

MONROE COUNTY ORDINANCE REVIEW COMMITTEE



**November 13, 2023
4:00 pm**

**Hybrid Meeting
In-person**

Monroe County Government Center
Planning Department
501 N. Morton Street, Suite 224
Bloomington, IN 47404

Virtual: <https://monroecounty-in.zoom.us/j/84961227024?pwd=ZUISOUQweHVTOHVLNmVUaHdxVERjUT09>. If calling in, dial 312-626-6799 and enter the Meeting ID: 849 6122 7024 and Password: 346950 when prompted.

A G E N D A
ORDINANCE REVIEW COMMITTEE
of the Monroe County Plan Commission

Monroe County Planning Department
HYBRID

When: November 13, 2023 at 4:00 PM

Where: 501 N Morton St, Suite 224

Or via Zoom: <https://monroecounty-in.zoom.us/j/84961227024?pwd=ZUISOUQweHVTOHVLNmVUaHdxVERjUT09>

If calling into the Zoom meeting, dial: 312-626-6799.

When prompted, enter the Meeting ID #: 849 6122 7024

Password: 346950

NEW BUSINESS:

TOPICS FOR DISCUSSION:

- 1. ZOA-23-5 Amendment to the Monroe County Zoning Ordinance: PAGE 3**
Chapter 858 - Subdivisions: Assurances for Completion and Maintenance of Improvements.

Amend ordinance to include inflation costs when renewing Performance Bonds.

Contact: tbehrman@co.monroe.in.us

- 2. ZOA-23-3 Amendment to the Monroe County Zoning Ordinance: PAGE 8**
Chapter 807- Signs. Waiver of Final Hearing Requested.

Amendment to add timeline and procedure for sign permits.

Contact: jnester@co.monroe.in.us

- 3. CDO Work Session – PAGE 21**
Review of Draft Zoning Map Changes per the CDO Survey Feedback and Listening Sessions

- 4. Any other business properly brought before the committee**

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.

CHAPTER 858

SUBDIVISIONS: ASSURANCES FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

858-1. Completion Requirement

Before the Commission may consider a plat for final approval, the Subdivider shall be required to:

- (A) complete the required improvements in the manner prescribed by these regulations, by preliminary approval, and by the subdivision improvement agreement;
- (B) dedicate the public rights-of-way and other public improvements to the County, free and clear of all liens and encumbrances; and,
- (C) provide the County with a maintenance bond that complies with Section 858-9.

858-2. Performance Bond Document and Financial Guaranty Alternative to Completion Requirement

~~(A) —~~ The Commission may consider a plat for final approval before the requirements of Section 858-1 have been satisfied if, and only if, the Subdivider ~~posts signs and records~~ a performance bond document ("performance bond"), ~~and related financial guaranty~~ to ensure that the required improvements are completed and/or dedicated in the manner prescribed by these regulations, by preliminary approval, and by the subdivision improvement agreement. ~~The performance bond and financial guaranty amount shall encompass all improvements that may be dedicated to the public, or that is required specifically by ordinance (e.g. Roadways, street trees, sidewalks, stormwater infrastructure, trails, etc.)~~

- (B) The ~~first year~~ performance bond shall be in the amount of one hundred and ten percent (110%) of the estimated completion cost of the required improvements as set forth in the preliminary approval; ~~and, However, the Commission may accept a performance bond in a reduced amount if the Commission finds, based on written evidence submitted by the Subdivider, that:~~
 - ~~(1) — the amount by which the performance bond is reduced relates exclusively to the completion cost of the required utility facilities as set forth in the preliminary approval;~~
 - ~~(2) — the Subdivider has entered into written agreements for the completion of the required utility facilities and for the provision of utility services to the subdivision lots; and,~~
 - ~~(3) — the written evidence provides satisfactory assurances that the required utility facilities will be completed in accordance with these regulations, with preliminary approval, and with the subdivision improvement agreement.~~

Commented [TB1]: ORC - what obligation does the County have for subdivisions that post letters of credit but never start construction?

Final plat with no improvements on the ground. Developer walks away. Does the County build the subdivision? What about utility expansion?

Commented [TB2]: Should the Plan Commission be provided info on how much the developer plans to install vs place in a financial guaranty + timeline during the time of prelim plat consideration?

Commented [TB3]: See question about utilities above

Commented [TB4]: Definition?

(C) The period within which the required improvements must be completed ("performance period") shall be specified by the Commission as a condition of final plat approval, shall be incorporated in the performance bond as a material and essential term and shall not exceed ~~five~~ two years from the date of final plat approval; and;

Commented [TB5]: Consider making this an administrative item to the Plan Commission

(D) To account for inflationary cost increase, the approved price estimate must include 10% for each year requested by the subdivider for the performance period (e.g. if the performance period is estimated to take four years to complete then

Table 1.

Example for Inflation Calculation

Project estimate	\$ 100,000
Maintenance bond	10%
1 year (Estimate*0.1)	\$ 110,000
2 year (year 1 total + year 1*0.2)	\$ 132,000
3 year (year 1 total + year 1*0.3)	\$ 143,000
4 year (year 1 total + year 1*0.4)	\$ 154,000
5 year (year 1 total + year 1*0.5)	\$ 165,000

(E) The Commission may amend the performance bond to extend the performance period for an additional one (1) year period upon a finding that the Subdivider has been unable to complete the required improvements despite due diligence. A request for a performance period extension must be submitted to the Commission by the Subdivider at least four (4) months prior to the expiration date of the original performance period. As a condition precedent of such performance bond amendment, at least one (1) month prior to the expiration date of the original performance period, the Subdivider shall secure the amended performance bond in accordance with these regulations and shall submit the secured, amended performance bond to the Commission. The amended performance bond amount shall include up-to-date unit price estimates submitted by the petitioner's engineer based on the higher of the latest INDOT pricing, or local bid history where applicable. If a new estimate is not provided at least 30 days prior to performance bond expiration, subdivider shall include an additional 10% increase for every year the guaranty is renewed. Letters of Credit may be called 30 days before expiration. For existing performance bonds approved prior to xx, xx, 2023, that require renewal, the amended performance bond shall comply with Part D above; and;

Commented [JNJ6]: Expected unintended consequence: More developers of old projects walk away.

What do we do with subdivisions half complete that we don't have enough money for?

Commented [JNJ7]: Question for ORC/Legal - what about old LOC that haven't kept up with inflation. First part of sentence requires much higher increase than second part?

(EF) The performance bond shall name the Commission and/or the County as obligees, shall comply with all statutory requirements and shall be satisfactory to the Commission Attorney and/or County Attorney as to form (see Section 860-6), sufficiency and manner of execution as set forth in these regulations.

858-3. Financial Guaranty

A performance bond authorized or required by these regulations shall be secured by ~~either an irrevocable letter of credit or a cashier's check~~ in the amount of the performance bond. The beneficiary of such financial guaranty shall be the Commission and/or the County (guarantee). ~~The financial guaranty shall be issued by a financial institution (guarantor) that maintains an office within sixty (60) miles of Monroe County, Indiana, at which the financial guaranty may be presented for payment. Letters of credit submitted pursuant to this chapter shall comply with Section 860-8.~~ Cashier's checks submitted pursuant to this chapter shall be held by the County Treasurer until the performance bond is released or reduced as provided in these regulations.

Commented [JNJ8]: Reasoning - discourages higher bonding/requires more completion of improvements. Makes it so staff does not have to be at the bank at the last minute.

Commented [JNJ9R8]: IF we keep LOC
- auto renewal like Evansville?
- cash earlier than day of?

OR if we get rid of LOC and only do cashiers check - at time of "renewal" they don't walk away but refuse to change to cashiers check, would we have to cash LOC? Phasing out old LOC

858-4. Governmental Units

In lieu of a ~~letter of credit or~~ cashier's check, governmental units, to which these regulations apply, may secure their performance bonds by filing a certified resolution or ordinance with the Commission. The resolution or ordinance must have been adopted by the unit's fiscal body and must affirm the unit's obligation and financial ability to complete the required improvements.

858-5. Temporary Public Improvements

The Subdivider, at the Subdivider's expense, shall complete, shall maintain and shall remove all temporary public improvements required by these regulations, by preliminary approval and by the subdivision improvement agreement in the manner prescribed by these regulations, by preliminary approval and by the subdivision improvement agreement. The schedule for the completion, maintenance and removal of temporary improvements shall be incorporated in the subdivision improvement agreement as a material and essential term. The amount of the performance bond shall be adjusted to reflect the cost of the temporary improvements.

858-6. Cost of Public Improvements

All required improvements shall be made by the Subdivider, at the Subdivider's expense, without reimbursement by the County, unless the County expressly agrees to share in the cost of the required improvements.

858-7. Failure to Complete Improvements

- (A) If a performance bond has not been posted and the required improvements have not been completed in the manner prescribed by these regulations, by preliminary approval and by the subdivision improvement agreement prior to the expiration of preliminary approval, preliminary approval shall lapse, and shall be null and void, regardless of partial improvement completion.
- (B) If a performance bond has been posted and the required improvements are not completed in accordance with the terms of the performance bond, the Commission may declare the performance bond to be in default and authorize the calling of the performance bond and financial guaranty and the completion of the required improvements under the supervision of the County Engineer.

858-8. Release or Reduction of Performance Bond and Financial Guaranty

- (A) The Commission may release or reduce the performance bond and financial guaranty, but only if:
- (1) the Subdivider applies to the Commission, in writing, for the release or reduction of the performance bond and financial guaranty and provides the Commission with a certificate, signed by the Subdivider's engineer, stating that all required improvements, or a portion of such improvements in the case of a reduction, have been completed in the manner prescribed by these regulations, by preliminary approval and by the subdivision improvement agreement. The certification of the Subdivider's engineer shall be accompanied by detailed "as-built" plans of the required improvements. Such as-built plans must be prepared and signed by the Subdivider's engineer;
 - (2) the County Engineer reviews the as-built plans and the subdivision site and reports to the Commission, in writing, that all required improvements, or a portion of such improvements in the case of a reduction, have been completed in the manner prescribed by these regulations, by preliminary approval and by the subdivision improvement agreement;
 - (3) the Subdivider provides the Commission with written assurances, in the form of affidavits, releases or waivers of liens from all contractors, subcontractors and materialmen, that liens will not be filed against the dedicated land and/or improvements after they are accepted; and,
 - (4) the Subdivider provides the Commission with the maintenance bond required by Section 858-9.
- (B) A performance bond and ~~surety-financial guaranty~~ may be reduced only upon the acceptance of the required improvements, and only by the amount that corresponds to the cost of the improvements that are accepted as set forth in the preliminary approval. Furthermore, a performance bond and financial guaranty may be reduced only one (1) time. The reduction may be approved only after at least fifty percent (50%) of the required improvements have been completed and accepted. However, in no event may the performance bond be reduced to less than ten percent (10%) of the ~~original-final~~ performance bond amount prior to any reduction or ten thousand dollars (\$10,000.00), whichever is greater, until all required improvements for the subdivision or the approved subdivision section have been completed and accepted. The application for a reduction request must include an updated estimate to reflect current unit pricing prior to submitting for a reduction; the estimate must be provided by the petitioner's engineer for staff review.
- (C) The costs incurred by the Commission and/or the County in connection with a request for performance bond and financial guaranty reduction or release (for example, without limitation, engineering inspection fees, legal fees, etc.) shall be borne by the Subdivider, regardless of whether the request is ultimately granted. No performance bond and ~~financial guaranty~~~~surety~~ shall be released or reduced until such costs have been paid by the Subdivider.

