust RD – facing northeast (lot 4 marker)

EXHIBIT 3: Rust Road Sliding Scale Subdivision Preliminary Plat

DATED OCTOBER 6, 2021

TODD M. BORGMAN
REGISTERED LAND SURVEYOR NO. 21200021
STATE OF INDIANA

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. (TODD BORGMAN)

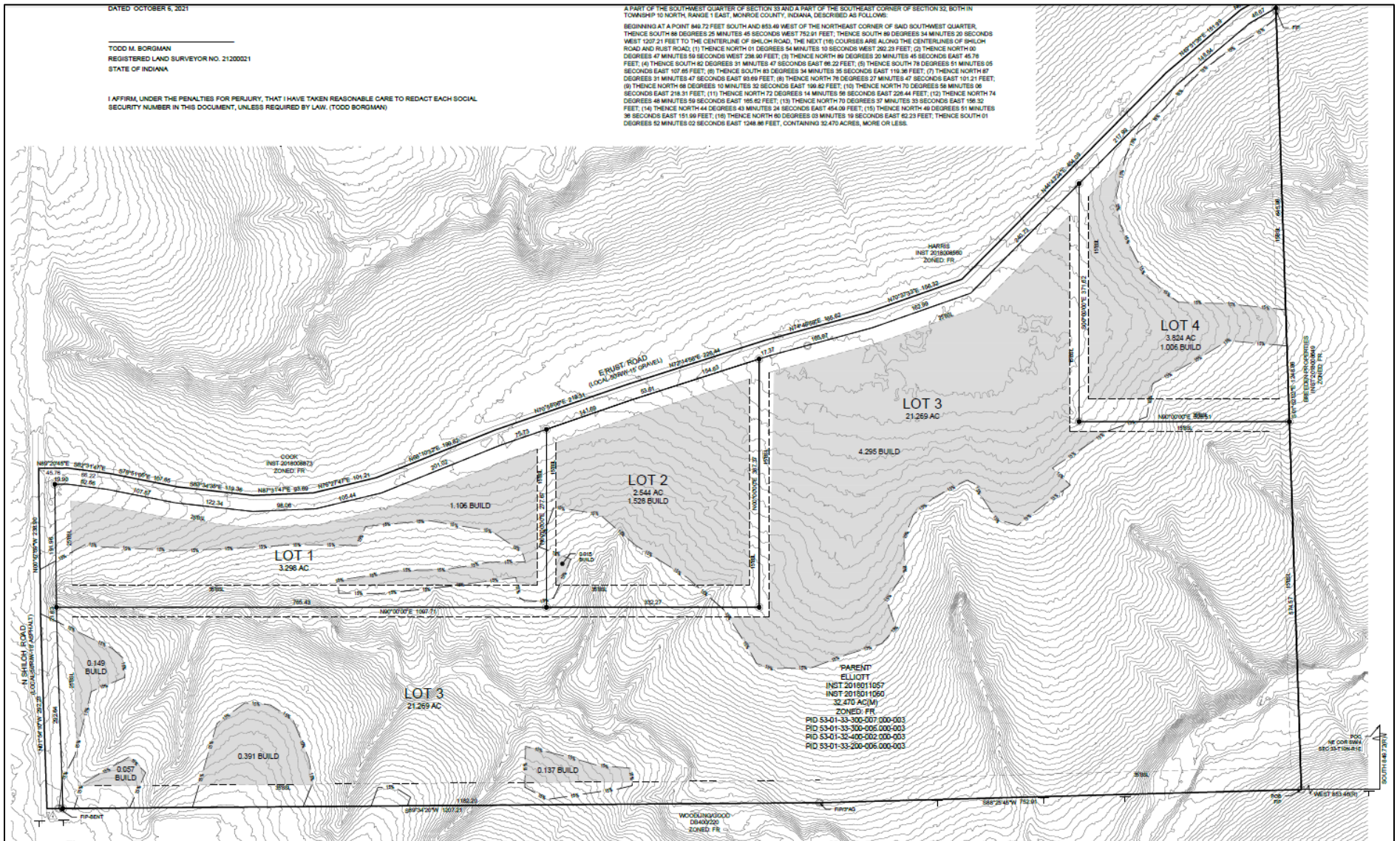
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EXHIBIT 4: Petitioner Findings for Road Width Waiver

October 9, 2021

TO: Monroe County Planning Department

FROM: Rhett Elliott, Petitioner (Todd Borgman)

RE: Rust Road Sliding Scale Subdivision, Request for Waiver of 862 (A)(5)

- 1) Rust Road is currently 15'+/- in width. Chapter 862 (A)(5) requires 18' in width.

If additional information is needed or there are any questions, please contact me at tborgman@smithdginc.com 812-336-6536.

(Submitted on behalf of the petitioners, by Todd Borgman)

EXHIBIT 5: Petitioner Submittals for Water Service

**B&B Water
6023 East State Road 45
Bloomington, Indiana 47408**

January 19, 2022

Rhett Elliott
1241 W. Church Lane, Apt. B
Bloomington, IN 47403

Dear Mr. Elliott:

Our system engineer presented the results of their recent testing at last night's Board Meeting. Based upon those results, we had to deny your application due the fact that we do not have adequate capacity to provide you with water at your property located on Rust Road.

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D Sharp', written over the printed name.

David Sharp
Secretary, B&B Water Board

**B&B Water
6023 East State Road 45
Bloomington, Indiana 47408**

March 16, 2022

Rhett Elliot
1241 W. Church Lane, Apt. B
Bloomington, IN 47403

Dear Mr. Elliot:

As per our discussion at last night's board meeting, upgrading the water main on Shilo Road is part of B&B's long-term capital improvement plan. At the present time, Shilo is our third priority, after Bethel Lane and Mt. Gilead Road. The soonest projected date to begin work on Shilo is 2025.

And let me stress "the soonest." This projection is completely dependent upon State approval of rate increases and other funding availability. It also assumes that there won't be unforeseen factors which necessitate work on other parts of our system before Shilo Road.

Please let me know if you have further questions.

Sincerely,

David Sharp
Secretary, B&B Water Board



To: Rhett Elliott
From: Kristi Cox
Date: March 7, 2022
Subject: Groundwater Evaluation

As requested by Rhett Elliott, the groundwater conditions around the area have been evaluated.

Surface Elevation: ~750-840 ft

Location: Shiloh Rd and Rust Rd, Uniontown, IN
Township 10N Range 1E, Section 33, SW Quadrants

Problem: Groundwater evaluation for available water on property

General Hydrogeologic conditions:

There are very few bedrock wells near the property. The closest are approximately 1 mile away, close to Lake Lemon. The wells in the area range in depth from 66 ft to 120 ft, mostly all over 100 ft. We do not have any data indicating whether or not the groundwater availability extends away from this area.

You can find more details on wells by visiting our Water Well Viewer on the DNR Water website:

<https://www.in.gov/dnr/water/ground-water-wells/water-well-record-database/>

The Potentiometric Surface Map (PSM) of Monroe County shows an area of "No Aquifer Material or Limited Data". This map can be viewed at:

https://www.in.gov/dnr/water/files/68_Monroe_County_BED_PSM_map.pdf

The Bedrock Aquifer Map of Monroe County shows the bedrock units present are part of the Mississippian Borden Group Aquifer System. This is mostly a siltstone and shale system with some discontinuous interbedded limestone. This system is generally not very productive and only used when there is no overlying, unconsolidated aquifer. Many wells in this system can produce sufficient water for domestic use by increasing the storage of the well. Large diameter, deep wells in this system have reported 1-7 gallons per minute pump test rate. For a more detailed description of this aquifer, please visit the following webpage:

https://www.in.gov/dnr/water/files/monroe_bedrock.pdf

The PDFs of the PSM map and the Bedrock Aquifers will be attached.

Without having sufficient and more recent data, current conditions cannot be guaranteed. It is difficult to say whether the lack of data in the immediate vicinity of the property is related to lack of groundwater availability or simply lack of development. Aside from this data, discussions with nearby neighbors and local water well drillers may provide additional information.

EXHIBIT 6: FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

(A) *To protect and provide for the public health, safety, and general welfare of the County.*

Findings

- The petition site consists of four parcels totaling 32.91 +/- acres;
- The petition site is not in a platted subdivision;
- The site is currently zoned Forest Reserve (FR);
- Approval of the subdivision would result in four (4) lots that exceed the minimum lot dimension requirements for the Forest Reserve (FR) Zoning District;
- Approval of the subdivision would result in Lot 1 = 3.298 acres, Lot 2 = 2.544 acres, Lot 3 (parent parcel) = 21.269 acres, and Lot 4 = 3.824 acres;
- The proposed use in the subdivision is residential;
- Each lot will be serviced by a private septic system;
- Each lot will receive water via a private cistern;

(B) *To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.*

Findings

- See findings under Section (A);
- The Comprehensive Plan designates the site as Farm and Forest, which is described in this report;

(C) *To provide for the safety, comfort, and soundness of the built environment and related open spaces.*

Findings

- See findings under Section (A);
- The surrounding uses are primarily agricultural and residential in nature;
- The entirety of the property is currently designated as DNR Classified Forest;
- The property maintains frontage along N Shilo Road (Lot 1) and E Rust Road (Lot 1-4);
- The proposed subdivision is meeting the Monroe County Zoning Ordinance's Buildable Area requirement;
- E Rust Road is not built to INDOT standards;
- E Rust Road does not meet the requirements of Chapter 862-4(A)(5);
- Chapter 862-4(A)(5) can only be waived by the Plan Commission if the applicant meets the modifications findings per Chapter 850-12;

(D) *To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.*

Findings

- See findings under Section (A) & (C);
- The adjoining properties are zoned Forest Reserve (FR);
- N Shilo Road is classified as a "Local Road" per the Monroe County Thoroughfare Plan;
- E Rust Road is classified as a "Local Road" per the Monroe County Thoroughfare Plan;

(E) *To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas*

subject to environmental constraints, both during and after development).

Findings

- See findings under Sections (A), (C), and (D);
- A Road Width Waiver has been requested with this petition;
- There are no visible karst features on the property;
- There is no floodplain on the property;
- The entire property is designated DNR Classified Forest;
- Drainage easements were requested on the plat per recommendation from the MS4 Coordinator;

(F) *To provide proper land boundary records, i.e.:*

(1) to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

Findings:

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.

(2) to provide for the identification of property; and,

Findings:

- The petitioner submitted a survey with correct references, to township, section, and range to locate the parcel. The petitioner has provided staff with a copy the recorded deed of the petition site;

(3) to provide public access to land boundary records.

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded;

FINDINGS OF FACT – WAIVER OF ROAD WIDTH REQUIREMENT

The petitioner has requested a waiver from the *Improvement, Reservation and Design Standards* outlined in 862-4 (A) (General design considerations for Sliding Scale Option), which reads:

(5) Subdivisions on roads less than 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12.

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- Note Exhibit 4 for Petitioner Submitted Finding;
- The site gains access from E Rust Road, a designated Local Road;
- E Rust Road is currently a gravel road;
- E Rust Road is measured by surveyor as 15 feet (+/-) wide;
- The petition site has approximately 2,150’ of frontage along E Rust Road;
- The existing road serves multiple properties to the east of the petition site, as well as the proposed petition site;
- E Rust Road intersects perpendicularly with N Shilo Road at the western end of the proposed subdivision;
- E Rust Road extends until it is met by N John Young RD, which continues north along western side of Lake Lemon;
- The existing and proposed driveway entrances to the petition site are to be coordinated with the Highway Department to meet safety standards;
- The petitioner did submit findings for the waivers (Exhibit 4);
- Per the Subdivision Control Ordinance, “Practical Difficulty” is defined as:
 - *Significant economic injury that: (1) arises from the strict application of the Subdivision Control Ordinance to the conditions of a particular, existing parcel of property; (2) is not as significant as the injury associated with hardship, that is, it does not deprive the parcel owner of all reasonable economic use of the parcel; yet, (3) is clearly more significant than compliance cost.*
- The applicant does not meet all three (3) criteria for proving a practical difficulty. Specifically, the applicant does not meet item number two because they have at least one lot of record that could be utilized for a residence under the Zoning Ordinance;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See findings under Section 1;
- Net density of 4 dwelling units per approximately 32+ acres is consistent with the Comprehensive Plan’s Farm and Forest designation and the Forest Reserve (FR) Zoning District;

3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):

Findings:

- See findings under Section 1;
- Result of subdivision would appear to have no substantive impact on Level of Service (LOS) for the subject road/area;
- The Monroe County Highway Department has requested the roadway be at least 16 feet and paved;
- See the findings submitted by the petitioner (Exhibit 4);

4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;

Findings:

- See findings under Section 1;

5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;

Findings:

- See findings under Section 1;
- All property owners on E Rust Road would face the same practical difficulty pertaining to road width in seeking to subdivide via the Sliding Scale Subdivision method;

6. Granting the requested modifications would not contravene the policies and purposes of these regulations;

Findings:

- See findings under Section 1, 2, and 3;

7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;

Findings:

- See findings under Section 1;

8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,

Findings:

- See findings under Section 1;
- E Rust Road is a public road in its current condition maintained by the County for the entire frontage of this subdivision;
- The road was not constructed by the petitioner or as part of a prior subdivision or development;

9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

- See findings under Section 1;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

EXHIBIT 7: Letters from Neighbors/Public

To: [Drew Myers](#)
Subject: SSS-21-9
Date: Thursday, January 20, 2022 6:34:52 AM

Pursuant to petition SSS-21-9:

E. Rust Road is currently a one lane gravel road wide enough for a single vehicle to traverse in one direction at a time. The intersection with Shilo Rd when traveling west on Rust Rd is at the top of a rise and comes up as a surprise if a vehicle operator is not familiar with the road. In the past vehicles have nosed into the west bank of Shilo Rd failing to stop in time. The site lines of the intersection are blocked by vegetation in each direction creating a hazard when turning onto Shilo Rd from Rust Rd. The gravel surface of Rust Rd creates a dust cloud as vehicles traverse the road. The dust cloud is carried to the adjacent properties, especially when the leaves are down. Rain causes silt from the gravel road to migrate into the streams feeding Rapid Creek and then Lemon Lake due to the poor road drainage.

The plat for this petition indicates building sites for four structures. I understand the builder will be Loren Woods, indicating these houses will be large and upscale, so it is reasonable to assume at least two vehicles per house and a doubling of traffic on Rust Rd.

It should be required that Rust Rd be brought up to current standards with a 24' paved surface, proper drainage and signage to allow vehicles to pass in both directions, mitigate the translocation of soil, allow access for emergency vehicles, and create proper site lines at the intersection of Shilo Rd.

I share a property line with the entire south line of Mr. Elliot's proposed sub-division. I am not opposed to the construction of the houses, but I do encourage the planning commission to insist on the upgrades to Rust Rd for safety and environmental reasons.

Robert Woodling
7092 N. Shilo Rd
Unionville, IN 47468

To: [Drew Myers](#)
Subject: Rust Road Case SSS-21-9
Date: Wednesday, March 9, 2022 5:34:19 PM
Attachments: [IMG-6235.MOV](#)

To Monroe County Plan Commission:

Our family has owned property at 7797 N John Young Rd for over 50 years. We have lived full time here since 2007. Our road connects with Rust Road to make a loop with Shilo so we pass by the Rust Road property almost every day.

Rust Road was originally known as Sassafras Patch Road and that was the perfect name for the small country lane it was, framed by forest all around and nature. At some point a decision was made to rename it Rust Road.

We are happy to have new neighbors and we hope they will love the scenery as much as we do. We believe the best way for this to happen is keep it natural. We are happy with gravel because cars tend to go slower with more caution.

We are concerned about trucks widening the road in a de facto way by driving wide, making ruts, passing each other, driving or backing over native vegetation. This area was shaped by nature for hundreds of years and we want the developer to repair any damage they do.

We also do not want any kind of hard structure such as an entry gate or sculpture designating a neighborhood. This is Rust Road pure and simple. It doesn't need some fancy announcement or sign.

We are also concerned about how trees are protected. Over the years we have seen people buy beautiful forested pieces of land and clear cut it. We understand trees will have to be removed for the residences, driveways and septic systems, but we ask that the planning commission require minimal tree removal and planting of new hardwood trees for the ones lost.

Every trip on Rust Road is a delight in all seasons. We have included some of the many photos we are inspired to take. The Tom turkey in full display with the two hens is a favorite. We will also be happy to help in any way so that the Rust Road Development will be a great example for others.

Macklin and Susan Thomas

Rust Road development

I am writing this so that you will know what our feelings are regarding a development on Rust Road. I feel that the owner of this property has the right to build homes. I am concerned about the extra traffic on a road that is narrow and not totally maintained by the county. I have seen other roads where somebody has developed homes and taken out many trees. This loses the integrity of the woods. We bought our property in 1980. John Young Rd is our legal home address for nine months a year. Rust Road is our access to our property. Because of the narrow road, we and other residents have had damage to our mailboxes from construction traffic on another houses in the area.

I would like to have the homes build with limited tree removal and limited road changes.

I am including a 21 second video of 360° rust road to show the beautiful nature we enjoy. We walk this road for exercise several times a week.

Please consider impact of this development of Rust Road on the rest of the neighborhood.

Thank you for your consideration.

Dr. J K. Winckelbach
Susan Winckelbach
7793 N John Young Rd
Unionville, In 47468

Link to 21 second video: <https://www.youtube.com/watch?v=vpwGMUdLYTo>

**JESSIE A. COOK
ATTORNEY AT LAW
Criminal Defense
State and Federal Courts**

**1512 North Delaware Street
Indianapolis, Indiana 46202
jessieacook@icloud.com**

**812-232-4634 Tel.
812-239-4575 Cell**

March 23, 2022

Monroe County Planning Commission
via email to dmyers@co.monroe.in.us

Re: Rust Road Case No. SSS 21-9

Dear Members of the Plan Commission:

My husband, Steve Dillon, and I reside at 6843 East Rust Road, Unionville. Ours is the only house on the left side of Rust Road. We have lived in this residence, full-time, for more than twenty years and we own approximately 62 acres of land in the immediate area.

We own a twenty-four acre parcel of wooded land on Rust Road which lies immediately across the road from the proposed subdivision construction site. We adamantly object to the proposed construction for four specific reasons.

1. Rust Road is an undeveloped gravel road which is poorly maintained. Monroe County grades and gravels approximately two-thirds of the road from the Shilo Road entrance and does so once or twice a year. There is never any County assistance with snow removal. This portion of the road usually has multiple potholes, floods after a heavy rain and is sometimes nearly impassable after a snowfall.

The remaining one-third of the road is maintained by neighbors who grade and gravel portions of it at their own expense. If snow is removed, it is done by neighbors with a snowplow.

Rust Road cannot accommodate heavy construction traffic. Such traffic will destroy the road, increase the potholes, and likely cause permanent damage to portions of the road not maintained by the County. Moreover, construction equipment will require an area within which to turn

around. If the builder contemplates doing so at the end of Rust Road, where there is a wider space, they will be encroaching on, and damaging, private property as we own the area at the end of the road. We will not allow permission for construction vehicles, construction equipment or other private vehicles to use this area as a turn-around site.

2. We own the 24-acre parcel of wooded land that runs from Shilo Road down Rust Road opposite the proposed construction site and opposite the first two house sites and the common area. The road in this area varies from 11 feet to 12 feet in width. This is currently not large enough for two SUVs to pass one another and is wholly insufficient to accommodate construction equipment and a passenger car. Such traffic will have to run over the edge of the road on one side or another. We will not permit damage to our property from equipment which drives over the edge of the road onto our property or which forces other vehicles to do so.

The housing sites propose that driveways will enter directly onto Rust Road. This means that construction equipment will need to back up onto Rust Road in order to enter the planned driveways at a ninety-degree angle. We will not permit construction equipment to back up onto and trespass on our land as heavy equipment will inevitably damage the roadside and our property.

3. The entrance to Shilo Road from Rust Road is a dangerous intersection. The view to the left from Rust Road onto Shilo Road is partially blocked by a rise in the landscape. If there is going to be more traffic on the road, this area will have to be graded and repaired. The last owner logged the area and left both dead and damaged trees standing and on the ground. This is unsightly and poor conservation and should be remedied. One of the local residents already had a serious accident at this site and we do not want to see new residents and/or construction equipment involved in future accidents.

4. Finally, as you may know, Rust Road and the land adjoining Rust Road is a lovely and natural area. The land is home to white tailed deer, red fox, wild turkeys, raccoons, five species of woodpeckers, several species of hawks, bats, at least three species of owls and scores of different types of songbirds. We are interested in maintaining the natural beauty of the land as well as being able to provide a home to the wildlife. Considerable damage was done by recent logging by the former owners and the residents along Rust Road are currently trying to remove dead trees and clean up the area to

restore its beauty and integrity. While we respect the fact that the new owners have a right to develop their property – within certain boundaries and subject to certain restrictions – we will certainly object to development that poses a hazard to the land and to local wildlife. The new owner is currently dumping plastic sheeting and a dirt and gravel mix on the “staging area” which is unsightly and could introduce invasive species to the area.

We welcome responsible neighbors, but do not want to witness the destruction of this lovely area or the further deterioration of Rust Road and the adjacent properties.

Sincerely,

Jessie A. Cook and Stephen W. Dillon

6843 East Rust Road

Unionville, IN 47468

812-333-3037

jessieacook@icloud.com

April 4, 2022

In response to:

Rust Road Sliding Scale Subdivision (case #: SSS-221-9)

To whom it may concern:

I'm a resident at the very end of Rust Road and am responding with concerns regarding the proposed development. I appreciate you reviewing my concerns in opposition to allowing additional development on Rust Rd.

My concerns are as follows (and further detailed below):

1. Road traffic would provide unsafe conditions for kids boarding and leaving the school bus
 2. Road isn't large enough to handle more traffic and would be unsafe for pedestrians
 3. All proposed lots are not at least 5 acres.
 4. Property tax increases
 5. Not enough water to supply additional development
 6. Aesthetic appeal of Rust Rd. would be soured with additional development
 7. Additional development would displace wildlife and could impact and even displace sensitive species.
 8. Additional septic systems could lead to increased nutrient loading into the watershed (Rapid Creek), which flows through my property.
-
1. The school bus does not travel down Rust Rd. The pick up location is at the junction of Rust Rd. and Shilo Rd. Therefore, my kid has to board the bus at the junction. Additional development would more than double the traffic on Rust Rd and create major safety risks for my kid waiting for the school bus. Safety risks would be from the increased traffic of the residents of the proposed development and the traffic associated with construction. At current, the additional traffic on Rust Rd. is an unacceptable risk to my family. The only alternative would be to significantly widen (and maintain) the road enough for my kid and my neighbors' kids to be able to board the bus at the end of our current driveway locations. Rust Road is by no means wide enough for the school bus to safely travel down.
 2. Rust Road is a single lane road, in which you must pull off the side to allow any vehicles to pass. The road is barely maintained enough for the current traffic. Maintenance is minimal at best. Additional traffic would cause the road to degrade even faster. Additionally, most of the people that live on Rust Road also enjoy walking on it. It's currently a safe place for my kid to ride his bike too. The increased traffic would create safety concerns for other drivers and pedestrians. Since this would only be a concern if these houses are built, the developer must pay for all road improvements and maintenance, perpetually.
 3. The proposed subdivision is divided into parcels smaller than 5 acres. This goes against all building code that everyone else (in the county) has to abide by.

4. Property taxes would likely increase from this development. No one on Rust Road currently wants their taxes to increase, especially from a development that wasn't wanted to begin with.
5. Water is a major issue to myself and my fellow neighbors on Rust Road. It took me 6 months and several meetings (and water readings) with B&B Water before I was granted access to connect to the line coming down Rust Rd. B&B informed me that the volume of water was the primary concern and that I would be the very last person to hook up to the line. The addition of any more houses on the Rust Rd. waterline could severely impact my water supply, especially since I am at the end of the line. The line is not large enough to support any additional houses. Sacrificing my water supply should not be an option.
6. Rust Road is a beautiful, wooded drive to our homes. We want to keep it that way and not ruin the aesthetic appeal with more development.
7. Indiana is home to federally endangered species as well as several state listed species. These forests are home to the federally endangered Indiana bat, northern long-eared bat (proposed for endangered status listing), little brown bat (under federal listing review) and tricolored bat (under federal listing review). Additionally, the state endangered evening bat may also use these forests. Development and timber clearing could remove suitable roost trees that could serve as maternity colonies for these species. Many other forest species may become displaced with increased forest fragmentation and disturbance from added development.
8. Additional septic systems could lead to increased nutrient loading into the watershed (Rapid Creek), which flows through my property. The creek is something my family thoroughly enjoy, as it provides unique fish species and fossil finding opportunities. Run off from additional development could lead to added sedimentation, reducing fish species richness and hindering the aesthetic appeal of the clean flowing stream.

I am not the only one that expresses concern for the proposed development on Rust Rd. My greatest concern revolves around the safety of my family and my neighbors. Please take our concerns into consideration and put yourselves in our shoes.

Thank you.

Sincerely,

Aaron McAlexander

6884 East Rust Rd.

Unionville, Indiana

April 9, 2022

Sharrett Manasco Brummet

6820 E. Rust Rd

Unionville, IN 47468

RE: Rust Rd Case SSS-221-9

Dear Mr. Myers,

I am a resident at 6820 E. Rust Rd and am writing in **opposition** to the proposed development in the sliding scale subdivision case **SSS-221-9**.

I have been a resident on Rust Rd. for 22 years, and have thoroughly enjoyed the quiet serenity, the nature, and the beauty that our area presents. The development proposed would destroy the very reason why myself and my neighbors chose to live in this area. It is to my understanding that the area for proposed development was historically designated as a natural area (i.e., nature preserve). This designation would preclude development.

This development also raises safety concerns. I am disabled, legally blind, with advanced glaucoma and am worried about the increased traffic from residences and added construction on the road. The proposed development would be a hazard to my personal well-being. Rust Road is small and traffic is limited at the moment.

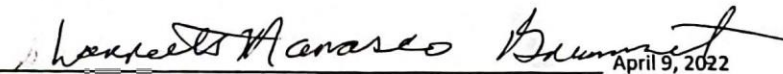
Lastly, I am near the end of the water line. There simply isn't enough water to support more development.

I hope that you take my concerns into consideration and prevent any further development on our nice country road.

Thank you,

Sharrett Manasco Brummet

The letter drafted by Aaron McAlexander on behalf of his neighbor, Sharrett Manasco Brummet. Sharrett's signature is below, in approval of this message and in granting Mr. McAlexander permission to submit this letter to the planning department upon her request.


April 9, 2022

Scanned with CamScanner

**Aaron & Carissa Breeden
6770 East Rust Road Unionville IN 47468
Cell: 812-929-1968**

To Whom It May Concern:

Rust Road Case No. SSS 221-9

Our residence is located on Rust Road and we have lived here for more than 20 years. We own approximately 100 + acres of land in the immediate area, with 30 acres bordering the proposed subdivision. I am opposed to allowing additional development on Rust Road.

My concerns are as follows:

1. There are only a few homes on Rust Road. This development would almost double the houses and traffic on this narrow, gravel, and minimally maintained road. An increase in traffic on this road would create safety concerns for my children, pets, and other neighbors as we currently live on a quiet road that we enjoy walking on.
2. The road and area around us would be changed forever from a construction project like this. Development and timber clearing will disrupt many animals that call this area home. A development like this will have a significant environmental impact.
3. There is currently not enough water supply to support additional development. Our water pressure already has issues. With the addition of more homes on Rust Road our water supply will suffer.
4. We own a lot on Lake Lemon waterfront, just down the road on the same water source. They are telling me there is not enough volume for additional taps.

Please take into consideration our concerns with this unwanted development.

Sincerely,

Aaron Breeden
6770 E Rust Rd
Unionville, In

CASE NUMBER	PUD-22-3
PLANNER	Jackie Nester Jelen, AICP
PETITIONER	3051 S Sare Rd c/o Smith Design Group
REQUEST	The Lakes (Verona Park) Phase 2A Development Plan Amendment 1 to Common Area A Waiver of Final Hearing Requested
ADDRESS	S Constance Ave 53-08-14-200-020.000-008
ACRES	0.31 +/-
ZONE	Lakes Neighborhood PUD (Verona Park PUD)
TOWNSHIP	Perry
SECTION	14
PLATS	Lakes Neighborhood Phase IIA / Verona Park
COMP PLAN	MCUA Phase I: Mixed Residential
DESIGNATION	MCUA Phase II: N1 Urban Infill Neighborhood

EXHIBITS

1. Petitioner Letter
2. Approved PUD Development Plan
3. As-built PUD Development Plan of Common Area A
4. Letter of Deficiency – Common Area A

RECOMMENDATION

The staff recommends **approval** of the Lakes Neighborhood PUD Development Plan Amendment based on the findings of fact and subject to the MS4 Coordinator and Highway Engineer reports.

SUMMARY

The petitioner is seeking approval of a (PUD) Development Plan Amendment in order to allow for the build-out of Common Area A to remain as shown in Exhibit 3. The differences in the plans that were approved and the common area that was constructed comes down to the design differences in terms of the materials, the elevations, and the measurements. However, the changes result in an increase in water storage capacity per the petitioner's engineer. The site was originally designed to contain 18,463 CF and instead was built to contain 19,229 CF. The original design did include a Stormwater report that was reviewed and approved by the prior MS4 Coordinator, Terry Quillman.

Per the PUD Ordinance, a development plan amendment is required due to the changes in the Common Area A Drainage Pond –

811-7. Changes in the Planned Unit Development

(B) Changes Requiring New Development Plan Approval. These changes shall include the following:

- (1) Changes in lot arrangement, or addition of buildable lots which do not change approved density of the development;*

(2) Changes in site design requirements, such as location of required landscaping, signage, building height, cube and/or footprint, or other such requirements of this ordinance;

(3) Changes to the internal street system or off-street parking areas;

(4) Changes in drainage management structures;

(5) Changes in access to the development site, where such change amounts to an intensification in the traffic patterns of roadways of classification higher than local; and/or

(6) All other changes not expressly addressed under Section (A) shall require new Development Plan approval.

