ZONING ORDINANCE

TOWN OF MONROVIA

February 19, 1996

Ordinance 5 - 1996

Amended – September 28, 2016

Town of Monrovia

Plan Commission

PO Box 400

Monrovia, IN 46157

TOWN OF MONROVIA ZONING ORDINANCE

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MONROVIA ZONING ORDIANCE – SEE BELOW:

- EXHIBIT "A" Requires the use of this form in recording commitments made with respect to Development Plan Approvals in accordance with I.C. 36-7-4-613
- EXHIBIT "B" Requires the use of this form in recording commitment modification(s) or termination(s) with respect to Development Plan Approval in accordance with I.e. 36-7-4-613.
- EXHIBIT "C" Commitments concerning the use or development of real estate made in connection with a Special Exception, Special Use, Contingent Use or Conditional Use Approval or a Variance Grant.
- EXHIBIT "D" Commitments modifying or terminating existing commitments concerning the use or development of real estate made in connection with a Special Exception Special Use, Contingent Use or Conditional Use Approval or a Variance Grant.
- EXHIBIT "E" Notice and Public Opinion Survey

- APPLICATION PROCEDURES FOR SITE PLAN REVIEW (includes all forms)

- APPLICATION PROCEDURES FOR ZONING AMENDMENT REVIEW (includes all forms)

- APPLICATION PROCEDURES FOR A SPECIAL EXCEPTION (includes all forms)

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- BUILDING PERMIT APPLICATION

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ORDINANCE NO. 7-3-3

AN ORDINANCE ESTABLISHING A COMPREHENSIVE ZONING ORDINANCE FOR ALL UNINCORPORATED AREAS OF MORGAN COUNTY, INDIANA,NOT OTHERWISE UNDER THE JURISDICTION OF A MUNICIPAL ADVISORY PLAN COMMISSION DULY AUTHORIZED BY I.C. 36-7-4, AS AMENDED, AND PROVIDING FOR: THE ADMINISTRATION AND ENFORCEMENT THEREOF; ESTABLISHING DISTRICTS FOR AGRICULTURAL, RESIDENTIAL, BUSINESS, INDUSTRIAL,MANUFACTURING AND SPECIAL USES; MINIMUM STANDARDS FOR PHYSICAL IMPROVEMENT TO LAND; AND, CREATING A BOARD OF ZONING APPEALS AND PROVIDING FOR REVIEW OF THE DECISIONS OF SUCH BOARD BY THE COURTS.

WHEREAS, I.C. 36-1-2-9 provides that the Board of Commissioners of the County of Morgan, Indiana, is the legislative body for Morgan County, Indiana; and

WHEREAS, I.C. 36-7-4-600 provides that the legislative body having jurisdiction over a geographic area described in a zoning ordinance has exclusive authority to adopt a zoning ordinance under I.E. 36-7-4-600 et after a comprehensive plan for that geographic area has been approved in accordance with I.C. 36-7-4-500 et; and

WHEREAS, on September 6, 1994 the Board of Commissioners of the County of Morgan, Indiana, adopted a resolution approving the Morgan County Comprehensive Plan in accordance with I.C. 36-7-4-500 et and

WHEREAS, in accordance with I.C. 36-7-4-600 et the Morgan County Plan Commission conducted a public hearing on February 12,1996 to consider a proposal (the "Proposal") to repeal the existing Morgan County Zoning Ordinance and adopt a replacement Morgan County Zoning Ordinance; and

WHEREAS, the Morgan County Plan Commission certified the Proposal to the Board of Commissioners of the County of Morgan, Indiana, with a favorable recommendation; and

WHEREAS, the Board of Commissioners of the County of Morgan, Indiana, considered the Proposal at its regular meeting on February 19, 1996.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MORGAN, INDIANA, IN ACCORDANCE WITH I.C. 36-7-4-600 et AND ALL ACTS AMENDATORY AND SUPPLEMENTAL THERETO, AS FOLLOWS:

SECTION 1

Monrovia Zoning Ordinance

The Town of Monrovia adopted the Morgan County Zoning Ordinance "as is" on February 19, 1996. The Monrovia Zoning Ordinance was Amended on 9-28-2015.

CHAPTER 1. GENERAL PROVISIONS

1.1 Short Title.

This Ordinance, and all amending or supplemental ordinances thereto, shall be known, and may be cited and to as the "Monrovia Zoning Ordinance".

1.2 Purpose.

The zoning regulations, as set forth herein have been established in accordance with the Monrovia Comprehensive Plan in order to promote the public health, safety, comfort, morals, convenience, and general welfare of the citizens of Monrovia, Indiana. They have been designed to lessen or avoid congestion on public ways, to prevent the overcrowding of land; to avoid undue concentration of population to secure adequate light, air, convenience of access and safety from fire, flood and other danger; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. The have been made with reasonable consideration, among things, for the character of district and for its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Monrovia, Indiana, consistent with the Comprehensive Plan.

1.3 Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety, comfort, convenience and general welfare of the public.

In the case of conflict between two or more provisions of this Ordinance, the provision which imposes the greater or higher standard of performance shall control.

1.4 Conflicts.

Whenever the regulations of this Ordinance require a greater width or size of yards or other open space, a lower height limit greater percentage of open space, a lower density of development, a more restrictive land use, or impose other higher standards than are required by any other lawfully adopted rules, regulations, ordinances, private deed restrictions or, private covenants applicable to those areas of Monrovia which are subject to the jurisdiction of this Ordinance of Monrovia which are set forth in Chapter 1, 24.

1.5 Separability Clause.

If any Chapter, section or provision of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other Chapter, section or provision of this Ordinance.

1.6 Repeal of Conflicting Ordinance.

The Morgan County Zoning Ordinance, as adopted by the Town of Monrovia on February 19, 1996, and all amendments thereto, is hereby repealed. In addition, all other ordinances or parts of other ordinances in conflict with this Ordinance or inconsistent with the provision of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

1.7 Effective Date.

This Ordinance shall be effective on the following dates: 9-28-2015.

1.8 Subdivision.

Plat approval by the Plan Commission shall be required of all subdivisions, as defined in Chapter 2 of this Ordinance, within each zoning district contained in this Ordinance. Subdivision of land may occur within each zoning district contained in this Ordinance.

Any individual lot of record recorded in the Morgan County Recorder's Office prior to the effective date of this Ordinance, which is located in the AG Zoning District, shall be exempt from the requirements of plat approval, Minimum Lot Area requirements specified in the AG Zoning District and the Minimum Lot Width requirement of two-hundred and twenty (220) feet specified in the AG Zoning District, provided that the lot of record has a Minimum Lot Width of two-hundred (200) feet.

1.9 Permits.

No Improvement Location Permit or certificate of Occupancy shall be issued by Staff for any lot, use, building or structure unless said lot, use, building or structure shall be in compliance with the provisions of this Ordinance.

1.10 Nonconforming Uses.

1. It is the intent of this Ordinance to permit legally established nonconforming uses, buildings and structures to continue until the same are removed, but to not encourage their continuation. It is further the intent of this Ordinance that legally established nonconforming uses, buildings and structures shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other buildings, structures or uses otherwise prohibited by the applicable zoning district.

   Provided, however, nothing in this Section 1.10.1 shall be construed to prohibit the expansion of a legally established non-conforming single family dwelling or two-family

dwelling in any zoning district contained in this Ordinance or to prohibit the enlargement, expansion, or extension of a legally established nonconforming single family dwelling or two-family dwelling, provided, further, however, that such enlargement, expansion or extension does not increase the extent of nonconformity.

2. If a legally established nonconforming use, building or structure is discontinued or abandoned, any future use of said premises shall be in conformity with the provisions of this Ordinance. Discontinuance of a legally established nonconforming use shall consist of the intent of the user or owner to discontinue a nonconforming use and the actual act of discontinuance. Abandonment of a legally established nonconforming building or structure shall consist of the actual intent of the user or owner to abandon a nonconforming building or structure and the actual act of abandonment.

3. A legally established nonconforming use, building or structure, when discontinued or abandoned, shall not be resumed. When a legally established nonconforming use ceases to be used in such a manner for a period of one (1) year, it shall be considered prima facie evidence of discontinued or abandonment.

1.11 Restoration of Nonconforming Structures.

A legally established nonconforming building or structure may be restored to its original dimensions if damaged or partially destroyed by fire or other disaster provided that the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of said building or structure. However, a legally established nonconforming single family dwelling or a two-family dwelling, shall be allowed to be reconstructed to its original dimensions, without regard to the extent of damage or destruction.

Provided, however, in the case of conflict between the restoration provisions of this Chapter 1.11 and the regulations set forth in Chapter 8. Flood Hazard Areas, the regulations set forth in Chapter 8. Flood Hazard Areas shall control.

1.12 Exceptions for Single Family Subdivisions Recorded Prior to the Effective Date of this Zoning Ordinance.

Any lot of record recorded in the Morgan County Recorder's Office prior to the effective date of this Ordinance which is zoned and platted for single family dwellings, whether located in land formerly contained in a municipal buffer zone or within the jurisdiction of the Plan Commission, shall be exempt from the development standards requirements of this Ordinance and shall, instead, be subject to the development standards of the zoning district applicable to that lot on the effective date of this Ordinance.

1.13 Exception for Previously Recorded Lots of Record in Business Districts.

Any lot of record recorded in the Morgan County Recorder's Office prior to the effective date of this Ordinance which is initially or is subsequently zoned to any Business District established by this Ordinance and which complied with the Lot Area and Frontage provisions of the Monrovia Zoning Ordinance that was effective on the date of recording of such lot, shall have the required amount of Minimum Public Street Frontage of the applicable Business District reduced to the amount of frontage indicated or the lot of record.

1.14 Division of Lots (Including Parent Parcels and First Parcels) Nonconformance with Ordinance Requirements.

A lot may be subdivided into two (2) or more lots, provided that all resulting lots and all buildings and structures thereon shall comply with all the applicable provisions of this Ordinance and the Subdivision Regulations for Monrovia. If such a lot, however, is occupied by a legally established nonconforming building or structure, such lot may be subdivided provided that such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building or structure.

1.15 Exceptions for Public and Semi-Public Utilities.

Public or semi-public utilities for waste water treatment or potable water supplies, which are designed as a part of and intended to serve the immediate area or neighborhood in accordance with applicable provisions indicated on a subdivision plat which has been approved by the Plan Commission and recorded in the Office of the Recorder of Morgan County, Indiana, shall be exempt from the provisions of this Ordinance. Utility Substations and major utility facilities such as Water Treatment Plants, Waste Water Treatment Facilities and the like, which are designed as part of a larger service network or to independently provide service on a community or regional level shall be subject to all use and development standards regulations of this Ordinance.

1.16 Determination of Land Uses Not Listed in this Zoning Ordinance.

It is recognized that this Ordinance may require interpretation to assign all possible land uses to individual zoning districts. Therefore, any land use which is not specifically set forth in this Ordinance shall be reviewed by Staff for consistency with the Statements of Purpose in each zoning district and for compatibility with land use characteristics typical of land uses permitted within those districts and shall determine the appropriate zoning district for any use which is not specifically set forth herein. In case of disagreement with the determination of Staff in assigning a land use to an appropriate zoning district, any aggrieved party may file an appeal before the Board as an Administrative Appeal Petition pursuant to the provisions of Chapter 18 of this Ordinance. If it is (i) determined by the Staff, in agreement with the applicant or (ii) determined by the Board that a particular use is not permitted in any agricultural, residential, business, industrial or manufacturing zoning district, then such use shall be deemed to require the PUD zoning district and shall be considered to be a permitted use only in a PUD zoning district in which such use is specifically included and described in a petition for zone map change to the PUD zoning district.

1.17 Parking Lot and Security Lighting Adjacent to Residential Districts.

In any Business, Industrial or Manufacturing District, lighting equipment installed for the purpose of illuminating a parking lot area or for the purpose of providing security lighting shall be so located, shielded and directed that the distribution of light is confined to the area to be lighted and prevents any light from spilling onto adjacent residentially zoned property.