- (D) The Commission may, by rule, authorize the Director to reduce or release performance bonds and, by rule, may establish the procedures by which the Director may reduce or release such bonds.

858-9. Maintenance of Public Improvements

- (A) The Subdivider shall be required to maintain the required improvements and to provide for snow and ice removal on streets and sidewalks until the County accepts the required improvements.
- (B) Prior to the County's acceptance of the required improvements and prior to the release of the performance bond and financial guaranty, the Subdivider shall be required to post a maintenance bond with the Commission to ensure the satisfactory condition of the required improvements. The maintenance bond shall be in the amount of ten percent (10%) of the cost of all public improvements as approved by the Commission or two thousand five hundred dollars (\$2,500.00), whichever is greater, and may not be reduced prior to release. The maintenance bond shall name the Commission and/or the County as obligees, shall comply with all statutory requirements and shall be satisfactory to the Commission Attorney and/or County Attorney as to form (see Section 860-7), sufficiency and manner of execution as set forth in these regulations. The maintenance bond shall be secured in the manner prescribed by Section 858-3 for a minimum period of two (2) years following the date on which the County accepts the public improvements covered by the maintenance bond.

Commented [TB10]: Reviewed. This points to Appendix 860-2 form. If using Evansville auto renewal would we need to roll this into text amendment? Or is 'substantially' enough to cover this possible change?

858-10. Issuance of Permits

No building permit or improvement location permit shall be issued for a subdivision lot until the Subdivider has completed all of the required improvements, or has provided a performance bond meeting the minimum requirements of this chapter ~~excepting sidewalks and the final pavement coat,~~ for the subdivision or for the approved subdivision section in which the lot is located ~~and until such required improvements have been accepted by the County.~~

Commented [TB11]: Traditionally we have also said street trees. We sometimes include stormwater infrastructure. Does this need to change due to Indiana Code recently passed??

858-11. Acceptance of Dedication Offers

The Commission's approval of a subdivision plat shall not be deemed to constitute or imply the County's acceptance of any street, easement, park or other public improvement shown on the plat. The Commission may require that the plat be endorsed with appropriate notes to that effect. The County may accept the dedication of such public improvements by appropriate official action.

[end of chapter]

CHAPTER 807

ZONING ORDINANCE: **SIGNS**

807-1.

Purpose and Intent

The purpose and intent of this chapter is to promote public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscretionary sign standards and requirements, including the following purposes and objectives:

- A. providing guidelines for the placing, number, size, sign type (e.g. ground, wall sign, etc.), and ~~general characteristics~~location of all signs throughout the County Jurisdictional Area;
- ~~(4)~~B. To discourage future placement of billboards and pole signs in the County to preserve the County's rural character;
- ~~(2)~~ ~~encouraging the effective use of signs as a means of communication within the County Jurisdictional Area;~~
- ~~(3)~~C. maintaining and enhancing the aesthetic environment and the County's ability to attract tourism and other sources of economic development and growth;
- ~~(4)~~D. improving pedestrian and traffic movement and safety (e.g., maintaining appropriate sight distances at intersections and reducing distractions);
- ~~(5)~~E. minimizing the possible adverse effect of signs on nearby public and private property (e.g., the adverse effect of obstructing natural scenic vistas);
- ~~(6)~~F. enabling and promoting the fair and consistent enforcement of these sign restrictions;
- ~~(7)~~G. promoting the general purposes set forth in the Zoning Ordinance and the land use planning goals set forth in the Comprehensive Plan;
- ~~(8)~~H. establishing an efficient permit system to expeditiously approve the location and design of signs, subject to the standards and the permit procedures of this ordinance;
- ~~(9)~~I. allowing certain temporary signs by-right if they are within a certain size limit stated by this ordinance; that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;

Commented [JNJ1]: Restrict pole signs

Commented [JNJ2]: BG - What if a sign needs to go through the Building Dept? Is it considered an incomplete application?

What does that do to timeline?

Commented [JNJ3]: TER – highway dept have any concerns with site distance? Esp with monument sign setbacks?

BG – highway should check signs within 25 feet within the centerline. This would only be for standalone signs.

~~(40)J.~~ prohibiting all signs not expressly permitted by this ordinance;

K. restricting the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this ~~article ordinance~~ and to eliminate, over time, all nonconforming signs, and;

A.

~~(14)L. encouraging signs that are well designed and compatible with their surroundings and with the buildings to which they are appurtenant, and encourage signs that are integrated with and harmonious to the buildings and sites they occupy; and,~~

~~B-M. recognizing that the size and location of signs are correlated, and therefore, applying different sign size standards based on different zoned locations should apply (e.g. residential zones will have smaller sign allocation than commercial zones); that provide adequate identification in residential and in pedestrian-oriented business areas differ from those that are necessary in vehicular-oriented areas where traffic is heavy, travel speeds are greater, and required setbacks are greater than in residential and pedestrian areas.~~

807-2. Applicability and Message Substitution

A. A sign may be erected, placed, established, painted, created, or maintained in the County Jurisdictional Area only in conformance with the standards, procedures, exemptions, and other requirements of this Chapter and with other Monroe County ordinances and resolutions.

A.B. A noncommercial message of any type may be substituted, in whole or in part, for any commercial message or any other noncommercial message, subject to the same regulations that apply to such signs. Substitution of message may be made without any additional approval or permitting.

807-3. Sign Permits and Exemptions

A. After the effective date of the ordinance codified in this Chapter, and except as otherwise provided, no person shall erect, repair, or relocate any sign as defined herein without first obtaining a permit from the Administrator.

B. ~~An applicant desiring a sign permit shall apply for the permit on the online permitting website available through the Monroe County Planning Department's webpage. Persons lacking access to the online permitting website may request the Monroe County Planning Department to mail them a hard copy (i.e. paper) of the sign permit application.~~

C. Prior to the issuance of a sign permit, the applicant shall furnish the Director:

1. ~~Written consent/proof of consent from the landowner(s) of the owner upon whose land the sign is to be located. The name of the entity installing and managing the sign; of the building.~~

Commented [JNJ4]: Check state statute. Got rid of definition for noncommercial

Commented [JN5R4]: Put another way, there is not a permitting requirement for exchanging the sign message/face? Or can we regulate commercial to commercial signage?

~~structure, or land on which the sign is to be erected in the event the applicant is not the owner thereof.~~

~~2. The deed of the property for which the sign will be placed;~~

~~3. A scaled drawing of the sign on a site/plot plan, showing:~~

~~a. Name, address, and telephone number of applicant;~~

~~b. Address or location, if no address, of building, structure, or land on which the sign is to be erected, repaired, or relocated; The township and section of the sign location~~

~~c. The scope of work (i.e. replacing an existing sign, adding a new sign, etc.)~~

~~d. The number of signs requested~~

~~e. Whether the use of the property where the sign will be placed is approved under a site plan as a residential or non-residential site;~~

~~f. the location, elevation of any sign measured from the ground to top of sign, of the sign, including setbacks of the sign to property lines, right-of-way, and any recorded easements;~~

~~g. dimensions and total square footage (length, width, and depth) of any proposed and existing signage;~~

~~h. whether the sign will be animated/illuminated; the face(s) composing the sign.~~

~~i. the position of any lighting or other extraneous devices; and any other components of the sign.~~

~~j. The type of sign (e.g. ground, wall, temporary, etc.)~~

~~k. whether the sign is double sided or v-shaped, and the position of the proposed sign and the public roadway(s) to which the sign is to be directed and from which the sign will be measured for height conformity, as well as any existing signage, on any building or land and its position in relation to nearby buildings or structures and to any private or public street or highway right-of-way.~~

~~l. The fee, as determined by the Plan Commission Rules of Procedure.~~

~~B. Application for permit: Application for the permit shall be made in writing, in duplicate, upon forms approved by the Administrator, and shall contain the following information:~~

~~(1) Name, address, and telephone number of applicant;~~

~~Address or location, if no address, of building, structure, or land on which the sign is to be erected, repaired, or relocated;
etc.~~

~~(2)-~~

Commented [JNJ6]: Legal

Commented [JNJ7]: TER – could we add discretion for asking for a certified plot plan.

Commented [JNJ8]: Legal

Commented [JN9R8]: Got rid of height conformity images. Add them back?

~~The fee, as determined by the Plan Commission Rules of Procedure.~~

~~(3)(1) A scale drawing of the sign, showing the elevation of the sign, the face(s) composing the sign, the position of lighting or other extraneous devices, and any other components of the sign.~~

~~(4) A site plan showing the position of the proposed sign and the public roadway(s) to which the sign's message is to be directed and from which the sign will be measured for height conformity, as well as any existing signage, on any building or land and its position in relation to nearby buildings or structures and to any private or public street or highway right-of-way.~~

~~(5) Written consent of the owner of the building, structure, or land on which the sign is to be erected in the event the applicant is not the owner thereof.~~

~~(6)1. The fee, as determined by the Plan Commission Rules of Procedure.~~

807-4. Timing, Procedure, and Exemptions

A. Sign applications that are complete and that propose signs that comply with the provisions of this Chapter, shall receive a permit or be notified of denial approved by the Director within seven (7) twelve (12) business days of receipt per IC 36-7-4-1109. Sign applications that are incomplete or that do not propose signs that comply with the provision of this Chapter, shall be denied by the Director within seven (7) twelve (12) business days of receipt. Notices of permit decisions shall be entered on the online permitting website and shall be mailed First Class U.S. Mail to the applicant at the address set forth in the permit application, unless the applicant opts out of receiving mailed notice on the application and therefore will only receive notice via the online permitting website. Notice shall be deemed to be served on the applicant on the later date of mailing postmark or website posting. The Director's failure to serve notice of permit decision on the applicant within seven (7) twelve (12) business days of application receipt may be treated as a denial by the applicant and therefore is subject to appeal. Notices of sign permit denial must identify all reasons for

Commented [JNJ10]: BG – mailed notice postmark (give extra days)

What about if the sign location is on a site plan? Still have the 7 day timeline?