Since the PUD Ordinance requires all development plans to be approved at the Plan Commission level, this request is on the agenda for the Plan Commission to review.

HISTORY

The petitioner received outline plan and subdivision approval in 2019 for this property. They submitted a development plan for Plan Commission review, and it was approved in May of 2020. The Common Area A was built utilizing a different design, and therefore, requires a development plan amendment.

The Common Area was primarily installed during the summer of 2021, but was not meeting all of the development plan requirements. As such, the Planning Department put together a Deficiency Letter outlining the pathway forward to the applicant (See Exhibit 5) before a Land Use Certificate for the 8-unit townhome could be issued. Since that time, the applicant has made progress on Common Area A to come closer to conformity with the original plans approved. However, the applicant is now asking for a development plan amendment to make the current as-built the updated, approved plans on file.

STORMWATER COMMENTS



Kelsey Thetonia

[Remove Comment](#) • Jun 14, 2022 at 12:20 pm

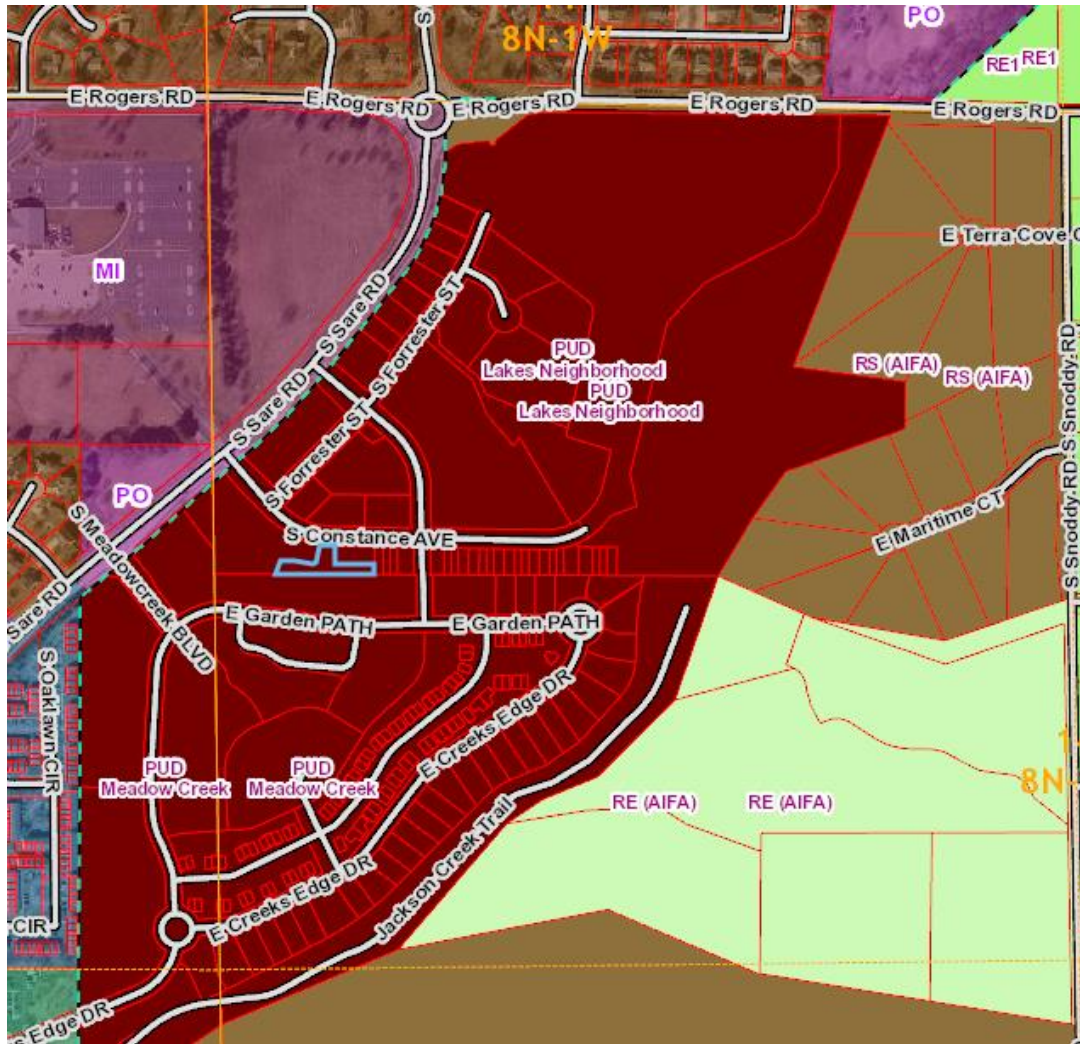
Verona Neighborhood, Common Area A Pond:

I don't have any concerns with the change to the configuration of the mill block around the pond, or the increased storage volume. Erica Penna will be working with them to finish the pond and address remaining erosion control items.

Erica Penna, Stormwater Inspector, also inspected the site and met with the contractor with Stanger Excavating. Erica addressed any site erosion control concerns she had in a report on 4/20/2022. Since the 4/20/2022, the site appears to be stabilized.

LOCATION

The petition parcel is located on the south side of S Constance Avenue and east of S Sare Road. The neighboring zones include city-zoned residential areas to the northwest, and county zoned Residential Estate (RE), Planned Unit Development (PUD) and Single Dwelling Residential (RS) to the southeast.



SITE CONDITIONS/INFRASTRUCTURE

The Lakes site is bordered by Rogers Road to the north, designated as a major collector and Sare Road to the west, designated as a minor arterial. To the east, the site is bordered by Jackson Creek, which includes areas within the FEMA floodplain. There are two creeks on the property. Meadow Creek Apartments border the site to the south.

PHOTOS



Photo 1. Facing southeast near S Constance



Photo 2. Facing east in the detention basin area



Photo 3. Facing northwest towards S Constance

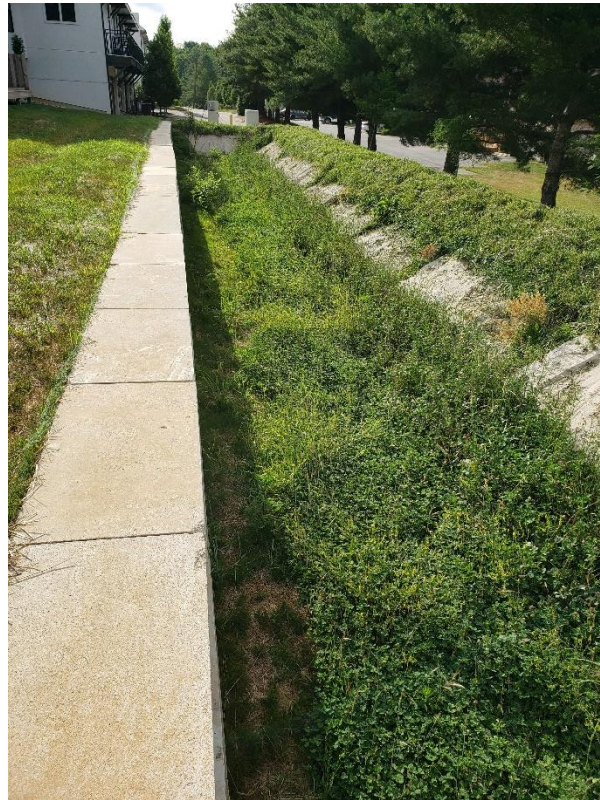


Photo 4. Facing east along the backside of the 5-unit townhome

EXHIBIT 1: PETITIONER LETTER



Todd M. Borgman, P.L.S.
Katherine E. Stein, P.E.
Don J. Kocarek, R.L.A.
Stephen L. Smith, Founder

May 31, 2022

Jackie Nester Jelen
Monroe County Planning Department
Suite 224
501 N. Morton Street
Bloomington, IN 47404

RE: Verona Park Common Area A Development Plan Amendment

Dear Jackie and Plan Commission,

On behalf of our client, 3051 Sare Road, LLC, we respectfully request to be placed on the agenda for Plan Commission approval for PUD Development Plan Amendment for Common Area A. We also request a waiver from the second hearing.

The amendment includes slight deviations within Common Area A from the originally approved development plans for this parcel. Common Area A serves as a common detention pond for the Verona Park neighborhood. Deviations to the pond do not affect the hydraulics or drainage functionality for this pond. This pond as built adequately provides the required stormwater management as intended and as designed.

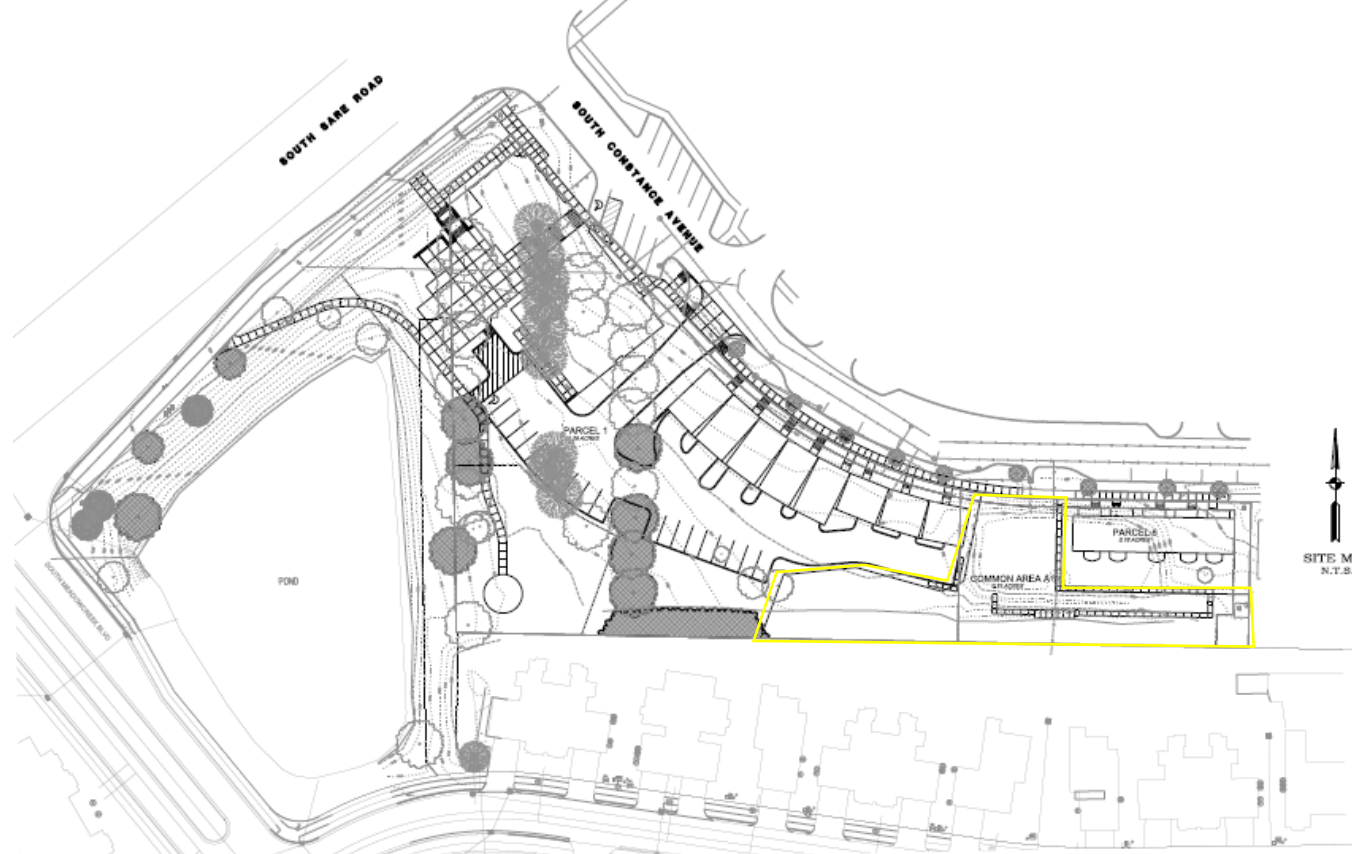
Please let us know if you need any further information.

Sincerely,

Katherine E Stein, PE
Vice President
Smith Design Group, Inc.
kstein@smithdginc.com

EXHIBIT 2: APPROVED PUD DEVELOPMENT PLAN

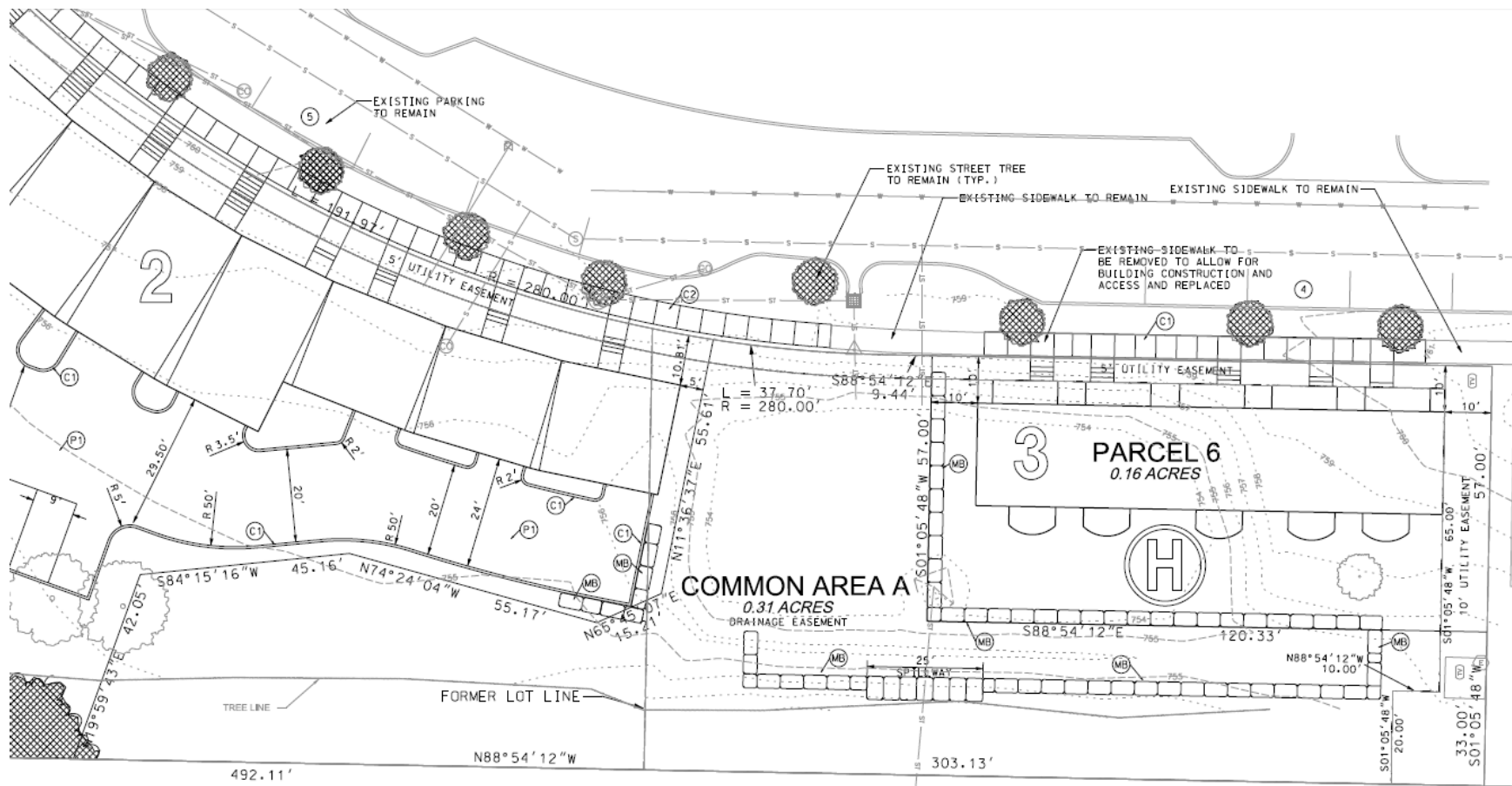
VERONA NEIGHBORHOOD PARCELS 1 AND 6 PUD DEVELOPMENT PLAN



VERONA TOWNSHIP
SECTION 14
TOWNSHIP & RANGE
RANGE 10 EAST
EASTING 1000000.00
NORTHING 4600000.00
SHEET 1 OF 1
DATE: 10/1/2011
DRAWN BY: J. H. HARRIS
CHECKED BY: J. H. HARRIS
APPROVED BY: J. H. HARRIS

STATEMENT OF COMPLIANCE
THE PLAN SATISFIES THE REQUIREMENTS OF CHAPTER 100 AS FOLLOWS:
1. THE PROJECT - THE PROJECT IS A PUD DEVELOPMENT WHICH IS COMPATIBLE WITH THE VERONA PUD DEVELOPMENT PLAN. THE PROJECT IS A PUD DEVELOPMENT WHICH IS COMPATIBLE WITH THE VERONA PUD DEVELOPMENT PLAN.
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PROJECT SCHEDULE
1. PRELIMINARY DESIGN - 10/1/2011 TO 11/1/2011
2. DESIGN - 11/1/2011 TO 12/1/2011
3. CONSTRUCTION - 12/1/2011 TO 1/1/2012
4. POST-CONSTRUCTION - 1/1/2012 TO 2/1/2012



Meadowcreek, LLC
Zone PUD

DESIGN VOLUME = 16,481 CF
AS-BUILT VOLUME = 16,229 CF

SCALE: 1"=10'

VERONA NEIGHBORHOOD
COMMON AREA A POND AS-BUILT
BLOOMINGTON, INDIANA

4915
SHEET
1 OF 1
4/29/22
AS-BUILT
SURVEY

EXHIBIT 4: LETTER OF DEFICIENCY

MONROE COUNTY PLAN COMMISSION
and office of the
MONROE COUNTY BOARD OF ZONING APPEALS
501 N. Morton Street, Suite 224
Bloomington, IN 47404
Telephone: (812) 349-2560 / Fax: (812) 349-2967
www.co.monroe.in.us



August 13, 2021

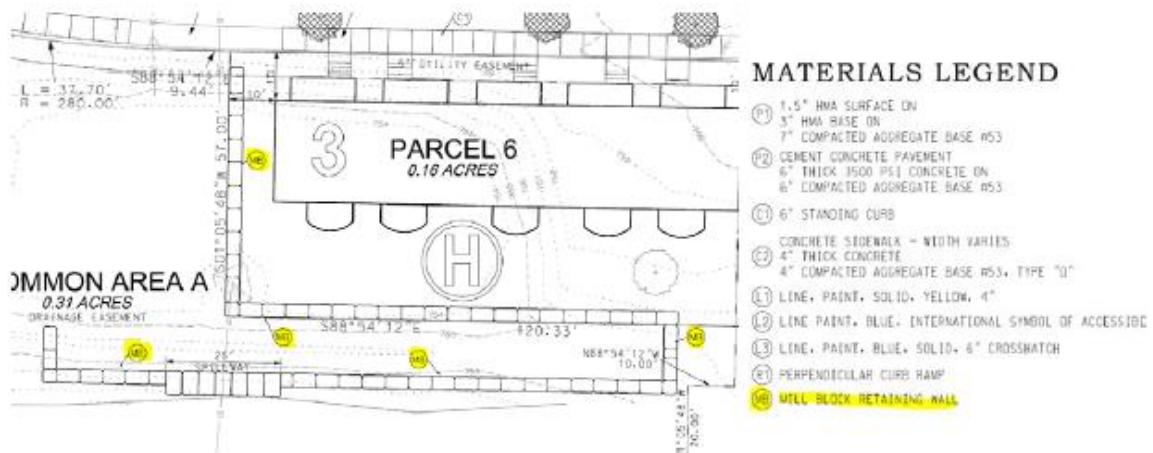
3051 Sare Road Llc
C/O Tim Henke
3321 S Cheekwood Ln
Bloomington, In 47401

RE: Notice of Deficiency for Common Area A

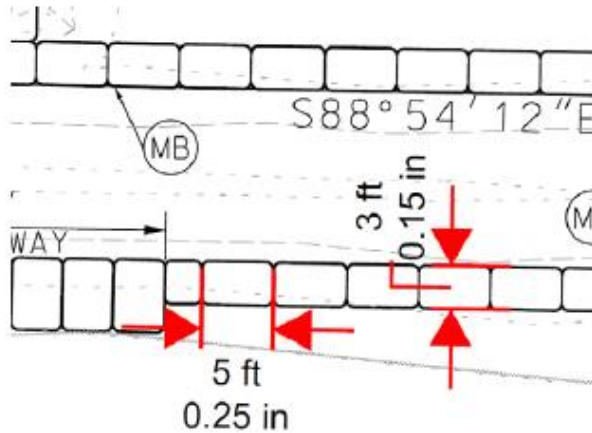
Dear Mr. Henke –

We are following up on a site visit conducted 8/3/2021, and again on 8/12/2021 in regards to the deficiencies of the partially constructed detention basin in Common Area A (hereafter 'detention basin'). The following details note staff findings of discrepancies between the approved development plan on file (Case # 2002-PUD-01). Other deficiencies may exist and should not be considered legal until such time as compliance with the approved development plan is achieved, or a development plan amendment is sought and granted. Here are the deficiencies noted following the site visit:

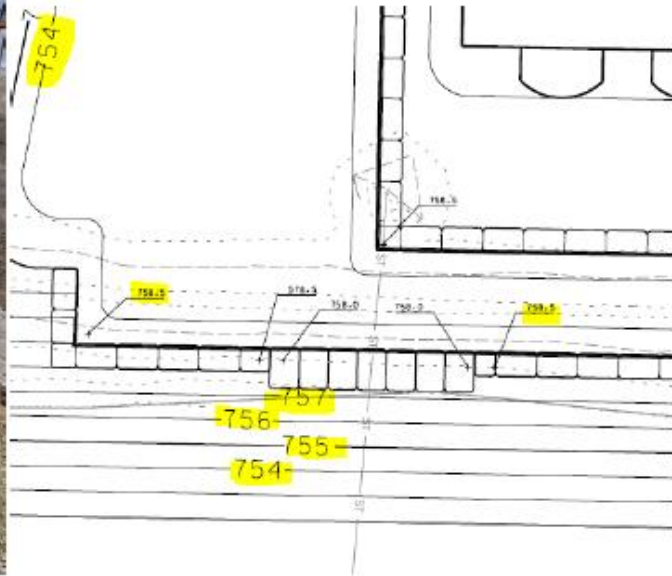
- Mill block retaining wall was called for on the approved development plan and instead has been constructed with limestone slabs.



- Measurements on the approved development plan shows measurements of 3' x 5' retaining walls and the actual measurements of the as-builts are shown as varied in size from 3'10" / 3' 6" x 9' / 10' according to your engineer, Katie Stein. There are also visible gaps between limestone slabs, whereas the approved development plan shows no gaps. The drawings submitted by your engineer on 8/11/2021 were not included on the approved plan set and were added after-the-fact.



- Elevations of the mill block retaining walls are different than the limestone slabs. Staff measured a varying difference of 1-2 feet from the height of the limestone slabs to the height of the soil grade. The retaining wall is supposed to reach a height of 758 ft elevation and then it tapers down. It appears that the grade increases 1-2 feet above the limestone slab, which is not according to the plans.



In summary, the detention pond must be completed to the approved development plan on file, or another development plan amendment will need to be submitted for review by the Plan Commission. Deviations from the approved plan, including but not limited to the examples above, will result in withholding of a Land Use Certificate for the remaining multifamily building on Phase I, which includes the 8-unit building located on parcel 1 (Building Permit R-21-18).

We request that you give us a 30 day warning for review of Common Area A to request a Land Use Certificate by filing an application. If constructed to the approved plans on file, we will issue an LUC for the detention pond.

You may appeal this determination per IC 36-7-4.

Thank you,

Larry J. Wilson, AICP
Director, Monroe County Planning Department Monroe County Government Center
501 N. Morton St., Suite 224,
Bloomington, IN 47404

CC' Jackie Nester Jelen, Planning
CC' David Schilling, Legal

CASE NUMBER	SPP-22-7 Pinnacle Business Park Subdivision Preliminary Plat Amendment 1 Right-of-way Dedication Waiver Waiver of Final Hearing Requested
PLANNER	Anne Crecelius
PETITIONER	BB Profile LLC c/o Katie Stein, Smith Design Group
REQUEST	Preliminary Plat Amendment
ADDRESS	3794, 3718, 3232, 3300, 3274, 3797, 3625, and 3379 W Profile PKWY, 310 N Curry PIKE, and parcel number # 53-04-36-100-054.014-011 at W Jonathon DR
ACRES	46.30 +/-
ZONE	IG
TOWNSHIP	Richland
SECTION	36

EXHIBITS

1. Pinnacle Business Park Major Subdivision Final Plat, Recorded 2021
2. Proposed Preliminary Plat Amendment 1
3. Staff Highlight of Plat Differences
4. Petitioner Letter
5. [Preliminary Plat Approval by Plan Commission, November 19, 2019 Meeting Minutes](#)
6. **Proposed Final Plat**

PLAT COMMITTEE – June 16, 2022

Positive recommendation to the Monroe County Plan Commission.

RECOMMENDATION

Approval based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance and subject to the Monroe County Highway and MS4 Coordinator reports with the following plat edits:

- Petitioner to update lot 16 easement to be 50' in width.

SUMMARY

The petitioner, **BB Profile LLC**, is requesting to amend the preliminary plat of the Pinnacle Business Park Major Subdivision, recorded in 2021. The Preliminary Plat was approved November 2019; the meeting minutes can be found at the hyperlink listed as Exhibit 5. The subdivision is currently fifteen (15) lots and zoned General Industrial (IG).

At the time of the original subdivision, plans for connection to the north using Gates Drive were in-progress. Since then, plans to connect Gates Drive and Vernal Pike have been solidified to include a "Vernal Pike Connector". The Highway Department is in support of an exchange of right-of-way (ROW) involving N Curry Pike, Kohen Drive, and Gates Drive. The petitioner is willing to dedicate ROW north of Gates Drive in exchange for the vacating the right-of-way for Kohen Drive. In Addition, the ROW previously dedicated along N Curry Pike, north of the intersection of N Curry Pike and W Profile Parkway, would also be vacated. This section of ROW is already developed as a parking lot which is also an area affected by PCB contamination. The affected areas are subject to recorded Restrictive Covenants. There are also no plans to widen N Curry Pike and therefore the dedicated ROW that exists and shown on the amended plat is adequate.

The petitioner is proposing to adjust the right-of-way along N Curry Pike, Gates Drive, and Kohen Drive as listed below:

1. Vacating a portion of the right-of-way along N Curry Pike (north of the N Curry Pike & W Profile Parkway Drive intersection) (requested by the Monroe County Highway Dept.)
2. Dedicating new right-of-way for Gates Drive. **Dedication of the "Vernal Pike Connector" is in exchange for the vacation of Kohen Drive.**

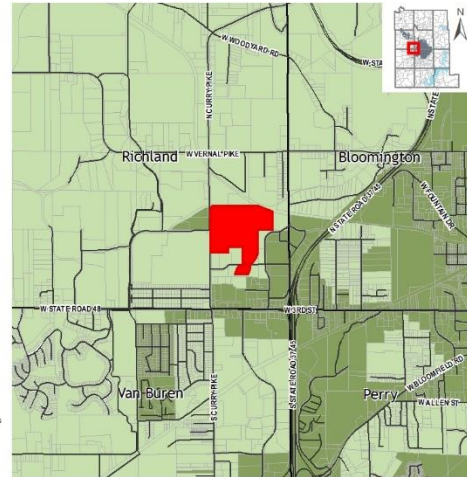
3. Vacating the right-of-way along Kohen Drive (construction of the proposed Kohen Dr. is no longer being pursued by the petitioner)

The petitioner is accommodating the request of the Highway Dept. and is utilizing the preliminary plat amendment to include the creation of a lot 16. The changes to the right-of-way and new lot 16 will impact either the size and/or shape of lots 1-3, 5-7, 10-12, and 14. Lots 4, 8, 9, and 13 are unchanged from the final plat. Other changes include:

- Extending the drainage easement across Lot 11
- Extending an access easement to connect proposed Lot 16 to Jonathan Dr. via the existing driveway
- Eliminate gas easements on the plat to comply with the latest title and deed work

Location Map
■ Petitioner
— Roads
□ Civil (Political) Townships
■ Incorporated Areas
■ Bloomington
■ Parcels

0 0.2 0.4 0.8 Miles
Monroe County
Planning Department
Bloomington, Monroe County, MS
Date: 7/27/2019

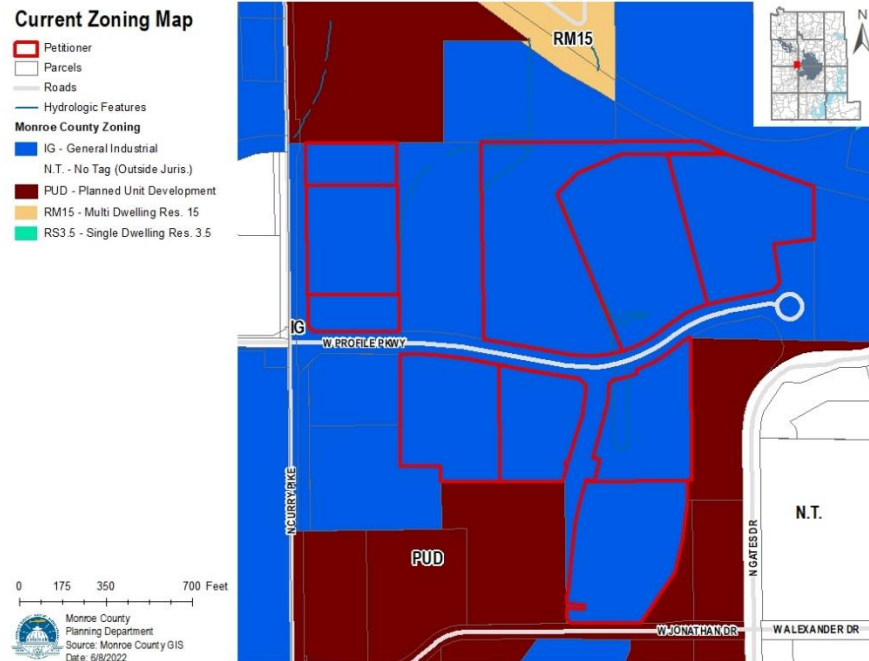


Dedication of the “Vernal Pike Connector” is in exchange for the vacation of Kohen Drive. The dedication of right-of-way to the Gates Drive area is desirable by both the Highway Dept. and County Planning. Kohen Drive was not required under the Subdivision Control Ordinance and the removal of the previously dedicated right-of-way has no impact on future development within the subdivision.