1.18 Commitments Required by the Plan Commission.

1. The Plan Commission may, under any circumstance, require or permit the owner of a parcel of property to make written commitments concerning the use or development of the subject property in connection with recommending approval of a Zone Map Change to the PUD District, or any other zoning district, to a legislative body as a condition of development.

   The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitments shall be in effect for as long as the real estate to which they apply remains zoned to the classification to which the real estate was zoned when the commitments were made or modified or terminated pursuant to Chapter 1.18, 2. Below. The commitments shall authorize their recording by Staff in the Office of the Recorder or Morgan County, Indiana upon the final approval of the zone map change by the legislative body. Following the recording of the commitments, Staff shall return the original recorded commitments to petitioner and shall retain a copy of the recorded commitments in its file.

   The Plan Commission, Owners of all parcels of ground adjoining the real estate and all owners of real estate within the area included in the petition who were not petitioners for approval, and other specifically affected persons designated in such commitments shall be entitled to enforce such commitments pursuant to Indiana Code 36-7-4-1015 or as otherwise provided by applicable law.

   The commitments required by the Plan Commission shall be in substantially the form set forth in Exhibit "A" of this Ordinance.

2. Modification of Commitments by the Plan Commission.

   Commitments required or permitted by the Plan Commission may be modified or terminated by a decision of the Plan Commission, or its successor, made at a public hearing after notice to adjoining owners has been given pursuant to the Rules of Procedure of the Plan Commission. Any modification or termination of the commitments shall not be effective until: (a) reduced to writing; (b) approved by the Plan Commission; (c) executed and notarized by the present owner(s) of the real estate; and, (d) recorded in the Office of the Recorder of Morgan County, Indiana.

   The modification or termination of commitments shall be in substantially the form set forth in Exhibit "B" of this Ordinance.

1.19 Agricultural Preservation Commitment.

The Plan Commission, in its discretion as set forth in Chapter 1.18, above, may permit or require an owner of real estate to enter into an agricultural preservation commitment containing the following or substantially similar language:

Owner acknowledges that the real estate subject to this commitment is in or adjacent to an area zoned for agricultural land uses including, but not limited to, the production of animal

or plant life, including forestry, pasturing or yarding livestock, and planting, growing, cultivating, and harvesting crops for human or livestock consumption.

Owner hereby agrees: to waive any and all objection to any such agricultural land use on any real estate zoned for such uses within two-miles of any boundary of the real estate; and, that such agricultural land uses, including but not limited to associated odors, dust, pollen, noise, lights, hours of operation, weed control applications, pest control applications, and similar procedures related to the normal operation of such agricultural land uses, do not constitute a nuisance, public or private, provided that there is no significant change in the hours of operation or the type of agricultural land uses and the agricultural land uses began operation. This agreement does not limit Owner's rights under other applicable laws in the event of negligence in the operation of said agricultural land uses.

1.20 Official Zoning Map.

1. Adoption of Official Zoning Map.

   The portions of Monrovia, Indiana, under the jurisdiction of the Plan Commission, are hereby divided into zones or districts as shown on the Official Zoning Map, which, together with all explanatory matter, is incorporated into and made part of this Ordinance by this reference.

2. Maintenance of Official Zoning Map.

   If, in accordance with the provisions of this Ordinance and IC 36-7-4-600, et. Seq., changes are made in zone or district boundaries or other matter portrayed on the Official Zoning Map, these changes shall be entered on the Official Zoning Map by Staff promptly after the amendment has been approved by the Town Council. An index of changes, either by legend or other appropriate means, indicating the nature, date and individual who made the change, shall be maintained of all changed made to the Official Zoning Map.

3. Location of Official Zoning Map.

   The Official Zoning Map shall be located in the office of the Plan Commission.

4. Replacement of the Official Zoning Map.

   In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of County Commissioners may, upon certification from the Plan Commission, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors of omissions in the prior Official Zoning Map, but no correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment.

5. Interpretation of District Boundaries.

   Where uncertainty exists as to the exact location of any district or zone boundary, the following rules shall apply:

   A. In the case of any original district or zone designation on the Official Zoning Map, district or zone boundaries shall be determined by scale, and where such boundary runs approximately __ along a roadway centerline, lot line, town limit line, railroad line, shoreline, stream centerline or floodplain line, the __ district or zone line shall be construed as to follow such line;
   B. In the case of a district or zone boundary placed on the Official Zoning Map as a result of an approved petition for zone map change, the text of the legal description contained in the ordinance adopting the zone map change shall take precedent over the drawn Official Zoning Map; or,
   C. In the case of further uncertainty, the Plan Commission shall interpret the intent of the Official Zoning Map as to the location of the boundary in question.

6. Establishment of Districts.

   The territory within the jurisdiction of the Plan Commission is hereby classified and divided into the following districts:

   Agricultural District

AG	Agricultural

   Residential Districts

R-1	Residential – One
R-2	Residential – Two
R-3	Residential – Three
R-4	Residential – Four
R-5	Residential – Five
R-6	Residential – Six
D-1	Residential – Duplex / Rural
D-2	Residential – Duplex / Transitional
A-8	Residential – Apartment, Maximum Eight Dwelling Units per Acre
A-16	Residential – Apartment, Maximum Sixteen Dwelling Units per Acre
MD	Mobile Dwelling

   Business Districts

OB	Office / Buffer
NC	Neighborhood Convenience Retail
CR	Community and Regional Retail
HB	Heavy Business
CB	Central Business

   Industrial Districts

LI	Light Industrial
GI	General Industrial
LM	Light Manufacturing

HM Heavy Manufacturing
WM-G General Waste Management
WM-H Heavy Waste Management

Special Districts
PUD Planned Unit Development
WP Wellhead Protection

1.21 Geographic Jurisdiction.

The geographic jurisdiction of this Ordinance shall be all unincorporated areas of Morgan County, Indiana, not otherwise under the jurisdiction of a municipal advisory Plan Commission duly authorized by IC 36-7-4, as amended, and those incorporated areas of Morgan County, Indiana, which have designated the county Plan Commission as the municipal Plan Commission pursuant to IC 36-7-4-410.

CHAPTER 2. DEFINITIONS.

2.1 Interpretation of Terms or Words

The language of this ordinance shall be interpreted in accordance with the following relations:

1. The word “person” includes a firm, association, organization, partnership, trust, Limited Liability Company, corporation, or other legal entity, as well as an individual.

2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires;

3. The word “shall” is mandatory, the word “may” is permissive;

4. The words “used” or “occupied” include the words “intended”, “designed”, “constructed”, “altered”, “arranged” to be used or occupied;

5. The work “lot” includes the words “plot”, “tract”, or “parcel”, and

6. Where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and”, “or”, or “either . . . or”, the conjunction shall be interpreted as follows:

    1) “And” indicates that all the connected items, conditions, provisions or events shall apply.
    2) “Or” indicates that connected items, conditions, provisions or events may apply singly or in any combination.
    3) “Either . . . Or” indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

7. The terms “more intensive district” and “less intensive district” are terms used herein to describe relationships between particular zoning districts based on the permitted uses within each district.

    1) “More restrictive district” shall be synonymous with the term “less intensive district” and the term “less restrictive district” shall be synonymous with the term “more intensive district”.
    2) A “more intense district” shall mean one which permits more uses or the same uses at a greater density, progressing from Agricultural, to Residential, to Business, to Industrial, to Waste Management districts, in the sequence listed within each group of districts from least intensive to the most intensive.

2.2 Definitions

The following terms or words used in the test of this ordinance shall have the following meanings, unless contrary meaning is (i) required by the context of a particular sentence or phrase or (ii) specifically prescribed in a particular sentence or phrase:

ABUT: To physically touch or border upon; or to share a common property line.

ACCESS: A way or means of approach to provide physical entrance to a property.

ACCESSORY: A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.

ACRE: A measure of land area containing forty three thousand five hundred sixty (43,560) square feet.

ADDITION: A structural addition to the original structure at some time after completion of the original.

ADULT ENTERTAINMENT BUSINESS: An adult entertainment business is any business which includes one or more of the following:

ADULT BOOKSTORE: An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET: A nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation of patrons.

ADULT DRIVE-IN TEATRE: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

ADULT LIVE ENTERTAINMENT ARCADE: Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to

view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

ADULT MINI MOTION PICTURE THEATRE: An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion picture, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas of observation by patrons therein.

ADULT MOTEL: A hotel, motel or similar establishment offering public accommodations for any form of consideration which primarily provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE ARCADE: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT SERVICE ESTABLISHMENT: Any building, premises, structure or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display or specified anatomical areas.

AGRICULTURE: The production of crops and livestock useful to man and the harvesting, storage and primary processing of agricultural products produced by the agricultural enterprise. Agriculture includes the incidental storage of farm vehicles, farm equipment, farm materials, etc., associated with the particular agricultural enterprise. Agricultural crop production includes plants raised for human food, fiber, animal feed and forage; tree and vine crops, and other field crops. Also included are extensive horticultural enterprises where a product is raised for sale. Agricultural livestock production includes the raising, breeding and maintaining of food animals such as cattle, swine, sheep, goats, fowl, fish and fur-bearing animals raised for their pelt and apiaries.

AIR RIGHTS: The ownership or control of that area of space at and above a horizontal plane over the ground surface of land.

AIRPORT: Any runway, land area or other facility designed for use or used either publicly or privately by any person for the landing and taking off of aircraft including all necessary taxiway, aircraft storage and tie-down areas, servicing, hangers and other necessary buildings and open spaces.

AISLE: The traveled way by which cars enter and depart parking spaces.

ALLEY: A public right-of-way, other than a street, road, or easement, designed to provide a secondary means of access for the special accommodation of abutting property.

AMENITY: A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

ANNEXATION: The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

APARTMENT: One (1) or more rooms including private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two (2) dwelling units.

ARTERIAL STREET: See Street, Arterial.

AWNING: A roof-like cover, often of fabric, metal or glass designed and intended to either protect from the weather or as a decorative embellishment, and which is attached to a building or structure and projects from a wall or roof of a building or structure over a window, walk, door, or a similar feature.

BALLOON SIGN: See Sign, Balloon.

BASEMENT: That portion of a building with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half or more of its interior vertical height clearance below grade level.

BED AND BREAKFAST: The commercial leasing of bedroom (s) for guest (s) within a private, owner-occupied, one or two family dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee. Such leasing may also provide for the temporary accommodation of daytime meetings or receptions for guests for a fee. Such leasing caters largely to tourists and the travelling public.

BOARD: The Advisory Board of Zoning Appeals of Monrovia, Indiana.

BOARDING HOUSE: A building or part of a building, other than hotels, motels, restaurants, or multi-family dwellings, containing accommodation facilities in common where lodging, typically with meals reserved solely for the occupants thereof, is provided for a fee.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING AREA: The total ground area within a lot covered by the primary structure plus garages, carports and other accessory structures except at grade patios, in-ground swimming pools, and above ground swimming pools without elevated deck areas.

BUILDING HEIGHT, MAXIMUM: See Maximum Building Height.

BUILDING LINE, FRONT: A line parallel to any front lot line which passes through the nearest point of any building or structure and terminates at the point of contact with any side lot line.

BUILDING LINE, SIDE: A line parallel to any side lot line which passes through the nearest point of any building or structure and terminates at the point of contact with any front or rear lot line.

BUILDING LINE, REAR: A line parallel to any rear lot line which passes through the nearest point of any building or structure and terminates at the point of contact with any side lot line.

BUILDING, NONCONFORMING: A legally existing building which fails to comply with the regulations set forth in this Ordinance applicable to the district in which such building is located.

BUILDING PERMIT: A permit issued by the Monrovia Planning Department in compliance with the terms and provisions of the Morgan County Building Code.