Commented [TB11]: If not complete, Director will notify applicant of the deficiencies within 7 days and place the application on hold. Language like this should also perhaps be included.

Commented [JNJ12]: MC – could we get a few days for deciding if it is a complete application.

Commented [JNJ13]: BG – could we extend this to be 10 days. Could we get a certain amount of time to decide whether it is a complete app and then 7 days to review.

What if they are too close to the R/W and need a survey or variance? Is there a requirement for it to be certified?

Question – 1. What is the legal requirement for turnaround and 2. What can staff comfortably turnaround.

Commented [JNJ14]: What about apps that need variances?

Commented [AC15]: Understood for permit denial, but if permit approval we have to mail notice of approval as well?

Commented [JNJ16]: Check if this is a requirement

Commented [JNJ17]: Legal - note we place app on hold/stop?

Commented [JNJ18]: Legal

Commented [JNJ19]: TER – if denied, do they need to re-apply?

Commented [JNJ20]: MC – “will be treated as a denial.”

Commented [JNJ21]: MC – is this correct?

the denial. The submission of a corrected application, after a notice of denial, shall be processed under the original permit fee if the corrected application is submitted within sixty (60) days of denial of the original permit application (i.e., the permit application for which a fee was collected).

Commented [JN22]: Legal - we don't charge a fee until permit is issued.

B. Following the erection of a sign, the applicant must file for a Land Use Certificate and the Zoning Inspector shall inspect the sign, and issue a Land Use Certificate. In the event the sign complies with that for which the permit was issued. In the event that the sign appears to not be in compliance, staff may request an as-built survey by a licensed surveyor/engineer. Upon receipt of the as-built or site visit verifying non-compliance, the Director shall promptly notify the permittee via the online permitting website or by letter all reasons upon which the determination of noncompliance is based. Failure by the permittee to correct any non-compliance within ten (10) days from the date of written notice shall result in revocation of the sign permit, as well as other remedies authorized by Monroe County Code. Notice of failure to comply and notice of revocation shall mailed First Class U.S. Mail to the permittee at the address on the sign permit application if applicant opts for a paper copy, or shall be posted on the online permitting website; notice shall be deemed served on the permittee on the later date of mailing or website posting.

Commented [JN23]: Legal?

Commented [TB24]: Does staff have the ability to request an as-built in certain instances? Sometimes difficult for staff to confirm in the field setbacks, size, height.

Commented [JN25R24]: Took out "Certificate of Compliance"

B-C. Sign permit application decisions may be applied for an appeal to the BZA within ten (10) business days of service of notice. The BZA shall render its decision on the appeal within thirty (30) days of appeal filing. BZA decisions on sign permit appeals may be appealed to the Monroe Circuit Court pursuant to Indiana Code 36-7-4-1600, et seq. Alternatively, sign permit decisions of the Director or the BZA may be appealed directly to the Federal Court, Southern District of Indiana. On appeal of the Director's decision on a sign permit, or on appeal of the BZA's decision on a sign permit, Monroe County shall bear the burden of proof to the extent required by federal court decisions applicable within the 7th Judicial Circuit of the Federal Court relating to prior restraint (see e.g., *Thomas v. Chi. Park Dist.*, 534 U.S. 316 (2002); *Freedman v. Maryland*, 380 U.S. 51 (1965); and *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004)).

Commented [AC26]: Assuming this is the same legal recourse as use determinations

Commented [AC27R26]: /any determination by planning director can be appealed to bza.

Commented [TB28]: Realizing that this could trigger a 'special meeting of BZA' if the calendar timing is off.

Commented [JN29R28]: Could this be 31 days or even 40 days just in case?

BG – could be flexible based on workload and notice requirements

Commented [JN30]: Should this be added to the chapter on appeals (ch 832)?

~~B. Land Use Certificate: The planning staff shall examine the plans, specifications, and other data submitted with the application to determine whether the sign is a legal pre-existing, non-conforming use and was constructed in accordance with the applicable design standard in effect at the time of permitting, and, if necessary, the building or premises upon~~

~~which it is proposed to erect the sign. If the proposed sign is in compliance with all of the requirements of this zoning ordinance including without limitation, all conditions and commitments, if any, of an applicable conditional use approval, a land use certificate shall be issued.~~

~~C.D.~~ Exemptions: The following signs shall be exempted from the permit provisions of 807-3, but shall still be subject all other provisions set forth in this chapter:

~~(1)1. Any signs that have a total of not more than one and one-half (1 1/2) square feet or less are exempt from the permit requirement in area; provided, that no more than one sign shall be permitted per zone lot;~~

~~(2)2. Temporary signs are exempt from the permit requirement under the following circumstances: or devices meeting the following criteria:~~

~~a)i. No more than thirty-two (32) square feet of temporary signs are located on the same zone lot. Each zone lot shall be allocated a total of eight (8) square feet of temporary signs or devices unless superseded by State Statute~~

~~b)ii. Temporary signs or devices may be located no less than are at least ten (10) feet from any other sign or structure;~~

~~e)iii. Freestanding temporary signs or devices may that do not exceed six (6) feet in height; and~~

~~iv. There is no External or internal illumination of temporary signs or devices is prohibited.~~

~~3. Signs that are exempt from the sign permit requirement remain subject to the design standards (e.g., the height, bulk, area, location, and format) set forth in this chapter.~~

~~However, if banners, streamers, pennants, balloons, propellers, strung light bulbs, or similar devices are used as the temporary signs or devices they may only be displayed for a period of no longer than forty-eight (48) hours during any one (1) calendar month period.~~

807-54. Lawful Nonconforming Signs

~~A.~~ Lawful, pre-existing, nonconforming signs may not be expanded, altered, or relocated, with the following ~~two~~ one exceptions:

Commented [JN31]: What about political sign state code?

Commented [JN32]: How many 4 sq ft signs allowed?

Commented [JN33]: Definition needed?

Commented [JN34]: What about driveways and parking lots? Is this encompassed under definition of structure?

Commented [JN35]: Not in dave's draft.

Commented [TB36]: 2018 AC: This should be listed as *permanent* sign types that are not allowed within the county

A.

~~(A)~~1. Maintenance. Subject to Section 803-2 of this ordinance, ordinary maintenance or upgrade to allow new material for the face of the sign, trim, existing lighting of the sign, and any features necessary to allow safe message replacement is permitted. Maintenance may include the replacement of supports with the same type of material and in the same size, number, and configuration as in the original sign supports. For example, wood supports may be replaced with wood supports, but wood supports may not be changed from wood to iron, to aluminum, to steel, to composite metal, or to any other type of material. Replacement of supports shall be subject to the requirements of Section 807-3.

807-65. Placement Prohibitions.

The following prohibitions shall apply in all districts:

- ~~(A)~~ A. No sign shall be erected or maintained in any form or at any location where it may obstruct or in any way interfere with the view of or be confused with any approved traffic control device or where it may obstruct or in any way interfere with the minimum sight-distance necessary to promote traffic safety.
- B. On any corner lot, no sign which obstructs sight lines at elevations between two and one-half (2 1/2) feet and ten (10) feet above the crown of the adjacent roadway shall be placed or maintained within a triangular area of twenty-five (25) feet along each of the intersecting streets, to be measured from the property line.
- ~~(B)~~C. No sign shall be placed in any public right-of-way except publicly owned traffic- control and transit signs.
- ~~(C)~~D. No sign, either freestanding or mounted on a building, shall project into the public right-of-way.
- ~~(D)~~E. No sign shall be mounted on a roof or extend above the eave or parapet of a building wall.
- ~~(E)~~F. No sign shall be affixed to trees, fence posts, or utility poles.

807-76. General Sign Regulations

All signs shall conform to the following regulations:

- ~~(A)~~A. Illumination: Illuminated signs are permitted, subject to the following:
 - ~~4.~~ The source of illumination for externally illuminated signs shall be located at the top of the sign and directed downward toward the sign face and must be shielded from view of oncoming

Commented [TB37]: 2018 AC: How should we address PUDs?

traffic;

~~1.~~

~~2.~~ The source of illumination for internally illuminated signs must be completely enclosed within a translucent sign unit, or, if attached to the sign face as a design element, may be provided only by translucent tubes, tubing, bulbs or fixtures.

~~2.~~

~~3.~~ Illuminated signs may not produce heat or glare in such a manner as to constitute a nuisance (e.g., shining into a residential building) or a traffic hazard (interfering with a driver's vision); and,

~~3.~~

4. The source of illumination may not flash, shine intermittently, or be used to create a strobe effect.

~~(B)~~B. Prohibited Signs: The following signs are prohibited:

~~(1)~~1. Portable signs

~~(2)~~2. All animated or changeable copy signs (including ~~billboard~~changeable signs), or signs which move by mechanical means or by the movement of air are prohibited.

~~(3)~~3. Temporary signs or devices consisting of a series of banners, streamers, pennants, balloons, propellers, strung light bulbs, or similar devices are prohibited, except as allowed in 807-3 (C) (4).

4. Snipe Signs

~~(4)~~5. Pole or Billboard sign types

C. Height and setback of signs:

1. No freestanding sign (e.g. ground, or temporary sign) shall exceed ten (10) feet in height. Sign height shall be measured from the highest point on the sign or sign structure to the base of the sign. Signs affixed to the side of the building and that do not exceed the roof height comply with the height requirements for the zoning district.

2. All signs shall conform to the side and rear yard requirements for buildings as set forth in Monroe County Code Chapter 804.

3. Signs shall have a minimum setback of ten (10) feet from the street right-of-way. However, signs may be placed less than ten (10) feet, but no less than five (5) feet, of the street right-of-way.

Commented [JNJ38]: Legal

Commented [TB39]: This will need to change in the new ordinance when we begin using the centerline. We could consider using the new setback from centerline as a small table here if we want to get a jump on it. Not a fan of edge of pavement as right of way.

provided that the bottom edge of the sign face support shall be at least nine (9) feet above the ground; vision beneath the sign must be clear except for the supporting structure; and, the maximum permitted area of the sign shall be reduced by fifty (50%) percent. Setbacks shall be measured horizontally from the vertical plane of the edge of the sign nearest to the right-of-way.