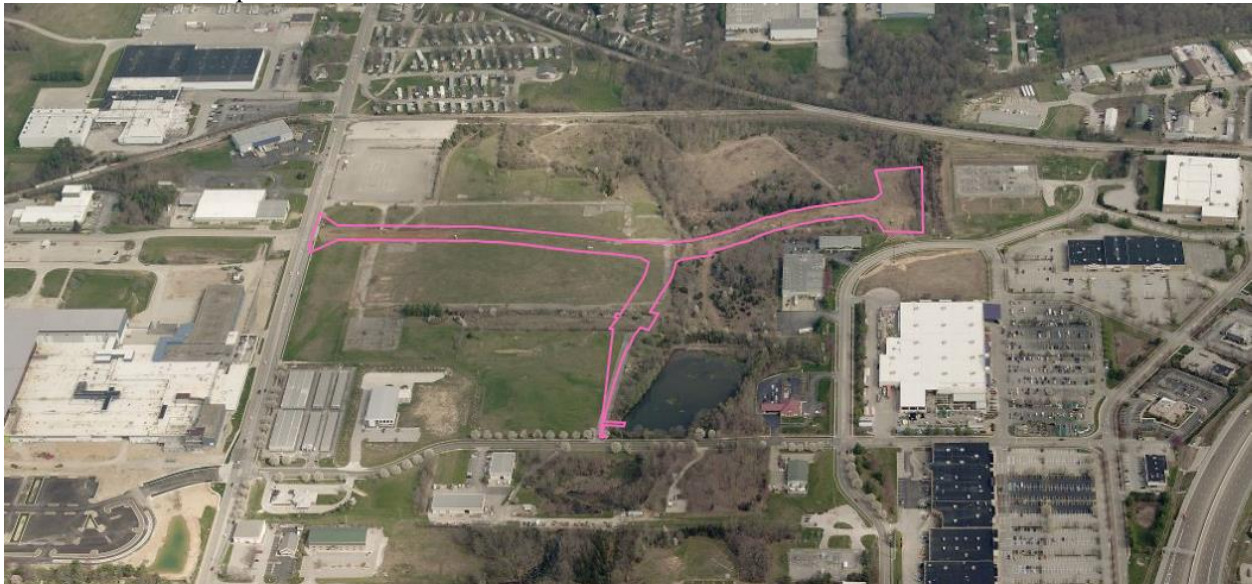
ADJACENT USES / ZONING

The site is zoned General Industrial (IG) and is currently unplatted. All development standards are set forth in the IG zoning district in Chapter 833. The neighboring properties are zoned General Industrial (IG), Planned Unit Development (PUD), and Multi-Dwelling Residential 15 (RM 15).



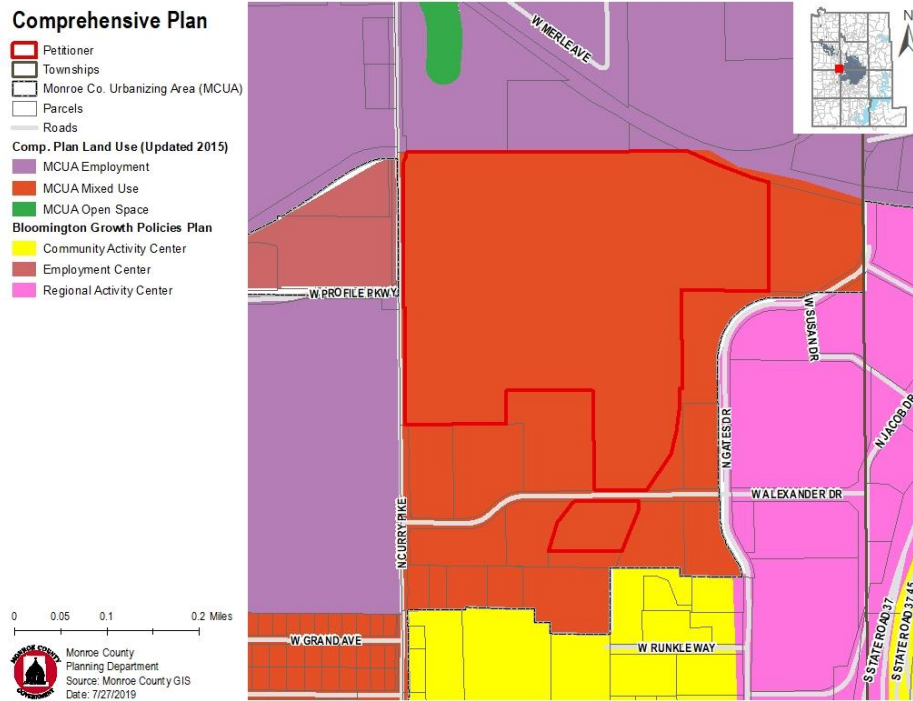
INFRASTRUCTURE AND ACCESS

Access will remain the same shown in the final plat. The County is no longer pursuing constructing Kohen Drive, shown on the final plat. The newly created lot 16 under this petition would be accessed from an easement from Jonathon Drive that runs partially on lot 14. This easement is required to be at minimum 50' wide per the subdivision control ordinance.



COMPREHENSIVE PLAN DISCUSSION

The petition site is located in the **Mixed Use** district in Monroe County Urbanizing Area of the Monroe County Comprehensive Plan. The immediate surroundings are also Mixed Use.



Mixed-use districts are the densest, most pedestrian-oriented development types in the urbanizing area. This land use type will vary in terms of form, scale, character, and the specific mix of uses, depending on location, access considerations and existing development context. Uses may be integrated vertically within buildings, such as residential or office over ground-floor retail, or horizontally among single-use buildings that are closely coordinated with one another. Mixed-use areas may take the form of linear corridors along major roadways, large districts that serve as regional destinations for commerce, dining and entertainment, or small nodes at crossroads that serve nearby residential neighborhoods or employment areas. Mixed-use areas offer the greatest flexibility in terms of land use. Individual parcels of land within a larger mixed-use area may be developed with a single use, so long as the site is designed in a way to integrate with surrounding sites to create a whole that is greater than the sum of parts.

Most areas designated as mixed-Use on the land Use map are in locations with existing suburban-style development. These locations offer opportunities for reinvestment, infill, redevelopment, and transformation into more walkable centers of activity within the Urbanizing Area. Examples include the Third Street corridor, the Tapp Road/Sr-45/Curry Pike Area, and key intersections along the South Walnut Street corridor.

A. Transportation

Streets

Developments should be designed to create a system of interconnected streets and blocks. ideally, new streets should be platted as public rights-of-way through the subdivision process; however, private streets may also be acceptable, provided that they are designed and maintained to public street standards and are made publicly accessible through dedicated easements.

Bike, Pedestrian, and Transit Modes

Mixed-use streets should incorporate the full suite of complete street and “green” street design techniques. Streets should safely accommodate pedestrian and bicycle travel, as appropriate to the larger

context of the transportation system and the surrounding scale and character of development. Wider sidewalks or an enhanced buffer along the street will provide a safer environment for pedestrians while allowing greater access to businesses in mixed-use areas. Streets should not be designed with a “one-size fits all” approach. Local streets may accommodate cyclists through an overall design that discourages high travel speeds by motorists, such as the use of narrower travel lanes (10 to 11 feet), on-street parking, and smaller curb radii at intersections (15 to 25 feet). These streets may simply require pavement markings or signage indicating that cyclists may use the travel lane. On the other hand, multi-lane roads should provide enhanced bicycle infrastructure, such as on-street bicycle lanes, cycletrack facilities, or off-street shared use paths, with special attention to transitions between different facility types. As the most likely to support transit service in the future, mixed-use streets should be designed to accommodate potential transit expansion.

B. Utilities

Sewer and Water

Most areas designated for mixed-use development in the land Use Plan are already served by sewer and water infrastructure. All new developments should conduct water and sewer capacity analyses and contribute to system upgrades if necessary. Major sewer line extensions or upgrades, should be coordinated with other roadway or streetscape improvements where possible to minimize traffic disruption and improve cost efficiency of capital improvements. A major advantage to mixed-use development is that it reduces the peak usage in the area due to the diversity of building uses.

Power

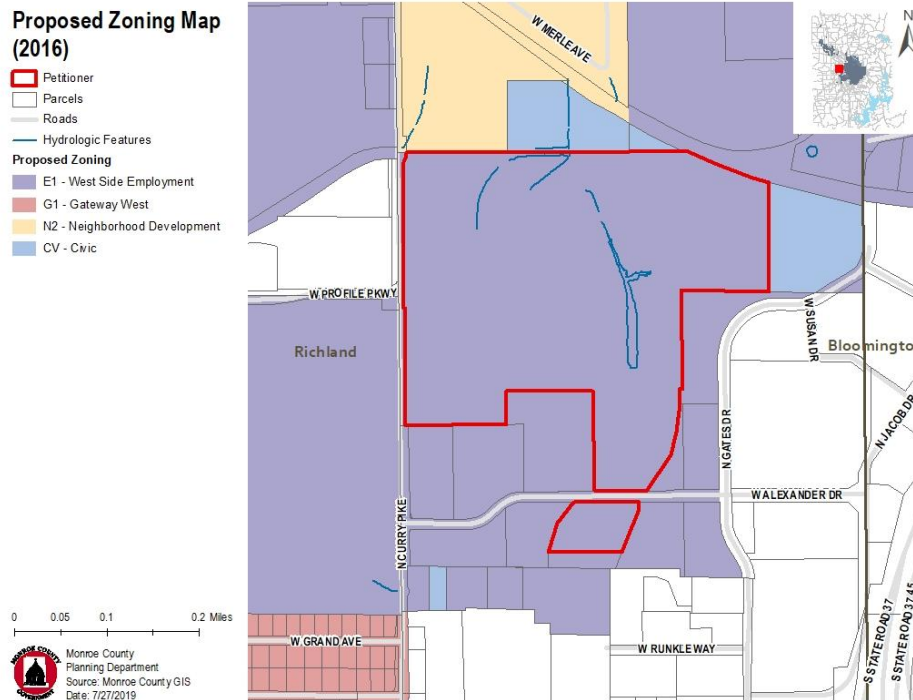
Overhead utility lines should be buried in mixed-use areas to eliminate visual clutter of public streetscapes and to minimize system disturbance from major storm events.

Communications

Communications needs will vary within mixed-use developments, but upgrades to infrastructure should be a key consideration for future development sites. The county should create a standard for development of communications corridors to supplement and complement University research and development and the existing information technology sector.

Monroe County Urbanizing Area Plan Phase II: Employment Districts, West Side Employment (E1).

This district includes properties to the north of the Third Street Gateway, extending generally to SR 46 and generally designated as the Employment land use type in the Urbanizing Area Plan. It includes existing office and industrial flex buildings and is intended to accommodate additional infill and redevelopment of these uses, and benefit from Tax Increment Finance district opportunities.



This district also includes existing industrial and office development, and highway-oriented commercial uses, south of Third Street between Curry Pike and I-69. Additional employment-oriented development should be compatible and consistent with surrounding patterns.

FINDINGS OF FACT – SUBDIVISIONS

850-3 PURPOSE OF REGULATIONS

- (A) To protect and provide for the public health, safety, and general welfare of the County.

Findings

- The site is currently zoned General Industrial (IG) and currently allows for industrial type uses;
- Approval of the preliminary plat amendment would create one (1) new lot and adjust the boundary lines of ten (10) existing lots that would meet the requirements for IG zoning district;

- (B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

Findings

- The Comprehensive Plan designates the property as Mixed Use (Phase I) and West Side Employment (Phase II) district in the Monroe County Urbanizing Area Plan;
- The Phase II Plan states: This district is intended to accommodate additional infill and redevelopment of uses, and benefit from the Tax Increment Finance district opportunities;
- This parcel is part of the Westside TIF district;
- The proposed subdivision does not appear to be in conflict with the Comprehensive Plan for this area;
- See findings under Section A;

- (C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

Findings

- N Curry Pike is a Minor Arterial street;
- The surrounding properties are zoned PUD (Curry Industrial Park) and General Industrial (IG);

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

Findings

- Approval of the subdivision would create one (1) lot and adjust the boundary lines of ten (10) existing lots. All lots would meet the design standards required by Chapter 833 for the IG zoning district;
- See findings under Sections A & C;

- (E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

Findings

- There are platted environmental restrictions which will not be changed with the proposed amendment;
- The site has access to the City of Bloomington Utilities for sanitary sewer and water;
- Any future utility lines must be placed underground;
- There are no known karst features on the property;
- Drainage will be reviewed by the MS4 Coordinator for each site plan submission, and if conditioned, by the Drainage Board;
- The original major subdivision requirements for open are 30%, the proposed changes do not change the amount of platted common area.
- See findings under Sections A & C;

- (F) To provide proper land boundary records, i.e.:

- (1) to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

Findings:

- The petitioner has submitted a preliminary plat amendment drawn by a registered surveyor.

- (2) to provide for the identification of property; and,

Findings:

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site. County Surveyor has also reviewed the plat for survey accuracy.

- (3) to provide public access to land boundary records.

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded.

FINDINGS OF FACT – WAIVER OF ROAD RIGHT-OF-WAY REQUIREMENT

The petitioner has requested a waiver from the **856-28. Streets: Dedications and Reservations** requirement per Chapter 856-28(B), which reads:

Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening

of a street that would require use of some of the land in the subdivision, the Applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the Applicant at his own expense to the full width required by these subdivision regulations. Land reserved and/or used for any street purposes may not be used to satisfy the minimum yard setback or lot area requirements of the Zoning Ordinance.

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner has filed an Preliminary Plat amendment to accomplish multiple goals, one of which is to remove the dedicated 75’ of right-of-way on the eastern border of N Curry Pike, north of the intersection of N Curry Pike and W Profile Parkway Drive;
- The 75’ of dedicated right-of-way that is located to the south of the above intersection will remain in place as shown on the recorded final plat;
- The site maintains frontage along N Curry Pike, designated as a Minor Arterial road;
- The subdivision control ordinance requires compliance with the standards of right-of-way dedication under Chapter 856-28;
- The petition site contains PCB contamination which is subject to recorded Restrictive Covenants. These areas are identified as “affected areas” on the recorded subdivision plat;
- **The Monroe County Highway Department is in support of removing the right-of-way along N Curry Pike and Kohen Dr;**
- If the waiver is denied the right-of-way dedicated and recorded under the Pinnacle Business Park Major Subdivision Final Plat will remain in place;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See Findings under # 1;
- The 2018 Monroe County Thoroughfare Plan shows N Curry Pike as a Minor Arterial requiring 75’ of right-of-way dedication;

3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):

Findings:

- The lots within the administrative subdivision meet all other design standards required of the subdivision ordinance;

4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;

Findings:

- See Findings under #1, #2, #3;

5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;

Findings:

- See findings under #1 above;

6. Granting the requested modifications would not contravene the policies and purposes of these regulations;

Findings:

- See findings under #1, #2 and #3 above;

7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;

Findings:

- See findings under #1, #2 and #3 above;

8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,

Findings:

- See findings under #1 through #7 above;

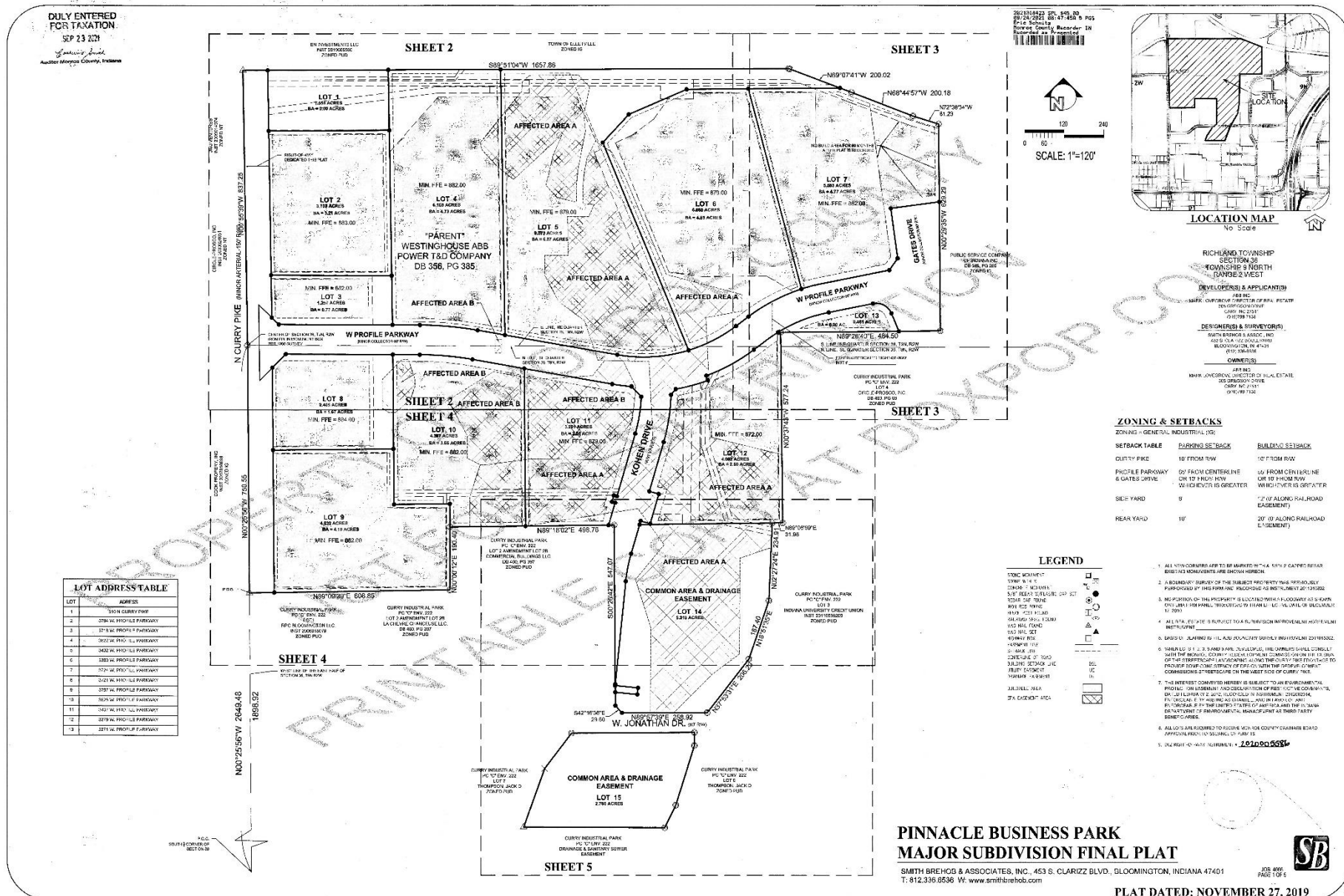
9. The practical difficulties cannot be overcome through reasonable design alternatives;

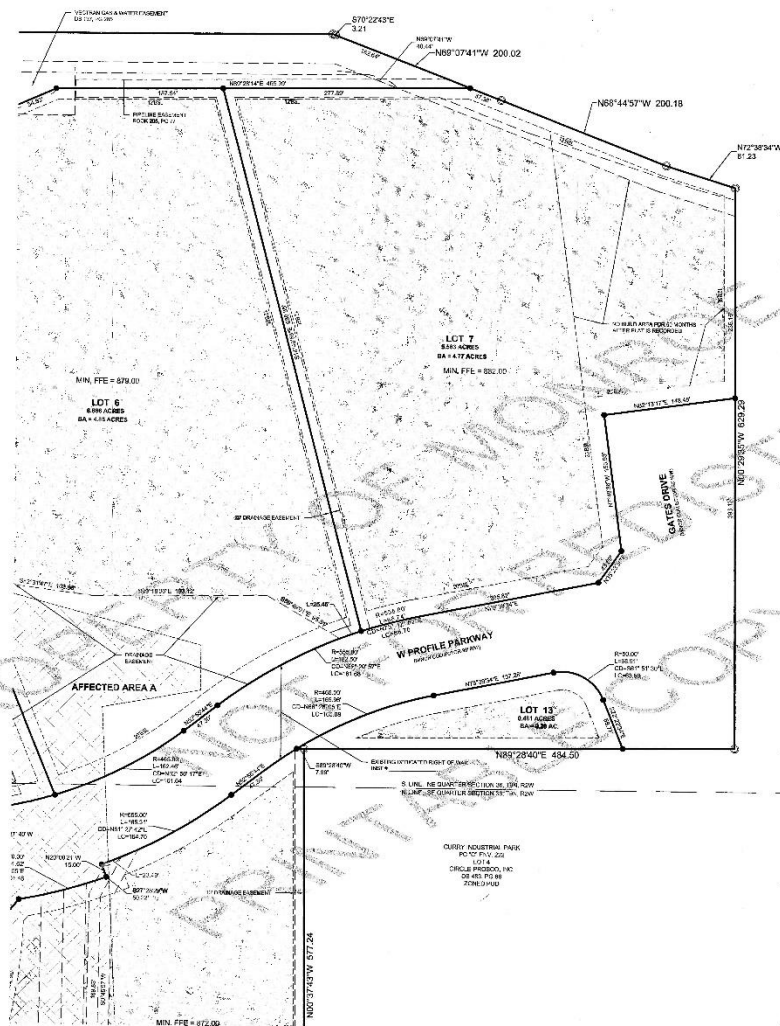
Findings:

- See findings under #1 and #4 above;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

EXHIBIT ONE: Pinnacle Business Park Major Subdivision Final Plat, Recorded 2021



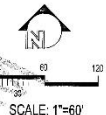


SMITH BREHOB & ASSOCIATES, INC., 453 S. CLARIZZ BLVD., BLOOMINGTON, INDIANA 47401
T: 812.336.6536 W: www.smithbrehob.com

PLAT DATED: NOVEMBER 27, 2019





[illegible]

SMITH BREHOB & ASSOCIATES, INC., 453 S. CLARIZZ BLVD., BLOOMINGTON, INDIANA 47401
T: 812.336.6536 W: www.smithbrehob.com



PINNACLE BUSINESS PARK

MAJOR SUBDIVISION
PRELIMINARY PLAT AMENDMENT
300 NORTH CURRY PIKE

PROJECT
LOCATION



LOCATION MAP
NTS



SITE MAP
N.T.S.



LAND USES PERMITTED IN ACCORDANCE WITH THE IQ ZONE
AND AS ZONING ALLOWS IN THE FUTURE

SETBACK TABLE

	PERMITS SETBACK	BUILDING SETBACK
CURB SIDE	10' from curb	10' from curb
PROPERTY LINE	50' from corner line or 10' from curb whichever is greater	50' from corner line or 10' from curb whichever is greater
SIDE YARD	5'	10' 10' A.D. RAILROAD (ADDITIONAL)
REAR YARD	10'	20' 10' 10' RAILROAD (ADDITIONAL)

NOTE:
SPECIFICATIONS FOR THIS PROJECT FOR SANITARY
SEWER, WATER AND STORMWATER ARE THE LATEST
ISSUE OF THE CITY OF BLOOMINGTON UTILITIES
CONSTRUCTION SPECIFICATIONS. ALL OTHER SITE WORK
SHALL BE IN ACCORDANCE WITH THE 2021 SMITH DESIGN
GROUP, INC. STANDARD SPECIFICATIONS AND THE LATEST
ISSUANCE OF THE INDOT 2020 STANDARD SPECIFICATIONS.

BASIS OF BEARING
Based on 2010 ALTA by S. Smith
"Assumed Bearings"

SHEET #	REVISIONS	BY	DATE



SMITH DESIGN GROUP
CIVIL ENGINEERING - LAND SURVEYING
2755 E Canada Dr Suite 101 Bloomington, IN 47401
(317) 338-6556 - smithdesign.com



SHEET INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	KEY MAP
3-6	PRELIMINARY PLAT

JOB NUMBER: 4666



SITE LEGEND

SYMBOL	DESCRIPTION
[Symbol]	EXISTING LOT
[Symbol]	PROPOSED LOT
[Symbol]	EXISTING DRIVEWAY
[Symbol]	PROPOSED DRIVEWAY
[Symbol]	EXISTING ROAD
[Symbol]	PROPOSED ROAD
[Symbol]	EXISTING SIDEWALK
[Symbol]	PROPOSED SIDEWALK
[Symbol]	EXISTING UTILITY
[Symbol]	PROPOSED UTILITY
[Symbol]	EXISTING FENCE
[Symbol]	PROPOSED FENCE
[Symbol]	EXISTING TREES
[Symbol]	PROPOSED TREES
[Symbol]	EXISTING WATER
[Symbol]	PROPOSED WATER
[Symbol]	EXISTING EROSION
[Symbol]	PROPOSED EROSION
[Symbol]	EXISTING STORM
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[Symbol]	PROPOSED TELEPHONE
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[Symbol]	PROPOSED CABLE
[Symbol]	EXISTING RAILROAD
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[Symbol]	EXISTING AIRPORT
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[Symbol]	EXISTING STONE
[Symbol]	PROPOSED STONE



02/09/22

**PINNACLE BUSINESS PARK
MAJOR SUBDIVISION
300 NORTH CURRY PIKE**

REV	DATE	DESCRIPTION

SLS
WDW

4666
3 OF 6
05/18/22
N.W. CORNER
PRELIMINARY
PLAT

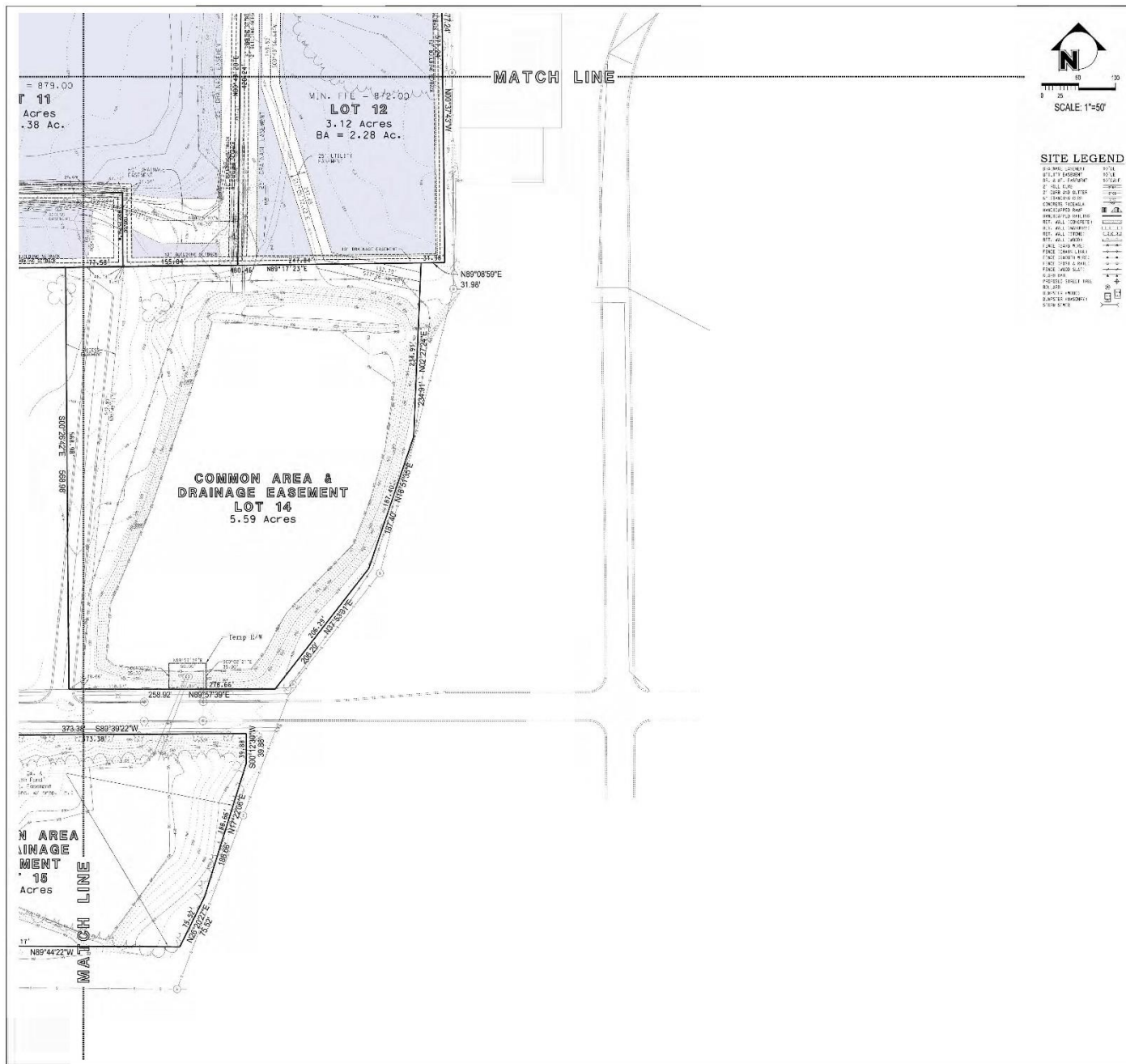
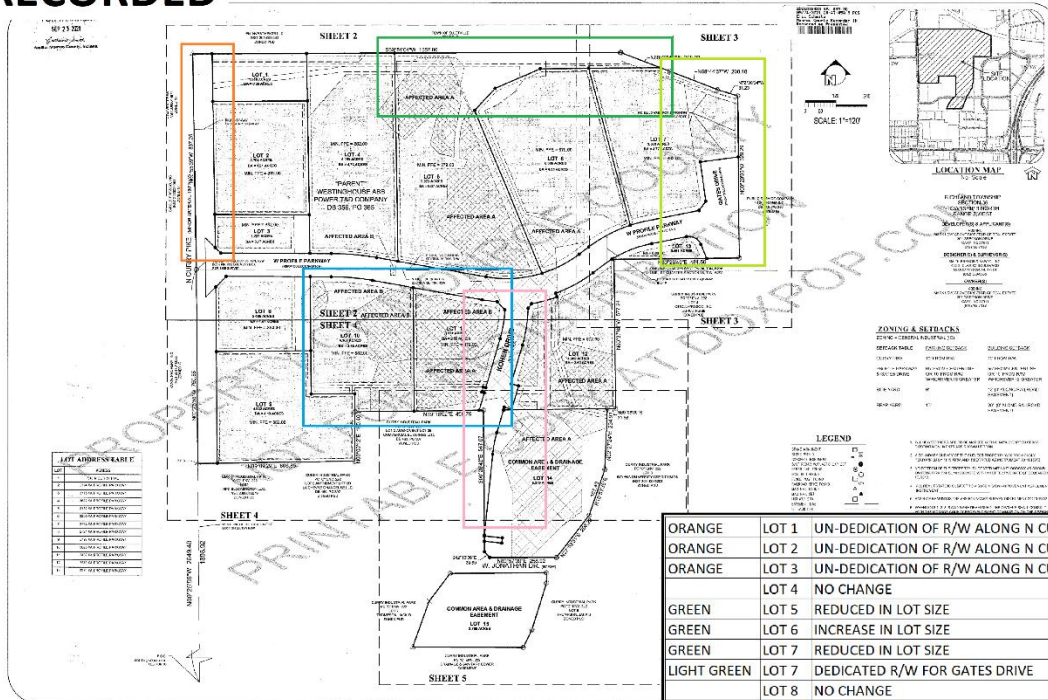