BUSINESS / TENANT: A single use of premise which is separated from another use by demising walls and has a separate entrance.

CAMP GROUND: A commercial establishment, typically located in remote, scenic areas for the short term leasing of sites for use primarily by tent campers or pop-up campers. Services such as showers, restrooms, water hook-ups and electrical hook-ups may be provided.

CAREGIVER DWELLING: See Dwelling, Caregiver.

CARERECEIVER DWELLING: See Dwelling, Care receiver.

CARETAKER DWELLING: See Dwelling, Caretaker.

CARPORT: A covered automobile parking space not completely enclosed by walls or doors.

CHILD CARE: A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth. (For reference see Indiana Code 12-7-2).

CHILD CARE CENTER: A building where at least seventeen (17) children receive child care from a provider:

a) While unattended by a parent, legal guardian, or custodian;

b) For regular compensation; and,
c) For more than four(4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

This term also applies to a building where child care is provided to less than seventeen (17) children if the provider has applied for a license under IC 12-17.2-4 and meets the requirements under IC 12-17.2-4 (For reference see Indiana Code 12-7-2).

CHILD CARE HOME: A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

a) While unattended by a parent, legal guardian, or custodian;
b) For regular compensation; and,
c) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

This terms includes a Class I child care home (that serves any combination of full-time and part-time children, not to exceed twelve (12) at any one (1) time and a Class II child care home (that serves more than twelve (12) children but no more than any combination of sixteen (16) full-time and part-time children at any one (1) time. (For reference see Indiana Code 12-7-2).

CHILD CARE MINISTRY: A child care operated by a church or religious ministry that is a religious organization exempt from federal income taxation under Section S01 of the Internal Revenue Code. (For reference see Indiana Code 12-7-2).

CHILD CARE INSTITUTION:

1. A residential facility:
   a) That provides child care on a twenty-four (24) hour basis for more than ten (10) children; or
   b) With a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or
2. An institution that:
   Operates under a license issued under IC 12-17.4;
   a) Provides for delivery of mental health services that are appropriate to the needs of the individual; and
   b) Complies with the rules adopted under IC 4-22-2 by the Division of Family and Children. For reference see Indiana Code 12-7-2).

COLLECTOR STREET: See Street, Collector.

CONTROLLED ACCESS INTERSECTION: An intersection where the approach to and movement through is regulated by the use of traffic control devices, including, but not limited to stop signs, yield signs or traffic lights.

COMPOSTING FACILITY: A commercial enterprise where plant and other organic wastes decompose under controlled conditions to produce a usable product.

COMPREHENSIVE PLAN: A plan, recommended by the Plan Commission of Monrovia and adopted by the Town Council, showing the general location and extent of present and proposed physical facilities including residential, industrial and commercial uses, major streets, parks/schools and other community facilities. This plan establishes the goals, objectives, and policies for the physical development of the County.

CONDOMINIUM: The division of building and the related land into horizontal property interest meeting the requirements of and controlled by Indiana statutes for condominiums. (For reference see Indiana Code 32- -6).

CONSERVATION AREA: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas include fresh water marshes, shallow grassy ponds, hardwood swamps, natural shorelines (other than natural beaches or dunes), and other areas of significant biological productivity or uniqueness.

CONTAINMENT AREA: (1) An above ground area that has been constructed with water tight concrete floors and sidewalls and located within a completely enclosed building; or, (2) A floor area located within a completely enclosed building which is designed to slope toward a central point for the collection, containment and removal of Contaminants. This term is only applicable to the Wellhead Protection Overlay Zoning District.

CONTAINMENT VESSEL: (1) A portable device located within a completely enclosed building that has been made of a water tight material; (2) A secondary containment system integral to an above ground storage tank located within a completely enclosed building; or, (3) A portable device used in connection with a remote fueling operation that has been made of a water tight material. This term is only applicable to the Wellhead Protection Overlay Zoning District.

CONTAMINANT: Any solid, semisolid, liquid, or gaseous matter, or any odor, radioactive material, pollutant (as defined in the Federal Water Pollution Control Act (33 U.S.C. 251 et seq.) as in effect on January 1989, hazardous waste (as defined by the Federal Solid Waste Disposal Act (42 U.S.C. 690 et seq). as in effect on January 1989, any constituent of a hazardous waste, or any combination thereof, from whatever source, that:

1. Is injurious to human health, plant or animal life, or property;
2. Interferes unreasonably with the enjoyment of life or property; or,
3. Is otherwise violative of I.C. 3-7 or any rules adopted thereunder.
   (For reference see I.C. 329 IAC 3.1)

CONVALESCENT HOME/NURSING CARE: Any building, structure, institution, or other place for the reception, accommodation, board, care or treatment extending beyond a continuous twenty-four (24) hour period in any week of more than four (4) individuals in need or desire of such services by reason of physical or mental illness, infirmity, or impairment. (For reference see Indiana Code 6-28 and 12-7).

COUNTY COMMISSIONERS: The Board of Commissioners of the County of Morgan, Indiana.

COVENANT: A private legal restriction on the use of land contained in the deed, plat or other legal documents pertaining to the property.

CUL-DE-SAC: See Street, Cul-de-sac.

DENSITY, GROSS: A unit of measurement which represents the number of units per acre of land on the aggregate total land to be developed, including one half all perimeter public rights-of-way, and all of any public easements, and other public uses located within the parcel.

DENSITY, NET: A unit of measurement which represents the number of units per acre of that land which is devoted only to a specific area use, excluding public rights-of-way, public easements, and other areas dedicated to public use.

DEVELOPMENT SIGN: See Sign, Development.

DIRECTIONAL SIGN: See Sign, Directional.

DIRECTORY SIGN: See Sign, Directory.

DISPOSAL: The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water that the solid waste or hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters. (For reference see Indiana Code 13-7-1).

DISTRICT: A section of the territory within the jurisdiction of Plan Commission for which uniform regulations governing the use height area size and intensity of use of buildings and land, and open spaces about buildings, are herein established.

DOUBLE: See Dwelling, Two-Family.

DRIVE: For the purposes of this ordinance, a drive is the same as street.

DRIVE-IN FACILITY: Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

DIRVEWAY: A privately owned driving surface which provides access to a lot, or to a use located on such lot, from a street and runs generally perpendicular to property lines.

DRY CLEANING PLANT: A facility in which the cleaning of garments, fabrics, draperies, etc., is performed with a liquid other than water. The plant is generally not visited by individual customers, but rather by individual dry cleaning drop-off establishments.

DUPLEX: See Dwelling, Two-Family.

DWELLING: Any building, or portion of a building, which is designed or used primarily for residential purposes, including a single family, two-family and multi-family but not including hotels, boarding houses, lodging houses and tourist dwellings.

DWELLING, CAREGIVER: A second dwelling unit located on a lot in a zoning district which permits only one (1) single family dwelling as a matter of right and which is:

1. Occupied by a family who provides weekly assistance to the family residing in the permitted single family dwelling; and
2. Approved by the Board through the grant of a Special Exception.

DWELLING, CARETAKER: A dwelling unit occupied by a family who provides weekly ground maintenance on a lot occupied by an agricultural or business enterprise.

DWELLING, EMERGENCY: A temporary dwelling unit, located on the same lot as a permanent dwelling, which provides shelter while a permanent dwelling which has been damaged or destroyed by fire or other disaster is being repaired or rebuilt.

DWELLING, MANUFACTURED HOME: A dwelling unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process; provided, that each module must bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards; and provided further, that each unit must have been built after January 1, 1981, and must have at least 900 square feet of main floor area (exclusive of garages, carports, and open porches).

DWELLING, MOBILE: a movable or portable dwelling unit that:

1. Is fabricated in one or more modules at location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process;
2. Is designed for occupancy by one family;
3. Is erected or located as specified by the Monrovia Building Code; and,
4. Was either: (i) Constructed prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that is was built in compliance with the standards established by the Indiana Administrative Building Council; or (ii) Constructed subsequent to or on June 15, 1976 and bears a seal, certifying that is was built in compliance with the Federal Mobile Home Construction and Safety Standards law.

DWELLING, MODULAR HOME: A dwelling unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for residential occupancy; provided, that each module must hear the seal certified that it was built in compliance with Indiana Public Law 360; and, provided further, that the unit must have been built in compliance with the CABO One and Two-Family Dwelling Code.

DWELLING, MULTIFAMILY: A building consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and party walls. Individual kitchen, dining and restroom/bathing facilities shall be provided in each separate dwelling unit.

DWELLING, SINGLE FAMILY: A dwelling unit which is either:

a) Built in compliance with the CABO One and Two-Family code and the Monrovia Building Code;
b) A modular dwelling; or
c) A manufactured dwelling

DWELLING, TWO-FAMILY: A building consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance.

DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, sleeping, cooking, and eating. The term shall include mobile dwellings, modular dwellings and manufactured dwellings but shall not include recreational vehicles.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ELECTRONIC MESSAGE CENTER SIGN: See Sign, Electronic Message Center.

EMERGENCY DWELLING: See Dwelling, Emergency.

ENTRYWAY SIGN: See Sign, Entryway.

FAMILY: One (1) or more persons related by blood, adoption, foster care or marriage, living together as a single household unit, exclusive of household servants; or, a number of persons but not exceeding either (8) adult persons and their dependents, if any, living together as housemates or roommates though not related by blood, adoption, foster care or marriage.

FARM: A tract of land used for agricultural purposes along with buildings and equipment that have been or are being used for agricultural production and primary processing.

FARM STRUCTURE: Any building or structure used for agricultural purposes.

FAST-FOOD RESTAURANT: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building of off-premises.

FENCE: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FIRST PARCEL: See Lot of Record.

FLAG: A display of cloth or other flexible material generally attached on only one (1) side.

FLASHING: Operation which creates flashing light, change in light intensity, color or copy, or intermittent light impulses more frequently than one (1) every ten (10) seconds. Electronic Message Centers, as defined herein, shall not constitute flashing signs; and a sign which creates intermittent light impulses which convey the time of day and/or temperature only shall not constitute a flashing sign.

FLEA MARKET: An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

FLOOR AREA, GROSS: The total area, computed on a horizontal plane inclusive of finished basements, attached garages, entrances, hallways, stairways and other enclosed areas, but exclusive of unfinished cellars and attics.

FLOOR AREA, USABLE: The floor area within a building which is designed for occupancy and use.

FOOD PROCESSING: The preparation, storage or processing of food products. Examples of these include bakeries, dairies, canneries and other similar businesses.

FRONTAGE: The line of contact of an abutting property with the street right-of-way along a front lot line which allows unobstructed, direct access to the property.

FRONTAGE STREET: See Street, Frontage.

FUEL DELIVERY CONTAINMENT FACILITY: An area in which fuel storage tanks, fuel distribution lines, and fuel pumping equipment is located; where fueling of vehicles, equipment or machinery occurs; and, which is constructed with a water tight concrete floor designed to slope toward a central point for the collection, containment and removal of Contaminants. This term is only applicable to the Wellhead Protection Overlay Zoning District.

GARAGE, PRIVATE: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, boats and other personal effects of the occupants of the premises.

GARAGE, PUBLIC: A principal building or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no vehicle repair service shall be provided for remuneration.

GARBAGE: All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials. (For reference see Indiana Code 13-7-1).

GASOLINE PRICE SIGN: See Sign, Gasoline Price.

GENERAL BUSINESS SIGN: See Sign, General Business.

GRADE: The average level of the finished surface of ground adjacent to the exterior walls of the building.

GRADE, NATURAL: The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

GRAND OPENING SIGN: See Sign, Grand Opening.

GROUND SIGN: See Sign, Ground.

GROUP HOME: A residential facility licensed by the Community Residential Facilities Council, or its successor in authority, and authorized by i.e. 2- 7.4-5 in which care is provided on a twenty-four (24) hour basis for not more than ten (10) children in need of services or who have committed a delinquent act.