D. Special regulations in all districts:

1. A marquee sign:

- i. shall provide a minimum of ten feet of clearance above the surface over which it projects and shall not otherwise interfere with the reasonable use of the surface;
- ii. may not be wider than the building from which it projects; and,
- iii. may not extend below or above the vertical face of the marquee.

E. Shopping Centers. Regardless of the district in which it is located, the following regulations shall apply to property which is developed for or occupied by a shopping center.

- 1. Signs for individual stores or business establishments within a shopping center must be located on the front exterior wall of the tenant's space and are limited to one and six-tenths (1.6) square feet of sign area for each one (1) linear foot of front exterior wall length.
- 2. Independently placed buildings or buildings with corner locations are limited on each side or rear wall to one-half the amount of sign area permitted on the front wall, or to one and two-tenths (1.2) square feet of sign area for each linear foot of building on the side or rear of the building, whichever is less.
- 3. In addition to signs permitted for individual establishments within a shopping center, general shopping center signs will be permitted on the basis of one sign for each fifty-thousand (50,000) square feet of gross building floor area within the development, with a total limit of four pole signs. The total area of each general shopping center sign shall not exceed two hundred forty (240) square feet in area or one hundred twenty (120) square feet per side of a double-sided sign.

~~(C)~~F. Maintenance: All signs must be kept clean, neatly painted, and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in a safe condition so as not to be

detrimental to the public health or safety.

~~(D)G.~~ Total sign allocations are as follows: ~~for the zoning districts set forth in the Table 7-1 must be based upon the building mass and street frontage standards described below:~~

~~Table 7-1~~

Applicable Zoning Ordinance	Zoning Districts
Ch. 833 – Former Fringe	CL, CA, IL, IG, BP, I, AP, Q
Ch. 802 – Zones and Permitted Uses	LB, GB, LI, HI, ME, PB, IP, REC

~~1. Total sign area permitted for any business or industrial zone lots (see Table 7-1) shall be two (2) square feet of sign area for each one (1) linear foot of building fronting on a public street, or one (1) square foot of sign for each one (1) linear foot of property fronting a publicly maintained right-of-way, whichever is greater. Residential zone lots (see Table 7-2) are permitted a maximum square footage of 32 sq ft.~~

~~4. Location, size, and variety of all signs existing upon a zoning lot of record are included in the total sign allocations.~~

~~2.~~

~~2. Total sign area permitted for any business or industrial premises shall be two (2) square feet of sign area for each one (1) linear foot of building fronting on a public street, or one (1) square foot of sign for each one (1) linear foot of property fronting a publicly maintained right-of-way, whichever is greater.~~

3. Notwithstanding other provisions of these regulations, no premises within any ~~business or industrial zone commercial or industrial zoning district~~ may be restricted to less than seventy-five (75) square feet of sign area nor shall any premises be permitted to display more than six hundred (600) square feet of sign area per zoning lot of record, except as provided ~~below in Subsection H under the "relocation of a pole sign"~~. No individual sign shall be more than 285 sq ft. One ~~pole or~~ ground sign with a maximum permitted sign surface area of sixty (60) square feet shall be permitted for each street frontage subject to the total lot allocation.

Commented [JN40]: Remove if not being added back into the ordinance.

~~(4)H.~~ Computation of area of individual signs:

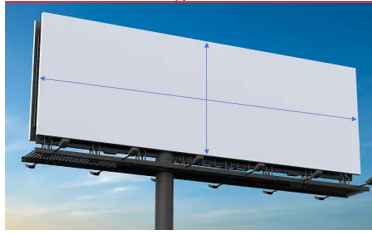
1. The area of a sign face (which is also the area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, ellipse, or combination thereof that will encompass the

Commented [TB41]: 2018 AC: a & b - This should be for all signs and not under the section that organizes by zone.

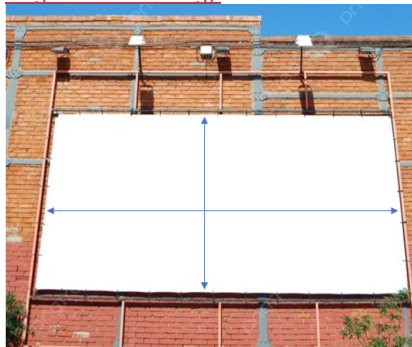
extreme limits of the ~~writing, representation, emblem, or other~~ display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when the fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself. See example illustrations below:

Commented [TB42]: 2018 AC: Create Illustration

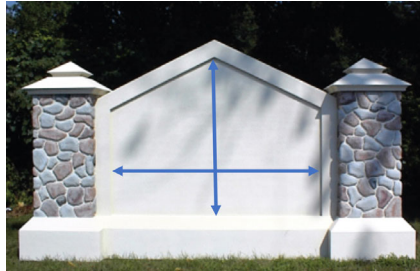
Pole sign face measurements with blue arrows showing the limits of the sign face measurement:



Wall sign measurements with blue arrows showing the limits of the sign face measurement (sign not to exceed the height of the building):



Ground sign with blue arrows showing the limits of the sign face measurement



(a)

2. ~~b)~~ — The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two ~~identical~~ sign faces are placed ~~back-to-back~~, so that both faces cannot be viewed from any point at the same time, and when the sign faces are part of the same sign structure and are not more than forty-two (42) inches apart at the widest section, the sign area shall be computed by the measurement of the largest face.

~~Total sign area subject to permit requirements shall not exceed thirty two (32) square feet per lot of record.~~

1. ~~Sign allocations for the zoning districts set forth in the table 7-2 must be based upon the standard described below:~~

Business or Industrial Zones – Refer to Table 7-1

Table 7-1

Applicable Zoning Ordinance	Zoning Districts
Ch. 833 – Former Fringe	CL, CA, IL, IG, BP, I, AP, Q
Ch. 802 – Zones and Permitted Uses	LB, GB, LI, HI, ME, PB, IP, REC

Applicable Zoning Ordinance	Zoning Districts
Ch. 833 – Former Fringe	CL, CA, IL, IG, BP, I, AP, Q
Ch. 802 – Zones and Permitted Uses	LB, GB, LI, HI, ME, PB, IP, REC

Residential Zones – Refer to Table 7-2

Table 7-2

Applicable Zoning Ordinance	Zoning Districts
Ch. 833 – Former Fringe	RE 2.5, RE1, RS2, RS 3.5, RS 4.5, RT7, RM7, RM15
Ch. 802 – Zones and Permitted Uses	AG/RR, FR, CR, ER, LR, SR, MR, HR, UR

~~Total sign area subject to permit requirements shall not exceed thirty two (32) square feet per lot of record.~~

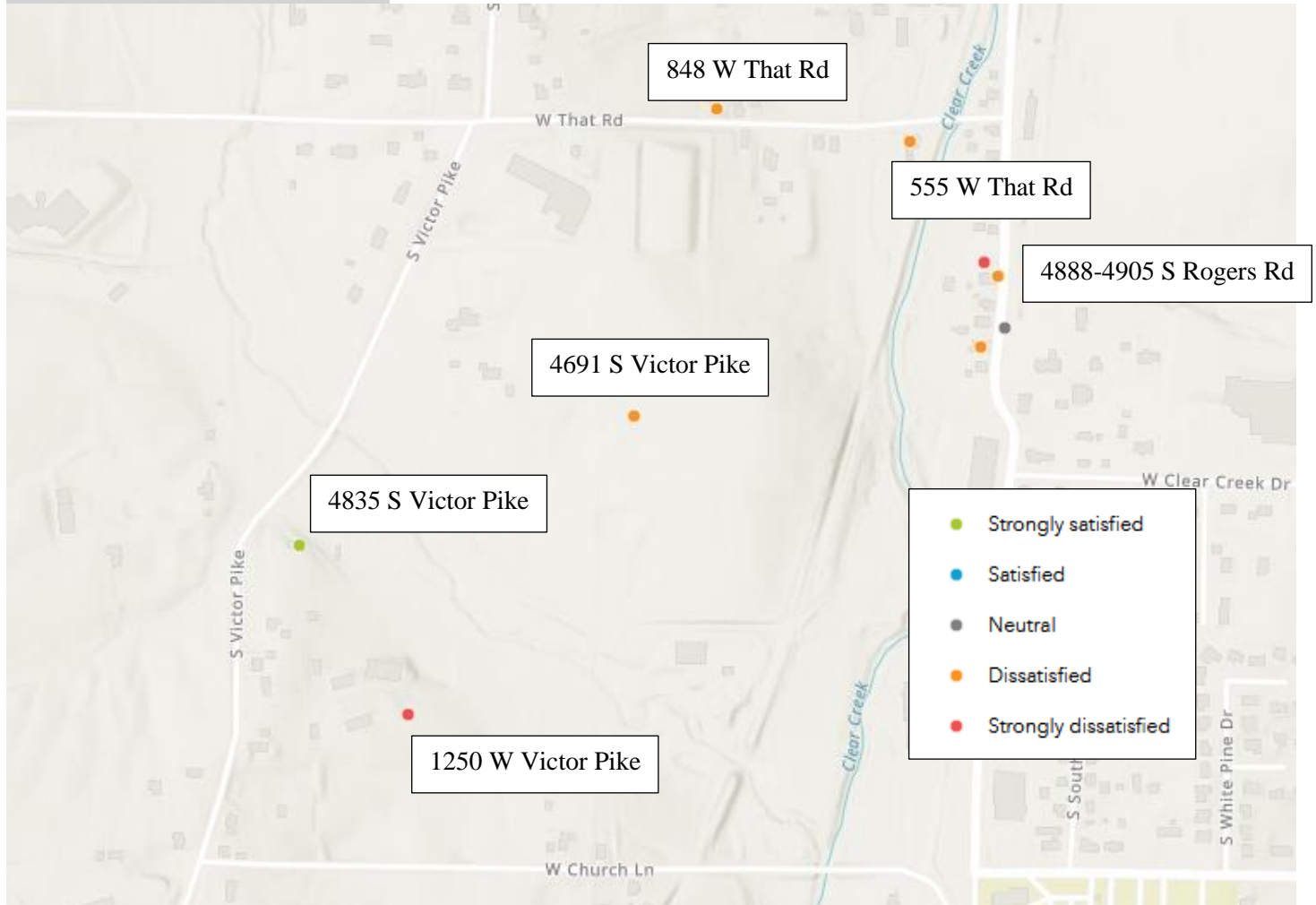
[end of chapter]

Chapter 807, Page 13

Revised 11/17/2021

REQUEST	To consider the draft zoning map changes for this area, as compared to the Comprehensive Plan
ADDRESSES	848 W That Rd 555 W That Rd 4691 S Victor Pike 4888 S Rogers St 4878 S Rogers St 4903 S Rogers St 4904 S Rogers St 1250 W Church LN 4835 S Victor Pike

CDO PUBLIC FEEDBACK MAP



RECOMMENDATION TO THE ORDINANCE REVIEW COMMITTEE

Staff recommends that the property be zoned in accordance with the Comprehensive Plan and in line with existing development (see table below for proposed changes).