EXHIBIT THREE: Staff Highlight of Plat Differences

RECORDED



PROPOSED

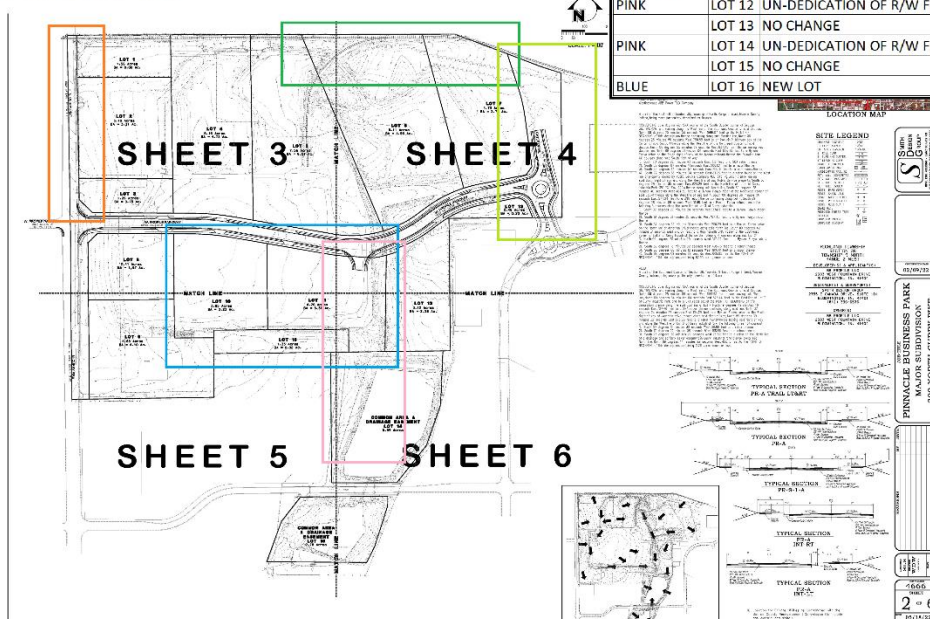


EXHIBIT FOUR: PETITIONER LETTER



Todd M. Borgman, P.L.S.
Katherine E. Stein, P.E.
Don J. Kocarek, R.L.A.
Stephen L. Smith, Founder

May 18, 2022

Monroe County Plan Commission
c/o Ms. Anne Crecelius
Monroe County Planning Department
Showers Building
Bloomington, Indiana

Dear Anne and Members of the Plan Commission,

On behalf of our client, BB Profile LLC, we respectfully request to be placed on the July 2022 Plan Commission agenda for consideration of approval for a Major Subdivision Preliminary Plat Amendment for Pinnacle Business Park. This amendment is intended to meet all requirements of the Monroe County Zoning and Subdivision Ordinances with a request of waiver of the second hearing.

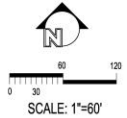
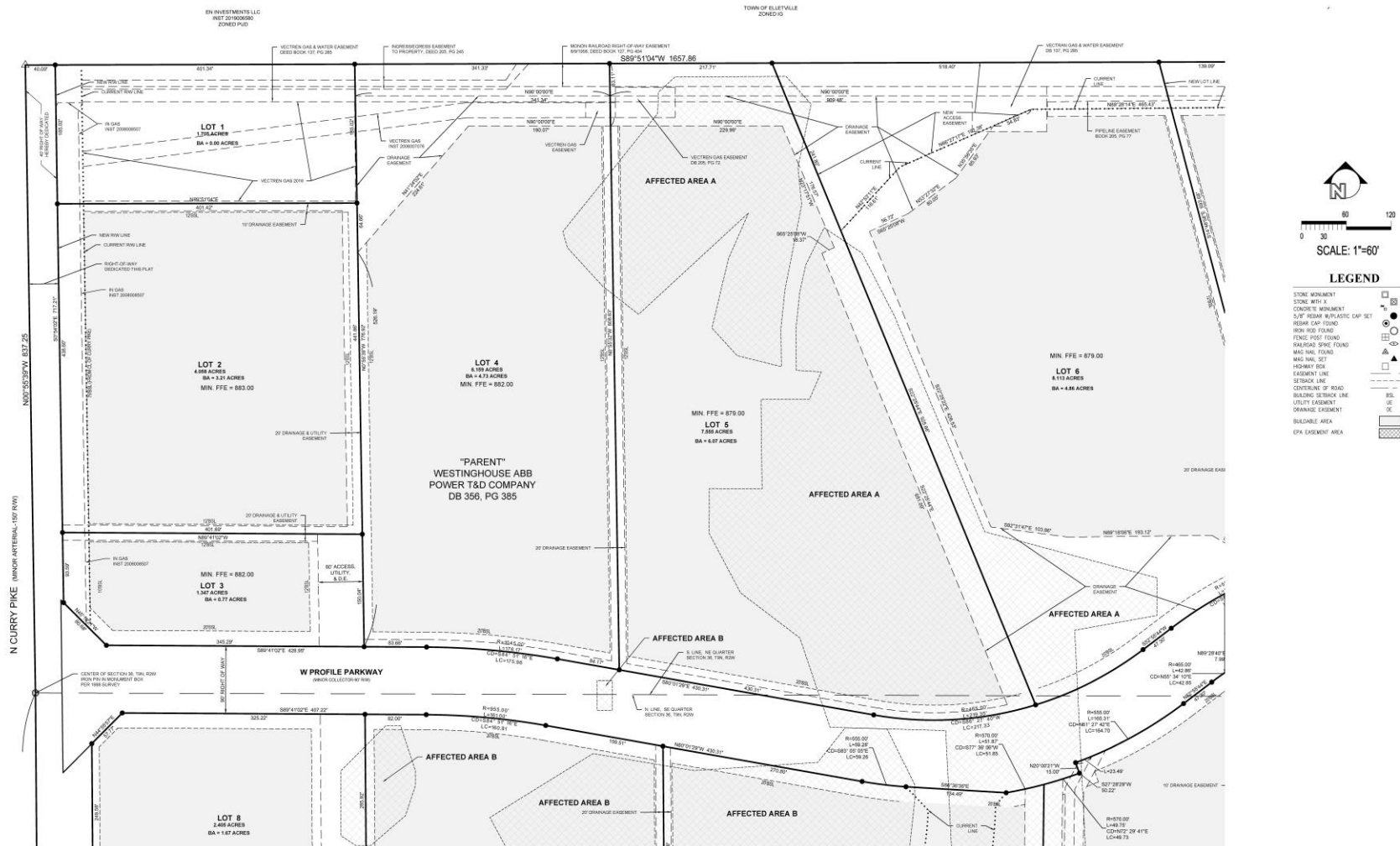
The purpose of this plat amendment is to swap existing ROW with Monroe County that was intended for the construction of Kohen Drive from Profile Parkway to Jonathan Drive for new ROW for the extension of Sunrise Greetings Court to the north currently within Lot 7. In addition this preliminary plat amendment would add an additional lot on the south side of the subdivision as Lot 16. Lastly, the common lot line between Lot 5 and Lot 7 would be adjusted on the owner's request.

Details of the project are contained in the attached Preliminary Plat Amendment plans.

We look forward to working with the planning department on this petition.

Regards,

Katherine E Stein, P.E.
Smith Design Group, Inc.



LEGEND

STONE MONUMENT	STONE WITH A
CONCRETE MONUMENT	5/8" REDIAN W/PLASTIC CAP SET
REBAR CAP FOUND	IRON ROD FOUND
FOUR POST FOUND	RAILROAD SPINE FOUND
MAG NAIL FOUND	MAG NAIL SET
PROPERTY EASEMENT LINE	SEWER LINE
SEWER LINE	CENTERLINE OF ROAD
BUILDING SETBACK LINE	UTILITY EASEMENT
UTILITY EASEMENT	DRAINAGE EASEMENT
DRAINAGE EASEMENT	BUILDABLE AREA
BUILDABLE AREA	EPA EASEMENT AREA

PINNACLE BUSINESS PARK MAJOR SUBDIVISION, FINAL PLAT AMENDMENT 1, TO LOTS 1,2,3,5,6,7,10,11,12, & 14

SMITH DESIGN GROUP, INC. 2755 E. CANADA DRIVE SUITE 101, BLOOMINGTON, INDIANA 47401
T: 812.336.6536 W: www.smithdgc.com

PAGE 2 OF 5
PLAT DATED: JUNE 8, 2022





MONROE COUNTY PLAN COMMISSION		July 19, 2022
PLANNER	Anne Crecelius	
CASE NUMBER	SAD-21-4	
PETITIONER	Karen O'Bannon, Cathy Ogle c/o Robert Jones, Jones, McGlasson & Siefers, P.C. Attorneys at Law	
ADDRESS	6597 & 6601 N Maple Grove Rd	
REQUEST	Ogle – O'Bannon Type E Admin Subdivision Right of Way Dedication Waiver Request	
ACRES	2.87 +/- acres	
ZONE	ER	
TOWNSHIP	Bloomington Township	
SECTION	6	
PLATS	Unplatted	
COMP PLAN DESIGNATION	Rural Residential	

EXHIBITS

1. Highland Village Church Administrative Type E Subdivision (updated)
2. Waiver Request Findings of Fact
3. 2021 Predesign

RECOMMENDATION

Staff recommends **approval** of the Right of Way Dedication waiver request based on findings of fact and subject to the Monroe County Highway and Drainage engineer reports.

SUMMARY

The petitioner requests a waiver from 856-28(B) for the right of way requirement established by the Monroe County Thoroughfare Plan adopted in December 12, 2018.

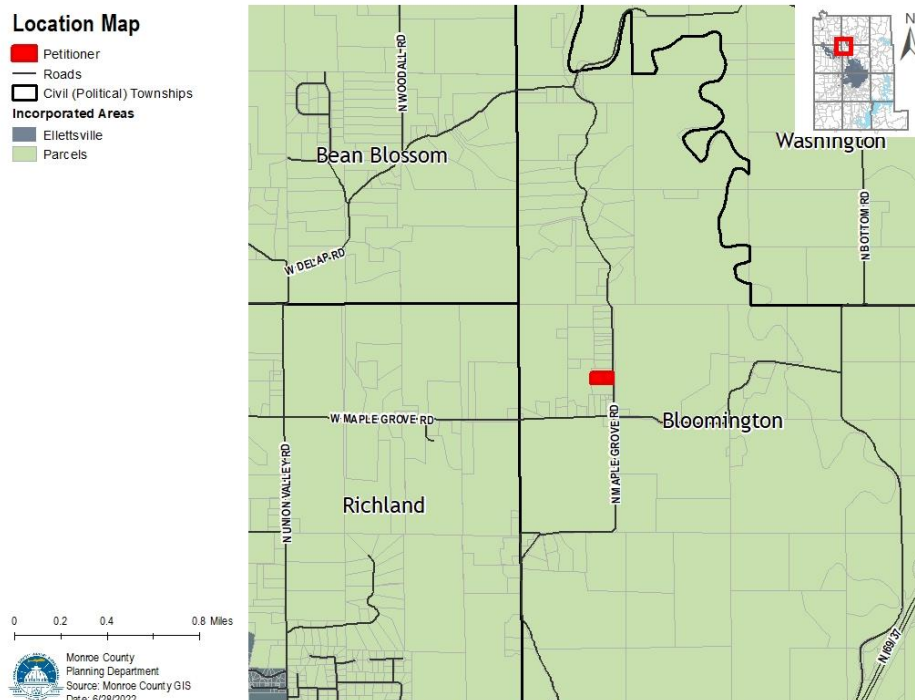
The proposed Administrative Type E Subdivision is a total of two lots of record totaling 2.87 +/- acres. Proposed lot one (owned by O'Bannon) currently holds a Single Family Residence that located over the boundary shared with proposed lot two (owned by Ogle). The petitioners are proposing to shift lot lines in order to ensure the existing O'Bannon residence is located fully on their property. The petitions site is zoning Estate Residential (ER) and requires one (1) acre minimum lot size. The Subdivision Control Ordinance requires the dedication of 25' along N Maple Grove Road, a Local road. The required amount of dedicated right-of-way (ROW) would put the Ogle property under the minimum lot size. In order to transfer the area that O'Bannon home is located on using the Administrative Type E Subdivision process the property would not be able to dedicate ROW and meet the minimum lot size of the zoning. The petitioners are requesting to not dedicate any additional right-of-way

The petitioners are currently attempting to address two issues regarding access. If the waiver of ROW is approved the proposed subdivision will only move forward with full compliance of the Subdivision Control Ordinance.



LOCATION MAP

The petition site is two (2) lots of record addressed as 6597 and 6601 N Maple Grove Road in Section 6 of Bloomington Township.

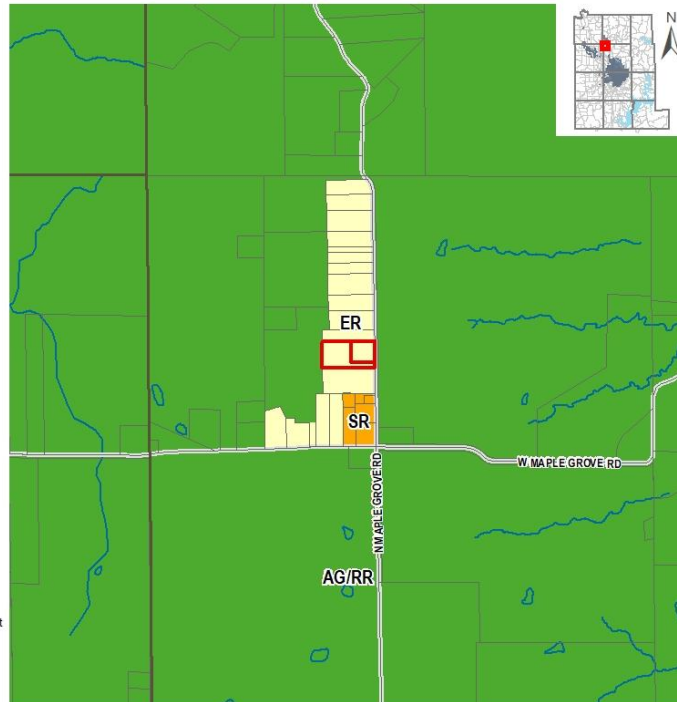
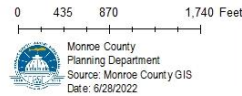


ZONING

The zoning for the petition site is Estate Residential (ER) under Chapter 802 of the Monroe County Zoning Ordinance. The adjacent zoning is Agricultural/Rural Reserve (AG/RR) and Suburban Residential (SR).

Current Zoning Map

- Petitioner
 - Parcels
 - Roads
 - Hydrologic Features
- Monroe County Zoning**
- AG/RR - Agriculture/Rural
 - ER - Estate Residential
 - SR - Suburban Residential

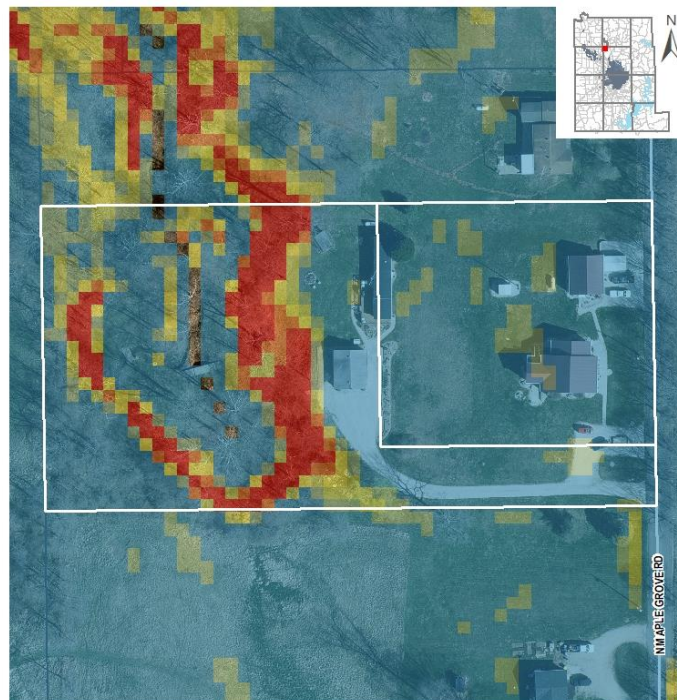
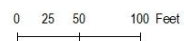


SLOPE MAP

The administrative subdivision is a total of three lots of record totaling 2.87 +/- acres. Both proposed lots contain buildable area and are developed with a single family residential use. If the waiver request is approved, proposed lot 2 will be 1.03+/- acres.

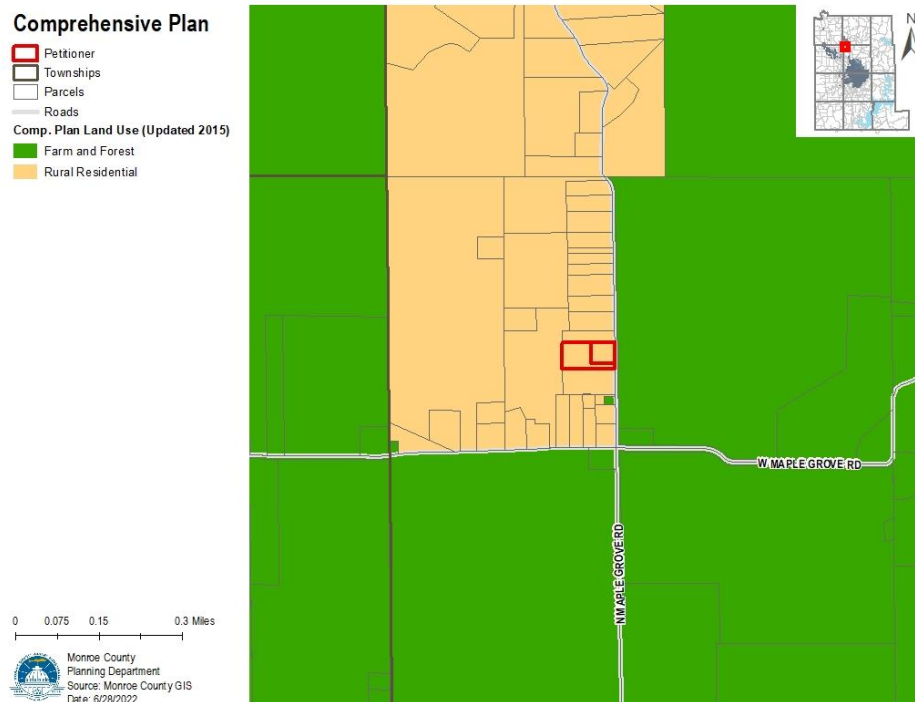
Site Conditions Map

- Petitioner
- Permit Slopes**
- 0 - 12%
 - 13 - 15%
 - 16 - 18%
 - 19 - 21%
 - 22 - 24%
 - > 25%
- Local Roads [50']
 - Parcels
- 2019 Aerial Imagery**
- RGB**
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the **Rural Residential** designation of the Monroe County Comprehensive Plan. The plan states the following for this designation:



Rural Residential

The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. Generally, these areas are characterized by active or potential mineral extraction operations nearby, steep slopes, and the remaining forest and/or agricultural land where roadways and other public services are minimal or not available.

The Rural Residential use category includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city. Approximately 52,000 acres of rural property in Indian Creek, Clear Creek, Van Buren, Bloomington, Richland, Bean Blossom, Washington, and Benton Townships are designated Rural Residential. Most often this category adjoins or is very close to the Farm and Forest Residential areas. Current Rural Residential densities are usually greater than 64 homes per section and some portions of the Rural Residential area have already been subdivided or developed at urban densities.

To maintain Rural Residential property use opportunities, an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. Where appropriate infrastructure is available, home clustering with open space dedications may be an option in this residential category. Open space can serve a variety of uses including recreational opportunities for local residents, limited accessory agricultural uses, or buffering of an adjoining use. Contiguous Resilient Land shall be available for each dwelling adequate to support either two

independent conventional septic fields or one replaceable mound system. Sufficient space for buildings traditionally associated for this type of use must also be provided. In addition, public roadways shall not experience less than the Monroe County Level of Service standard existing at the time this Plan is adopted. New subdivision road traffic lanes that access County roadways shall not exceed the capacity of traffic lanes for adjoining public roadways. State highways, major collectors, or arterial roads are exempt from this requirement.

FINDINGS OF FACT – WAIVER OF ROAD RIGHT OF WAY REQUIREMENT

The petitioner has requested a waiver from the **856-28. Streets: Dedications and Reservations** requirement per Chapter 856-28(B), which reads:

Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the Applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the Applicant at his own expense to the full width required by these subdivision regulations. Land reserved and/or used for any street purposes may not be used to satisfy the minimum yard setback or lot area requirements of the Zoning Ordinance.

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner has filed an administrative subdivision to shift lot lines between two lots which requires compliance with the right of way dedication under Chapter 856-28;
- The petitioner requires a lot line adjustment because a portion of the proposed lot 1 residence is located over a boundary lines;
- The site gains access from N Maple Grove Rd;
- The waiver approval will allow the administrative subdivision to continue with no additional right of way dedication along the N Maple Grove Rd frontage;
- If the waiver is denied the petitioner will be unable to pursue the Administrative Type E Subdivision process to transfer property;
- Other legal processes may be available to the petitioner;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See Findings under # 1;
- The 2018 Monroe County Thoroughfare Plan shows N Maple Grove Rd as a Local road requiring 25’ of right of way dedication;

3. **Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):**

Findings:

- The lots within the administrative subdivision meet all other design standards required of the subdivision ordinance;

4. **Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;**

Findings:

- See Findings under #1, #2, #3;

5. **The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;**

Findings:

- See findings under #1 above;

6. **Granting the requested modifications would not contravene the policies and purposes of these regulations;**

Findings:

- See findings under #1, #2 and #3 above;

7. **The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

Findings:

- See findings under #1, #2 and #3 above;

8. **The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,**

Findings:

- See findings under #1 through #7 above;

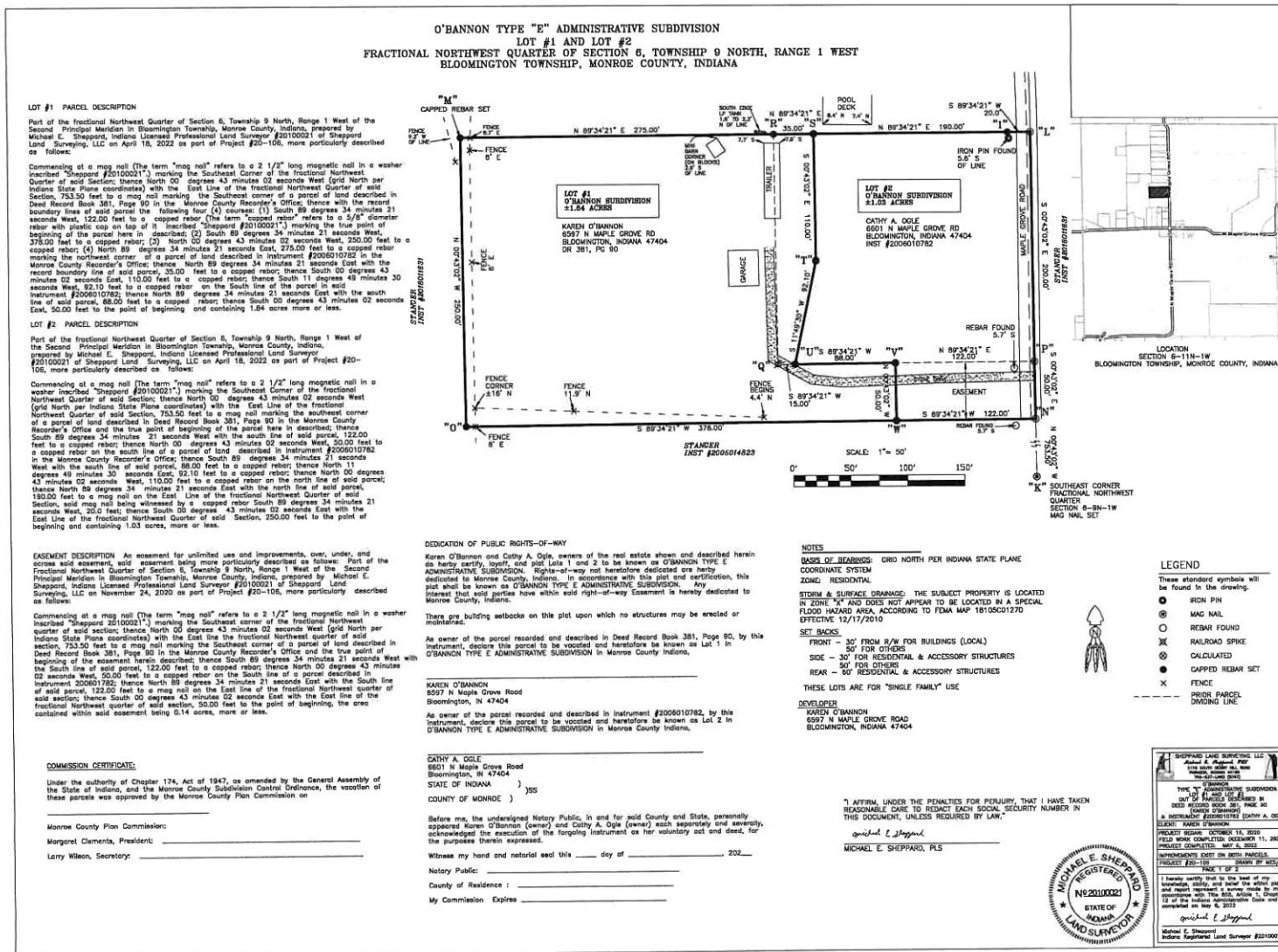
9. **The practical difficulties cannot be overcome through reasonable design alternatives;**

Findings:

- See findings under #1 and #4 above;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

EXHIBIT 1: Proposed Type E Administrative Subdivision Plat



7. 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.

EXHIBIT 2: Waiver Request Findings of Fact

JONES, McGLASSON & SIEFERS, P.C.

ATTORNEYS AT LAW

205 S. WALNUT ST., SUITE 3

P.O. BOX 279

BLOOMINGTON, INDIANA 47402-0279

ROBERT DELANO JONES
THOMAS M. McGLASSON
JERRY L. SIEFERS, JR.
MARYANN O. WILLIAMS

TELEPHONE: (812) 332-4431
FAX: (812) 332-0554
EMAIL: rdjones@btownlegal.com
WEBSITE: www.btownlegal.com

September 20, 2021

Anne Crecelius
Monroe County Planning Department
Monroe County Government Center
501 N Morton St., Ste 224
Bloomington IN 47404

RE: Administration Subdivision SAD-21-4
My clients: Karen O'Bannon and Cathy Ogle
Property: 6597 N. Maple Grove Road
6601 N. Maple Grove Road

Dear Ms. Crecelius,

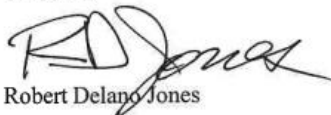
Our office represents Karen O'Bannon and Cathy Ogle regarding their real estate located on Maple Grove Road, Bloomington, Indiana. Karen O'Bannon owns 6597 N. Maple Grove Road, Bloomington, Indiana (parcel 53-05-06-200-002.000-004) and Cathy Ogle owns 6601 N. Maple Grove Road, Bloomington, Indiana (parcel 53-05-06-200-003.000-004).

We applied for a Type E Administration Subdivision with Right of Way Waiver Request on April 14, 2021. We are requesting this subdivision due to the trailer located on Karen's property being partially located on Cathy's property. It is impossible to relocate the trailer as it has been established on the property for some time with utilities hooked up to it. The proposed strip of land that would be conveyed to Karen O'Bannon from Cathy Ogle would amount to 0.14 acres, as shown on the plat provided to your office. This small parcel would not be detrimental to the public health or safety as it sits between two parcels away from the road.