HAZARDOUS WASTE: A solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical or infectious characteristics, may:

a) Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible, illness; or,
b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. (For reference see Indiana Code 13-7-1).

HAZARDOUS WASTE FACILITY: A plant or site where hazardous waste is subjected to treatment, storage, or disposal. (For reference see Indiana Code 13-7-).

HEIGHT, BUILDING, MAXIMUM: See Maximum Building Height.

HOME OCCUPATION: An occupation or business activity carried on within a legally established dwelling unit by a resident of said dwelling, where the occupation or business activity:

a) Is clearly incidental and subordinate to the residential use;
b) Does not alter the interior or exterior residential character of the dwelling unit;
c) Is carried on primarily within the principal building or within an accessory building and only by members of the family occupying the premises; and
d) Does not include any outdoor storage or activities other than receipt or delivery associated with the business activity.

HOSPITAL: An institution licensed by the State Board of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, remaining facilities, central service facilities, and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and medical or urgent care centers.

HOTEL, MOTEL OR APARTMENT HOTEL: A building in which temporary lodging and boarding are provided and offered to the public for compensation.

IMPROVEMENT: Any man-made, immovable item which becomes part of, placed upon, or is affixed to real estate.

IMPROVEMENT LOCATION PERMIT: A permit stating that the proposed erection, construction, enlargement or moving of a building or structure complies with the provisions of the zoning ordinance and the subdivision regulations.

INCIDENTAL: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensure from normal operations.

INOPERABLE MOTOR VEHICLE: Any automobile, truck, semitrailer, school bus or recreational vehicle, that lacks a motor drive train, wheels, axles or transmissions.

INTEGRATED CENTER: An area of development (commercial, industrial, or any combination of commercial, industrial and residential uses) of one or more lots, comprised of:

a) Two or more individual, non-related and separately operated uses in one building sharing common site facilities;
b) One or more buildings containing non-related and separately operated uses occupying a common site, which utilizes one or a combination of common site facilities, such as driveway entrances, parking areas, driving lanes, maintenance and similar common services; or,
c) One or more buildings containing non-related and separately operated uses occupying individual sites, which are interrelated by the utilization on one or a combination of common facilities, such as driveway entrances, internal public or private street network developed in accordance with an approved plat, parking areas, maintenance or other services.

INTERSECTION: A crossing or meeting of two (2) streets, or a street and a driveway.

INTERIOR LOCAL STREET: See Street, Interior Local.

JOB PRINTER: A facility for the commercial reproduction, cutting, printing, or binding of written materials, drawings, or labels on a bulk basis using lithography, offset printing, blueprinting and similar methods.

JUNK YARDS: See Salvage Yard.

KENNEL: An establishment licensed to operate a facility housing dogs, cats or other small animals, and where grooming, breeding, boarding, training, or selling of animals is conducted as a business or where six (6) or more such animals, six (6) months or older, are kept.

LABORATORY, Any Type: A building or structure, or portion of a building or structure, equipped for experimental study, testing and analysis in a controlled environment. A laboratory may also include the assembly, fabrication or manufacture of prototype or one of a kind products, but not the assembly, fabrication or manufacture of products for general wholesale or retail trade.

LAND AREA: The total horizontal area within the project boundaries, plus the area of half of any abutting alley or street rights-of-way.

LANE: for the purposes of this ordinance, a lane is the same as a street.

LEGALLY ESTABLISHED NONCONFORMING BUILDING OR STRUCTURE: Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment of the zoning ordinance, or pursuant to a granted variance of the zoning ordinance, but which fails by reason of such adoption, revision, amendment or variance to conform to the present requirements of the zoning district.

LEGALLY ESTABLISHED NONCONFORMING USE: Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of the zoning ordinance, or pursuant to a granted variance, but which fails by (prior to code) reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

LIMITED ACCESS STREET: See Street, Limited Access.

LINER: When used in connection with any waste management facility, a liner shall be considered to be an impervious material designed and installed around and under a disposal site so as to positively contain liquid or other leach-aids and prevent their migration from a disposal site. A liner may consist of one or more layers of compacted clay, other approved compacted impervious materials or manufactured membranes.

LOADING BERTH: The off-street area required for the receipt or distribution by vehicles of materials or merchandise, which in this Ordinance is held to be a 12 by 55 foot paved loading space with a 15 foot height clearance.

LOCAL STREET: See Street, Interior Local and Street, County Local.

LOT: A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and may consist of:

A. A single lot of record; or
B. A portion of a lot of record; or
C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

A lot may or may not coincide with a lot of record. For purpose of this definition, the ownership of a lot is further defined to include:

A. The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
B. A long-term lessee (but only if the lease is recorded among the records of the County Recorder and has a term (exclusive of non-exercised extensions and renewals) of at least twenty-five (25) years remaining before its expiration at the time of applying for a permit).

LOT AREA: The area bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street or easement for surface access into the subject lot or adjoining lots.

LOT LINE, FRONT: The lot line separating a lot from any abutting street.

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line.

LOT LINE, SIDE: Any lot line not designated as a front or rear lot line.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH: The full width of a lot measured along the required front setback line.

MANUFACTURED HOME: See Dwelling, Manufactured Home.

MAXIMUM BUILDING HEIGHT: The vertical distance measured from the highest point of proposed finished grade at the perimeter of the building to the highest point of the roof.

MOBILE HOME: See Dwelling, Mobile. MODEL

HOME SIGN: See Sign, Model Home.

MODULAR HOME: See Dwelling, Modular Home.

MULTI-TENANT GROUND SIGN: See Sign, Multi-Tenant Ground.

NEIGHBORHOOD RECYCLING COLLECTION POINT: A site where individuals bring household recyclable materials to either drop off without compensation, or, to redeem the materials for monetary compensation. Beyond any limited sorting, no other processing of the materials takes place at the site. All materials are stored completely within the structure while awaiting periodic shipment to the processing facilities. While these collection points may be developed as freestanding sites, they typically are access uses sharing the site of a larger primary use. Possible structures for this type of operation include such recycling containers as “igloos”, reverse vending machines, trailers, or similar structures.

OFFICIAL ZONING MAP: The map showing the legally established boundaries of the zoning districts within the jurisdiction of the Plan Commission adopted by the responsible, participating legislative bodies.

OFF-PREMISE SIGN: See Sign, Off-Premise.

ON-PREMISE SIGN: See Sign, On-Premise.

OPEN SPACE: The horizontal area of a lot open to the sky. In Residential Districts, open space equals lot area minus building area.

OUT LOT: That portion of land of a plat, integrated center or planned development which is:
A. Usually located adjacent to a street or frontage road; and,
B. Is intended for an additional and separate building or buildings in the development.

PACKAGE LIQUOR STORE: A facility principally for the retail sale of alcoholic beverages for off-premise consumption.

PARENT PARCEL: See Lot of Record.

PARKING AREA: The hard surfaced area required for a parking of automobile(s), including all maneuvering area(s) and aisle(s).

PARKING AREA, PUBLIC: A hard surfaced and approved open area, other than on a street or alley, designed for use or used for temporary parking of vehicles, whether free or for compensation, or as an accommodation for clients or customers.

PARKING SPACE OR STALL: The hard surfaced area required for parking one (1) automobile.

PERSONAL SERVICE: Services provided involving the care of a person or his/her apparel.

PERSON SERVICE ESTABLISHMENT: A commercial establishment primarily engaged in providing services generally to individuals involving the care of a person or his/her apparel, such as laundries, photographic portrait studios, barber and beauty shops, shoe repair, tailor, travel bureau or similar facilities.

PLAN COMMISSION: The Morgan County Plan Commission.

PLAT, MAJOR: The subdivision of a tract of land into five or more parcels or lots, including any remainder of the original tract, or any subdivision which involves the creation of new streets to an adjoining property, now, or in the future.

PLAT, MINOR: The subdivision of a tract of land into less than five (5) parcels or lots, including any remainder of the original tract, which does not involve the creation of new streets to an adjoining property, now, or in the future.

POLE SIGN: See Sign, Pole.

PORTABLE: Movable from one (1) location to another, not attached to a fixed structure nor having supports embedded in the ground. The term “portable sign” shall specifically include a sign located in or on a vehicle, except where:
a) Such sign merely identifies the vehicle as belonging to such business by displaying the name, address and/or telephone number of such business and/or identifies the type of product or service offered by such business;

b) The primary use of such vehicle is for the daily transportation of products or the delivery of services in connection with such business; and
c) Such vehicle is currently licensed in the State of Indiana and is in operable condition; however, if such vehicle remains parked for longer than one (1) week in the same parking space, it shall be deemed a portable sign.

PRIMARY PLAT: Any initial request for the subdivision of real estate filed before the Plan Commission pursuant to I.C. 36-7-4-700, et. Seq., formerly known as the Preliminary Plat.

PUD DISTRICT ORDINANCE: A zoning ordinance that:
1) Designates a parcel of real property as a planned unit development district;
2) Specifies uses or a range of uses permitted in the planned unit development district;
3) Specifies development requirements in the planned unit development district;
4) Specifies the plan documentation and supporting information that may be required;
5) Specifies any limitation applicable to a planned unit development district; and
6) Meets the requirements of the I.E. 36-7-4-1500, et. seq.

REAL ESTATE SIGN: See Sign, Real Estate.

RECOVERY: Obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste. (For reference see Indiana Code 13-7-1).

RECREATIONAL VEHICLE CAMP GROUND: A commercial establishment, typically located along major highways, intended for short term leasing of sites primarily for use by pop-up campers or recreational vehicles. Services such as showers, restrooms, water hook-ups and electrical hook-ups may be provided.

RECYCLING CONTAINER: A receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to glass, plastic, metal and paper.

RECYCLING FACILITY: A recycling operation involving further processing (relative to a neighborhood recycling collection point) of materials to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out.

REGULATORY FLOOD: That flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having a probability of occurrence of one (1) percent any given year. The intent of this definition is to be consistent with the definition derived by the Indiana Department of Natural Resources.

REGULATORY FLOOD PROFILE: A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood. The intent of this definition is to be consistent with the definition derived by the Indiana Department of Natural Resources.

RELIGIOUS USE: A land use and all buildings and structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to educational, instructional, social, residential or child care ministry uses.

RESIDENTIAL FACILITY FOR THE DEVELOPMENTALLY DISABLED: A residential facility established under a program authorized by I.C. 12-11-1 which provides residential services for not more than eight (8) developmentally disabled individuals.

RESIDENTIAL FACILITY FOR THE MENTALLY ILL: A residential facility established under a program authorized by I.E. 12-22-1-1 which provides residential services for mentally ill individuals.

RIGHT-OF-WAY: Specific and particularly described land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare for passage of pedestrians, vehicles, or utilities, as set forth in a written grant, declaration or conveyance that is recorded in the office of the Morgan County Recorder.

RIGHT-OF-WAY, PUBLIC: Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality or County to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded by the office of the Morgan County Recorder.

RIGHT-OF-WAY, PRIVATE: Specific and particularly described strip of privately-held land devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded by the office of the Morgan County Recorder.

ROAD: For the purposes of this ordinance, a road is the same as a street.

SALVAGE YARD: Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which does not carry a current, valid license, and is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

SANITARY LANDFILL: An incinerator, a composting facility, a garbage grinding facility, or any other facility that is suitable for solid waste disposal. (For reference see Indiana Code 36-9-30-2).

SCAVENGER SERVICE: A business which collects solid waste and transports such solid waste to an authorized site for storage, recovery or disposal.

SCREENING DEVICE: A barrier of stone, brick, pierced brick or block, uniformly colored wood or other permanent material of equal character, density and design, at least six (6) feet in height, provided any such structure in excess of eight (8) feet in height shall be deemed a wall subject to the provision of the Morgan County Building Code.