Guidance sought from ORC:

1. If properties have gone through the rezone process, should we keep them as zoned or re-engage in the conversation?

Answer: If a property has been denied/approved a rezone since the Comprehensive Plan for that specific area has been adopted, leave the zoning as it is today. If that recommendation does not comply with the Comprehensive Plan, staff will need to have an addendum that states the discrepancy.

2. Is this type of report adequate to evaluate this type of request? What other information do you need?

Answer: The report is adequate but there was concern that people cannot speak regarding the rezone request. Planning Staff conducted 4 CDO listening sessions in late August/early September 2023. This provided people with a chance to speak regarding the CDO survey map. The next opportunity for the public to speak will likely be the public hearing for the CDO zoning map, zoning ordinance, and subdivision control.

Planning Staff is asking the ORC to either:

- A.** Recommend staff to change the zoning map/not change the zoning map for properties in question,
OR
- B.** Request that a property rezone request go to the Plan Commission for discussion and a recommendation.

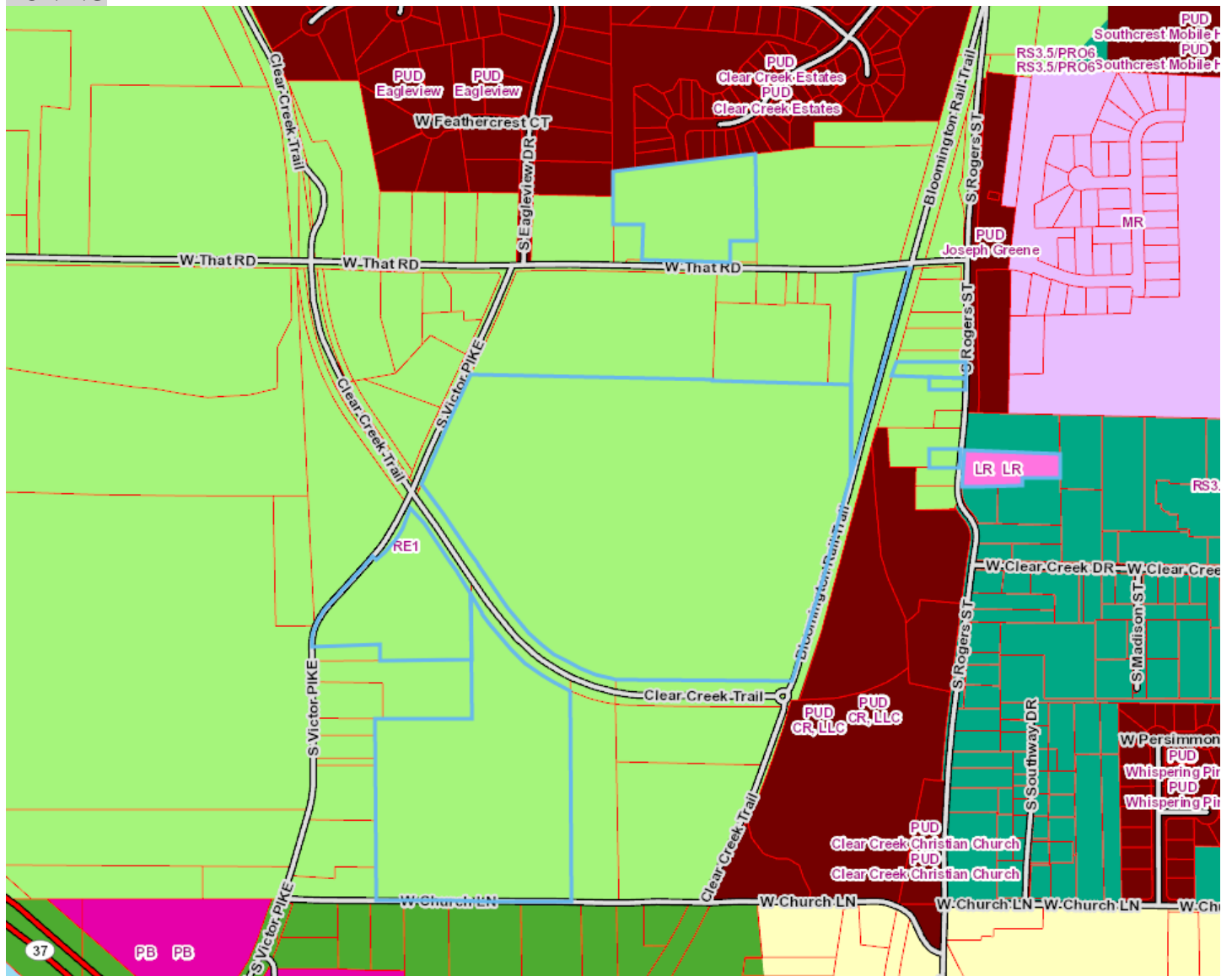
Score (0 = strongly dissatisfied, 5= strongly satisfied)

SUMMARY

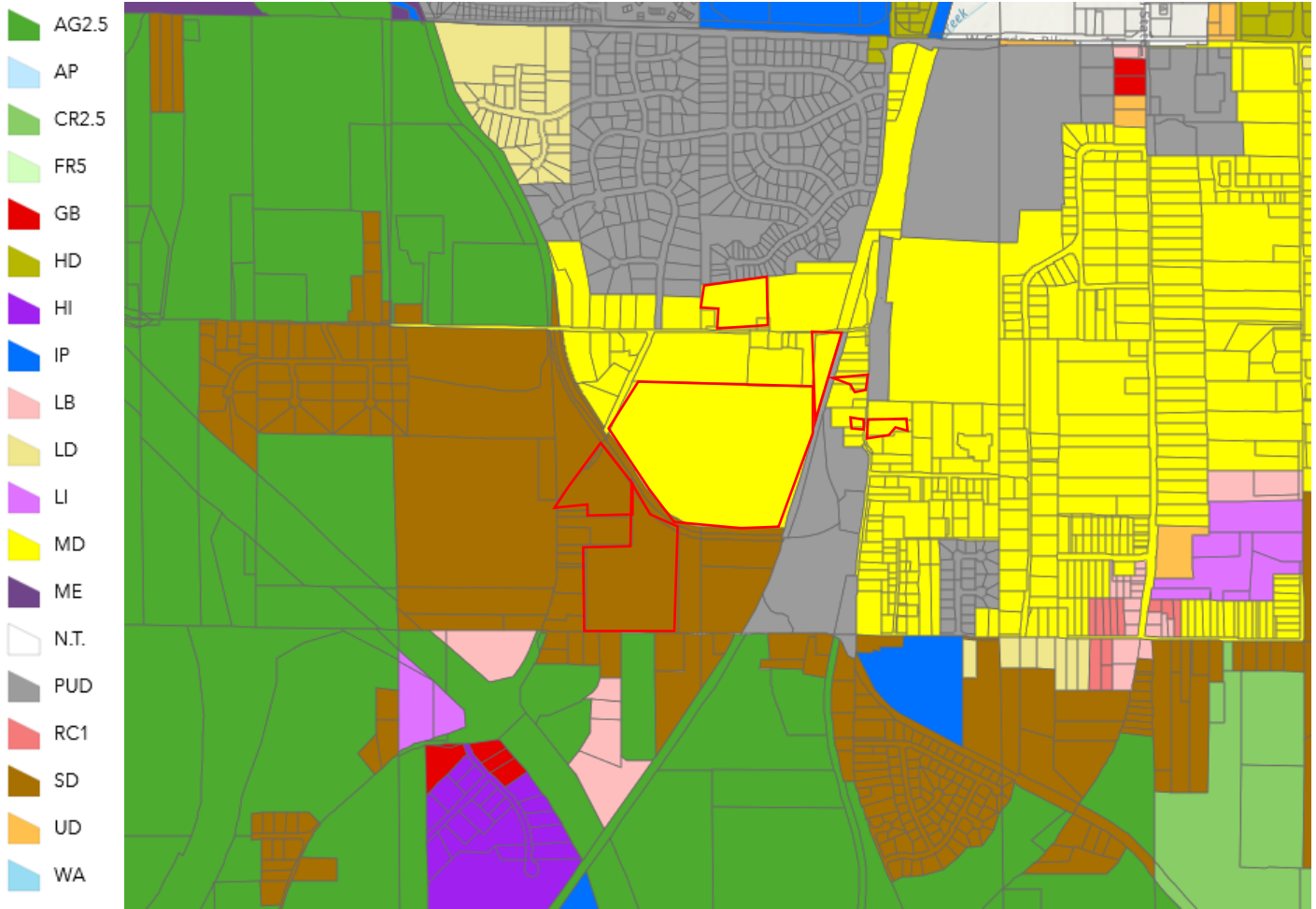
Staff has drafted the CDO map to match the comprehensive plan in this area.