This property is located in Monroe County and not the City of Bloomington and adjoins each other on the east side of the O'Bannon. Due to the properties adjoining, they do not alter the essential character of the community, nor would it deter governmental service delivery.

Should you have any questions, please feel free to contact me.

Sincerely,



Robert Delano Jones

Enc.
RDJ;tmr

EXHIBIT 3: 2020 Predesign



MONROE COUNTY PLANNING DEPARTMENT

Monroe County Government Center, 501 N. Morton St., Suite 224

Bloomington, IN 47404

Telephone: (812) 349-2560 / Fax: (812) 349-2967

Pre-Design Conference

PROPERTY OWNER CONTACT INFORMATION

Name: Karen O'Bannon (6597), Cathy Ogle (6601)

Phone:

Email:

REPRESENTATIVE CONTACT INFORMATION - if applicable

Name: Mike Sheppard, Sheppard Land Surveying

Phone: 765-318-9054

Email: msheppard1118@sbcglobal.net

Date: 10-16-2020

Planner: Anne Crecelius

Property Information:

Owner(s):

Address(es): 6597 N Maple Grove RD (1.8a)

Subdivision Name: unplatted

6601 N Maple Grove RD (1a)

Township/Section: Bloomington, 6

Parcel #(s): 53-05-06-200-002.000-004

Zoning (Incl. Overlays): ER

53-05-06-200-003.000-004

Type of Petition or Request / Proposed Use:

Type E Administrative Subdivision with a Right of Way Waiver Request

Pre-Design Review:

NEXT TWO FILING DEADLINES: 11/4, 12/2

Y	N	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Checklist(s) Provided:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Setbacks Provided:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Floodplain, Zone ____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Wetlands
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ECO Area ____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Concerns about Slope (15 %)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Karst/SCAs Required
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Easements impact Build. Area
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pole of Flag Lot impacts Build. Area
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Business Industrial Overlay
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sidewalks Triggered
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Historic Preservation Overlay
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Riparian Areas

Y	N	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Address Request Form Required
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rule 5 Required
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Access:
		Single or Shared (More than 4?)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Driveway Permit Required
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Road Names(s):
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Right-of-Way Dedication Required:
		Local 25'
		N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Septic Permits Required
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sewer Access
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Street Trees Triggered
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Needs waivers or variances

NOTES: Wants to adjust lot line so that mobile home isn't over lot line. Properties owned by sisters.

(Continued on other side)

NOTES:

Confirm that mobile home is over lot line with surveyor.

Confirm that the O'Bannon lot could be expanded to have a "bump out" to include the trailer that would still leave Ogle lot at 1 acre. If so, a Type E Administrative Subdivision with a Right of Way Waiver could be requested. See the page 3 picture for illustration.

The Type E Admin Sub is an administrative review but a waiver request must be approved by the Monroe County Plan Commission.

File petition by filing deadline (listed on Page 1):

Example Timeline:

Filed by December 2, 2020

- Staff Administrative review of plat
- Plat Committee (recommendation to Plan Commission): January 21, 2021
- Plan Commission Admin. Meeting (no public comment): February 2, 2021
- Plan Commission Regular Session (public comment heard, final decision): February 16, 2021

Planning filing fees:

2-lot Type E Admin. Sub.: \$120 + Subdivision Waiver request: \$250 = \$370.00

Additional Information:

- This information is meant to provide general assistance for filing a petitioning with the Plan Commission.
Feedback provided on/with this form is based on information presented at the time and does not constitute approval of any kind. Petitioners are strongly encouraged to consult the Monroe County Zoning Ordinance, Monroe County Subdivision Control and the Comprehensive Plan where appropriate.
- For Proposed Subdivisions, Predesign Conference Requirements, Purposes, Objectives and Procedures can be found in Monroe County Subdivision Control Chapter 854-4 and 845-5.
- For Proposed Subdivisions, Pre-Application Conference Requirements can be found in Monroe County Zoning Ordinance Chapter 826-3.
- For Proposed Plan Unit Developments, Predesign Conference Purpose and Requirements can be found in Monroe County Zoning Ordinance Chapter 811-4 and 811-5.
- Per the Zoning Ordinance:
Staff must conduct a site visit as part of the evaluation of the petition. Site visits may be conducted at a reasonable time and without prior notification to the property owner. Plan Commission and other board members who are participating in the evaluation of the petition may also conduct site visits at a reasonable time and without prior notification to the property owner.
- You may be required to consult the following County departments and resources:

Building Department	(812) 349-2580
Highway Department	(812) 349-2555
Health Department	(812) 349-2543
Recorder's Office	(812) 349-2520
Monroe County Website	www.co.monroe.in.us
Monroe County Zoning Ordinance	http://www.co.monroe.in.us/tsd/Government/Infrastructure/PlanningDepartment/DocumentManagerPlanning.aspx?EntryId=24711
Monroe County Planning Department	http://www.co.monroe.in.us/tsd/Government/Infrastructure/PlanningDepartment.aspx



MONROE COUNTY PLANNING DEPARTMENT

Monroe County Government Center, 501 N. Morton St., Suite 224

Bloomington, IN 47404

Telephone: (812) 349-2560 / Fax: (812) 349-2967

Pre-Design Conference - Notes Continued

Background Info:

Definition for "Type E Administrative Subdivision":

Subdivision, Administrative. A subdivision of land that is specifically exempted from the preliminary and final plat approval procedures and requirements of the Subdivision Control Ordinance. An administrative subdivision must be one of the following types of division:

(E) A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. The lots so created hereunder shall have only one principal use building site each. (See Principal Building);

Right of way dedication N Maple Grove Rd (local road) required - 25'. Setbacks on page 6.

Both lots must meet the zone (ER) minimum lot size requirement = 1 acre (after RoW dedication or with approved RoW waiver).

If O'Bannon land to south is transferred to Ogle an easement would be required - BUT - an easement cannot be created during a Type E Administrative Subdivision, nor can a lot be rendered without access to a public road. An easement cannot be created before the Type E because an easement can't be granted to yourself.



☐ Select All (1)

Parcels		Townships				
Parcel Number (18-digits)	Owner Name	Property Street	Property City, ST & ZIP	Legal Acreage	TAX 10	Owner Street
<input type="checkbox"/> 53-05-06-200-003.000-004	Ogle, Cathy A	6601 N Maple Grove RD	Bloomington, IN 47404	1.03	012-14020-01	6601 N Maple Grove Rd

Table 4-1 Height, Bulk, Area, and Density Requirements for Zoning Districts																	
Requirement	AG	FR	CR	ER	SR	LR	MR	HR	UR	LB	GB	PB	LI	HI	IP	ME	REC
Gross Density	0.40 (J)	0.20	0.40	1.00	1.00	3.00	4.80	7.30	7.30	---	---	---	---	---	---	---	---
Minimum Lot Area (acres)	2.5 (I)	5.0 (I)	2.5 (E)(I)	1.0	1.0 (F)	0.34	0.21	0.14	0.14	---	---	---	---	---	---	---	---
Minimum Lot Width at Building Line	200	200	200	100	50	75	60	50	50	50	50	50	60	100	100	200	200
Minimum Required Setbacks (feet)																	
Yard Fronting on any Street																	
Local	25 (H)	25 (H)	25 (H)	25	25	25	25	25	25	25	25	25	35	35	35	35	25
Minor Collector	35 (H)	35 (H)	35 (H)	35	35	35	35	35	35	25	25	25	35	35	35	35	25
Major Collector	35 (H)	35 (H)	35 (H)	35	35	35	35	35	35	35	35	35	35	35	35	35	35
Minor Arterial	50 (H)	50 (H)	50 (H)	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Principal Arterial	60 (H)	60 (H)	60 (H)	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Side Yards	50 (A)	50 (A)	15	15	5	10	5	5	10	6	6	6	3	3	3	50	50
Rear Yard	50 (B)	50 (B)	35	35	10	25	10	10	10	0	0	0	10 (D)	10 (D)	10 (D)	50	50
Maximum Lot Coverage (AG/RR, CR, FR- Sq. Ft.) Minimum Open Space Area (All Other Zones - percent)	15,000 Square Feet (G)	15,000 Square Feet (G)	15,000 Square Feet (G)	40	40	40	40	40	40	15	20	15	20	20	20	---	20
Maximum Height (feet)	40 Principal Use Structures 30 Accessory Use Structures	40 Principal Use Structures 30 Accessory Use Structures	40 Principal Use Structures 30 Accessory Use Structures	35	35	35	35	35	45	35	45	35	50	60	35	---	45
Maximum Floor Area Ratio	---	---	---	---	---	---	---	---	---	0.25	0.30	0.25	0.4	0.4	0.4	---	0.30

MONROE COUNTY PLAN REVIEW COMMITTEE**July 19, 2022**

PLANNER	Daniel Brown
CASE NUMBER	REZ-22-5
PETITIONER	Sonya Leigh
ADDRESS	353 N Knapp RD, parcel no. 53-04-35-300-034.000-011
REQUEST	Rezone Request from IL to AG/RR Waiver of Final Hearing Requested
ACRES	4.65 +/- acres
ZONE	Limited Industrial (IL)
TOWNSHIP	Richland
SECTION	35
PLATS	Unplatted
COMP PLAN DESIGNATION	MCUA Conservation Residential

EXHIBITS

1. Petitioner Letter
2. Petitioner Site Plan
3. Permitted Uses in the IL and AG/RR Zones

RECOMMENDATION TO THE PLAN REVIEW COMMITTEE

Recommendation to the Plan Review Committee:

- Staff recommends forwarding a positive recommendation to the Plan Commission based on the petition's compatibility with the Monroe County Comprehensive Plan.

PLAN REVIEW COMMITTEE

TBD

MEETING SCHEDULE**Plan Review Committee** – 06/09/2022**Plan Commission Admin Meeting** – 07/05/2022**Plan Commission Regular Meeting** – (Preliminary– Waiver of Final Hearing Requested)**Board of Commissioners Meeting** – TBD**SUMMARY**

The petition site is one parcel totaling 4.65 +/- acres located in Richland Township at 353 N Knapp RD. The petitioner is proposing to amend the Zoning Map from Limited Industrial (IL) to Agricultural/Rural Reserve (AG/RR). The site is currently a pre-existing non-conforming residential use allowed under Chapter 803 of the Monroe County Zoning Ordinance. The Single Family Residential use is not permitted in the IL zoning district. The petitioner states that they do not foresee any future changes in use.

If the rezone request is approved by the County Commissioners, the petitioner intends to apply for a Residential Accessory Structure permit. All applicable site plan requirements for Residential Accessory Structure apply.

If the rezone is denied, the petitioner may continue to operate the property as a single family residence under the requirements of Chapter 803.

BACKGROUND

The Zoning Map amendment would be from IL to AG/RR. Listed below are the definitions of these zones per Chapter 802.

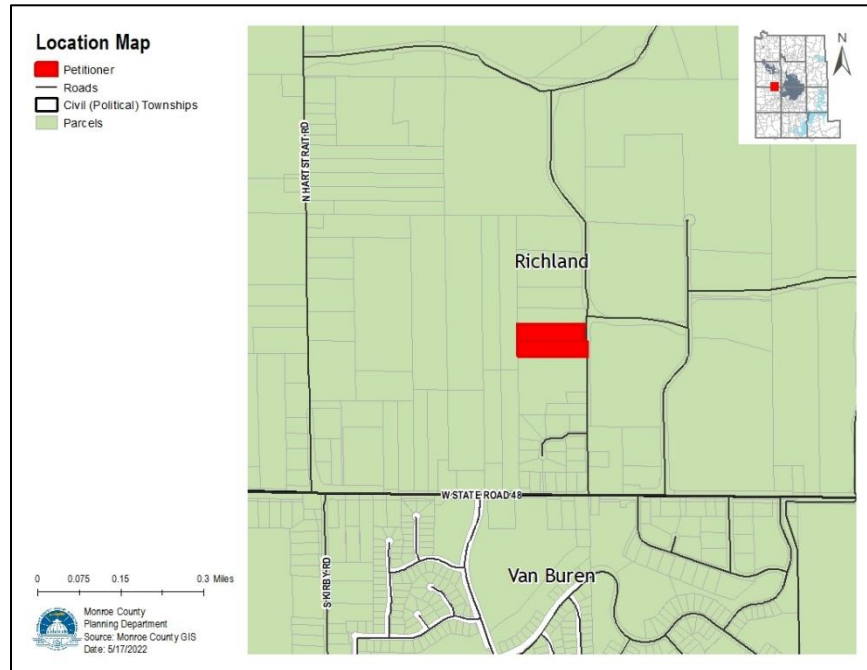
Limited Industrial (IL) District. *This district provides for industrial uses of limited intensity. The purpose of the district is to encourage a high quality of design including buffering, landscaping, signage, entry features and architecture. This district accommodates those light industrial uses which are less offensive to nearby commercial or residential areas. The specific intent of this district is to:*

- A. Accommodate industrial development which does not create substantial environmental impacts to surrounding properties. Such impacts include noise, vibration, unregulated outdoor storage and traffic.*
- B. Create industrial environments which accommodate light industrial uses.*
- C. Create environments for industrial uses which are attractive and well-designed.*
- D. Provide for limited commercial opportunities which serve the surrounding industrial area.*

Agriculture/Rural Reserve (AG/RR) District. *The character of the Agriculture/Rural Reserve (AG/RR) District is defined as that which is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single family residential uses associated with agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major) subdivisions. Its purposes are to encourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG/RR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.*

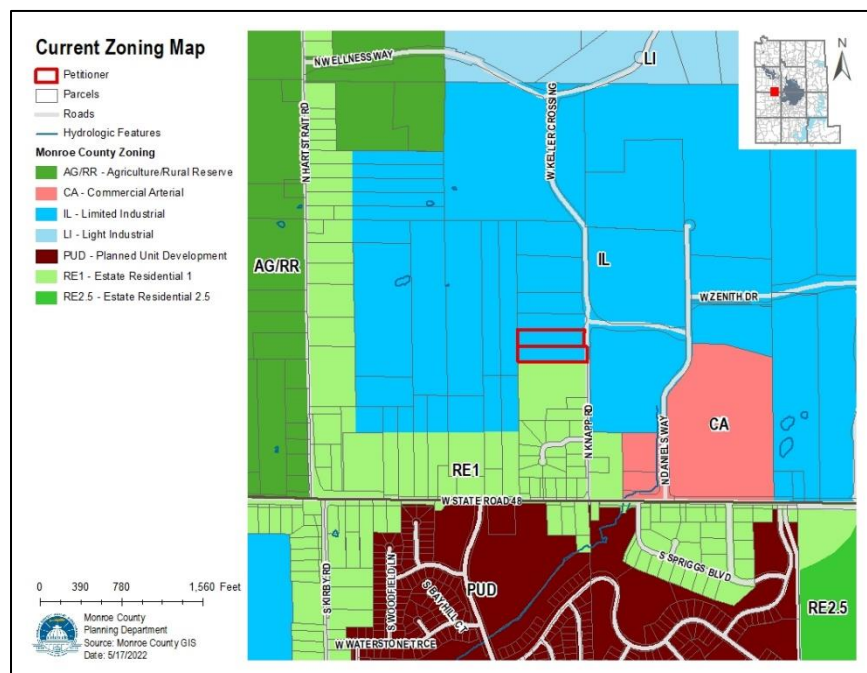
LOCATION MAP

The parcel is located at 353 N Knapp Road, Section 35 in Richland Township. The Parcel No. is 53-04-35-300-034.000-011.



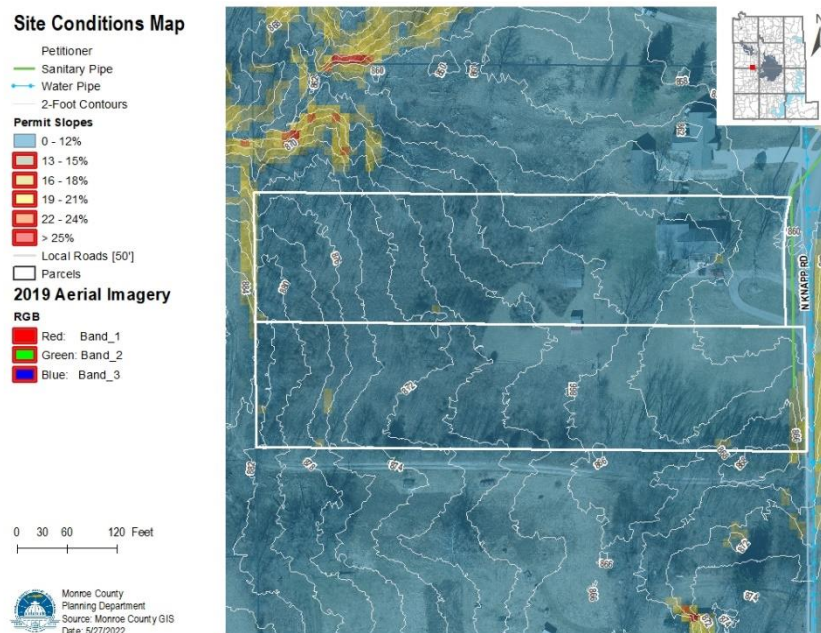
ZONING

The parcel is zoned Limited Industrial as are the adjoining parcels to the north, east and west. There are parcels zoned as Estate Residential 1 to the south. There are no commercial uses directly adjacent to the subject property. The surrounding area includes mostly Limited Industrial, Estate Residential 1 and Agricultural uses.



SITE CONDITIONS & INFRASTRUCTURE

The petition site is made up of two 4.65 acre +/- parcels. The site contains an approximate 2,399 sf single family residence, a 256 sf utility shed, a 140 open masonry porch, a 60 sf wooden deck, and a 180 sf wooden deck. The petition site is currently operated as a single family residence. Access to the site is from N Knapp Rd, which is designated as a Local roadway according to the Monroe County Thoroughfare Plan. There is no evidence that karst/sinkhole features are present on and near the petition site according to available contour data.



Stormwater Comments:

No comments on the rezone petition. MS4 Coordinator will review any site improvements when permits are submitted.

Highway Comments:

No comments substantive to the rezone petition at the time of this report's publishing.

SITE PHOTOS

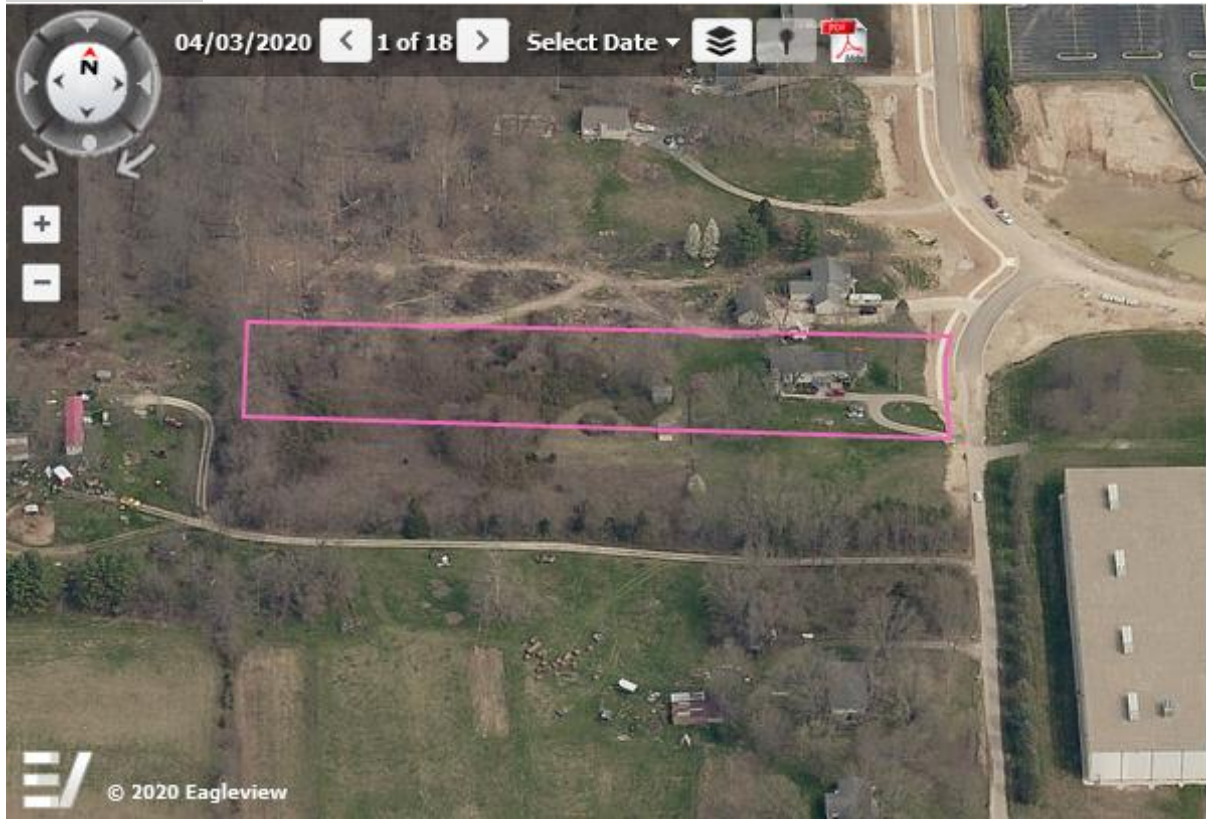


Photo 1. Aerial pictometry from the south (2020)

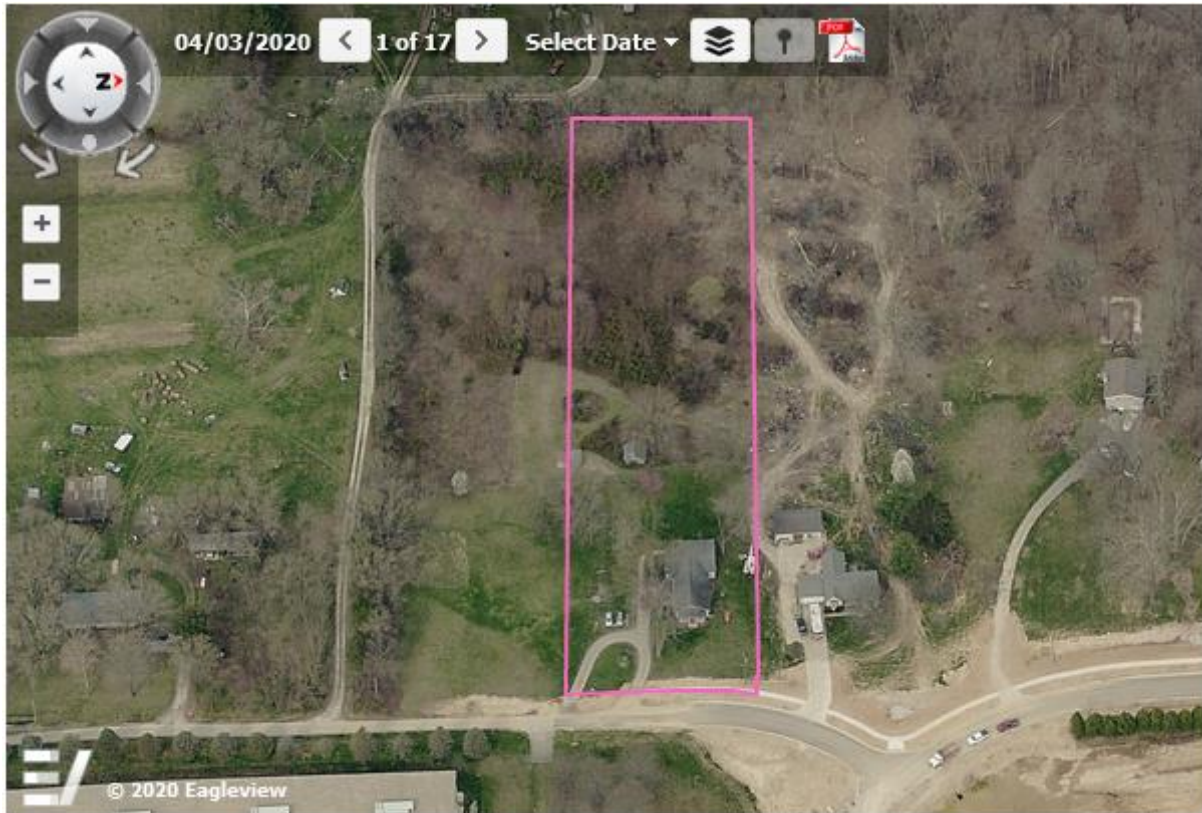


Photo 2: Aerial pictometry from the east (2020)

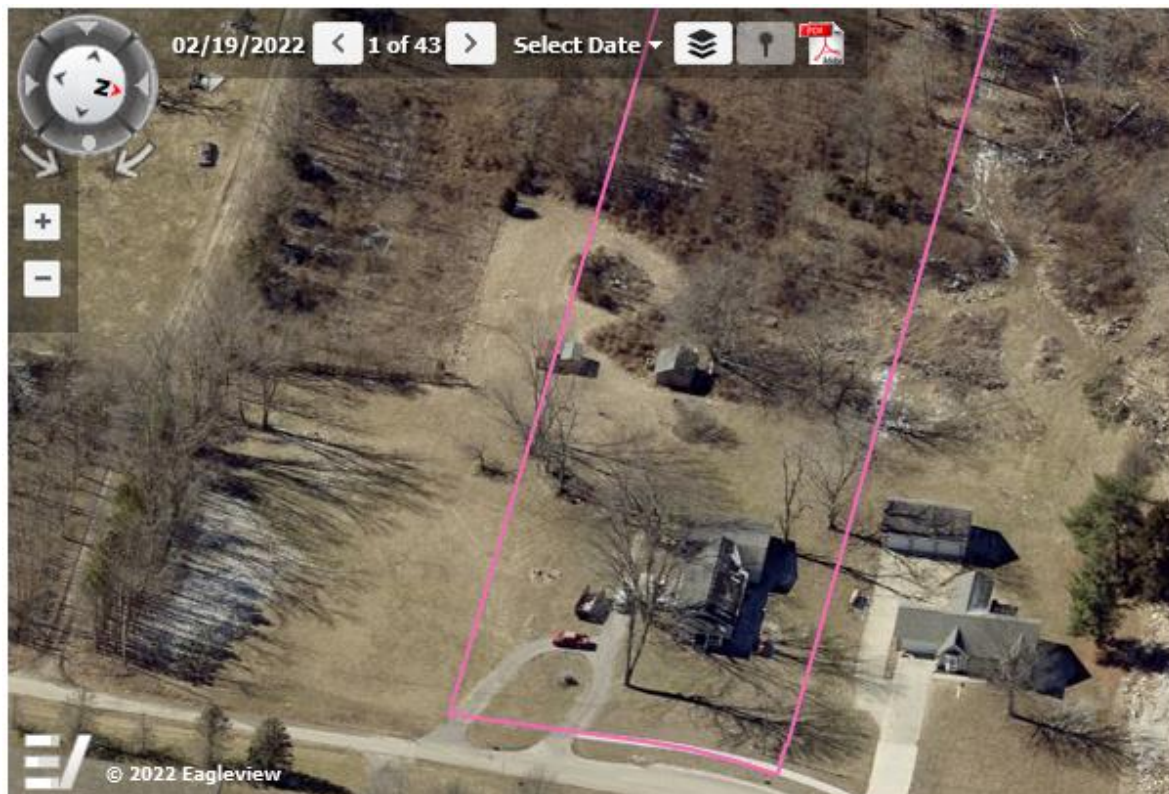
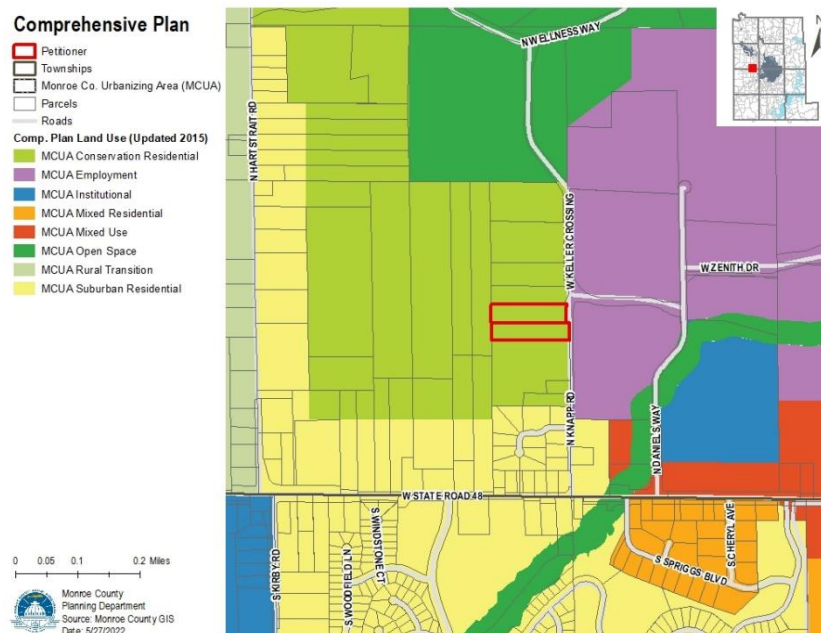


Photo 3: Aerial pictometry from the south, zoomed in (2022)

COMPREHENSIVE PLAN DISCUSSION

The petition site is located in the *Conservation Residential* district in Monroe County Urbanizing Area Plan.



The Conservation Residential use category has relatively large lots situated within the Designated Communities of Monroe County. Often these parcels contain significant amounts of Vulnerable Land but include three different kinds of uses; each has an independent rationale for its classification as well as different expectations for future use. They are grouped into one use category because the property use policy directives for all three are the same – relatively low intensity use for the plan horizon.

For those portions of our Designated Communities with significant amounts of Vulnerable Land, the Conservation Residential category protects the Vulnerable Land from encroachment while still allowing land to be used for residential purposes. Each Designated Community also contains property designated for future development, i.e. Residential Reserve sub-area, as infrastructure matures within the area. For those portions of our Designated Communities, the Conservation Residential category provides residential use consistent with established infrastructure and long-term use expectations.