SEASONAL RETAIL SALES: A temporary use established for a fixed period of time, for the retail sale of seasonal products, including, but no limited to, such items as food, Christmas trees, and live plants. This use may be or may not involve the construction or alteration of any permanent building or structure.

SECONDARY PLAT: Any plat approved by the Plan Commission or Staff and authorized for filing with the Morgan County Auditor and for recording by the Morgan County Recorder's Office in accordance with I.C. 36-7-4-710, formerly known as a Final Plat.

SERVICES INVOLVING SPECIFIED SEXUAL ACTIVITIES OR DISPLAY OF SPECIFIED SEXUAL ANATOMICAL AREAS: Any combination of two or more of the following activities:

a) The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representation which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
b) The presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
c) The operation of coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
d) Live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or,
e) The operation of a massage school, massage parlor, massage therapy clinic, bathhouse, escort service, body painting studio or nude modeling studio.

SETBACK: That distance measured perpendicularly from the property line to the closest point of the building, structure, sign structure, parking area or any other permanent improvement.

SETBACK LINE: A line that establishes the minimum distance that a building, structure, or portion thereof, can be located from a lot line or right-of-way line.

SIGN: Any structure, fixture, placard, announcement, declaration, devise, demonstration or insignia used for direction, information, identification or to draw attention to, advertise or promote any business, product, goods, activity, services or any interest.

SIGN, BALLOON: An on-premises inflated device which is filled with a lighter than air gas and designed to float in the atmosphere while being affixed to the ground.

SIGN, DEVELOPMENT: An on-premises sign which advertises or identifies any of the following: developer, architect, agent, contractor, lending institution or project name.

SIGN, DIRECTIONAL: An on-premises sign which directs pedestrian or vehicular traffic.

SIGN, DIRECTORY: An on-premises sign identifying the names of the businesses/tenants and the number of the building, suite or room in which they are located.

SIGN, ELECTRONIC MESSAGE CENTER: An on-premises sign displaying public services information, any similar public interest information and/or related advertising for a business through electronically controlled intermittent light impulses.

SIGN, ENTRYWAY: A permanent sign identifying a subdivision or development project by name and located on-premises at the entrance(s) to be subdivision or development.

SIGN, GASLINE PRICE: An on-premises sign with changeable copy letters and numerals or an electronic display without movement affixed to a general business sign, gasoline pump canopy or its supports and intended to have a change of message no more frequently than once a day that displays the current price of diesel fuel or gasoline for sale.

SIGN, GENERAL BUSINESS: An on-premises sign which advertises the name of the business, services provided or products sold on the premises.

SIGN, GRAND OPENING: Temporary on-premises signs announcing a grand opening for any single, consecutive period of fourteen (14) days or less selected by an owner within ninety (90) days of the first day of business operation.

SIGN, GROUND: An on-premises sign which is supported by a monolithic structure, two (2) or more poles and the bottom of the sign face is no more than two (2) feet above the grade at the base of the sign.

SIGN, MODEL HOME: An on-premises sign identifying a residence owned by the builders as being displayed for public view.

SIGN, MULTI-TENANT GROUND: An on-premises ground sign with provisions for separate sign copy for two (2) or more separate tenants or uses located within the same development.

SIGN, OFF-PREMISE: A sign which is a primary use of land and which directs attention to a business, product, activity or service which is not conducted, sold, offered or located on the premises where the sign is located. See also Sign, Advertising.

SIGN, ON-PREMISE: A sign which directs attention to a business, profession, commodity or service offered on the property on which the sign is located.

SIGN, OVERHEIGHT: A sign which exceeds the maximum sign height permitted by this ordinance.

SIGN, OVERSIZE: A sign which exceeds the maximum sign area permitted by this ordinance.

SIGN, POLE: A sign supported by or placed upon one (1) or more poles or standards with the bottom of the sign face higher than two (2) feet above grade at the base of the sign.

SIGN, REAL ESTATE: an on-premises sign which advertises a parcel of land or a structure for rent, lease or sale.

SIGN, WALL: A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building with the exposed face of the sign in a plane parallel to and not extending more than eighteen inches (18") from said wall. A wall sign shall not extend above or beyond the parallel face to which the sign is attached.

For the purpose of this definition:

a) Awnings, canopy fascias and mansards extending along a building side shall be considered a part of the wall;
b) Lighted signs in a window, signs affixed to a window, or signs otherwise located for the purpose of being viewed from the exterior of a building through a window shall be considered a wall sign.

SIGN BASE: That portion of a sign structure extending from the sign face to the grade at the base of the sign and which contains no portion of the announcement, declaration, devise, demonstration or insignia of the sign.

SIGN FACE: The surface of a sign upon, against or through which the message of the sign is exhibited.

SIGN STRUCTURE: Any structure including supports, uprights, bracing and framework which supports or is capable of supporting any sign.

SOLID WASTE: Any garbage, refuse, sludge from a wastewater treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term "solid waste" does not include:

a) Solid or dissolved material in a domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. B42);
b) Source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);
c) Manures or crop residues returned to the soil at the part of a total farm operation; or
d) Vegetative matter at composting facilities registered under IC 13-7-35. (For reference see Indiana Code 13-7-1).

SOLID WASTE PROCESSING: The method, system, or other handling of solid waste so as to change its chemical, biological, or physical form or to render it more amenable for disposal or recovery of materials or energy, or the transfer of solid waste materials but excluding the transportation of solid waste.

SOLID WASTE TRANSFER STATION: See Transfer Station.

SPACING: Spacing shall be measured along a straight line, being the shortest distance between two (2) signs.

SPECIFIED ANATOMICAL AREAS: Any of the following:

a) Less than completely, and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Any of the following:

a) Human genitals in a state of sexual stimulation or arousal;
b) Acts of human masturbation, sexual intercourse or sodomy;
c) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
d) Flagellation or torture in the context of a sexual relationship;
e) Masochism, erotic or sexually oriented torture, beating or infliction of pain;
f) Erotic touching, fondling or other such contact with an animal by a human being; or
g) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in “A” through “F” above.

STAFF: The Executive Secretary of the Plan Commission, any employee of the Plan Commission, or any attorney or agent of the Executive Secretary or the Plan Commission.

STORAGE AND TRANSFER ESTABLISHMENT: A facility at which products, goods or materials are received from various locations and temporarily warehoused while awaiting distribution or shipment via a subsequent carrier, possibly along with other products, goods or materials to another destination.

STORAGE, OUTSIDE: The storage of any product, goods, equipment, machinery, vehicles, boats, supplies, building materials or commodities, including raw, semi-finished and finished materials for a period of time in excess of one (1) week, the storage of which is not accessory to a residential use, and which is visible from ground level, provided, however, that vehicular parking and the display of automobiles, boats, trucks or farm equipment associated with a legally established dealership shall not be deemed outside storage.

STREET: Any public or private right-of-way, with the exception of alleys, essentially open to the sky and open and dedicated to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.

STREET, ARTERIAL: A street designated by the State Department of Transportation as a rural minor arterial or a rural major arterial.

STREET, COLLECTOR: A street designated by the State Department of Transportation as a rural minor collector or a rural major collector.

STREET, CUL-DE-SAC: A local street having one open end and being permanently terminated at the other by a vehicular turnaround.

STREET, INTERIOR LOCAL: A county local street in which the full width of the right-of-way is contained entirely within the boundary of a subdivision plat.

STREET, LIMITED ACCESS: A street along which access is restricted due to the acquisition of access rights from adjoining properties by the appropriate governmental agency having jurisdiction over such street.

STREET, FRONTAGE: A street located along side and generally parallel with a more heavily traveled street and which provides access to abutting property (ies).

STREET, COUNTY LOCAL: A street other than a rural minor arterial, rural major arterial, rural minor collector, rural major collector, or a state controlled highway as depicted on the Monrovia Buffer Zone Thoroughfare Plan.

STREET, PRIVATE: A privately-held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, easement, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and similar features.

STREET, PUBLIC: A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, parking areas, and billboards.

SUBDIVISION: The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, 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 opened for residential and non-residential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

The following kinds of division of existing parcels of land are exempt:

a) A division of land into two (2) or more tracts all of which are at least five (5) acres in size;
b) A division of land for the sale or exchange of 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;

c) A division of land for the acquisition of street or utility right-of-way or easement;
d) A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites other than for accessory buildings are created by the division; and
e) A division of land into cemetery plots for the purpose of burial.

SUPERVISED LIVING FACILITY: A residential facility of three (3) or more dwelling units providing living quarters restricted to the elderly who require access to services but not daily nursing or medical intervention. Incidental uses or services may include protective supervision, personal care, social and recreational services, assistance with medical requirements, laundry and transportation services, or private or common kitchen/dining facilities, so long as such services are provided to residents only.

TAVERN: An establishment used primarily for the serving of liquor by the drink to the general public, but where minors cannot be within the use, and where food or package liquors may be served or sold only as an accessory to the primary use.

TECHNICAL REVIEW COMMITTEE: An advisory group convened by the staff consisting of the Morgan County Engineer, the Morgan County Board of Health, Morgan County Surveyor, Soil and Water Conservation Offices, and any other public utility or agency affected by the petition who are requested to provide technical review comments to the staff.

TEMPORARY USE: A land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

THEATRE, DRIVE-IN: An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in motor vehicles.

THEATRE, MOTION PICTURE: A building or part of a building which is devoted primarily to showing motion pictures to the public for a fee.

THEATRE, LEGITIMATE: A building or structure or part thereof which is devoted primarily for the presentation of live dance, dramatic, musical or comedic performances.

TRAFFIC CONTROL DEVICE: Any sign, light, signal or other device located at an intersection including, but not limited to stop signs, yield signs, caution signs, flashing lights or traffic lights, the purpose of which is to cause through traffic to slow and exercise caution when proceeding through an intersection.

TRANSFER STATION: A facility where solid waste is transferred from a vehicle or container to another vehicle or container for transportation. The term does not include the following:
a) A facility where the solid waste that is transferred has been generated by the facility; or,
b) A recycling facility. (For reference see Indiana Code 13-7-1).

TRANSITIONAL YARD: See Yard, Transitional.

TREATMENT: When used in connection with a waste that is determined to be hazardous waste under IC 13-7-8.5-3, means any method, technique, or process designed to change the physical, chemical, or biological character or composition of the waste so as to:

a) Neutralize the waste;
b) Render it:
    1) Nonhazardous or less hazardous;
    2) Safer to transport, store, or dispose of;
    3) Amenable to recovery or storage; or
    4) Reduce in volume; or
c) Recover energy or material resources from the waste. (For reference see Indiana Code 13-7-1).

UN-CONTROLLED ACCESS INTERSECTION: An intersection where the approach to and movement through is not regulated by the use of traffic control devices.

UNDERGOUND STORAGE TANK: A tank or a combination of tanks, including underground pipes connected to the tank or combination of tanks:

1. That is used to contain an accumulation of any toxic or hazardous materials, including without limitation, fuels, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, petroleum products or any other potential contaminant to the underground aquifer; and,
2. The volume of which (including the volume of the underground connected pipes) is ten (10) percent or more beneath the surface of the ground.

WALL SIGN: See Sign, Wall.

WAREHOUSE AND DISTRIBUTION CENTER: A building or structure for the storage of goods, materials or products awaiting shipment to another location for wholesale or retail trade.

WASTE MANAGEMENT: Any business, operation, process or function associated with the generation, storage/transportation, processing or disposal of solid or hazardous waste.

WASTE STORAGE: The storage of solid waste in excess of ninety (90) days.

YARD, FRONT: An open space, unobstructed to the sky, extending fully across the lot while situated between the front lot line and the established front building line.

YARD, SIDE: An open space, unobstructed to the sky, extending fully across the lot while situated between the rear lot line and the established rear building line.

YARD, REAR: An open space, unobstructed to the sky, extending fully across the lot while situated between the rear lot line and the established rear building line.