ADDRESS	Proposed Zone / Min Acreage	Existing Zone / Min Acreage	Existing Acreage	Current Use	Comp Plan		Owner Filling Out Request?	Upzone (↑) or Down zone (↓)	ORC Discussion
848 W That Rd	Medium Density (MD) / likely 0.21 ac	Estate Residential 1 (RE1) / 1 ac	5.75 ac	Vacant	MCUA Mixed Residential	0	No		0.67 ac or 1 ac
555 W That Rd	Medium Density (MD) / likely 0.21 ac	Estate Residential 1 (RE1) / 1 ac	0.22 ac	Mixed use commercial/residential	MCUA Open Space	1	No	(makes lot size conforming)	0.67 ac or 1 ac
4691 S Victor Pike	Medium Density (MD) / likely 0.21 ac	Estate Residential 1 (RE1) / 1 ac	44.07 ac	Residence	MCUA Mixed Residential/Open Space	1, 0	No, No	(makes lot size conforming)	0.67 ac or 1 ac
4888 S Rogers St	Medium Density (MD) / likely 0.21 ac	Estate Residential 1 (RE1) / 1 ac	0.16 ac	Post Office	MCUA Mixed Residential/Open Space	0	No	(makes lot size conforming, use pre-existing)	RC1 to allow gov. facility
4878 S Rogers St	Medium Density (MD) / likely 0.21 ac	Estate Residential 1 (RE1) / 1 ac	0.5 ac	Vacant	MCUA Mixed Residential/Open Space	1	Yes	(makes lot size conforming)	?
4903 S Rogers St	Medium Density (MD) / likely 0.21 ac	Low Density Residential (LR) / 0.34 ac	1.15 ac	Bed & Breakfast	MCUA Mixed Residential	1	No		?
4904 S Rogers St	Medium Density (MD) / likely 0.21 ac	Estate Residential 1 (RE1) / 1 ac	0.15 ac	Retail (Stella's Place Furniture)	MCUA Mixed Residential/Open Space	0	No		RC1 to allow the use & lot size
1250 W Church LN	Suburban Density (SD) / likely 1 ac	Estate Residential 1 (RE1) / 1 ac	16.67 ac	Residence and Stable use	MCUA Employment/Open Space	0	Yes	No change in lot size	AG2.5 for Ag uses ↓
4835 S Victor Pike	Suburban Density (SD) / likely 1 ac	Estate Residential 1 (RE1) / 1 ac	5.8 ac	Residence	MCUA Employment/Open Space	5	Yes	No change in lot size	No change