And finally, the Designated Communities must provide a range of residential options, including relatively low density urban living, i.e. large lot, opportunities to accommodate lifestyle choices consistent with our range of lifestyle opportunity goals.

The minimum lot size for new parcels in the Conservation Residential use category shall be 2.5 acres excluding identified Vulnerable Land. Adequate contiguous Resilient Land shall be available for each dwelling to support either two independent conventional septic fields or one replaceable system. Where it is possible, new homes should be connected to sanitary sewer service. Sufficient space for buildings traditionally associated for this type of use must also be provided. For those parcels where more intense use is dependent upon future infrastructure, property owners should be encouraged to consider lot layouts suitable for future subdivision and more intense property use avoiding Vulnerable Land.

FINDINGS OF FACT - REZONE

In preparing and considering proposals to amend the text or maps of this Zoning Ordinance, the Plan Commission and the Board of County Commissioners shall pay reasonable regard to:

(A) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as MCUA Conservation Residential.
- The rezone request is to change the zone for the petition site from Limited Industrial (IL) to Agriculture/Rural Reserve (AG/RR);
- The current use of the petition site is single family residential;
- If approved the petitioner intends to apply for a Residential Accessory Structure permit for a storage shed;

(B) Current conditions and the character of current structures and uses in each district;

Findings:

- See Findings under Section A;
- The rezone request is to change the zoning for the entirety of the site to the Agriculture/Rural Reserve (AG/RR) District;
- The petition site is currently zoned Limited Industrial;
- The majority of the northwest portion of the site exhibits slopes less than 15% (see Slope Map);
- A large portion of the property surrounding the existing structures exhibits slopes less than 15% (see Slope Map);
- The petition site is not located in FEMA or DNR Floodplain;
- The petition site is not located in any areas of the Environmental Constraints Overlay (i.e. the Lake Monroe Watershed);
- No evidence of karst/sinkhole features of being present on and near the petition site according to available contour data;

(C) The most desirable use for which the land in each district is adapted;

Findings:

- See Findings under Section A and Section B;
- The adjacent parcels to the north, west, and east are currently zoned IL;
- The adjacent parcels to the south are currently zoned RE1;
- Numerous properties approximately 0.5 miles to the west and northwest are zoned AG/RR;
- Land uses in the surrounding area are mostly residential and/or agricultural;
- There are no commercial uses directly adjacent to the subject property;

(D) The conservation of property values throughout the jurisdiction; and

Findings:

- Property value tends to be subjective;
- The effect of the approval of the rezone on property values is difficult to determine;

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- The petition site is one parcel with 4.65 +/- acres;

- The purpose of the rezone is to provide the property owner with the right zoning to pursue a Single-Family Residential use on the property;
- According to the Monroe County Thoroughfare Plan, N Knapp Rd is designated as a local roadway;

EXHIBIT 1: Petitioner Letter

Sonya Leigh and Timothy Wiens

353 N. Knapp Rd.
Bloomington, IN 47404
(352) 272-1797
heavenleigh2011@yahoo.com

25 April 2022

Monroe County Planning and Zoning Committee

Review Board
501 N Morton St Suite 224
Bloomington, IN 47404

Dear Board Members,

My name is Sonya Leigh and I am seeking a rezone of my family home located at 353 N. Knapp Rd. Bloomington, IN 47404. It is located within Monroe county, in what has been known as the fringe area. I have owned the property for over 15 years. It is the original house to the property which sits on over 4 acres. We were told by a family member who was born in the house that it was built around 1920.

I changed my name in 2011 from Pamela Jo Wiens to Sonya Heaven Leigh just to clarify any confusion when reviewing the property records. It is currently deeded to Timothy B. Wiens and my previous name of Pamela Jo Wiens. I am planning to obtain legal advice as to how to secure the property for my children.

The property to the south and east is residential and agricultural. My home along with 4 others to the north of me had zoning changed to Light Industrial years ago. This zoning prohibits us from being able to fully utilize and make improvements to the property which will allow my family to live and age in place. The following will explain why we are making this desperate appeal for our home to be allowed to return to a zone AG/RR for residential purposes. I have attached below the county information and screenshot from the GIS.

It is our home. It is where I watched my son get on the bus for the first time for school, where he played with his first puppy, ran through the field picking wild flowers, saw his first fireworks display from the front porch and helped me dissect science projects for my college biology course. Both of my children's handprints are in the sidewalk.

The rezone of our home and land to AG/RR is crucial for my family's lives!

My son has been diagnosed with a disability as he has grown. He has battled with many physical issues over the years and has been diagnosed with autism. He will require major heart surgery in the next 10-15 years. He will never drive due to limitations from his autism. I have been diagnosed with Connective Tissue Disease which includes: RA, Polymyositis, Raynauds, Fibromyalgia, and Neuropathy. Eight years ago I was told that I would have possibly 5-10 years left to live due to my disease likely causing my heart and lungs to fail. My daughter has unfortunately inherited the disease as well.

Someone may suggest we move to another property to accommodate our disability needs but it would not be the solution. Our home not only has an emotional connection but it provides the ability for my son to walk to a job that understands and works with his disability. He has acquired a part time job at Cook. He is now 21 and the ability to walk to work on his own gives him a great sense of pride and independence. Our home's location also allows him the ability to walk to nearby grocery, pharmacy and retail as well. It is crucial for his needs and his future to remain in the home he grew up in and is familiar with.

We are seeking the rezone to AG/RR to allow us to restore our home and build additions to accommodate our family's disabilities and aging in place. We have no plans to ever sell our home. My husband and I have recently sold our investment properties as well as the primary residence he has been living in due to employment in Florida. This has allowed us to pay off the mortgage on our Bloomington home to insure that there will always be a roof over our children's heads.

Not only are the properties that adjoin mine to the south and east zoned for residential and agricultural use but the homes to the north of me have been totally renovated in the last year and are now being sold for \$425,000 and \$450,000. We as homeowners have no intention to use the property as Light Industrial but to continue its use as residential.

Our home will be the home that me and my children will continue to live in for the rest of our lives.

We considered selling our property about 10 years ago and were unable to due to the zoning and denial for businesses even allowed by zoning code because the road would not accommodate emergency services and traffic. Cook and Baxter had no interest in the property. Cook has since expanded east and taken space in the old GE building. The KEHE building has been sitting vacant. It would be financially smarter for a new industry to purchase a vacant building like KEHE as opposed to taking on the battle of trying to negotiate sales with five different homesteads that are not interested in

selling. Then dealing with the reconstruction of the highway drainage and hurdles of the topography in order to build. The land encompassing our five homes would not accommodate industrial development as noted by one of your members, during an online meeting I attended to discuss the new plan for zoning. The road has recently been redeveloped but the drainage areas that have been installed add to the inability for industrial development as shown in the **pictures below** due to the steep slope from the height of the road.

I am also attaching the following letter from Danielle Bachant-Bell with Lord and Bach Historic Preservation Consulting referencing the historical role of our home to the land and the changes and issues associated with the drainage installed by the county.

"Statement Regarding the property at 353 N. Knapp Road In March 2022, I visited the property at 353 N. Knapp Road. The house is a front gable bungalow with a hipped roof front porch resting on a concrete block foundation. It is typical of a simple bungalow of the 1920-1930 time period, many of which were purchased as kit homes through catalogs. The date of 1928 on the Monroe County Property Card could be considered accurate. The interior retains some original wood floors and trim and original access to the cellar. Despite the presence of replacement windows and vinyl siding, and later rear additions, the main house maintains the form of a bungalow of its time period. The land retains fence rows with period wire fencing and wood posts and the yard retains large trees of substantial age, although two died in more recent years. The latter may have occurred due to drainage changes as part of the industrial development and road changes immediately to the east and the subsequent damage to and flooding of tree roots. The house is one of two of the period on N. Knapp Road. Neither appear on the SHAARD database, possibly excluded by the surveyor due to alterations of siding, windows, doors, and additions. However, these changes and the exclusion from the database don't negate the age of the houses and their presence as homes. And as with 353 N. Knapp Road, the house was clearly part of what was a former small farm. The road itself appears on the Slenbenthal Monroe County Map of 1895. It is seen on the map, as it is today, a north/south road along the SW and SE Quarter boundaries of Section 35 in Richland Township. Danielle Bachant-Bell Lord & Bach Consulting Written 4/9/22 The above consultant has been determined to meet qualification standards for cultural resource management professionals. These standards (promulgated by the National Park Service and published in 36 CFR Part 61) define the minimum education and experience required to perform identification, evaluation, registration, and treatment activities for historic properties."



Below are photos of our home and land that adjoins the residential/agricultural properties. The acreage would easily accommodate expansion. We wish to not only renovate and enlarge our home to allow space to accommodate everyone including my mother who suffers with parkinsons and stage 4 renal failure, but restore the old barn, build a greenhouse for gardening, a small pool house and install solar panels for energy efficiency. If approved we plan to remove the dual septic and attach to the city sewer to accommodate any expansions.







County GIS map of property.

According to the GIS system the overlay shows our property as 1 Family Dwelling 0-9.99 Acres and the adjoining property to the south of me as 2 Family Dwelling 0-9.99 Acres. Our property is not included in the Industrial Warehouse or Light Manufacturing and Assembly areas on the map.



Thank you for your time and consideration. I would be happy to provide any further information you may need and answer any questions you have. Feel free to contact me anytime. Your decision will have a great effect on my family's future. I love my town and my state. Home is where the heart is and my heart is in my home.

Sincerely,

Sonya H. Leigh and Timothy B. Wiens

EXHIBIT 2: Petitioner Site Plan



EXHIBIT 3: Uses Permitted in the IL and AG/RR Zone

IL Zones List

ORDEI	USES	IL	CONDITIONS
9	Auditoriums	C	
12	Automotive repair	C	9
15	Beverage bottling	P	
16	Building trade shops	P	
18	Business or Industrial Center	P	20
19	Business or trade schools	P	
24	Churches	C	
26	Commercial / Industrial Adaptive Reuse	P	21
31	Convalescent, nursing or rest home	C	
35	Cultural facilities	P	
36	Day care centers	P	
43	Fire stations	P	
48	Historic adaptive reuse	C	
54	Kennels	C	
55	Light manufacturing	P	
57	Machinery and equipment repair	P	
58	Mini-warehouses	P	
63	Off-site parking	C	
64	Offices	P	
66	Outdoor storage as an accessory use	C	
70	Police stations	P	
71	Print shops	P	
76	Rehabilitative facilities	C	
77	Relocation of off-premise signs	C	
78	Research laboratories	P	
86	Schools	P	
87	Shared parking	C	
98	Utility substations and transmission facilities	P	5
100	Warehousing and storage in enclosed buildings	P	

AG/RR Zones List

USES	INTENSITY	ZONES	USES	INTENSITY	ZONES
Agricultural Uses	i	AG	Religious Facilities	H	P
Accessory Use		P	Remote Garbage/Rubbish Removal	H	C
Accessory Structures for Agricultural Use	L	P	Solar Farm	L	C
Agriculture	H	P	Telephone and Telegraph Services	L	P
Agricultural-Related Industry	H	P	Utility Service Facility	M	P
Agricultural Uses-Land Animal	H	P	Wastewater Treatment Facility	H	C
Agricultural Uses-Non Animal	H	P	Water Treatment Facility	H	C
Agritourism / Agritainment (i.e. corn mazes)	H	P	Wired Communication Services	M	P
Aquaculture	M	P	Business and Personal Services	i	AG
Christmas Tree Farm	H	P	Accessory Use		P
Commercial facilities for the sale, repair, a	H	C	Artisan Crafts	M	C
Commercial Non-Farm Animals	M	P	Bed and Breakfast	L	P
Confined Feeding Operations	H	C	Composting Operation	H	P
Equestrian Center	H	C	Greenfill	M	P
Equine Services	L	P	Historic Adaptive Reuse		P
Feed Lot	H	P	Kennel, including commercial animal breeding	H	C
Feed Mill	L	P	Real Estate Sales office Or Model	L	P
Historic Adaptive Reuse		P	Taxidermist	L	P
Horse Farm	L	P	Temporary Seasonal Activity	M	P
Nursery/greenhouse	H	P	Tourist Home or Cabin	L	P
Orchard	H	P	Veterinary Service (Indoor)	H	C
Pick-your-own operation	H	P	Veterinary Service (Outdoor)	M	C
Roadside farm stand, Permanent	M	P	Retail and Wholesale Trade	i	AG
Roadside farm stand, Temporary	L	P	Accessory Use		P
Stockyard	H	P	Agricultural Sale Barn	H	P
Winery	H	P	Fruit Market	L	P
Accessory Apartments	L	P	Garden Center	H	C
Accessory Dwelling Units	L	P	Historic Adaptive Reuse		P
Accessory Livestock	L	P	Automotive and Transportation	i	AG
Accessory Use		P	Automobile Repair Services, Minor	H	C
Guest House	L	P	Historic Adaptive Reuse		P
Historic Adaptive Reuse		P	Accessory Use		P
Home Based Business	L	P	Camping Facility	H	P
Home Occupation	L	P	Historic Adaptive Reuse		P
Residential Storage Structure	L	P	Park and Recreational Services	H	C
Single Family Dwelling	n/a	P	Private Recreational Facility	H	C
Temporary Dwelling	L	P	Recreational Vehicle (RV) Park	H	C
Two Family Dwelling	n/a	P	Manufacturing, Mining	i	AG
Public and Semipublic	i	AG	Accessory Use		P
Accessory Use		P	Historic Adaptive Reuse		P
Cemetery	H	P	Sawmill	H	C
Governmental Facility	H	P	Wood Products	M	C
Historic Adaptive Reuse		P			

CHAPTER 801

ZONING ORDINANCE: DEFINITIONS

801-1. Usage

- (A) Unless otherwise specifically provided, or unless clearly required by the context:
 - (1) words and phrases that are defined in this chapter shall be given their defined meaning when used in this ordinance;
 - (2) words and phrases that are not defined in this chapter but that are defined in other chapters of this ordinance, or in the Subdivision Control Ordinance, or in the Monroe County Code, shall be given their defined meanings when used in this chapter;
 - (3) technical words and phrases that are not defined in this chapter, or in other chapters of this ordinance, or in the Subdivision Control Ordinance, or in the Monroe County Code, but that have established and appropriate meanings in law shall be given such meanings when used in this chapter; and,
 - (4) words and phrases that are not otherwise specifically defined shall be taken in their plain, ordinary and usual sense.
- (B) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations;" the word "regulations" means "these regulations."
- (C) A "person" includes a governmental entity, a corporation, a partnership, and an incorporated association of persons such as a club as well as an individual; "shall" is always mandatory; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

801-2. Definitions

The following definitions generally apply to the provisions of this ordinance. However, several chapters (e.g., 802, 807, 808, 809, 810, and 837) of this ordinance contain specific definitions which apply to certain terms that are used primarily in those chapters.

AASHTO. American Association of State Highway and Transportation Officials.

Abandon means to intentionally, permanently, and completely, cease all business activity associated with a wireless support structure.

Accessory Building or Structure. A subordinate building or structure customarily incidental to and located on the same lot with the principal building.

Accessory Equipment means any equipment serving or being used in conjunction with a wireless communications wireless support structure or facility. Accessory equipment includes, but is not limited to, utility or transmission equipment, power supplies,

generators, batteries, cables, guy wires, equipment buildings, cabinets and storage sheds, shelters or other structures.

Accessory Use. A subordinate use customarily incidental to and located on the same lot with the principal use.

Adaptive Reuse. The reuse of a site or building for a use other than for which it was originally built, purposed or designed.

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Administrative Approval means the zoning approval that the Administrator or the Administrator's designee is authorized to grant after Administrative Review.

Administrative Review means the non-discretionary evaluation of an application by the Administrator or designee, without a public hearing.

Administrative Subdivision. See Subdivision, Administrative.

Administrator. The officer appointed by and/or delegated the responsibility for the administration of these regulations by the Commission. This term shall be construed to include those planning staff members working under the direction of the Director pursuant to and in accordance with Monroe County Code Chapter 824.

Adult Oriented Business. An adult arcade, adult media store, adult retail store, adult cabaret, adult motel, adult motion picture theater, adult theater, lingerie modeling studio, massage parlor, sexual encounter establishment, escort agency, or, semi-nude model studio as defined by Chapter 837 of this ordinance. The definition of Adult Oriented Business shall not include: an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy or research; or the practice of massage in any licensed hospital, or by a licensed physician, surgeon, chiropractor, or osteopath, or by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, or by trainers for any amateur, semiprofessional, or professional athlete or athletic team or school (including schools with students 18 years of age and older, e.g., college or university) athletic program.

Advisory Plan Commission. A plan Commission serving a single local government jurisdiction established as defined under the Indiana Code §36-7-4-102, as amended.

Agency. See Public Agency.

Agribusiness. A commercial or manufacturing establishment which provides needed services or supplies for agricultural production.

Agricultural Use. A use involving the science and art of the production of plants and animals including to an incidental extent the preparation of these products for human use and their disposal by marketing or otherwise. This use may include, but is not limited to, farming, horticulture, forestry, dairying, sugar making, aquaculture, viticulture, poultry, and exotic animals.

Alley. A public or private vehicular right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other

street.

Altered Sinkhole. A sinkhole which has been filled, excavated or otherwise disturbed.

American National Standards Institute (ANSI). A private organization that develops widely accepted standards for many pieces of modern technological equipment, or its successor bodies.

Amplitude. The maximum displacement of the earth from the normal rest position. Displacement is usually reported as inches per mils.

Amusement Establishment. Any establishment where the use of amusement devices for compensation exceed fifty (50) percent of the establishment's activities.

Amusements, Outdoor. Outdoor commercial recreational activities including, but not limited to, miniature golf, bungee jumping, or amusement parks. This definition does not include any activities offered by the public sector in a park or playground.

Animal. Any live, non-human vertebrate creature, domestic or wild.

ANSI. See American National Standards Institute.

Antenna means any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

Antenna Array. One or more whips, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure as defined in this chapter.

Apartment. A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit, complete with kitchen and bathroom facilities.

Applicant. The owner of land, or his agent or legal representative, who seeks an approval, permit, certificate or determination from the Commission or Board, under the provisions of this ordinance.

Architectural Feature. A prominent or significant part of element of a building, structure, or site.

Arterial, Primary. A street intended to move through-traffic to and from such major attractions as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the County; and/or as a route for traffic between communities; a major thoroughfare.

Arterial, Secondary. A street intended to collect and distribute traffic in a manner similar to primary arterials, except that they are designed to carry traffic from collector streets to the system of primary arterials and typically service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches and offices.

Arterial, Street. Either a Primary Arterial or a Secondary Arterial as defined in this section.

Attached Wireless Communications Facility (Attached WCF). An Antenna Array that is attached or affixed to an existing building or structure (including but not limited to a utility

pole, sign or water tower), along with any transmission cables and accompanying pole or device that attaches or affixes the Antenna Array to the existing building or structure.

Average Density Procedures. Procedures for calculating overall density of development prescribed in the Zoning Ordinance as a flexible tool for maintaining overall densities while allowing individual lot sizes to vary from the minimum size allowed in a given zone.

A-Weighted Sound Level (dB(A)). In decibels, a frequency-weighted sound pressure level, determined by the use of the metering characteristics and A weighted network specified in ANSI S1.4-1971 "Specifications for Sound Level Meters" and the latest revision thereof.

Awning. A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners

Bare Root. Dormant plants dug from growing fields, trimmed, freed of all soil at the roots, and protected from drying out until planting.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Base station means a station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.

Basin Sinkhole. A sinkhole shaped like a basin, usually characterized by smooth slopes and a flat bottom owing to a soil mantle on the bedrock.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Berm. An earthen mound designed to provide visual interest, screen undesirable views, and decrease noise.

Blind Valley. The portion of the valley containing a sinking stream that comprises a depression that is below the threshold and characterized by closed or depression contours.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Board. The Monroe County Board of Zoning Appeals.

Board of County Commissioners. The duly elected Board of Commissioners of the County of Monroe, Indiana, referred to herein as "County" so as not to be confused with the Monroe County Advisory Plan Commission which is referred to herein as "Commission" or the Monroe County Board of Zoning Appeals which is referred to herein as "Board."

Bond. Any form of financial guaranty including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission.

Bufferyard (Landscape Buffer). A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

Buildable Area. A designated area of a lot that is compact in form and necessary for the safe construction or placement of structures and associated utility infrastructure.

Building. Any roofed structure built for the support, shelter, or enclosure of persons or property. Any portion of a structure that is completely separated from other portions of the structure by a division wall without openings shall be deemed to be a separate building.

Building Area. The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

Building Code. The County ordinance or group of ordinances that establish and control the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters, within the County, also referred to herein as the "County Building Code."

Building Coverage. See Lot Coverage.

Building, Detached. A building which is completely surrounded by open space and which is located on the same lot as another building.

Building Height. The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade and the front of the building.

Building Historic. A building of historic importance designated by the Board of Review.

Building Line. The line that establishes the minimum permitted distance on a lot between the front-most portion of any building or structure and the street right-of-way line. See Front Yard; Frontage.

Building Permit. A certificate issued by the building permit official of a governing body that permits a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within the governing body's jurisdiction, or cause the same to be done.

Building Permit Official. The local government official authorized to issue building permits or his/her designee.

Building, Principal. See Principal Building.

Building, Temporary. A temporary building is a structure designed, built, created or occupied for short and/or intermittent periods of time and shall include tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

Bulk. Bulk is the term used to determine the size of lots; the size and placement of buildings

or structures, and the location of same with respect to one another, and includes the following:

- (A) size and height of buildings;
- (B) location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- (C) gross floor area of buildings in relation to lot area (floor area ratio);
- (D) all open spaces allocated to buildings;
- (E) amount of lot areas and lot width provided per dwelling unit.

Business. Any occupation, employment, or enterprise which occupies time, attention, labor and/or materials for compensation whether or not merchandise is exhibited or sold, or services are offered.

Caliper. The diameter of a tree trunk. Caliper measurements are taken six inches above finish grade for trees up to four inches in diameter and twelve inches above grade for larger diameter trees.

Canopy. Any structure, mobile or stationary, attached to and deriving its supports from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements, or a roof-like structure of permanent nature which projects from the wall of a structure and overhangs the public way.

Capacity of a Storm Drainage Facility. The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property for a given storm.

Capital Improvements Program. A proposed schedule of all future, major County capital improvements projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All projects that require the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the more durable, longer lived physical assets for the community shall be considered as major projects.

Carrier on Wheels or Cell on Wheels ("COW") or Mobile Station means a portable self-contained wireless communications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna wireless support structure.

Cave Spring. A spring that discharges from a solution-enlarged opening.

Center Line. The mid-point in the width of a public right-of-way. This shall be determined by recorded subdivision plats, or by the historic center line for all unplatted rights-of-way. In the event that acquisition of additional right-of-way has taken place on one side of a right-of-way, the original center line prior to such acquisition shall be considered the center line for the purposes of this Zoning Ordinance.

Certificate of Occupancy. The official authorization to occupy a structure as issued by the Monroe County Building Commissioner.

Certificate of Zoning Compliance. A written certification that a structure, use or lot is, or will be, in compliance with the requirements of this ordinance.

Certified Site Plan. A design that is certified by an engineer or surveyor that shows the full property boundaries, arrangement of buildings, all associated infrastructure, and open space. See specific certification and component requirements under Chapter 815.

Change in Use. For any portion of a building, structure or lot:

- (A) Any change from a residential use to any non-residential use;
- (B) Any change from one residential land use to another, any increase in the number of units, and any increase in the number of bedrooms for any unit [from what is listed on the property report card](#);
- (C) Any change from one use to another use having a higher requirement for off-street parking as specified in Chapter 806;
- (D) Any establishment of a use on a previously unused site, or the inclusion of a new use in addition to an existing use;
- (E) Any use which requires conditional use approval; and
- (F) Any change from one ~~class of use~~ to another ~~class of use or any change from a use listed in the class of use table~~ [constitutes a](#) ~~to any use not listed or any change from a in use use not listed in the class of use table to any other use not listed in the table.~~

Classes of Use

Class A

Antiques	Florists Shops
Apparel	Gift Shop
Appliance Stores, small	Hardware
Arts and Crafts	Jewelry
Auto Parts/Supplies, New	Offices
Bicycle Shops	Pet Shops (Domestics)
Books, Newsstands	Sporting Goods

Class B

Bakery	Liquor Store
Dairy Products	Used Merchandise Sales
Drugstore, Sundry	Variety Store
Grocery and Meats	Video Rental

Class C

~~Auto/Truck/Marine Sales and Rental Farm Equipment~~
~~Mobile Home Sales~~

Class D

Appliance Repair, small	Furniture Repair
Automobile Repair	Hotel/Motel
Bed and Breakfast	

Class E

Business Service	Personal Service
Laundry and Dry Cleaning	Printing (Job, Service)

Class F

~~Amusement Arcades Bars and Taverns~~
~~Eating, Drinking, Restaurant~~

Class G

~~Apparel Manufacturing Beverage Bottling~~

~~Clocks and Scientific Equipment Manufacturing~~
~~Drugs, Pharmaceutical, and Medical Equipment Manufacturing~~ ~~Electronic Equipment Manufacturing~~
~~Musical Instruments~~ ~~Printing, Newspapers~~ ~~Research-~~
~~Laboratories~~

Class H

~~Bakery, Dairy Products, Confectionery~~ ~~Furniture Manufacturing~~
~~Grain Mills Manufacturing~~ ~~Machinery Tool and Die Metal-~~
~~Fabrication~~
~~Millwork, Veneer, Sawmills~~

Channel. A natural or artificial watercourse that periodically or continuously contains moving water, or that forms a connecting link between two bodies of water, and that has a defined bed and banks which serve to confine the water.

Charter Buses. Passenger-carrying motor vehicles utilized by a group of persons who, under a single contract, have acquired the exclusive use to travel together as a group to a specified destination or for a particular itinerary.

Checkpoint Agency. A public agency or organization that is called upon by the Commission to provide expert counsel with regard to a specific aspect of community development or that is required by law to give its assent before a particular land development or use may take place.

Cluster. A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Cluster Subdivision. A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

Collector Street. A street intended to move traffic from local streets to secondary arterials. (A collector street serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it and no driveway access to it is permitted unless the property is to be in multifamily use for four (4) or more dwelling units).

Collocation means the placement or installation of wireless facilities on existing structures that include a wireless facility or a wireless support structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

Commercial Use. See Business.

Commission. The Monroe County Advisory Plan Commission, unless the context indicates to the contrary.

Commission Attorney. The licensed attorney designated by the Commission to furnish legal assistance for the administration of this ordinance.

Compound Sinkhole. An assemblage of two or more sinkholes that lie within an individual larger sinkhole.

Comprehensive Plan. The inclusive physical, social, and economic plans and policies in

graphic and verbal statement forms for the development of the County prepared and adopted by the Commission pursuant to the State Acts, and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Concealed Wireless Communications Facility means any wireless communications facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed so that the purpose of the facility or wireless support structure for providing wireless services is not readily apparent to a casual observer.

Concentrated Surface Flows. Drainage of water over plane surfaces that is more focused and of a greater depth than sheet flow. The velocity of the flow is a function of the watercourse slope and the type of channel.

Conditional Use. A use specifically designated as a conditional use in the zoning ordinance which, without compliance with Chapter 813 of the Monroe County Zoning Ordinance, cannot be properly classified as a permitted use in a particular zoning district, and which may be conducted only pursuant to a conditional use permit granted by the Board of Zoning Appeals.

Condominium. The division of building(s) and the related land into horizontal property interests meeting the requirements of condominiums as prescribed by Indiana Code § 32-1-6-1 through 31.

Condominium Association. The community association that administers and maintains the common property and common elements of a condominium.

Confined Feeding. The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where food is supplied to the animals only by means other than grazing.

Congregate Housing. Institutional housing consisting of apartments, rooms, medical service facilities, and dining services for residents who require such housing because of age or medical condition.

Conservation Easement, Conditional. The grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional residential development. Approved agricultural, business, and industrial uses — including future Light and Heavy Industrial development—may occur within the areas covered by the temporary conservation easement.

Conservation Easement, Permanent. The grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional development. Areas used for non-animal related agricultural uses may continue that use after the application of the conservation easement.

Construction. The on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping.

Construction/Demolition Waste. Solid waste resulting from the construction, remodeling, repair, or demolition of structures. Such waste may include, but is not limited to, scrap lumber, bricks, concrete, stone, glass, wallboard, roofing, plumbing fixtures, wiring, and nonasbestos insulation.

Contiguous. Adjoining or in actual contact with.

Copy. The wording or image on a sign surface in either permanent or removable form.

County Attorney. The licensed attorney designated by the County to furnish legal assistance for the administration of these regulations in lieu of the Commission having its own attorney.

County Auditor. The County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

County Building Code. See Building Code.

County Drainage Board. The Monroe County Drainage Board.

County Engineer. The person designated by the County to furnish engineering assistance in the administration of these regulations.

County Government. That governmental body of the County empowered to adopt planning and public policy ordinances: namely, the Board of County Commissioners, herein referred to as the County.

County Health Officer. See Health Officer.

County Housing Code. See Housing Code.

County Jurisdictional Area means the areas of Monroe County, Indiana, in which the County exercises planning and zoning jurisdiction, namely: all unincorporated areas of Monroe County, Indiana, that are not under the jurisdiction of another duly established plan commission; any area of Monroe County, Indiana, that was incorporated after August 29, 1986 and whose governing body has not adopted a zoning ordinance; and, any area of Monroe County, Indiana, made subject to the County's planning and jurisdiction by way of interlocal agreement. NOTE: Pursuant to I.C. 36-7-4-1104b), the planning and zoning ordinances of Indiana political subdivisions may not regulate or restrict the use of property that is owned by the state or by any state agency.

County Recorder. The County official empowered to record and file land description plats.