YARD, REQUIRED: An open space unobstructed to the sky, extended fully across the lot situated between a lot line and a setback line. Required yards may be a front yard, a side yard or a rear yard depending on which lot line the required yard abuts.

YARD, TRANSITIONAL: A front, side or rear yard of a non-residential land use on a lot which faces or abuts a residential zoning district.

AMENDMENT TO ORDINANCE 7-1997

Ordinance 7-1997 adopted April 28'\ 1997 establishing the Monrovia Building Code, a set of rules and regulations is hereby amended by replacing the AG (Agriculture District) pages (3-1& 3-2) and the R-1 (Residential-One District) pages (4-1,4-2) with the attached AG and R-1 pages.

PASSED AND ADOPTED by the Town Council of the Town of Monrovia, Indiana, this 24th day of March, 2014.

Robert L. Marley, President

Loreo Moore, District 1 Aye

Paula Adams, District 2 Aye

David Harris, District 3 Aye

Philip Fowler, District 4 aye

ATTEST:

Town of Monrovia, Indiana

SUMMARY OF SELECTED RESIDENTIAL DEVELOPMENT STANDARDS

DISTRICT	Required Infrastructure	Lot Area	Lot Width	Frontage	SETBACKS			Open Space	Floor Area
					Front	Side	Rear		
AG	Well & Septic	5 ac.	220 *	220 *	40	15	30	NA	900/600
R-1	Well & Septic	3 ac.	220 *	220 *	40	15	30	NA	900/600
R-2	Well & Septic	1 ac.	125 *	75 *	40	15	30	85%	900/600
R-3	Well & Septic	24,000	90	45 *	40	15	30	75%	900/600
R-4	Water or Sewer	18,000	80	40 *	40	15	30	70%	900/600
R-5	Water or Sewer	12,000	70	30	40	15	30	65%	900/600
R-6	Water or Sewer	8,400 SF 10,000 D	60'-SF 75 D	25'-SF 35 D	40	15	25	60%	900/600 540/400 Duplex
D-1	Water or Sewer	1 ac.	125	75 *	40	15	30	85%	540/400
D-2	Sewer	18,000	100	45 *	40	15	30	70%	540/400
A-8	Water or Sewer	NA	NA	125	40	40	40	NA	540/450
A-16	Water or Sewer	NA	NA	125	40	40	40	NA	540/450
MD	Water or Sewer	15 ac.	NA	125	40	40	40	NA	540

* See individual districts for special provisions along the terminus portion of a cul-de-sac.

The contractor must get a copy of the recorded subdivision plat and covenants for set back and easement requirements. If no setbacks are available, use the above development standards.

CHAPTER 3. AGRICULTURAL DISTRICT.

3.1 Agricultural District (AG)

3.1.1 Statement of Purpose

The AG District provides for a full range of agricultural enterprises including: the production of crops, tree farms and livestock useful to man; the harvesting, storage and primary processing of agricultural products produced on the premises; and, lands devoted to a soil conservation or forestry management program.

3.1.2 Permitted AG Uses – The following uses shall be permitted within the AG District:

1. Primary Uses:
   a. General Agricultural Operations – including agricultural crop production; Tree Farms; agricultural livestock production and the harvesting; storage and primary processing of agricultural products produced on the premises; storage of farm vehicles, farm equipment, and farm materials by the operator of such farm;
   b. Single Family Dwelling;
   c. Residential Facility for the Developmentally Disabled;
   d. Residential Facility for the Mentally Ill;
   e. Child Care Home (that is used as the primary residence of the person who operates the Child Care Home);
   f. Bed & Breakfast;
   g. Religious Use;
   h. Schools and Colleges;
   i. Forestry Conservation Projects;
   j. Fish Hatcheries;
   k. Commercial Greenhouses;
   l. Truck and General Gardening;
   m. Mushroom Cellars;
   n. Utility Substations for distribution of utility services;

2. Temporary Uses (subject to the provisions of Chapter II).

3. Accessory Uses.

4. Home Occupations.

5. Special Exception Uses (subject of the provisions of Chapter 10).

   - Airport (does not include private landing strips)
   - Amusement, Outdoor.
   - Golf Driving Range
   - Amusement Park
   - Batting Cages
   - Recreation Fields
   - Antique Store

- Campgrounds
- Caregiver, Care Receiver or Caretaker Dwelling
- Child Care Home (that is not used as the primary residence of the person who operates the Child Care Home).
- Composting Facility
- Fire Station
- Golf Course
- Gun Club
- Group Homes
- Heliport
- Kennels (including outside runs)
- Nursery (plant) and Greenhouse (commercial)
- Police Station
- Public Pool
- Supervised Living Facility
- Utility Substation
- Religious Use

3.1.3 <u>AG Development Standards – All uses permitted in the AG District shall conform to the following development standards.</u>

1. Minimum Lot Area – Five (5) acres.

2. Minimum Lot Width at required setback – two hundred twenty (220) feet along a road, except that lots which gain access only along the terminus portion of a cul-de-sac shall only be required to maintain a Minimum Lot Width of 50 feet along the terminus portion of the road.

3. Minimum Street Frontage – each lot shall have at least ninety (90) feet in width and gain access from an existing public road.

4. Minimum Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:

    a. Front Yards – 40 feet from a right-of-way line
    b. Side Yards – 15 feet.
    c. Rear Yards – 30 feet.

5. Maximum Building Height – The maximum height of all structures shall be unlimited, provided that for each additional foot over 50 feet in height, one additional foot shall be added to the required setback line and yard requirements.

6. Minimum Main Floor Area for Single Family dwellings, exclusive of garage, carports and open porches:

    - One story building – 900 sq. ft.
    - Greater than one story – 600 sq. ft. provided that the total floor area shall be at least 900 sq. ft.

7. Parking Requirements – See Chapter 12.

8. Loading Requirements – See Chapter 13.

9. Signs – See Chapter 15.

10. Residential Facility for the Mentally Ill – See Chapter 16.1.

CHAPTER 4. RESIDENTIAL DISTRICTS

4.1 Residential – One District (R-1)

4.1.1 Statement of Purpose

The R-1 District is intended for use in areas of Monrovia in which the natural systems could be suitable for development, but because of the existing natural features, the desire to minimize development impact on these natural features, and the unsuitability of the soils for development, caution should be used in the design of the development. These areas tend to be dominated by general agricultural operations but contain topographic or other developmental or agricultural constraints creating an environment conducive to the development of very low density residential development.

4.1.2 Permitted R-1 Uses – The following uses shall be permitted within the R-1 District:

1. Primary Uses:
    a. Agricultural Crop Production – including the harvesting, storage and primary processing of agricultural crop products produced on the premises.
    b. Single Family Dwelling;
    c. Residential Facility for the Developmentally Disabled;
    d. Residential Facility for the Mentally Ill;
    e. Child Care Home (that is used as the primary residence of the person who operates the Child Care Home); or,
    f. Neighborhood Park or County Park.

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses (including the raising of farm animals or other animals on the real estate provided that a land to animal ratio is maintained in compliance with those recommended by the County Extension Educator and approved by the Morgan County Board of Health).

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Chapter 10).
    - Antique Store
    - Bed & Breakfast
    - Caregiver, Care Receiver or Caretaker Dwelling
    - Child Care Home (that is not used as the primary residence of the person who operates the Child Care Home)
    - Group Home
    - Golf Course
    - Fire Station
    - Police Station
    - Religious Use
    - Public Pool
    - Supervised Living Facility
    - Utility Substation

4.1.3 R-1 Development Standards – All uses permitted in the R-1 District shall conform to the following development standards.

1. Minimum Lot Area – 3 acres.

2. Minimum Lot Width at required setback – two hundred twenty (220) feet along a street, except that lots which gain access only along the terminus portion of a cul-de-sac shall only be required to maintain a Minimum Lot Width of 50 feet along the terminus portion of the street.

3. Minimum Street Frontage – each lot shall have at least ninety (90) feet in width and gain access from an existing public road.

4. Minimum Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:

    a. Front Yards – 40 feet from the right-of-way line of all public or private streets.
    b. Side Yards – 15 feet.
    c. Read Yards – 30 feet.

5. Maximum Building Height

    a. Single Family – 50 feet.
    b. Single Family Accessory Buildings – 35 feet.

6. Minimum Main Floor Area for Single Family dwellings, exclusive of garage, carports and open porches:

    a. One story building – 900 sq. ft.
    b. Greater than one story – 600 sq. ft., provided that the total floor area shall be at least 900 sq. ft.

7. Parking Requirements – See Chapter 12.

8. Loading Requirements – See Chapter 13.

9. Signs – See Chapter 15.

10. Residential Facility for the Mentally Ill – See Chapter 16.1.

4.2 Residential – Two District (R-2)

4.2.1 Statement of Purpose

The R-2 District is intended for use in those areas of Monrovia on which the natural systems are suitable for residential development, conducive to estate development, and where it is desirable to permit only low density development (such as adjacent to flood plains, aquifers, conservation areas, etc.).

4.2.2 Permitted R-2 Uses – The following uses shall be permitted within the R-2 District. Only one primary use shall be permitted per lot:

1. Primary Uses:
   a. Single Family Dwelling; or
   b. Residential Facility for the Developmentally Disabled;
   c. Residential Facility for the Mentally Ill;
   d. Child Care Home (that is used as the primary residence of the person who operates the Child Care Home); or
   e. Neighborhood Park or County Park.

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses (including the raising of farm animals or other animals on the real estate provided that a land to animal ratio is maintained in compliance with those recommended by the County Extension Educator and approved by the Morgan County Board of Health.

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Chapter 10).
   - Antique Store
   - Bed & Breakfast
   - Caregiver, Care Receiver or Caretaker Dwelling
   - Child Care Home (that is not used as the primary residence of the person who operates the Child Care Home)
   - Group Home
   - Religious Use
   - Public Pool
   - Supervised Living Facility
   - Utility Substation

4.2.3 R-2 Development Standards – All uses permitted in the R-2 District shall conform to the following development standards.

1. Minimum Lot Area – 1 acre.

2. Minimum Lot Width at required setback – one hundred twenty-five (125) feet.

3. Minimum Street Frontage – each lot shall have at least seventy-five (75) feet in width and gain access from an existing public road.

4. Minimum Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Front Yards – 40 feet from the right-of-way line of all public or private streets.
   b. Side Yards – 15 feet.
   c. Rear Yards – 30 feet.

5. Minimum Open Space – 85 percent of lot area.

6. Maximum Building Height
   a. Single Family – 50 feet.
   b. Single Family Accessory Buildings – 35 feet.

7. Minimum Main Floor Area for Single Family dwellings, exclusive of garage, carports and open porches:
   a. One story building – 900 sq. ft.
   b. Greater than one story – 600 sq. ft., provided that the total floor area shall be at least 900 sq. ft.

8. Parking Requirements – See Chapter 12.

9. Loading Requirements – See Chapter 13.

10. Signs – See Chapter 15.

11. Residential Facility for the Mentally Ill – See Chapter 16.1.

4.3 Residential – Three District (R-3)

4.3.1 Statement of Purpose

The R-3 District is intended for use in transitional areas. There are no specific requirements for the placement of this district other than to carry out the single family density patterns expressed by the Comprehensive Plan for Monrovia. Under most circumstances, public water and sewer facilities should be present, but are not mandatory for development in this District.

4.3.2 Permitted R-3 Uses – the following uses shall be permitted within the R-3 District. Only one primary use shall be permitted per lot:

1. Primary Uses:
   a. Single Family Dwelling;
   b. Residential Facility for the Developmentally Disabled (as defined in Chapter 2);
   c. Residential Facility for the Mentally Ill;
   d. Child Care Home (that is used as the primary residence of the person who operates the Child Care Home); or,
   e. Neighborhood Park or County Park.