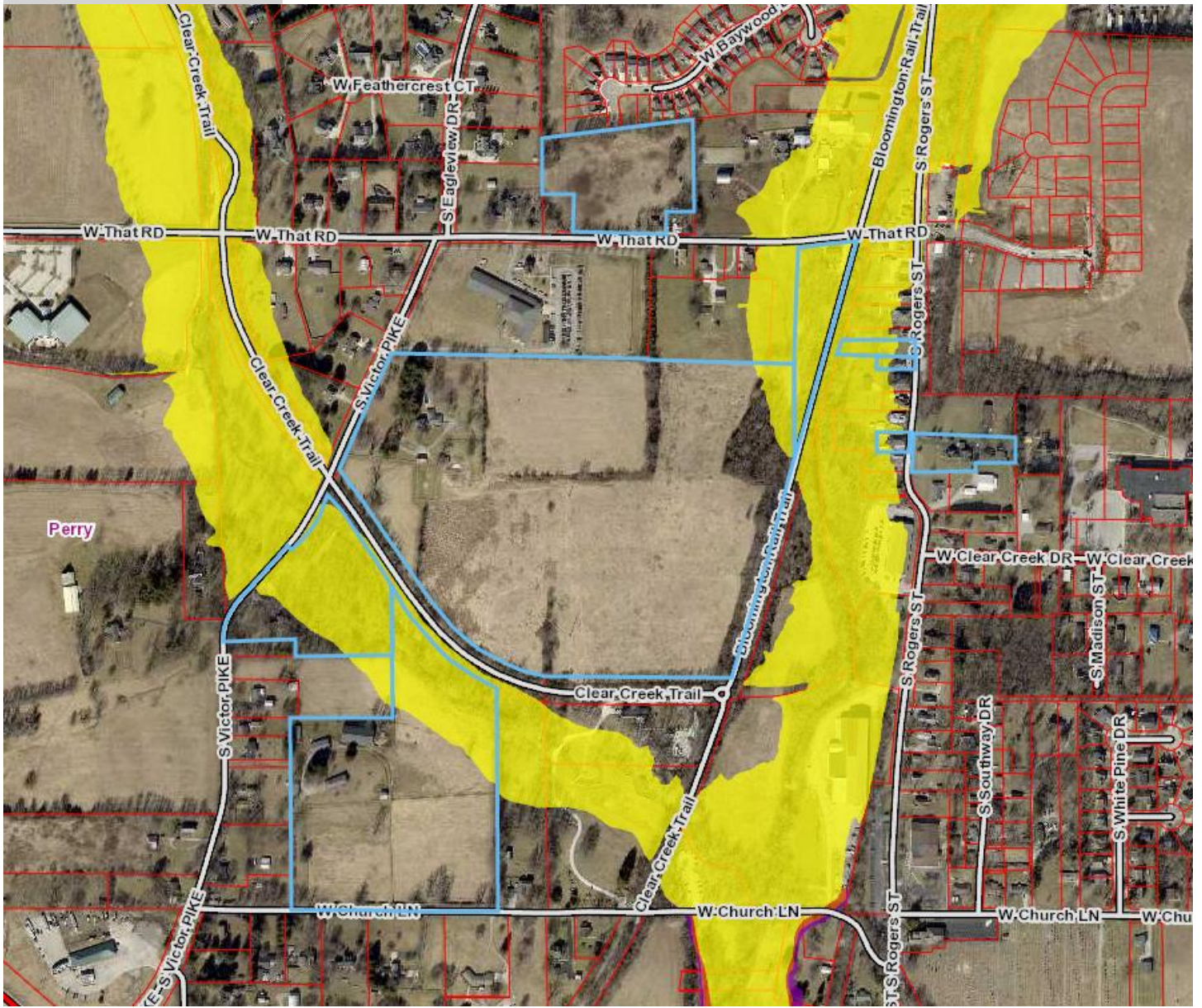
ZONING

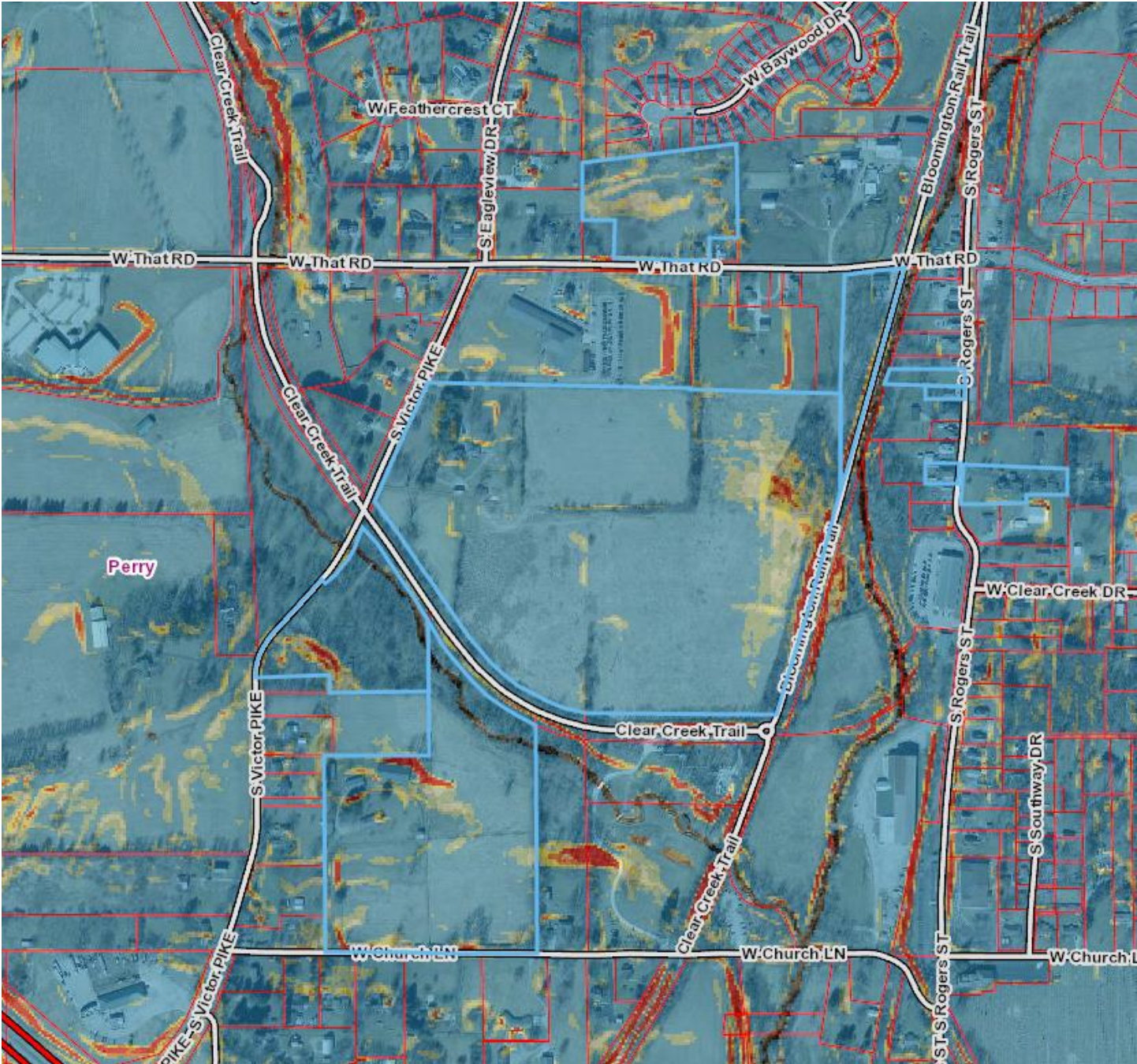


PROPOSED CDO ZONING

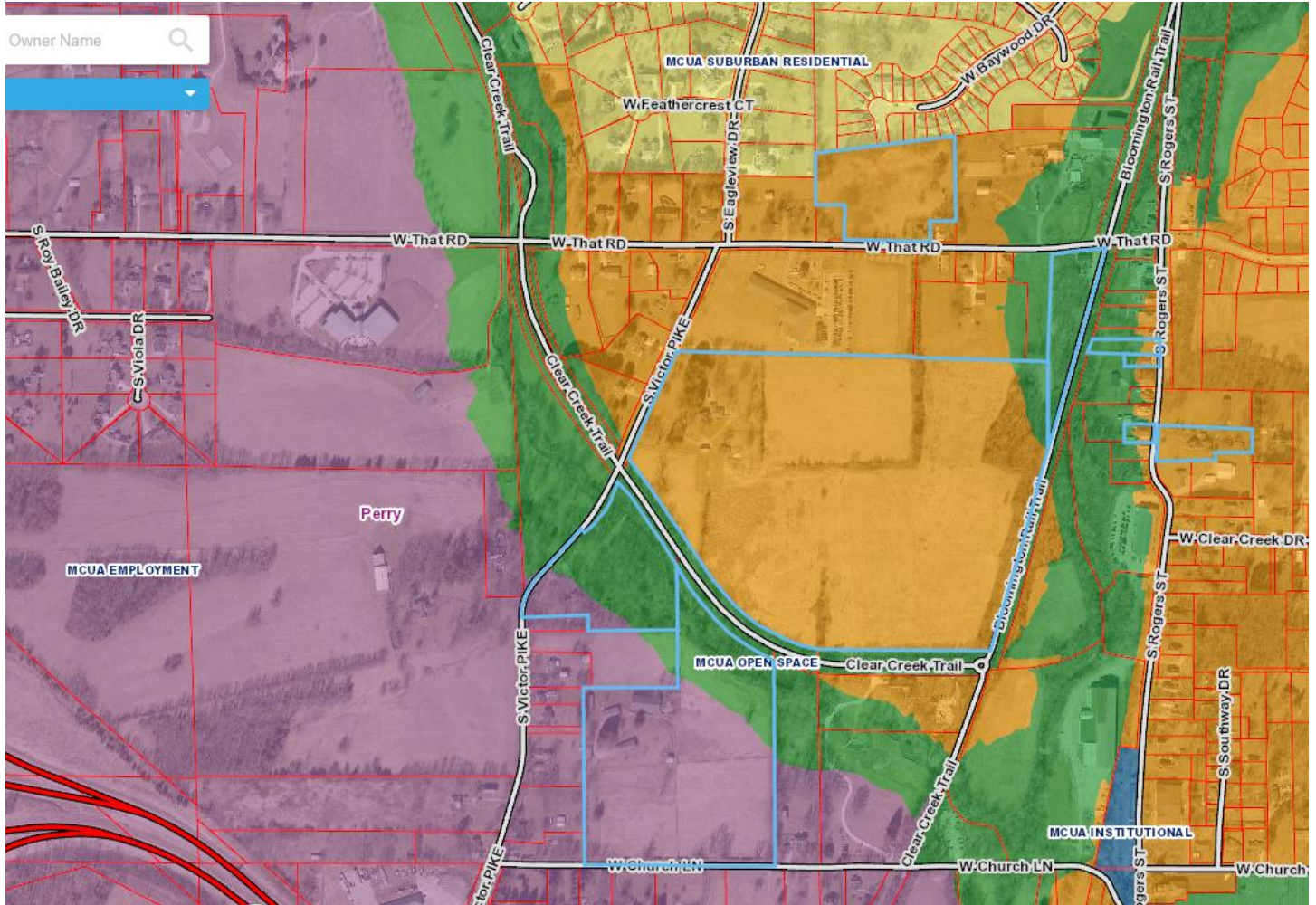


SITE CONDITIONS MAP





COMPREHENSIVE PLAN MAP AND DISCUSSION



MONROE COUNTY URBANIZING AREA PLAN PHASE I: Mixed Residential

The Comprehensive Plan describes Mixed Residential as follows:

Mixed residential neighborhoods accommodate a wide array of both single-family and attached housing types, integrated into a cohesive neighborhood. They may also include neighborhood commercial uses as a local amenity.

These neighborhoods are intended to serve growing market demand for new housing choices among the full spectrum of demographic groups. Residential buildings should be compatible in height and overall scale, but with varied architectural character. These neighborhoods are often located immediately adjacent to mixed-Use districts, providing a residential base to support nearby commercial activity within a walkable or transit-accessible distance.

A. Transportation Streets

Streets in mixed residential neighborhoods should be designed at a pedestrian scale. Like mixed-Use districts, the street system should be interconnected to form a block pattern, although it is not necessary to be an exact grid. An emphasis on multiple interconnected streets which also includes alley access for services and parking, will minimize the need for collector streets, which are common in more conventional Suburban residential neighborhoods. Cul-de-sacs and dead-ends are not appropriate for this development type. Unlike typical Suburban residential subdivisions, mixed residential development is intended to be designed as walkable neighborhoods. Most residents will likely own cars, but neighborhood design should de-emphasize the automobile.

Bike, pedestrian, and Transit modes

Streets should have sidewalks on both sides, with tree lawns of sufficient width to support large shade trees. Arterial streets leading to or through these neighborhoods may be lined with multi-use paths. Neighborhood streets should be designed in a manner that allows for safe and comfortable bicycle travel without the need for separate on-street bicycle facilities such as bike lanes. As with mixed-Use districts, primary streets in mixed residential neighborhoods should be designed to accommodate transit.

B. Utilities

Sewer and water

The majority of mixed residential areas designated in the land Use Plan are located within existing sewer service areas. Preliminary analysis indicates that most of these areas have sufficient capacity for additional development. Detailed capacity analyses will be necessary with individual development proposals to ensure existing infrastructure can accommodate new residential units and that agreements for extension for residential growth are in place.

Power

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

Communications

Communications needs will vary within mixed residential neighborhoods, but upgrades to infrastructure should be considered for future development sites. Creating a standard for development of communications corridors should be considered to maintain uniform and adequate capacity.

C. Open space

Park Types

Pocket parks, greens, squares, commons, neighborhood parks and greenways are all appropriate for mixed residential neighborhoods. Parks should be provided within a walkable distance (one-eighth to one-quarter mile) of all residential units, and should serve as an organizing element around which the neighborhood is designed.

Urban Agriculture

Community gardens should be encouraged within mixed residential neighborhoods. These may be designed as significant focal points and gathering spaces within larger neighborhood parks, or as dedicated plots of land solely used for community food production.

D. Public Realm Enhancements

Lighting

Lighting needs will vary by street type and width but safety, visibility and security are important. Lighting for neighborhood streets should be of a pedestrian scale (16 to 18 feet in height).

Street/Site furnishings

Public benches and seating areas are most appropriately located within neighborhood parks and open spaces, but may be also be located along sidewalks. Bicycle parking racks may be provided within the tree lawn/ landscape zone at periodic intervals.

E. Development Guidelines

Open Space

Approximately 200 square feet of publicly accessible open space per dwelling unit. Emphasis should be placed on creating well-designed and appropriately proportioned open spaces that encourage regular use and activity by area residents.

Parking Ratios

Single-family lots will typically provide 1 to 2 spaces in a garage and/or driveway. Parking for multi-family buildings should be provided generally at 1 to 1.75 spaces per unit, depending on unit type/number of beds. On-street parking should be permitted to contribute to required parking minimums as a means to reduce surface parking and calm traffic on residential streets.

Site design

Front setbacks should range from 10 to 20 feet, with porches, lawns or landscape gardens between the sidewalk and building face. Buildings should frame the street, with modest side setbacks (5 to 8 feet), creating a relatively continuous building edge. Garages and parking areas should be located to the rear of buildings, accessed from a rear lane or alley. If garages are front-loaded, they should be set back from the building face. Neighborhoods should be designed with compatible mixtures of buildings and unit types, rather than individual subareas catering to individual market segments.

Building form

Neighborhoods should be designed with architectural diversity in terms of building scale, form, and style. Particular architectural themes or vernaculars may be appropriate, but themes should not be overly emphasized to the point of creating monotonous or contrived streetscapes. Well-designed neighborhoods should feel as though they have evolved organically over time.

Materials

High quality materials, such as brick, stone, wood, and cementitious fiber should be encouraged. Vinyl and exterior insulated finishing Systems (EIFS) may be appropriate as secondary materials, particularly to maintain affordability, but special attention should be paid to material specifications and installation methods to ensure durability and aesthetic quality.

Private Signs

Mixed residential neighborhoods should not feel like a typical tract subdivision. It may be appropriate for neighborhoods to include gateway features and signs, but these should be used sparingly and in strategic locations, rather than for individually platted subareas.

5.1.8 PARKS AND OPEN SPACE

PROTECTED OPEN SPACE INCLUDES PUBLIC PARKS AND PRIVATELY-OWNED LANDS DEDICATED FOR ACTIVE OR PASSIVE RECREATION OR ENVIRONMENTAL PRESERVATION.

Examples include Karst Farm Park, Will Detmer Park, and portions of both residential and non-residential development areas reserved as open space. Protected open spaces include floodplains and riparian corridors where development is either prohibited or strongly discouraged. The Future Land Use Plan is not intended to illustrate all lands intended for preservation; future open space areas will be determined through the County's parkland acquisition process and the development plan review process.

A. TRANSPORTATION

STREETS

Most parks and open spaces should have some amount of public street frontage. This is less critical for greenways, but occasional street frontage is still appropriate. Street frontage serves as the "front door" of the open space, provides visual access into the space, and relates the park to the larger public realm of the community.

Automobile access to community parks is important, and these larger parks will typically include dedicated parking areas. Neighborhood Parks should provide on-street parking adjacent to the open space, but off-street surface lots should be avoided if possible. Greenway systems should include small trail-head parking areas at strategic locations.

BIKE, PEDESTRIAN, AND TRANSIT MODES

Pedestrian and bicycle access to parks and open spaces is critical. All major parks should be linked together into a comprehensive bikeway system, including greenway trails and roadway facilities where appropriate. Neighborhood parks should be accessible by sidewalk, and located within a 5-minute walk for nearby residents. Transit access to major park destinations should be provided wherever possible.

B. UTILITIES

SEWER

Sewer access is desirable to serve restrooms and other park facilities, but is not always necessary.

POWER

Overhead utility lines should be buried to minimize visual disruption of scenic views.

C. OPEN SPACE TYPES

PARK TYPES

A variety of park types should be integrated throughout the Urbanizing Area, depending on the surrounding development context:

- + Greenways
- + Community Parks
- + Neighborhood Parks
- + Plazas, Squares, and Greens
- + Pocket Parks and Streetscape Seating Areas

Refer to the other land use types described in this section for appropriate open space types.

AGRICULTURE

Many open space types can incorporate community-oriented agriculture. Refer to the other land use types described in this section for more information about integrated agriculture.

D. PUBLIC REALM ENHANCEMENTS

STREET AND TRAFFIC SIGNS

Public parks should be identified as part of a comprehensive wayfinding system, oriented to motorists, bicyclists and pedestrians.

LIGHTING

Lighting should be of a pedestrian-scale, including lamp posts, bollard lighting, and ground lighting depending on park type and intended periods of use.

STREET/SITE FURNISHINGS

Parks should incorporate numerous seating options, with co-located waste receptacles. Furnishings should be durable yet attractive and designed to complement the surrounding landscape and character of the open space and are ideal opportunities for public art. Furnishings should be coordinated within a park, but may be unique among different parks.

E. DEVELOPMENT GUIDELINES

PARKING RATIOS

Parking requirements will vary depending on the scale, function and location of the park.

SITE DESIGN

Parks in higher density and more urban development areas will typically have a more formalized design. Larger community-scale parks and greenways should be more naturalized and designed to be integrated with the surrounding landscape.

BUILDING FORM

Park facilities are encouraged to incorporate high amounts of window transparency both to maximize views for occupants and the minimize the visual impact of building masses on the landscape. Contemporary building designs with flat or shed-style roofs are encouraged to minimize the visual impact of roof profiles.