Critical Area. An area with one or more of the following environmental characteristics: (1) steep slopes; (2) flood plain; (3) soils classified as having high water tables; (4) soils classified as highly erodible, subject to erosion, or highly acidic; (5) land incapable of meeting percolation requirements; (6) land formerly used for landfill operations or hazardous industrial use; (7) fault areas; (8) stream corridors; (9) estuaries; (10) mature stands of native vegetation; (11) aquifer recharge and discharge areas; (12) wetlands and wetland transition areas; and (13) habitats of endangered species.

Critical Duration Storm. The storm duration that requires the greatest detention storage.

Cul-de-sac. A local street with only one (1) outlet and having an appropriate terminal for the

safe and convenient reversal of traffic movement including public safety vehicles.

Cultivated Landscape Area. Planted areas that are frequently maintained by mowing, pruning, fertilizing, etc.

Culvert. A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal, or other impediment.

Curb Level. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the curb level shall be the average of the levels of the curbs at the center of the front line on each street. Where no curb has been established, the mean level of land immediately adjacent to the building shall be considered the curb level.

Cut. See Excavation.

Day-time hours. 7:00 a.m. to 7:00 p.m., local time.

Dead-end Street. A street or a portion of a street with only one (1) vehicular traffic outlet, and no turnaround at the terminal end.

Decibel (dB). A unit of measure, on a logarithmic scale to the base 10, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which, for purposes of this regulation, shall be twenty (20) micronewtons per square meter ($\mu\text{N}/\text{m}^2$).

Deciduous. A plant with foliage that is shed annually before the plant becomes dormant.

Demolition. Any act or process which destroys or partially destroys a structure.

Density Bonuses. The allowance of additional density in a development in exchange for the provision by the developer of other desirable amenities from a public perspective, e.g., public open space, plazas, art, landscaping, etc.

Density, Design. Density determined by dividing the total acreage within the residential cluster (including any public easements or rights-of-way existing or proposed) by the total number of dwelling units.

Density, Gross. Density determined by dividing the total acreage within the site (including any public easements or rights-of-way existing or proposed) by the total number of dwelling units.

Density, Net. Density determined by dividing the total acreage within the site (excluding any public easements or rights-of-way existing or proposed) by the total number of dwelling units.

Density Value (D Value). A measure of landscaping intensity based on mature size of plant material. Density value of individual plantings is established in the tables in Section 844-1. The density value of a portion of a development site is the aggregate of the density values of individual plantings in that portion of the site.

Department. See Public Agency.

Detention Basin. A facility constructed or modified to restrict the flow of storm water through the facility's outlet to a prescribed maximum rate and, concurrently, to detain the excess waters that accumulate behind the facility's outlet.

Detention Storage. The temporary detaining or storage of storm water in storage basins, on

rooftops, on streets, on parking lots, on school yards, on parks, in open spaces, or on other areas, under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

Developer. The owner of land to be developed, the person whom causes the land to be developed, and/or the person whom develops land.

Development means any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;
- (7) storage of materials; or
- (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Director. The Planning Director of the County or a designee of the Planning Director of the County.

Discrete Impulses. A ground transmitted vibration stemming from a source where specific pulses do not exceed sixty (60) per minute (or one per second).

Distance. The area measured horizontally between two points.

District. Any specifically described area of the County Jurisdictional Area as indicated by the Official Zoning Maps of Monroe County, Indiana.

District, Overlay. An additional zoning designation, with corresponding regulations, that may applied to any zoning district, districts, or parts of such districts. Overlay districts shall be indicated on the Official Zoning Maps. The overlay district regulations may relax or further restrict the number or types of uses allowed as well as the way permitted activities operate within the overlay district boundaries.

District, Underlying. The zoning district to which an overlay district is added.

Dormitory. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

Drainage Board. The Drainage Board of Monroe County, Indiana, and any agent or subordinate employee to whom it specifically delegates a duty or responsibility authorized by this ordinance.

Drainage Area. The area served by a drainage system; a watershed or catchment area.

Drip Line. A vertical line extending from the outermost branches of a tree to the ground.

Drive-In Establishment. A place of business which is operated for the sale and purchase at retail, of food and other goods, services, or entertainment and which is designed and equipped so as to allow patrons to be served or accommodated while remaining in their automobiles.

Drive-In or Drive-Through Restaurant. A restaurant which is laid out and equipped to serve food and beverage to patrons in automobiles.

Drives, Private. Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way.

Driveway. An access to a public road for one residence or one tract of land.

Driveway, Shared. A single access to a public road shared by two tracts of land.

Drop Manhole. A manhole having a vertical drop pipe that connects an inlet pipe to an outlet pipe and that is located immediately outside the manhole.

Dry Bottom Detention Basin. A detention basin that is designed to be completely dewatered after it has performed its planned detention function during or immediately following a storm event.

Dump Truck. A vehicle used for transporting loose material typically equipped with a hydraulically operated box-bed. The fuel source can be either separate from or combined with the fuel supply that propels the vehicle.

Duration. The time period of a rainfall event.

D Value. See Density Value.

Dwelling Unit Equivalent (D.U.E.). Establishes a density value for dwelling units based upon the number of bedrooms in the unit. This value may be applied to the units per acre measurement in order to meet the dwelling unit requirement. Where specifically allowed in this ordinance, the following proportions shall be used in calculating the dwelling unit maximums:

- 3 or more bedroom unit = 1 unit
- 2 bedroom unit with less than 750 square feet = 0.66 units
- 1 bedroom unit with less than 500 square feet = 0.50 units
- Efficiency unit with less than 400 square feet = 0.33 units
- Boarding room unit with less than 250 square feet = 0.25 units

Dwelling Unit. One or more rooms, including a kitchen and bathroom, located within a building providing complete living facilities for one family or containing facilities and

equipment for living, sleeping, cooking and eating.

Dwelling, Modular Unit. A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation.

Dwelling. A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings or multiple-family dwellings, but not including hotels or motels.

Easement. A right of use over designated portions of the property of another for a clearly specified purpose.

Ecosystem. A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

Electrical transmission tower means a structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

Elevation Certificate is a certified statement that verifies a structure's elevation information.

Emergency Equipment. Emergency or fire equipment that is necessary for the preservation of life or property or the execution of emergency governmental functions performed under emergency conditions.

Employee. A person working for another person or a business firm for pay.

Encroachment, for purposes of Chapter 808, means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Environmental Constraints. Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Equipment Compound means the area that surrounds or is near the base of a wireless support structure and encloses wireless communication facilities.

Equipment Facility. Any accessory structure used to contain ancillary equipment for WCF which may include cabinets, small shelters, pedestals or other similar structures.

Erosion. Detachment and movement of soil or rock fragments by water, wind, ice, temperature changes, and gravity.

Erosion Control/Grading Plan. A plan that fully indicates necessary land treatment measures, including a schedule of the timing for their installation, which will effectively minimize soil erosion and sedimentation caused by land disturbing activities.

Escrow. A deposit of cash with the Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be held by the County Auditor.

Evergreen. A plant with foliage that persists and remains green year-round.

Event Center. A building (which may include on-site kitchen/catering facilities) where indoor and outdoor activities such as weddings, receptions, banquets, corporate events and other such gatherings are held by appointment.

Excavation. Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

Existing Structure. Previously erected wireless support structure or any other structure, including but not limited to, buildings and water tanks, to which wireless communications facilities can be attached. The term does not include a utility pole or an electrical transmission tower.

Exterior Architectural Appearance. The architectural character, general composition, and general arrangement of the exterior of a structure, including the kind, color, and texture of the building material and the type and character of all windows, doors, light fixtures, signs and appurtenant elements, visible from public streets and thoroughfares.

Facade. The portion of any exterior elevation on the building extending from grade to top of the parapet, wall or eaves and the entire width of the building elevation.

Fall Zone. The area within which the wireless support structure is designed to collapse.

Family. A "family" consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relative or the representatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with the family; such servants shall be included in the unrelated person limitation of this definition, and shall not be in addition thereto.

Family Care Facility. A non-medical facility for the housing of no more than eight (8) unrelated persons (inclusive of residential staff), who, due to advanced age, handicap, impairment due to chronic illness, or status as a minor who is unable to live with parents or guardians, require assistance and/or supervision, and who reside together in a family-type environment as a single housekeeping unit. Excluded from the definition of family care facilities are homes in which residents are criminal offenders or former criminal offenders. Excluded from this definition are persons whose disability arises from current use or addiction to a controlled substance as this term is used in the United States Code and Indiana statutes.

Farm. A farm is a parcel of land used for growing or raising agricultural products, including the related structures located thereon.

Farm Conservation Plan. A plan which provides for use of land, within its capabilities, and treatment, within practical limits, according to chosen use to prevent further deterioration of soil and water resources.

Faster Meter Response. The dynamic characteristics specified as "FAST" in ANSI s1.4-1971 "Specifications for Sound Level Meters" and the latest revision thereof.

FBFM. Flood Boundary and Floodway Map.

Feasibility Report. A written report prepared by a registered professional engineer or a registered land surveyor pertaining to the suitability of the site for various types of water and sewage disposal systems; for drainage retention or detention; and the subsoil conditions for various methods of street construction.

Fee Take Line. The property line at an approximate elevation of 560 Mean Sea Level (MSL), which separates the shoreline area under the jurisdiction of the U.S. Army Corps of Engineers from land regulated by other government agencies. Where this line does not approximate the 560 MSL elevation, the Fee Take Line shall be interpreted to be the 560 MSL elevation line.

Fence. A free-standing barrier resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

Filled Sinkhole. A sinkhole of any type that is wholly or partially filled with alluvium, colluvium (heterogenous soil and rock fragments deposited by mass-wasting and sheetwash), lacustral or paludal sediments.

Final Plat Approval. Plan Commission approval of a final plat of a subdivision the construction of which has been completed or substantially completed.

Finding of Fact. Information obtained with respect to a matter or a statement or a writing made by any person or entity required to make a finding under the terms of this ordinance.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flag Lot. A lot with two distinct parts:

1. The flag, which is the only building site; and is located behind another lot; and
2. The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Floodplain means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floor Area Ratio (FAR). The number obtained by dividing the floor area of a building or other structure by the gross area of the site on which the building or structure is located. When more than one (1) building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all the buildings or structures by the gross area of the site.

Footing Drain. A drain pipe installed around the exterior of a basement wall foundation in order to relieve water pressure caused by high groundwater elevation.

Foundation. The supporting member of a wall or structure.

Frequency. The number of times that a displacement completely repeats itself in one second of time. Frequency may be designated in cycles per second (cps) or Hertz (Hz).

Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner lots will be considered to front on both intersecting streets.

Frontage Street. A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

Front Yard. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line.

Funnel Sinkhole. A funnel-shaped sinkhole that is usually steep sided and likely to have an obvious opening or throat in the bottom.

Garage. An accessory building designed and used primarily for the storage of motor vehicles that is owned and used by the occupants of the principal use building and in which no occupation or business is conducted. This does not include any parking area located within the principal use building, unless the garage is the principal use building on the lot.

Garage, Municipal. A structure owned or operated by a municipality and used primarily for the parking and storing of vehicles owned by the general public.

Garage, Private Customer and Employee. A structure that is accessory to a nonretail commercial or manufacturing establishment, building, or use and is primarily for the parking and storage of vehicles operated by the customers, visitors, and employees of such building and that is not available to the general public.

Garage, Private Residential. A detached accessory building or portion of the main building used only for the storage of motor driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located and that is not a separate commercial enterprise available to the general public. If the occupants of the lot have fewer vehicles than the storage spaces contained in said garage, the unused spaces may be used by, or rented to others.

Garage, Public. A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

Garage, Repair. Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

Garage, Storage. A storage garage is any building used for the storage only of motor vehicles pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.

Geotechnical Consultant. An expert in a specific area of environmental concern pertinent to a specific site, having appropriate specific education and/or experience in the judgement of the approving authority.

Governing Body. The body of the relevant local government having the power to adopt ordinances.

Grade. The inclination or slope of a ground surface usually expressed in terms of the percentage of vertical rise (or fall) relative to a specific horizontal distance.

Grading. The stripping, cutting, filling, spreading or stockpiling of soil or earth on a tract, parcel or lot to create new grades.

Grading Plan. See Erosion Control/Grading Plan.

Gross Floor Area. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, computed as follows.

(A) For determining floor area ratio, the sum of the following areas:

- (1) the ground floor area when any portion of the basement or ground floor used for a dwelling, business, or commercial purpose except for home occupation;
- (2) elevator shafts and stairwells at each floor;
- (3) floor space (including any basement floor space) used for mechanical equipment (except equipment, open or closed, located on the roof);
- (4) penthouses;
- (5) attic space having headroom of seven feet, ten inches or more;
- (6) interior balconies and mezzanines;
- (7) enclosed porches; and,

- (8) floor area devoted to accessory uses. Space devoted to off-street parking or loading shall not be included in the floor area. The floor area of structures devoted to bulk storage of materials shall be computed by counting each ten feet or height, or fraction thereof, as being equal to one floor.

(B) For determining off-street parking and loading requirements, the sum of the following areas:

- (1) floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks, or closets;
- (2) any basement floor area devoted to retailing activities; and,

- (3) floor area devoted to the production or processing of goods or to business or professional offices. For this purpose, floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein), off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

Gross Leasable Area (GLA). The total floor area for which a tenant pays rent and that is designed for the tenant's occupancy and exclusive use. This term does not include public or common areas, such as utility rooms, stairwells and pedestrian malls.

Ground Floor. The first floor of a building other than a cellar or basement.

Ground Cover. Plants, other than turfgrass, normally reaching an average maximum height of not more than 24 inches at maturity.

Ground Floor Area. The area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breeze-ways, terraces, garages and exterior or interior stairways.

Guest, Permanent. A permanent guest is a person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his domicile and place of permanent residence.

Guest Room. A guest room is any room offered or used to provide sleeping accommodations to guests. For example, a guest room may be a bedroom, or any other room equipped with a bed, sofa, futon, cot, mattress, or sleeping pallet.

Habitable Elevation. The height of the highest space in any existing or future building which is designed for use as a residence or working area of persons.

Handcrafted Item: An object that requires use of the hands, hand tools and human craft skills in its production, and which is not mass produced by mechanical means.

Hardship or Unnecessary Hardship. Significant economic injury that:

- (A) Arises from the strict application of this ordinance to the conditions of a particular, existing parcel of property;
- (B) Effectively deprived the parcel owner of all reasonable economic use of the parcel; and
- (C) Is clearly more significant than compliance cost or practical difficulties.

Hazardous and Toxic Materials. Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Health Department and County Health Officer. The Monroe County Health Department and the person designated by the County to administer the state and local health regulations within the County.

Heavy Equipment. Motorized equipment having a gross weight of more than six tons.

Heeled-in. A means of preventing roots of bare root plants from drying out before planting. Typically, done by laying the plant on its side with its roots in a shallow trench, and then covering the roots with soil, sawdust, or other material, moistened to keep roots damp.

Height, Building. The vertical distance from the average grade level adjoining the building: to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and the ridge for gable, hip and gambrel roofs.

Height, Bulk, Area and Density Requirements. Those regulations and standards concerning minimum lot areas, maximum height of structures, minimum lot widths and depths, minimum front, side, and rear yard setbacks, maximum lot coverage, and other such regulations and standards concerning the design and placement of structures on a parcel or lot.

Height, WCF. The vertical distance of a WCF or Support Structure, as measured from the ground elevation at the base of the WCF or Support Structure to the top of the structure, including Antenna Array(s).

Highway, County. Any street which is under the jurisdiction of the Monroe County Highway

Department.

Highway, Limited Access. A freeway, or expressway, providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except as such points and in such manner as may be determined by the public authority having jurisdiction over such a highway.

Highway, State. Any street which is under the jurisdiction of the Indiana Department of Highways.

Historic District. An area which contains or which surrounds an area which contains buildings, structures or places in which historic events occurred or having special public value because of notable architectural or other features relating to the general, archeological, economic, social, political, architectural, industrial or cultural history of Monroe County, Indiana, of such significance as to warrant conservation or preservation, and which, by virtue of the foregoing, has been designated as a Historic District by the Monroe County Commissioners pursuant to the provisions of the Zoning Ordinance.

Historic Preservation Board of Review. The Monroe County Historic Preservation Board of Review.

Historic structure means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Homeowners Association. A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

Housing Code. The County ordinance that controls the continuing safety and healthfulness of buildings for human occupation within the County's jurisdiction. Also referred to herein as the "County Housing Code."

Immediate Sinkhole Drainage Area. Any area that contributes surface water directly to the sinkholes, not including areas that contribute surface water indirectly to a sinkhole (e.g. by streams).

Impact. An earth borne vibration generally produced by two (2) or more objects striking each other so as to cause separate and distinct pulses.

Impact Areas. Areas defined and mapped by the Drainage Board which are unlikely to be easily drained.

Impervious. A material through which water cannot pass, or through which water passes with difficulty.

Impervious Lot Coverage. The percentage of a lot's area covered by any building or structure or any impermeable surface other than water bodies.

Improvement Location Permit. A permit certifying that the site plans of a proposed building, structure, site improvement or use of land have been examined for compliance with all requirements of this ordinance.

Improvements. Any building, structure, parking facility, fence, gate, wall, work or art, underground utility service or other object constituting a physical betterment of real property, or any part of such betterment. See Lot Improvements or Public Improvements.

Impulsive Sound. Either a single pressure peak or a single burst (multiple pressure peaks) for a duration less than one second.

Indiana Code. The Burns Indiana Statutes Code Edition, which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws "now" in force and applicable. (Usually abbreviated as I.C. herein).

Indiana Utility Regulatory Commission (IURC). The IURC regulates those telecommunications which are also considered public utilities. Where the telecommunications service being provided is a public utility, such as telephone service, including local, long distance or cellular telephone service, then those services fall under IURC jurisdiction.

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department to serve the disposal needs of one single-family residential dwelling. An individual sewage disposal system is a private sewage disposal system.

Industrial Park. A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

Inlet (Storm Water Inlet). An opening into a storm sewer system through which surface storm water runoff enters the system.

Interested Parties. Those persons who are to be notified by mail of a public hearing, or other action, on a proposed subdivision of land; namely, the applicant or developer of the property to be subdivided and the fee simple owners (executive officer or board of governmental owner) of those properties that share a common boundary line or point with the property to be subdivided or that would share a common boundary line or point with the property to be subdivided but for the existence of a public or private street or a distinct parcel owned by the applicant or developer (see Commission Rules for Procedure). If an abutting property consists of "common areas" that are owned and/or maintained by a subdivision/condominium property owners' association, the association, rather than the individual subdivision lot/condominium owners, shall be deemed the "interested party" for purposes of notice, unless, additionally, the Administrator orders that certain individual owners be provided with notice as interested parties. The identity of interested parties shall be determined from the following sources: (1) the subdivision application; (2) the Auditor's Plat Books; and (3) the Auditor's Transfer Books.

Intermittent Stream. A surface watercourse which flows typically only after significant precipitation events or during a particular season, and which evidences a discernable stream bed. This does not encompass man-made drainage ways or natural swales which lack a discernable stream bed.

Junction Chamber. A converging section of conduit, usually large enough for a person to enter, used to facilitate the flow from one or more conduits into a main conduit.

Junkyard. A junkyard is an open area where junk, waste, scrap, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles, and inoperable equipment or machines or motor vehicles. A junkyard includes automobile wrecking or salvage yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment, but does

not include uses established entirely within enclosed buildings or composting operations.

Karst. A type of terrain, usually formed on carbonate rocks (limestone, dolomite, calcareous shale), gypsum, and other rocks by dissolution, and that is characterized by sinkholes, underground drainages, and caves.

Karst Valleys. Valley-like areas characterized by numerous sinkholes and intermittent sinking streams along adjacent hillsides that have no over land stream outlet.

Karst Window. A collapsed sinkhole that exposes a cave stream or an intermittent cave stream.

Kennel. An establishment wherein any person engages in the business of boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats and/or other small domesticated household pets (not farm animals).

Lake Bodies. The areas covered by Griffy Reservoir and Lake Monroe at normal pool elevation.

Lake Monroe Watershed. All areas of Monroe County within the Monroe County planning jurisdiction within the watershed boundaries as located by the Environmental Systems Applications Center, Indiana University, Bloomington. All land within the Lake Monroe Watershed has been classified into the following areas:

Area 1. All land lying within 1,000 feet (measured horizontally) of the Fee Take Line.

Area 2. All land lying between 1,000 feet and 2,500 feet (measured horizontally) of the Fee Take Line. Also, all land lying within 1,000 feet (measured horizontally) of the Regulatory Floodway.

Area 3. The entire Lake Monroe Watershed outside of Areas 1 and 2.

Area 4. Two tracts of land totaling 1,605 acres as designated on the Environmental Constraints/Lake Watershed Overlay Zone map, which shall be designated for higher density development subject to conditions as given in these regulations.

Land. Any ground, soil or earth, including marshes, swamps, drainage ways, and areas not permanently covered by water, within the County Jurisdictional Area.

Land Disturbing Activity. Any man-made change of the land surface including clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover, but not including agricultural land uses such as planting, growing, cultivating and harvesting crop, growing and tending gardens and minor landscaping modifications.

Landscape Area. Land that has been decoratively or functionally altered by contouring and planting shrubs, trees or vines, and with a living or nonliving ground cover.

Landscape Buffer. See Bufferyard.

Landscape Plan. A component of a development plan on which is shown: proposed landscape species (such as quantity, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order

that an informed decision can be made by the approving authority.

Landscaping. The improvement of a lot, parcel or tract of land with a combination of living plants (such as grass, shrubs, trees and/or other plant material) and nonliving material (such as rocks, mulch, walls, fences, or ornamental objects) designed and arranged to produce an aesthetically pleasing effect.

Land Use Certificate. A certificate signed by the Administrator stating that the occupancy and use of the land, building or structure referred to therein complies with the provisions of this ordinance.

Lateral Storm Sewer. A sewer to which inlets are connected but to which no other storm sewer is connected.

Legal Drain. Any drain moving in excess of 30 cubic feet per second during a 10 year storm.

Light Equipment. Motorized equipment weighing six tons or less.

Livestock Auction Market. An established place of business and contiguous surroundings, where domestic animals are consigned to be sold at public auction upon a commission basis to be paid by the consignor at which place the operator of the business acts as agent for consignor, and said place has been inspected and approved on the basis of maintaining minimum standards, in conformance with regulations adopted by the State Board of Health.

Local Street. A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lot. A tract, plot, or portion of a subdivision or other parcel of land, the boundaries of which have been established by some instrument of record, that is intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

Lot Area. The area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.

Lot, Corner. A lot situated at the intersection of two (2) streets. A corner lot has a front yard on each abutting street. Corner lots must observe the minimum front yard setback from both streets, and observe the minimum side yard setback from the remaining property lines.

Lot Coverage. The percentage of the lot area that is covered by the building or structure, exclusive of open courts, terraces or decks. See Floor Area and Open Space.

Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. The lot depth of a multiple frontage lot may be determined from any of its front lot lines.

Lot, Improvement. Any building, structure, work of art, or other object, or improvement of the land on which such objects are situated that constitute a physical betterment of real property.

Lot, Interior. A lot other than a corner lot with only one frontage on a street other than an alley.

Lot Line. A lot line is a property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

Lot of Record. A lot which was created by subdivision, the plat of which has been approved as required by applicable County, City, and State law and recorded in the Office of the Monroe County Recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the Office of the Monroe County Recorder. “*Legally established*” means not in violation of any County, City, or State subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one (1) metes and bounds description shall be one (1) lot of record unless the parcels described by separate descriptions have, in the past, been lawfully-established, separate parcels of record.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets. A through lot has a front yard on each abutting street, watercourse or lake.

Lot Width. The horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building line. The width of a multiple frontage lot shall be determined at all of its building lines.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Major Drainage System. A drainage system that carries runoff from an area greater than or equal to one square mile.

Major Street. See Collector Street or Arterial Street.

Major Street Plan. See Official Zone Map.

Major Subdivision. See Subdivision, Major.

Manhole. A storm sewer structure through which a person may enter to gain access to an underground storm sewer or enclosed structure.

Manufactured Home. A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Home Construction and Safety Standards Law of 1974 (42 USC 5401 et seq.).

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing, Heavy. The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute “light manufacturing”, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials or products involving flammable or explosive materials and processes. This definition shall not include any use that is otherwise listed specifically in a zoning district as a permitted or conditional use.

Manufacturing, Light. The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication or processing takes place, where such processes are housed entirely within an enclosed building, except as may be authorized pursuant to Chapter 813. Light manufacturing generally includes

processing and fabrication of finished products predominantly from previously prepared materials and includes processes. This definition shall not include any use that is otherwise listed specifically in any zoning district as a permitted or conditional use.

Map. A representation of the earth's surface, or any part thereof, in signs and symbols, on a plane surface, at an established scale, with a method or orientation indicated.

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Marker. A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Master Plan. See Comprehensive Plan.

Minor Drainage System. A drainage system that carries runoff from an area of less than one square mile.

Minor modification means any improvements to existing structures that do not qualify as a substantial modification, does not result in an increase to the fall zone to an extent that would result in a violation of the setback requirement and is eligible for administrative review and approval.

Minor Subdivision. See Subdivision, Minor.

Mobile Home. A single family residential unit with all of the following characteristics:

- (A) designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachments to outside systems;
- (B) designed to be transported after fabrication on its own wheels;
- (C) arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like; and,
- (D) designed for removal to and installation or erection on other sites.

Modular Home. Any single family unattached manufactured home that is without wheels and chassis but that is designed for transportation on streets after fabrication.

Monopole means a single, freestanding pole-type structure supporting one or more Antenna. For purposes of this Ordinance, a Monopole is not a Tower.

Monument. A physical structure which marks the location of a corner or other survey point.

Mulch. Nonliving organic and synthetic materials customarily used in landscape design to retard erosion, conserve moisture, prevent weeds from growing, and aid in establishing plant cover.

Municipal Sewage Disposal System. See Public Sewage Disposal System.

Municipal Water System. See Public Water System.

Net Selling Price. The selling price of a house and its accompanying land minus the costs incurred for land acquisition and construction.

Night-time Hours. 7:00 p.m. to 7:00 a.m., local time.

Noise Pollution. A level of noise which subjects those in close proximity to such decibel levels that impair their health, general welfare and enjoyment of their property for its intended use.

Nonconforming Sign. See Sign, Nonconforming.

Nonconforming Use. See Use, Nonconforming.

Normal Pool Elevation. The mean elevation of a lake body's surface. The normal pool elevation for Griffy Reservoir is 630 feet and the normal pool elevation for Lake Monroe is 538 feet.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Octave Band Sound Pressure Level. The sound pressure level for the sound being measured contained within the specified octave band. The reference pressure is twenty (20) micronewtons per square meter ($\mu\text{N}/\text{m}^2$).

Odor Concentration. The number of cubic feet that one cubic foot of sample will occupy when diluted to the odor threshold. It is measured in the number of odor units in one cubic foot of the sample and expressed in odor units per cubic foot.

Odor Unit. One cubic foot of air at the odor threshold.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Off-Street Loading and Unloading Space. An open hard-surface area of land, other than a street, driveway, or public way, the principal use of which is for standing, loading and unloading of motor trucks, tractors and trailers or other motor vehicles, to avoid undue interference with the public use of streets and alleys. Such space shall not be less than twelve (12) feet in width, thirty (30) feet in length for short berths and fifty (50) feet in length for long berths and fifteen (15) feet in height, exclusive of access aisles and maneuvering space.

Off-Street Parking Schedule. General off-street parking requirements, as delineated in the Zoning Ordinance that indicate the number of parking spaces required per use.

Official Master Plan. See Comprehensive Plan.

Official Zone Map. The map or maps established by the County pursuant to law showing the existing and proposed streets, highways, parks, drainage systems, and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the County or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent filing of such approved plats.

On-Site. Any premises located within the area of the property that is the subject of an application for development.

Opacity. A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed.

Opacity Percent	Ringelmann No.
100.5	
201	
301.5	
402	
603	
804	
1005	

Open Drain. A natural or artificial open channel that carries surplus water and that was established under or made subject to any drainage statute or ordinance.

Open Space. Total horizontal area of all portions of the lot not covered by buildings, structures, streets, parking areas or paved walkways.

Open Space, Usable. That portion of a zoning lot which is not covered by building or paved areas. For the purposes of this ordinance, outdoor roof gardens, patios and decks may be counted, providing a maximum of 100 square feet per dwelling unit may be included as usable open space. Pools and other recreational facilities may be included in the usable open space provided that a minimum of thirty (30) percent of the usable open space must be devoted to landscaping.

Ordinance. Any legislative action, however denominated, of a local government which has the force of law.

Ordinary Maintenance means ensuring that communications facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a wireless support structure's foundation or of the wireless support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing wireless communications facility and relocating the antennas of approved communications facilities to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include minor and substantial modifications.

Ornamental Tree. A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

Original Parent Parcel. The lot prior to the utilization of the Sliding Scale Option subdivision method.

Outfall. The point or location at which storm water runoff discharges from a sewer or drain. The term also applies to the outfall sewer or channel which carries the storm runoff to the point of outfall.

Owner. Any person or other legal entity having legal title to or significant proprietary interest in the land subject to a zoning determination under these regulations.

Owners Association. See Condominium Association or Homeowners Association.

Parcel. A part or portion of land having a legal description formally set forth in a conveyance instrument (e.g., a deed) together with the boundaries thereof, in order to make possible its easy identification.

Parent Parcel Remainder- The largest lot created under the Sliding Scale Option subdivision method.

Park. A tract of land, designated and used by the public for active and passive recreation.

Parking Area. An open hard-surfaced area of land, other than a street, driveway, or public way, the principal use of which is for the storage (parking) of passenger automobiles or commercial vehicles under two-ton capacity by the public, whether for compensation or not, or as an accommodation to clients or customers.