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Chapter 10).
   - Antique Store
   - Bed & Breakfast
   - Caregiver, Care Receiver or Caretaker Dwelling
   - Child Care Home (that is not used as the primary residence of the person who operates the Child Care Home)
   - Group Home
   - Religious Use
   - Public Pool
   - Supervised Living Facility
   - Utility Substation

4.3.3 R-3 Development Standards – All uses permitted in the R-3 District shall conform to the following development standards.

1. Minimum Lot Area – 24,000 sq. ft.

2. Minimum Lot Width at required setback – 90 feet.

3. Minimum Street Frontage – each lot shall have at least 45 feet of street frontage and gain access from said street, except that lots which gain access only along the terminus

portion of a cul-de-sac shall only be required to maintain a Minimum Street Frontage of 35 feet along the terminus portion of the street.

4. Minimum Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Front Yards – 40 feet from the right-of-way line of all public or private streets.
   b. Side Yards – 15 feet.
   c. Rear Yards – 30 feet.

5. Minimum Open Space – 75 percent of lot area.

6. Maximum Building Height
   a. Maximum Building Height
   b. Single Family – 50 feet

7. Minimum Main Floor Area for Single Family dwellings, exclusive of garage, carports and open porches:
   a. One story building – 900 sq. ft.
   b. Greater than one story – 600 sq. ft., provided that the total floor area shall be at least 900 sq. ft.

8. Parking Requirements – See chapter 12.

9. Loading Requirements – See Chapter 13.

10. Signs – See Chapter 15.

11. Residential Facility for the Mentally Ill – See chapter 16.1.

12. Development incentives – any proposed Single Family Dwelling Subdivision located in the R-3 District shall be eligible to utilize the Development incentives set forth in this Ordinance.

4.4 Residential – Four District (R-4).

4.4.1 Statement of Purpose.

The R-4 District is intended for transitional areas of low density single family residential development. Land in this district should have good access to roads, be relatively flat in topography, and be rather closely associated with community facilities such as schools, parks, shopping areas, etc. The provision of public water or sewer facilities is mandatory for development within this district.

4.4.2 Permitted R-4 Uses.

The following uses shall be permitted within the R-4 District. Only one primary use shall be permitted per lot:

1. Primary Uses:
   a. Single Family Dwelling;
   b. Residential Facility for the Developmentally Disabled (as defined in Chapter 2);
   c. Residential Facility for the Mentally Ill;
   d. Child Care Home (that is used as the primary residence of the person who operates the Child Care Home); or,
   e. Neighborhood Park or County Park

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Home Occupations

5. Special Exception Uses (subject to the provisions of Chapter 10).
   - Antique Store
   - Bed & Breakfast
   - Caregiver, Care Receiver or Caretaker Dwelling
   - Child Care Home (that is not used as the primary residence of the person who operates the Child Care Home)
   - Golf Course
   - Fire Station
   - Police Station
   - Religious Use
   - Public Pool
   - Supervised Living Facility
   - Utility Substation

4.4.3 R-4 Development Standards – All uses permitted in the R-4 District shall conform to the following development standards.

1. Minimum Lot Area – 18,000 sq. ft.
   Provided, however, that attachment to public or semi-public water or sanitary sewer facilities shall be mandatory for development in this district.

2. Minimum Lot Width at required setback – 80 feet.

3. Minimum Street Frontage – each lot shall have at least 40 feet of street frontage and gain access from said street, except that lots which gain access only along the terminus portion of a cul-de-sac shall only be required to maintain a Minimum Street Frontage of 35 feet along the terminus portion of the street.

4. Minimum Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Front Yards – 40 feet from the right-of-way line of all public or private streets.
   b. Side Yards – 15 feet.
   c. Rear Yards – 30 feet.

5. Minimum Open Space – 70 percent of lot area.
   a. Maximum Building Height
   b. Primary Building – 50 feet.
   c. Accessory Buildings – 35 feet.

6. Maximum Building Height
   a. Primary Building – 50 feet.
   b. Accessory Buildings – 35 feet.

7. Minimum Main Floor Area for Single Family dwellings, exclusive of garage, carports and open porches:
   a. One story building – 900 sq. ft.
   b. Great than one story – 600 sq. ft., provided that the total floor area shall be at least 900 sq. ft.

8. Parking Requirements – See Chapter 12.

9. Loading Requirements – See Chapter 13.

10. Signs – See Chapter 15.

11. Residential Facility for the Mentally Ill – See chapter 16.1.

12. Development Incentives – any proposed Single Family Dwellings Subdivision located in the R-4 District shall be eligible to utilize the Development Incentives set forth in this Ordinance.

4.5 Residential – Five District (R-5)

4.5.1 Statement of Purpose

The R-5 District is intended for areas of medium density single family residential development. Land in this district should have good access to roads, be relatively flat in topography, and be rather closely associated with community facilities such as schools, parks, shopping areas, etc. The provision of public water and sewer facilities is mandatory for development within this district.

4.5.2 Permitted R-5 Uses – The following uses shall be permitted within the R-5 District. Only one primary use shall be permitted per lot:

1. Primary Uses:
   a. Single Family Dwelling;
   b. Residential Facility for the Developmentally Disabled (as defined in Chapter 2);
   c. Residential Facility for the Mentally Ill;
   d. Child Care Home (that is used as the primary residence of the person who operates the Child Care Home); or,
   e. Neighborhood Park or County Park

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Chapter 10).
   - Antique Store
   - Bed & Breakfast
   - Caregiver, Care Receiver or Caretaker Dwelling
   - Child Care Home (that is not used as the primary residence of the person who operates the Child Care Home)
   - Golf Course
   - Fire Station
   - Police Station
   - Religious Use
   - Public Pool
   - Supervised Living Facility
   - Utility Substation

4.5.3 R-5 Development Standards – All uses permitted in the R-5 District shall conform to the following development standards.

1. Minimum Lot Area – 12,000 sq. ft.
   Provided, however, that attachment to public or Semi-public water and sanitary sewer facilities shall be mandatory for development in this district.

2. Minimum Lot Width at required setback – 70 feet.

3. Minimum Street Frontage – each lot shall have at least 30 feet of street frontage and gain access from said street.

4. Minimum Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Front Yards – 40 feet from the right-of-way line of all public or private streets.
   b. Side Yards – 15 feet.
   c. Rear Yards – 30 feet.

5. Minimum Open Space – 65 percent of lot area.

6. Maximum Building Height
   a. Primary Building – 50 feet.
   b. Accessory Buildings – 35 feet.

7. Minimum Main Floor Area for Single Family dwellings, exclusive of garage, carports and open porches:
   a. One story building – 900 sq. ft.
   b. Great than one story – 600 sq. ft., provided that the total floor area shall be at least 900 sq. ft.

8. Parking Requirements – See Chapter 12.

9. Loading Requirements – See Chapter 13.

10. Signs – See Chapter 15.

11. Residential Facility for the Mentally Ill – See Chapter 16.1.

12. Development incentives – any proposed Single Family Dwellings Subdivision located in the R-5 District shall be eligible to utilize the Development Incentives set forth in this Ordinance.

4.6 Residential – Six District (R-6)

4.6.1 Statement of Purpose

The R-6 District is intended for areas of medium to high density single family residential development. Land in this district requires good access to roads, should be relatively flat in topography, and should be closely associated with community facilities such as schools, parks, shopping areas, etc. The provision of public water and sewer facilities is mandatory for development within this district.

4.6.2 Permitted R-6 Uses – The following uses shall be permitted within the R-6 District. Only one primary use shall be permitted per lot:

1. Primary Uses:
   a. Single Family Dwelling;
   b. Two-Family Dwelling
   c. Residential Facility for the Developmentally Disabled (as defined in Chapter 2);
   d. Residential Facility for the Mentally Ill;
   e. Child Care Home (that is used as the primary residence of the person who operates the Child Care Home); or,
   f. Neighborhood Park or County Park.

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Chapter 10).
   - Bed & Breakfast
   - Caregiver, Care Receiver or Caretaker Dwelling
   - Child Care Center
   - Child Care Home (that is not used as the primary residence of the person who operates the Child Care Home)
   - Child Care Ministry
   - Golf Course
   - Fire Station
   - Police Station
   - Religious Use
   - Public Pool
   - Supervised Living Facility
   - Utility Substation

4.6.3 R-6 Development Standards – All uses permitted in the R-6 District shall conform to the following development standards.

1. Minimum Lot Area:
   - Single-Family Dwelling – 8,400 sq. ft.
   - Two-Family Dwelling – 10,000 sq. ft.

Provided, however, that attachment to public or semi-public water and sanitary sewer facilities shall be mandatory for development in this district.

2. Minimum Lot Width at required setback:
   - Single-Family Dwelling – 60 feet.
   - Two-Family Dwelling – 75 feet.

3. Minimum Street Frontage – each lot shall have at least:
   - Single-Family Dwelling – 25 feet,
   - Two-Family Dwelling – 35 feet,
   - Of street frontage and gain access from said street.

4. Minimum Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Front Yards – 40 feet from the right-of-way line of all public or private streets.
   b. Side Yards – 15 feet.
   c. Rear Yards – 25 feet.

5. Minimum Open Space – 60 percent of lot area.

6. Maximum Building Height
   a. Primary Building – 50 feet.
   b. Accessory Buildings – 35 feet.

7. Minimum Main Floor Area, exclusive of garage, carports and open porches:
   Single-Family Dwelling –
   - One story buildings – 900 sq. ft.
   - Greater than one story – 600 sq. ft., provided that the total floor area shall be at least 900 sq. ft.
   - Two-Family Dwelling –
   - One story building – 540 sq. ft.
   - Greater than one story – 400 sq. ft., provided that the total floor area shall be at least 540 sq. ft.

8. Parking Requirements – See Chapter 12.

9. Loading Requirements – See Chapter 13.

10. Signs – See Chapter 15.

11. Residential Facility for the Mentally Ill – See Chapter 16.1.

12. Architectural Review – All Single Family and Multi-Family Dwellings projects located in the R-6 District shall be subject to the requirements for the filing of a Development Plan for Architectural and Site Design Review as set forth in this Ordinance.

4.7 Residential – Duplex/Rural (D-1)

4.7.1 Statement of Purpose

The D-1 District is intended for those rural or suburban areas of Monrovia to carry out the residential density patterns expressed by the Comprehensive Plan for Monrovia. Either public or semi-public water or sewer facilities must be present for development in this District.

4.7.2 Permitted D-1 Uses – The following uses shall be permitted within the D-1 District. Only one primary use shall be permitted per lot:

1. Primary Uses:
   a. Two-Family Dwelling;
   b. Residential Facility for the Developmentally Disabled (as defined in Chapter 2);
   c. Residential Facility for the Mentally Ill;
   d. Child Care Home (that is used as the primary residence of the person who operates the Child Care Home); or,
   e. Neighborhood Park or County Park

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Home Occupations

5. Special Exception Uses (subject to the provisions of Chapter 10).
   - Caretaker Dwelling
   - Child Care Home (that is not used as the primary residence of the person who operates the Child Care Home)
   - Fire Station
   - Police Station
   - Public Pool
   - Religious Use
   - Supervised Living Facility
   - Utility Substation

4.7.3 D-1 Development Standards – All uses permitted in the D-1 District shall conform to the following development standards.

1. Minimum Lot Area – 1 acre.

   Attached to public or semi-public water or sanitary sewer facilities shall be mandatory for development in this District.

2. Minimum Lot Width at required setback – 125 feet.

3. Minimum Street Frontage – each lot shall have at least 75 feet of street frontage and gain access from said street, except that lots which gain access only along the terminus

portion of a cul-de-sac shall only be required to maintain a Minimum Street Frontage of 35 feet along the terminus portion of the street.

4. Minimum Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Front Yards – 40 feet from the right-of-way line of all public or private streets.
   b. Side Yards – 15 feet.
   c. Rear Yards – 30 feet.