5.1.4 EMPLOYMENT

EMPLOYMENT-ORIENTED USES INCLUDE LIGHT INDUSTRIAL, MANUFACTURING AND ASSEMBLY, RESEARCH AND DEVELOPMENT FACILITIES, FLEX/OFFICE SPACE, CONSTRUCTION TRADES, WAREHOUSING AND OTHER TYPES OF COMMERCIAL USES THAT MAY NOT BE EASILY INTEGRATED INTO A MIXED-USE ENVIRONMENT.

These uses may require large, isolated sites for large-format facilities, or multiple facilities may be organized into coordinated campus-style or industrial park settings. This land use category is intended to accommodate the expansion and changing operations of a wide variety of companies and to foster a well-rounded and diverse economy as part of the Greater Bloomington area.

Special attention should be paid to vehicular access management, buffering and landscape aesthetics, building and parking orientation, and basic architectural design standards. Business support services are encouraged to be integrated into larger employment areas.

A. TRANSPORTATION

STREETS

Employment areas require special considerations in roadway design. These areas are typically accessed through arterial connections from the freeway and require accommodations for heavy truck traffic. Arterial connections may

include mixed-use corridors, and special attention must be paid to balance the needs of all travel modes while also facilitating industrial deliveries and commuter traffic flow. Arterial streets, such as Third Street, should not exceed five lanes in width (four travel lanes with center turn lane). Local and collector streets will typically be two or three-lanes (two travel lanes with center turn lane). Street connections are encouraged to help distribute traffic, but should be balanced with access management plans to maximize safety. Center medians for select arterial roadways should be considered to improve access management and corridor aesthetics.

FREIGHT

Appropriate routes for truck traffic to and from I-69 should be designated with thoroughfares designed accordingly. Major highway access points to employment areas west of I-69 will include SR-46, Third Street/SR-48, 2nd Street/SR-45, and Tapp Road. Fullerton Pike will provide access to potential employment areas to the east of I-69. A new roadway connection between That Road and South Walnut Street (Old SR-37) should be considered to open land between the highway and Clear Creek for employment uses.

BIKE, PEDESTRIAN, AND TRANSIT MODES

Commuting by automobile will likely remain the primary form of transportation to work in the larger employment centers within the Urbanizing Area. However, opportunities to expand transportation options should be provided wherever possible. Streets within employment areas should include sidewalks and/or shared-use sidepaths and encourage connections to Karst Farm Greenway and Clear Creek Trail. Opportunities to expand City of Bloomington and Rural Transit service to employment areas should also be explored.

B. UTILITIES

SEWER AND WATER

Employment-generating uses provide a fiscal benefit to the community that may warrant additional investments in and possible geographic expansion of sewer systems. Some areas designated for employment uses in the Land Use Plan are located outside of current sewer service areas, most notably the area between Clear Creek and SR 37. Additional studies should be undertaken to determine the potential for sewer expansion and necessary capital improvements to serve these areas. Additional studies and surveys may be required to determine the geographic restrictions within developable areas.

POWER

Where possible, overhead utility lines should be buried to minimize disruption during major weather events. Care should be taken to locate underground utilities in a manner that does not interfere with site development or business expansion. Opportunities to create redundant power systems with new electrical substations should be explored.

COMMUNICATIONS

State of the art communications systems should be prioritized in employment areas. Street infrastructure improvements should reserve space for burial of fiber-optic systems and/or other forms of high-speed internet and communications networks.

C. OPEN SPACE

PARK TYPES

Employment areas should provide open spaces primarily through the preservation of sensitive lands and creation of landscape buffers. Where opportunities exist, shared use path connections to the broader greenway network should be incorporated, providing a recreational amenity and alternative transportation option for employees, as well as linkages to the broader Bloomington/Monroe County system.

URBAN AGRICULTURE

Community gardens and urban agricultural systems should be encouraged in an near employment areas as a recreational and wellness opportunity for employees. However, soil suitability in existing industrial areas should be verified.

D. PUBLIC REALM ENHANCEMENTS

WAYFINDING

Regularly-located route signage for truck traffic to and from I-69 should be provided. Business and industrial parks may incorporate multi-business panel signs at gateway locations to improve wayfinding, and should use high-quality materials, be aesthetically coordinated with surrounding architecture, and include attractive landscape features.

LIGHTING

Roadways should be lighted for safety and will typically require taller poles (± 30 feet).

STREET/SITE FURNISHINGS

Street furnishings will be limited in employment districts, but may include bus stops/shelters and benches.

E. DEVELOPMENT GUIDELINES

OPEN SPACE

Open space in employment areas should be provided on-site (with the exception of significant environmental preservation areas) and determined through maximum lot coverage requirements, with 15 to 20% of a site reserved for landscaping, buffering, stormwater management and outdoor amenities for employees.

PARKING RATIOS

Parking needs will vary by business. In campus and business park settings, shared parking arrangements should be encouraged, although most businesses will require some amount of dedicated parking. Large industrial facilities, warehouses, and flex/R&D space will often have relatively low parking needs (e.g. 1 space per 2,000 square feet). Parking requirements should be based on the needs of individual businesses as opposed to mandatory minimum requirements.

SITE DESIGN

Buildings should be oriented toward the front of the lot to create a street presence, but will typically be set back from the front property line by 30 to 50 feet. Parking in front of the building should be avoided, and limited to small visitor-oriented parking lots with close access to the main entrance. Employee parking should be located to the rear or side of the building. Sufficient maneuvering aisles and loading spaces will be necessary for freight delivery. Loading docks and bays should be oriented away from public streets or screened with landscaping or architecturally integrated walls extending from the building.

BUILDING FORM

Industrial, flex and warehouse buildings should balance economic construction with basic aesthetics. Office components and main visitor entrances should be located on the front facade, be designed as distinct elements from the rest of the building, and incorporate high amounts of window transparency. Facilities may require light-controlled environments, but where possible, high windows above eye level should be incorporated, particularly along street-facing facades. Buildings will have simple forms and flat roofs. Parapets should be used to screen rooftop mechanical units.

OFFICE

- + THREE STORY
- + SMALL OFFICES
- + CORRIDOR USE
- + +/-25,000 SF TOTAL
- + +/-70 PARKING SPACES



FIGURE 5.9: EMPLOYMENT ONE ACRE SCENARIOS



INDUSTRIAL/FLEX

- + ONE STORY
- + HIGH BAY CONSTRUCTION
- + FRONT OFFICE COMPONENT
- + +/-12,000 SF TOTAL
- + PARKING AND LOADING VARIES

MATERIALS

Acceptable primary building materials include brick, stone (natural or cultured), pre-cast concrete panels, concrete masonry units, architectural metal panels, fiber-cement siding and EIFS (Exterior Insulated Finishing Systems). Smooth-faced and textured-faced metal panels are preferred, but corrugated or ribbed panels are also acceptable. Split-faced block may be acceptable if combined with other primary materials. Careful attention should be paid to how materials are installed, joined, and detailed, particularly at edges, corners and material transitions. Shadow lines, expression lines and variations in color and texture are encouraged to break up monolithic facades. Trees, shrubs and other vertical landscape elements should be incorporated along large, blank facades.

PRIVATE SIGNS

Sign designs should be coordinated with the character of the building, and may be building-mounted or ground-mounted monument signs. Pole signs should be prohibited. Monument signs should be located in landscape beds and may include exterior ground lighting. Digital and changeable copy signs are not appropriate. Sites will typically require directional signage for visitors, employees and freight delivery.

Survey Feedback

CreationDate	Name	Property Address	Please rate your level of satisfaction with the proposed zoning for your property:	Additional comments about the proposed zoning on your property:
9/3/2021 15:58	Dave and Patty Busch	1250 W. Church Lane Bloomington, IN 47403	Strongly_dissatisfied	Prefer AG! Currently keep our horses and donkey. This property has been successful as a boarding & training facility. We would like to keep those options available.
10/1/2021 20:46	Guy R Loftman	4835 S. Victor Pike	Strongly_satisfied	RE-1 and the replacement Suburban Residential both have appropriate lot sizes for this rural area. I am sending an email about the unsatisfactory MR proposal concerning the adjoining parcel at 4691 S. Victor Pike.
10/5/2022 8:08	Tamby Wikle Cassady	4888 S Rogers Street Clear Creek, IN 47426	Strongly_dissatisfied	This is the post office that has been at this location for 150+ years and should be zoned as some level of business
10/5/2022 8:16	Tamby Wikle Cassady	4904 S Rogers Street, Bloomington, IN	Strongly_dissatisfied	This is a business use. Stella's Place sells antiques. It was a general store before that and the odd fellows lodge 100 years ago. So it's use is business related and should be able to continue forward as such, not residential.
10/5/2022 8:20	Tamby Wikle Cassady	4905 S Rogers Street, Bloomington, IN	Dissatisfied	This is the Wampler House bed and breakfast. Zoning needs to more accurately reflect this as a business.
10/5/2022 8:56	Tamby Wikle Cassady	4691 S Victor Pike	Strongly_dissatisfied	Too high of density for the area - rejected by Commissioners already
12/7/2022 0:02	Tamby Wikle-Cassady	4888 S Rogers Street Clear Creek, IN 47426	Strongly_dissatisfied	This location has been the business for the US Post Office since 1870 and should be zoned accordingly. There are other businesses along this street in the area of Old Clear Creek that should also be zoned according to their use.
12/7/2022 0:05	Tamby Wikle-Cassady	4878 S Rogers Street Bloomington, IN 47403	Dissatisfied	This property should be appropriately zoned to allow parking for the businesses in the area such as the US Post Office and Stellas Place antiques.
12/7/2022 0:08	Tamby Wikle-Cassady	4903 S Rogers Street Bloomington, IN 47403	Dissatisfied	This building is currently and has historically been a business and should be zoned accordingly. It is currently Stellas Place antiques. In the earlier days it was an Oddfellows lodge and a diner.
12/7/2022 0:11	Tamby Wikle-Cassady	4905 S Rogers Street Bloomington, IN 47403	Neutral	I would ask that zoning identify whether the current use as a bed and breakfast is a conforming use for proposed use.
12/7/2022 0:20	Tamby Wikle-Cassady	4691 S Victor Pike Bloomington, IN 47403	Dissatisfied	Not sure why zoning supports a Medium Density here when a proposed plan for this level of density was recently rejected. There was strong support for denial for higher density (medium) density.
12/7/2022 0:21	Tamby Wikle-Cassady	848 W That Rd Bloomington, IN 47403	Dissatisfied	Not sure why zoning supports a Medium Density here when a proposed plan for this level of density was recently rejected. There was strong support for denial for higher density (medium) density.
12/7/2022 0:25	Tamby Wikle-Cassady	555 W That Rd Bloomington, IN 47403	Dissatisfied	Currently mixed use. Residential upper level. Lower level long standing business.