Parking Area, Private. A private parking area is an open, hard-surfaced area, other than a public way or street, designed, arranged and made available for the storage (parking) of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

Parking Area, Public. A public parking area is an open, hard-surfaced area, other than a public way or street, intended to be used for the temporary, daily, or off-street parking of passenger automobiles and commercial vehicles under one and one-half (1-1/2) tons rated capacity, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

Parking Lot. An improved surface upon which passenger vehicles are parked, and at which a fee may be charged.

Parking Space, Automobile. Hard surfaced space within a parking area or a building of not less than one hundred fifty-seven and one-quarter (157.25) square feet, being eight and one-half (8-1/2) feet by eighteen and one-half (18-1/2) feet, with a vertical clearance of at least seven (7) feet, exclusive of access drives, aisles, ramps, columns, or office and work area, for the storage of one passenger automobiles or commercial vehicles under two-ton capacity.

Particle Velocity. A characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by the frequency by the amplitude times the factor 6.28. The particle velocity will be in inches per second, when the frequency is expressed in cycles per second and the amplitude in inches.

Particulate Matter. Any solid or liquid material, other than water, which exists in finely divided form.

Party Wall. A wall which is common to but divides contiguous buildings.

Peak Flow. The maximum rate of flow of water at a given point in a channel or conduit resulting from a particular storm or flood.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, usually in series, designed to move in the wind.

Performance Standard. A criterion or limit established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by, or inherent in uses of land or buildings.

Permit authority means the Monroe County board, commission, or employee that, or who, makes legislative, quasi-judicial, or administrative decisions concerning the construction, installation, modification, or siting of wireless facilities or wireless support structures.

Person. An individual, firm, limited liability company, corporation, association, fiduciary or governmental entity.

Pesticide. A chemical substance used to kill a plant or animal that is a nuisance or harmful to humans.

Plan Commission. See Commission.

Planned Unit Development. A means of land regulation which permits large scale, unified land development in a configuration and possibly a mix of uses not otherwise permitted "as of right" under the County Zoning ordinance but requiring under that ordinance a special review and approval process. A Planned Unit Development may be established for predominantly residential, commercial or industrial purposes.

Plat. A map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder.

Plat Committee. The Monroe County Plat Committee, appointed by the Plan Commission, which may hear subdivision proposals which do not involve the opening of new public ways and that comply in all other respects with this ordinance and the Subdivision Control Ordinance.

Plant Community. A natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

Plot Plan. [A scaled design that shows the area where improvements are being proposed or exist as well as associated infrastructure. See component requirements under Chapter 815.](#)

Plot Plan, Certified. [A design that is certified by an engineer or surveyor that shows the area where improvements are being proposed or exist as well as all associated infrastructure. See specific certification and component requirements under Chapter 815.](#)

Practical Difficulties, for variance purposes, means a significant development limitation that:

- (A) arises from conditions on the property that do not generally exist in the area (i.e., the property conditions create a relatively unique development problem);
- (B) precludes the development or use of the property in a manner, or to an extent, enjoyed by other conforming properties in the area;
- (C) Cannot be reasonably addressed through the redesign or relocation of the

development/building/structure (existing or proposed); and,

- (D) May not be reasonably overcome because of a uniquely excessive cost of complying with the standard.

Preferred Frequencies. Those frequencies in Hertz preferred for acoustical measurements which, for the purposes of this regulation, consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

Preliminary Approval. An approval (or approval with conditions imposed) granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this ordinance.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.

Primary Area. The portion of a Historic District in which historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and/or neighborhoods are located.

Primary Conservation Areas. Unbuildable land, including but not limited to, wetlands and land that is generally inundated (land under ponds, lakes, creeks, etc.); all of the floodway and floodway fringe within the 100-year floodplain; steep slopes; karst areas; and soils subject to slumping, expansion, or erosion.

Principal Use. The main use of land or structures as distinguished from a subordinate or accessory use.

Principal Building. A building or structure or, where the context so indicates, a group of buildings or structures, in which the principal use of a lot or parcel is conducted.

Probation, for purposes of Chapter 808, is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Prominent Discrete Tone. Sound, having a one-third octave band sound pressure level which when measured in a one-third octave band at the preferred frequencies, exceeds the arithmetic average of the sound pressure levels of the two (2) adjacent one-third octave bands on either side of such one-third octave band by:

- (a) 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band or;
- (b) 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band or;
- (c) 15 dB for such one-third octave band with a center frequency from 215 Hertz to 125 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

Public Agency. An agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

Public Improvement. Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Utilities. A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare, such as electric, gas, telephone, water, sewer, solid waste disposal, schools, and public transit.

Qualified Geologist. A person who has met or exceeded the minimum geological educational requirement and who can interpret and apply geologic data, principles, and concepts and who can conduct field or laboratory geologic investigations; and who by reason of experience and education, has an understanding of local karst geology.

Radius of Curvature. The length of radius of a circle used to define a curve.

Rainfall Intensity. The cumulative depth of rainfall occurring over a given duration, normally expressed in inches per hour.

Reach. Any length of watercourse, channel or storm sewer.

Rear Yard. A yard, as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line. The rear yard of a corner lot shall be designated on the preliminary plat.

Reception Window. The area within the direct line between a satellite antenna and those orbiting communications satellites carrying available programming.

Recreational Area. A place designed and equipped for the conduct of sports and leisure-time activities.

Recreational Facility, Outdoor. A use of land for recreational purpose, either public or private, where such use requires no structure for the principal activity. Related functions such as changing rooms or restrooms, and maintenance may be housed in buildings or structures. Uses so defined shall include but not be limited to golf courses, outdoor tennis courts, and swimming pools, but shall not include uses such as miniature golf, bungee jumping, amusement parks or other similar commercial recreation uses.

Recreational vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. For purposes of Chapter 808, recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Recreational Vehicle Park. A lot, tract, or parcel of land used or offered for use in whole or in part with or without charge, for the parking of occupied recreational vehicles, tents, or similar devices used for temporary living quarters for recreational camping or travel purposes.

Registered Land Surveyor. A land surveyor properly licensed and registered or, through reciprocity, permitted to practice in the State of Indiana.

Registered Professional Engineer. An engineer properly licensed and registered in the State of Indiana or, through reciprocity, permitted to practice in the State of Indiana.

Regulated Area. All of the land under the jurisdiction of the Drainage Board.

Regulated Drain. See Legal Drain.

Release Rate. The amount of storm water released from a storm water control facility per unit of time.

Replacement means removing the pre-existing wireless support structure and constructing a new wireless support structure of proportions and of equal height or such other height that would not constitute a substantial modification to a pre-existing wireless support structure in order to support a wireless communications facility or to accommodate collocation.

Replacement Cost. The cost to build a structure which has been destroyed or partially destroyed with a new structure which conforms to modern building standards and which is otherwise substantially similar to the structure which was destroyed or partially destroyed. Calculation of the replacement cost shall be based on the most current Building Valuation Data Report as published in the most current copy of BOCA (The Building Official and Code Administration Magazine).

Residential Neighborhood. All lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

Restrictive Covenant. Limitations of various kinds on the usage of lots or parcels of land within a subdivision which are proposed by the subdivider, and, in the case of public health, safety and welfare, by the Commission, that are recorded with the plat and run with the land.

Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Retention. The permanent on-site storage of storm water.

Return Period. The average interval of time within which a given rainfall event will be equaled or exceeded once.

Right-of-way. A strip of land occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for other special uses. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.

Ringelmann Chart. The chart published and described in the Bureau of Mines, US Department of Interior, information Circular 8333.

Riparian Conservancy Areas (RCA). An area of Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for

dedication, shall be preserved and retained in their natural state as drainage ways unless modifications are deemed necessary by the Drainage Board to improve drainage.

Rise Pit. A spring characterized by an upwelling of water, which may be permanently flowing or intermittent.

Road(s). See Street(s).

Runoff Coefficient. A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drainage system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as storm water runoff.

Rural Area. An area that may not be classified as an urban area.

Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Same Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Screen. A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Secondary Area. The portion of a Historic District which surrounds the primary area and which the control of the development or the change of which is necessary or desirable to the preservation of the primary area of the Historic District.

Secondary Conservation Areas. Land otherwise buildable under local, state, and federal regulations but placed under a conservation easement as part of the Cluster Subdivision Ordinance provisions.

Sectionalizing or Phasing. A process whereby an Applicant seeks final approval on only a portion of a plat which has been granted preliminary approval.

Sediment. Soil material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, or gravity, as a product of erosion.

Sediment Basin. A barrier or dam built at suitable locations to retain rock, sand, gravel, silt, or other materials.

Seismograph. An instrument which measures vibration characteristics simultaneously in three (3) mutually perpendicular planes. The seismograph may measure displacement and frequency, particle velocity, or acceleration.

Semitrailer. A semitrailer is a vehicle without motive power, designed for carrying property and for being drawn by a motor vehicle, and so constructed that some part of the weight of the semitrailer and that of the semitrailer's load rests upon or is carried by another vehicle.

Setback. A line parallel to and equidistant from the relevant lot line (front, back, side) or right-of-way line, between which no buildings or structures may be erected, except as expressly provided in these regulations. Setback distances are generally set forth in the

height, bulk and density provisions of this ordinance.

Sewage. The water-carried waste derived from ordinary living processes, including, but not limited to, human excreta and waste water derived from water closets, urinals, laundries, sinks, utensil washing, washing machines, bathing facilities or similar facilities or appliances.

Sewage Disposal System. Any arrangement of devices and structures used for receiving, treating, disposing or storing of sewage.

Sewage Disposal System, Private. Any sewage disposal system not constructed, installed, maintained and operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private sewage disposal system is typically an individual sewage disposal system that may be either a subsurface septic system or mound septic system that is surface constructed of material brought to the site.

Sewage Disposal System, Public. Any conduit for sewage constructed, installed, maintained, operated, owned or defined as a public sewage disposal system by a municipality, taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

Shade Tree. A tree, usually deciduous, planted primarily for its high crown of foliage or overhead canopy.

Shaft. A vertical-sided pit of any diameter that extends downward more than a few feet.

Sheet Flow. Drainage of water over plane surfaces at a very shallow depth, usually under one inch.

Shopping Center. A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

Short-Term Lodging Agreement. An agreement under which rooms are provided for a fee, rate, or rental, and are occupied for overnight lodging or habitation purposes for a period of less than thirty (30) days.

Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

Side Lot Lines. Any lines separating two lots other than front or rear lot lines.

Sign. Any device, fixture, placard, or structure that is intended to communicate information of any kind to the public. The definitions of various types of signs that are set forth in this Section may not be interpreted as a limitation on the scope of the foregoing definition of "sign."

Sign, Animated. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Sign, Building Marker. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Sign, Building. Any sign attached to any part of a building, as contrasted to a freestanding

sign.

Sign, Canopy. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Sign, Changeable Copy. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. This definition encompasses a digital or electronic sign formats. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.

Sign, Externally Illuminated. A sign that is illuminated by an external source of light intentionally directed upon the sign face.

Sign, Freestanding. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign, Ground. Any sign other than a pole sign in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

Sign, Integral Roof. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Sign, Internally Illuminated. A sign whose light source is either located in the interior of the sign so that the light goes through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

Sign, Marquee. Any sign attached to, in any manner, or made a part of a marquee.

Sign, Nonconforming. Any sign lawfully existing on the effective date of the ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

Sign, Pole. A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is nine (9) feet or more above grade.

Sign, Portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; umbrellas used for advertising; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Sign, Projecting. Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve inches beyond the surface of such building or wall.

Sign, Roof. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sign, Snipe. A temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

Sign, Suspended. A sign that is suspended from the underside of a horizontal plane surface

and is supported by such surface.

Sign, Temporary. “Temporary sign” means any sign that is intended to be displayed for a limited period of time and is not permanently anchored or secured to a building or not having supports or braces permanently secured to the ground.

Sign, Wall Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined with the limits of an outside wall or any building or

structure, which is supported by such wall or building and which displays only one sign surface.

Sign, Window. Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Single-Family Attached Structure. A group of two (2) or more dwelling units attached by a wall, which is one or more stories in height, with each dwelling unit accessible by its own separate exterior entrance at grade level.

Single-Family Detached Structure. A freestanding single-family dwelling unit.

Sinkhole. Any depression in a karst area formed by the subsurface removal of soil or rock by erosion, dissolution or mass wasting (collapse, in part).

Sinkhole Cluster Area. An area containing two or more sinkholes located in close proximity, generally interconnected by groundwater conduits.

Sinkhole Conservancy Area (SCA). An area of land that is limited in use to activities described in Chapter 829 of the Monroe County Zoning Ordinance.

Sinkhole Eye. A visible opening, cavity, or cave in the bottom of a sinkhole, sometimes referred to as a swallow hole.

Sinkhole Flooding Area. The area inundated by runoff from a storm with an annual exceedance probability of 1% and a duration of forty-eight (48) hours assuming no outflow from the sinkhole.

Sinkhole Ponding Elevation. The maximum elevation of either the elevation as determined by using currently accepted methods of the Natural Resources Conservation Service to calculate the total volume of runoff from the sinkhole drainage area to the sinkhole utilizing an eight inch (8") rainfall and no sink outlet or the historical elevation of the published flood elevation. Maximum ponding elevation is established by overflow conditions.

Sinkhole Rim. The perimeter of the sinkhole depression. This includes the area defined by the elevation of the highest closed contour prior to man-made disturbance and/or the elevation at which the sinkhole, if it were a closed system, would overflow if it were flooded.

Sinkhole Watershed. The ground surface area that provides drainage to the sinkholes.

Sinking Stream. A stream that flows across the land surface in a karst area and sinks into subsurface channels or caverns within the carbonate bedrock.

Siphon. A closed conduit, a portion of which lies above the hydraulic grade line, resulting in a pressure less than atmospheric and requiring a vacuum within the conduit to start flow. A siphon utilizes atmospheric pressure to effect or increase the flow of water through a conduit. An inverted siphon might be used to carry storm water flow under an obstruction such as a sanitary sewer.

Site. The entire area included in the legal description of the parcel(s) of land on which development has been proposed or is being constructed; or the controlled area where runoff originates.

Site Triangle. The imaginary triangular area formed at a street corner by projecting the curb lines of the two intersecting streets to where the two projected lines would cross. From that intersecting point, one measures twenty-five (25) feet back along both curbs and then the two (2) end points are then connected. Within this imaginary triangle, no visual obstructions taller than three (3) feet are allowed.

Sliding Scale Option Small Lot. In the AG/RR, CR and FR zoning districts, individual small lots ranging in size from two and a half (2.5) to five (5) acres which can only be created through the Sliding Scale Option Subdivision.

Small cell facility means: (1) a personal wireless service facility (as defined by the Federal Telecommunications Act of 1996, as in effect on July 1, 2015); or, (2) a wireless service facility that satisfies the following requirements: (A) each antenna, including exposed elements, has a volume of three (3) cubic feet or less; (B) all antennas, including exposed elements, have a total volume of six (6) cubic feet or less; (C) the primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less. For purposes of part (2)(C) of this definition, the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure: electric meters; concealment equipment; telecommunications demarcation boxes; ground based enclosures; back up power systems; grounding equipment; power transfer switches; and cut-off switches.

Small cell network means a collection of interrelated small cell facilities designed to deliver wireless service.

Smoke. Small gas borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash, and other combustible material, that form a visible plume in the air.

Soil. All unconsolidated mineral and organic material of any origin.

Social Service Uses. Any community serving activity, other than those separately defined herein, conducted by a non-profit organization which provides a service to a segment of the community's population having particular needs as a result of specific circumstances, such as low income, illness, developmental disability, and the like.

Solar Farm. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or other conversion technology, for the primary purpose of wholesale sales of generated electricity.

Sound. An oscillation in pressure in air.

Sound Pressure Level. In decibels, twenty (20) times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is twenty (20) micronewtons per square meter ($\mu\text{N}/\text{m}^2$).

Special Exception. A use which may be permitted in certain zones subject to the conditions specified in the Zoning Ordinance.

Specimen Tree. A particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species.

Spillway. A waterway in or about a hydraulic structure, used for the release of excess water.

Spring. An outflow of subterranean water.

Spring Cave. A cave with a flow of water from the entrance

Stable. A structure and/or land use in or on which horses are kept primarily for breeding, boarding, training and/or giving lessons.

Stacked Unit Structure. A group of two (2) or more dwelling units attached through the ceiling or floor with one physically located above the other.

State Acts. Such legislative acts of the State of Indiana as they affect these regulations.

State Plane Coordinates System. A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

Steady State Vibration. A vibration which is continuous, as from a fan, compressor, or motor.

Stealth Design. Stealth Design shall include those design and construction techniques used to disguise WCF and Support Structures and/or conceal an Antenna Array. Examples include, but are not limited to, rooftops, flagpoles, light poles, bell and clock towers, signs, water towers, silos, steeples, and chimneys.

Stilling Basin. A basin used to slow water down or to dissipate its energy.

Storage Duration. The length of time that water may be stored in a storm water control facility, computed from the time water first begins to be stored.

Storm Sewer. A closed conduit for conveying collected storm water.

Storm Water Drainage System. All methods, natural or man-made, used for conveying storm water to, through or from a drainage area to any of the following: conduits and appurtenant features; canals; channels; ditches; streams; culverts; streets; or pumping stations.

Storm Water Runoff. The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

Straight Truck. A straight truck is any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more.

Stream/vegetation Interface Line. The line where the unvegetated streambed meets streamside vegetation. Where plants are widely dispersed, this line shall begin where vegetation covers 75 percent of the ground plane.

Street. A land right-of-way that provides the principal means of access to abutting property. Rights-of-way for utility, pedestrian, or bicycle easements are not considered streets.

Street, Dead-end. A street or a portion of a street with only one (1) vehicular-traffic outlet.

Street, Classification. For the purpose of providing for the development of the streets, highways, and rights-of-way in the County, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the County or Thoroughfare Plan and classified therein. The classification of each street, highway, and right-of-way, is based upon its location

in the respective zoning districts of the County and its present and estimated future traffic volume and its relative importance and function as specified in the County Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification on the Official Map.

Street Frontage. The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Street Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Stripping. Any activity which significantly disturbs vegetated or likewise stabilized soil surface, including clearing and grubbing operations.

Structural Alteration. Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Structure. Any construction or any production or piece of work that is artificially made or built up or that is composed of parts joined together for occupancy, use, or ornamentation, whether installed on, above, or below the surface of a parcel of land (e.g., without limitation, buildings, roads, culverts, fences, etc.).

Structure, Commercial. Structures categorized as commercial under Chapter 815 based on construction applicability and use.

Structure, Residential. Structures categorized as residential under Chapter 815 based on construction applicability and use.

Structure, Residential Accessory. Structures categorized as accessory to residential uses under Chapter 815 based on construction applicability and use.

Subdivider. Any person who, having a proprietary interest in land, causes it, directly or indirectly, to be divided into a subdivision.

Subdivision. The division of a lot of record into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, allocation, distribution, transfer, hold for investment or development, either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

Subdivision Agent. Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and who is not involved in developing, marketing or selling real property in the subdivision.

Subdivision, Administrative. A subdivision of land that is specifically exempted from the preliminary and final plat approval procedures and requirements of the Subdivision Control Ordinance. An administrative subdivision must be one of the following types of division:

~~(A) A division of land into two (2) or more tracts of which all tracts are at least five (5) acres in size; (Repealed by Ordinance 2015-02)~~

- (A) A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
- (B) A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
- (C) A division of land for federal, state or local government to acquire street right-of-way;

(D) A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. The lots created shall have only one principal use building on each site (See Principal Building); and,

(E) A division of land into cemetery plots for the purpose of burial of corpses.

Subdivision, Major. Any division of land including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

Subdivision, Minor. Any subdivision containing not more than four (4) lots in which all lots have at least 50 feet of frontage on an existing street that is an improved right-of-way maintained by the County (or other local government) or by a 50' wide access easement, and not involving:

- 1) any new street,
- 2) the extension of municipal facilities for non-residential use,
- 3) the creation of any public improvements other than sidewalk or street trees, and
- 4) conflict with the Comprehensive Plan, Official Zone Map, Zoning Ordinance, or this ordinance.

Subdivision, Nonresidential. A subdivision intended for nonresidential use.

Subdivision, Sliding Scale Option. In the AG/RR, CR and FR zoning districts, an optional method of subdivision which establishes a parent parcel remainder and up to three (3) sliding scale small lots.

Subdivision, Traditional. A subdivision utilizing the major, minor, or administrative subdivision methods established by these regulations rather than utilizing the Sliding Scale Option subdivision provisions.

Subject Property. The land, building or structure concerning which an application for a permit, certificate, review or other determination authorized by the Zoning Ordinance or the Subdivision Control Ordinance, has been filed.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Substantial modification of a wireless support structure means the replacement of a wireless support structure and/or the mounting of a wireless facility on a wireless support structure in a manner that: (1) increases the height of the wireless support structure by the

greater of: (A) ten percent (10%) of the original height of the wireless support structure; or, (B) twenty (20) feet; (2) adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of: (A) twenty (20) feet; or, (B) the width of the wireless support structure at the location of the appurtenance; (3) increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred (2,500) square feet; or, (4) any improvement that results in a structure which fails to meet the General Standards and Design Requirements for Wireless Communication Facilities set forth in Chapter 834 of this Ordinance. The term does not include the following: (1) Increasing the height of a wireless support structure to avoid interfering with an existing antenna; (2) Increasing the diameter or area of a wireless support structure to: (A) shelter an antenna from inclement weather; or, (B) connect antenna to the wireless support structure by cable.

Subsurface Drainage. A system of pipes, tiles, conduits, or tubing installed beneath the ground surface used to collect groundwater from individual parcels, lots or building footings.

Support Structure. Any structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device used to attach an Attached WCF to an existing building or structure shall be excluded from this definition.

Surface Drainage. A system by which the stormwater runoff is conducted to an outlet. The term encompasses the proper grading of parking lots, streets, driveways, yards, etc., so that stormwater runoff is removed without ponding and flows to a drainage swale, open ditch or storm sewer.

Swallow Hole. The terminus of a sinking stream; the throat where the stream is diverted into subterranean routes or passages.

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond, or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

Temporary Use. A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent structure. Temporary uses are regulated as special exceptions.

Temporary WCF. Any portable Antenna Array or Attached WCF that is designed for temporary placement and does not require the construction of a Support Structure.

Terminal Sinkhole. The lowest sinkhole in a sinkhole cluster to which any surface water overflowing from other sinkholes in the cluster will flow.

Thoroughfare Plan. See Official Zone Map.

Tiled Drain. A tiled channel that carries surplus water and that was established under or made subject to any drainage statute or ordinance.

Tower means a lattice-type structure, guyed or freestanding, that supports one or more Antennas.

Toxic Substance. Any gas, liquid, solid, semisolid substance or mixture of substances, which if discharged into the environment could, alone or in combination with other substances likely to be present in the environment, cause or threaten to cause bodily injury, illness, or

death to members of the general public through ingestion, inhalation, or absorption through any body surface. In addition, substances which are corrosives, irritants, strong sensitizers, or radioactive substances shall be considered toxic substances for the purpose of this regulation.

Tractor (semi-tractor). A tractor is a motor vehicle designed and used primarily for drawing or propelling trailers, semitrailers, or vehicles of any kind and are registered with a semi-tractor license plate.

Traffic Impact Analysis. A study and analysis of how a given use, plan or development will affect traffic in the surrounding area (circulation patterns, amount of vehicle trips generated, amount of vehicles, etc.).

Transitional Lot. A specified lot or lots, adjoining a specified lot, or lots, in another district. The "transitional" identification is used when special transitional regulations are applied to deal with possible conflicts of uses at district boundaries. Transitional buffer yards may be imposed at these locations to act as a buffer between uses.

Tree. A large, woody plant having one or several self-supporting stems or trunks and numerous branches; may be classified as deciduous or evergreen.

Tree Protection. Measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after project construction.

Tributary. Contributing storm water from upstream land areas.

Truck Stop/Travel Plaza. A development oriented to the service of trucks, including the sale of fuel to truck drivers, and provision for support facilities for truck drivers. They may also be utilized by non-truck traffic and the interstate traveler. Business activities which are customarily accessory and clearly incidental and subordinate to the truck stop or travel plaza, may include but not be limited to: scales, truck wash, tire repair and sales, barber shop, restaurant with or without alcohol service, shower facility, convenience store, truckers lounge (for services such as television/exercise/internet access etc.), motel/hotel, laundry, chain rental, vehicle fuel and consumer propane bottle dispensing. The facility may allow for the temporary, daily, or overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles which are en-route to or from a destination along an interstate freeway system, for free or for a fee that may be independent of any other use on the premises. The term "truck" shall mean a commercial vehicle driven by a 'truck driver' who is required to have a Class "A" CDL (Commercial Driver's License) license or equivalent.

Understory. Assemblages of natural low-level woody, herbaceous, and ground cover species that exist in the area below the canopy of the trees.

Unregulated Safety Relief Valve. A safety relief valve used and designed to be actuated by high pressure in the pipe or vessel to which it is connected and which is used and designed to prevent explosion or other hazardous reaction from pressure buildup, rather than being used and designed as a process pressure blowdown.

Urban Area. An area subject to utility services as shown on the Urban Services Boundary Map or an area within 660 feet of utility service facilities as shown on the Urban Services Boundary Map.

Urban Services Boundary. The boundary of a region within which public sewer services are generally available.

Urbanization. The development, alteration, or improvement of any parcel of land for residential, commercial, industrial, institutional, recreational or public utility purposes.

Use. Any purpose for which a structure or a tract of land may be designated, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

Use, Nonconforming. Any use of land, building or structure which use is not permitted in the zoning district in which the use is located.

Use, Permitted. Any use of land, building or structure which use is permitted in the zoning district in which the use is located.

Use, Principal. The main use of land, building or structure as distinguished for a subordinate or accessory use.

Utility pole means a structure that is owned or operated by public utility, communications service provider, municipality, electric membership corporation, or rural electric cooperative and that is designed and used to carry lines, cables, or wires for telephony, cable television, or electrical transmission, or to provide lighting. The term does not include a wireless support structure or an electrical transmission tower.

Utility Structure. Any structure owned and/or operated by a public utility regulated by the Utilities Regulatory Commission (URC), excepting all WCF and/or Support Structures.

Variance. A deviation from any term or standard contained in the Zoning Ordinance authorized by the Board of Zoning Appeals.

Vegetation, Native. Any plant species with a geographic distribution indigenous to all or part of Monroe County. Plant species that have been introduced by man are not native vegetation.

Viable. When referring to a tree, shrub, or other type of plant, is a plant that, in the judgement of the zoning inspector, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

Vibration. A reciprocating motion transferred through the earth, both in horizontal and vertical planes.

Voluntary Abandonment of Nonconforming Use. Any cessation or interruption of a pre-existing nonconforming use that is not necessitated by litigation or a dispute over the right to possession of property. However, any such interruption shall be considered voluntary unless the parties make a good faith effort to promptly resolve the dispute or terminate the litigation.

Volunteer. One who enters into any service of his own free will, or offers himself for any service or undertaking without remunerative compensation.

Vulnerable Land. Natural features where human activities degrade characteristics of the feature resulting in harm to the feature whether it is fauna, flora, or human life. Vulnerable Land includes floodplains, karst, steep slopes, riparian areas, wetlands, poor soils, threatened species habitat, critical water supply watersheds as well as potential and existing reservoirs. Vulnerable Land also includes land for which there is a public expectation of a long-term sustainable use for a specific purpose. This category of Vulnerable Land includes historic sites, public open spaces, potential reservoirs to assure our potable water supply, our best agricultural and forest land, drainage ways, mineral

resources, and transportation corridors.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature, on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watershed. See Drainage Area.

Water surface elevation, for purposes of Chapter 808, means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Water System, Private. A plumbing system for providing potable water to a lot or parcel of property that is not constructed, installed, maintained, operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private water system is typically a well drilled to serve a single lot.

Water System, Public. A conduit for water that is constructed, installed, maintained, operated, owned or defined as a public water system by a municipality, taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

WCF Overlay. See Chapter 802.

Wet Bottom Detention Basin (retention basin). A detention basin that is designated to retain a permanent pool of water after it has performed its planned detention function during or immediately following a storm event.

Wet Weather Spring or Rise. An intermittent spring that discharges storm waters.

Wetlands. Those areas inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation specifically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This term does not include lands having the following general diagnostic environmental characteristics:

- (A) Vegetation: the prevalent vegetation consists of plant species that are typically adapted for life only in aerobic soils. These mesophytic and/or xerophytic macrophytes cannot persist in predominantly anaerobic soil conditions.
- (B) Soils: soils, when present, are not classified as hydric, and possess characteristics associated with aerobic conditions.
- (C) Hydrology: although the soil may be inundated or saturated by surface water or ground water periodically during the growing season of the prevalent vegetation, the average annual duration of inundation or soil saturation does not preclude the occurrence of plant species typically adapted for life in aerobic soil conditions.

Wireless Communications. Any wireless services as defined in the Federal Telecommunications Act which includes FCC licensed commercial wireless telecommunications services (PCS), specialized mobile radio (SMR), enhanced specialized

mobile radio (ESMR), paging, and other similar services that currently exist or that may in the future be developed.

Wireless communication facility or wireless facility means the set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

Wireless support structure means a freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

Woodlands, Existing. Existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

Woodlot. A tree-covered area to be kept in an undeveloped state in the Planned Residential Overlay districts, having a minimum area of 0.50 acres, and having predominantly complete tree crown coverage resulting from trees having a caliper of five (5) inches or greater, and having a dimension at its narrowest point of at least one-fourth (1/4) of its largest dimension. This term does not include a tree line of trees in a narrow row.

Yard. A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard Factor. The length in feet of a given yard (measured at the yard's mid-point, for a yard with varying width and depth) divided by 100, for the purpose of determining landscaping requirements.

Zone Lot. A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

Zoning Map. See Official Zone Map.

Zoning Ordinance. The County ordinance setting forth the regulations controlling the use of land in the County Jurisdictional Area, also referred to as the "Monroe County Zoning Ordinance."

[end of chapter]