5. Minimum Open Space – 85 percent of lot area.

6. Maximum Building Height
   a. Primary Building – 50 feet.
   b. Accessory Buildings – 35 feet.

7. Minimum Main Floor Area for each dwelling, exclusive of garage, carports and open porches:
   - One story building – 540 sq. ft.
   - Greater than one story -400 sq. ft. provided that the total floor area shall be at least 540 sq. ft.

8. Parking Requirements – See Chapter 12.

9. Loading Requirements – See Chapter 13.

10. Signs – See Chapter 15.

11. Residential Facility for the Mentally Ill – See Chapter 16.1.

12. Architectural Review – All Multi-Family Dwelling projects located in the D-1 District shall be subject to the requirements for the filing of a Development Plan for Architectural and Site Design Review as set forth in this Ordinance.

13. Development Incentives – Any proposed Multi-Family Dwellings located in the D-1 District shall be eligible to utilize the Development Incentives set forth in this Ordinance.

4.8 Residential – Duplex/Transitional (D-2).

4.8.1 Statement of Purpose

The D-2 District is intended for areas of low or medium density two-family residential development. Land in this district should have good access to roads, be relatively flat in topography and be rather closely associated with community facilities such as schools, parks, shopping areas, etc. The provision of public sewer facilities is mandatory for development within this district.

4.8.2 Permitted D-2 Uses – The following uses shall be permitted within the D-2 District. Only one primary use shall be permitted per lot:

1. Primary Uses:
   a. Two-Family Dwelling;
   b. Residential Facility for the Developmentally Disabled (as defined in Chapter 2);
   c. Residential Facility for the Mentally Ill;
   d. Child Care Home (that is used as the primary residence of the person who operates the Child Care Home); or,
   e. Neighborhood Park or County Park.

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Chapter 10).
   - Caretaker Dwelling
   - Child Care Center
   - Child Care Home (that is not used as the primary residence of the person who operates the Child Care Home)
   - Child Care Ministry
   - Religious Use
   - Fire Station
   - Police Station
   - Public Pool
   - Supervised Living Facility
   - Utility Substation

4.8.3 D-2 Development Standards – All uses permitted in the D-2 District shall conform to the following development standards.

1. Minimum Lot Area – 18,000 sq. ft.

   Provided, however, that attachment to public or semi-public sanitary sewer facilities shall be mandatory for development in this district.

2. Minimum Lot Width at required setback – 100 feet.

3. Minimum Street Frontage – each lot shall have at least 45 feet of street frontage and gain access from said street, except that lots which gain access only along the terminus portion of a cul-de-sac shall only be required to maintain a Minimum Street Frontage of 35 feet along the terminus portion of the street.

4. Minimum Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Front Yards – 40 feet from the right-of-way line of all public or private streets.
   b. Side Yards – 15 feet.
   c. Rear Yards – 30 feet.

5. Minimum Open Space – 70 percent of lot area.

6. Maximum Building Height
   a. Primary Building – 50 feet.
   b. Accessory Buildings – 35 feet.

7. Minimum Main Floor Area for each dwelling, exclusive of garage, carports and open porches:
   - One story building – 540 sq. ft.
   - Greater than one story – 400 sq. ft., provided that the total floor area shall be at least 540 sq. ft.

8. Parking Requirements – See Chapter 12.

9. Loading Requirements – See Chapter 13.

10. Signs – See Chapter 15.

11. Residential Facility for the Mentally Ill – See Chapter 16.1.

12. Architectural Review – All Multi-family Dwelling projects located in the D-02 District shall be subject to the requirements for the filing of a Development Plan for Architectural and Site Design Review as set forth in this Ordinance.

13. Development Incentives – Any proposed Multi-family Dwellings located in the D-2 District shall be eligible to utilize the Development Incentives set forth in this Ordinance.

4.9 Residential – Apartment District Maximum Eight Dwelling Units per Acre (A-8)

4.9.1 Statement of Purpose

The A-8 District is intended for the medium to high density development of multi-family dwellings. The district may be located in suburban areas well served by major thoroughfares, sanitary sewers, water, schools and park facilities. This district may serve as a transitional or buffer use between more dense single family or two-family districts and commercial or industrial areas, however, the placement of this district need not be directly associated with the more intense commercial or industrial areas. The provision of public water and sewer facilities is mandatory for development within this district.

4.9.2 Permitted A-8 Uses – The following uses shall be permitted within the A-8 District. Only one primary use shall be permitted per lot:

1. Primary Uses:
    a. Multi-family Dwelling;
    b. Residential Facility for the Developmentally Disabled (as defined in Chapter 2);
    c. Residential Facility for the Mentally Ill;
    d. Child Care Home;
    e. Nursing Home;
    f. Child Care Center, Child Care Ministry;
    g. Public or private schools or;
    h. Neighborhood Park or County Park.

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Chapter 10).
    - Caretaker Dwelling
    - Fire Station
    - Police Station
    - Public Pool
    - Religious Use
    - Supervised Living Facility
    - Utility Substation

4.9.3 A-8 Development Standards – All uses permitted in the A-8 District shall conform to the following development standards.

1. Maximum Project Gross Density – Eight (8) dwelling units per acre.

2. Minimum Project Area – There shall be no minimum project area provided that attachment to public or semi-public water and sanitary sewer facilities shall be mandatory for development in this district.

3. Minimum Street Frontage – each project shall have at least 125 feet of street frontage and gain access from said street.

4. Minimum Setback Line and Perimeter Yard Requirements – a minimum setback line and perimeter yard shall be provided along all property lines of the project as follows:
   a. Front Yards – 40 feet from the right-of-way line of all public or private streets.
   b. Side Yards – 40 feet.
   c. Rear Yards – 40 feet.

5. Minimum Yards Around Buildings Containing Dwelling Units: In projects containing two or more buildings, interior yards around buildings containing dwelling units shall be provided as follows:\
   a. The greater of:
      - 15 feet; or
      - Ten (10) feet plus one (1) additional foot for each ten (10) feet of aggregate length of any wall or side of a building.
   b. Permitted accessory buildings or uses shall maintain an interior yard of five feet.
   c. The distance between buildings shall be the sum of each applicable minimum yard between buildings.
   d. Interior yards shall be measured perpendicular to the building or structure at all points.
   e. Interior yards shall not overlap any required perimeter yards.

6. Maximum Building Height
   a. Primary Building -50 feet but not to exceed two (2) stories containing a dwelling unit or units.
   b. Accessory Buildings – 35 feet.

7. Minimum Main Floor Area for Multi Family dwellings, exclusive of garage, carports and open porches:
   - One story unit – 540 sq. ft.
   - Greater than one story unit – 450 sq. ft. provided that the total floor area shall be at least 540 sq. ft.

8. Parking Requirements – See Chapter 12.

9. Loading Requirements – See Chapter 13.

10. Signs – See Chapter 15.

11. Landscaping and Screening Requirements – See Chapter 14.

12. Residential Facility for the Mentally Ill – See Chapter 16.1.

13. Architectural Review – All Multi-family Dwelling projects located in the A-8 District shall be subject to the requirements for the filing of a Development Plan for Architectural and Site Design Review as set forth in this Ordinance.

14. Development Incentives – Any proposed Multi-family Dwellings located in the A-8 District shall be eligible to utilize the Development Incentives set forth in this Ordinance.

4.10 Residential – Apartment District, Maximum Sixteen Dwelling Units Per Acre (A-16)

4.10.1 Statement of Purpose

The A-16 District is intended for the medium density development of multi-family dwellings. The district may be located in suburban areas well served by major thoroughfares, sanitary sewers, water, schools and park facilities. This district may serve as a transitional or buffer use between single family districts and commercial or industrial areas, however, the placement of this district need not be directly associated with the more intense commercial or industrial areas. The provision of public water and sewer facilities is mandatory for development within this district.

4.10.2 Permitted A-16 Uses – The following uses shall be permitted within the A-16 District. Only one primary use shall be permitted per lot:

1. Primary Uses:
   a. Multi-Family Dwellings;
   b. Residential Facility for the Developmentally Disabled (as defined in Chapter 2).
   c. Residential Facility for the Mentally Ill;
   d. Child Care Home;
   e. Nursing Home;
   f. Child Care Center, Child Care Ministry;
   g. Public or private schools; or,
   h. Neighborhood Park or County Park.

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Chapter 10).
   - Caretaker Dwelling
   - Fire Station
   - Police Station
   - Religious Use
   - Public Pool
   - Supervised Living Facility
   - Utility Substation

4.10.3 A-16 Development Standards – All uses permitted in the A-16 District shall conform to the following development standards.

1. Maximum Project Gross Density – Sixteen (16) dwelling units per acre.

2. Minimum Project Area – There shall be no minimum project area provided that attachment to public or semi-public water and sanitary sewer facilities shall be mandatory for development in this district.

3. Minimum Street Frontage – each project shall have at least 125 feet of street frontage and gain access from said street.

4. Minimum Setback Line and Perimeter Yard Requirements – a minimum setback line and perimeter yard shall be provided along all property lines of the project as follows:
   a. Front Yards – 40 feet from the right-of-way line of all public or private streets.
   b. Side Yards – 40 feet.
   c. Rear Yards – 40 feet.

5. Minimum Yards Around Buildings Containing Dwelling Units: In projects containing two or more buildings, interior yards around buildings containing dwelling units shall be provided as follows:
   a. The greater of:
      - 15 feet; or
      - Ten (10) feet plus one (1) additional foot for each ten (10) feet of aggregate length of any wall or side of a building.
   b. Permitted accessory buildings or uses shall maintain an interior yard of five feet.
   c. The distance between buildings shall be the sum of each applicable minimum yard between buildings.
   d. Interior yards shall be measured perpendicular to the building or structure to all points.
   e. Interior yards shall not overlap any required perimeter yards.

6. Maximum Building Height
   a. Primary Building – 50 feet but not to exceed three (3) stories containing a dwelling unit or units.
   b. Accessory Buildings – 35 feet.
   c. Management offices, common recreation and service buildings – 30 feet.
   d. Dwelling Units and Accessory Buildings – 25 feet.

7. Minimum Main Floor Area for Multi-Family dwellings, exclusive of garage, carports and open porches:
   - One story unit – 540 sq. ft.
   - Greater than one story unit – 450 sq. ft., provided that the total floor area shall be at least 540 sq. ft.

8. Storage – An open storage area shall be provided within the project boundaries for the purpose of storing all travel trailers, campers, boats and other recreational vehicles owned by project residents. The open storage area required for the project shall be computed on a minimum basis of one-hundred-twenty (120) square feet per dwelling site. Such storage area shall be located or screened so as to not be directly visible from any public right-of-way.

9. Open Space – Open space, playground space or recreational area shall be maintained, separate from any required perimeter yards in an amount equal to five-hundred (500) square feet for each of the first twenty (20) lots for dwelling units and two-hundred and fifty (250) square feet for each additional lot for dwelling units.

10. Parking Requirements – In addition to the requirements set forth in Chapter 12, mobile dwelling projects shall comply with the following standards:
    A. There shall be no dead-end streets less than twenty-four (24) feet in width and in excess of one-hundred fifty (150) feet in length for vehicle traffic.
    B. Auto parking spaces may be included on the mobile dwelling lot or on-street in front of the mobile dwelling lot.
    C. Any turn-around serving to eliminate dead-end streets shall have a diameter of at least sixty (60) feet.
    D. One-way streets shall be at least twelve (12) feet wide and two-way streets shall be at least twenty-four (240) feet wide. If on-street parking is provided, each parking lane shall be at least an additional eight (8) feet wide.
    E. Overflow parking shall be provided at a rate of one (1) space for each three mobile dwelling lots.

11. Loading Requirements – See Chapter 13.

12. Signs – See Chapter 15.

13. Landscaping and Screening Requirements – See Chapter 14.

14. Residential Facility for the Mentally Ill – See Chapter 16.1.

15. Architectural Review - All Multi-Family Dwelling projects located in the A-16 District shall be subject to the requirements for the filing of a Development plan for Architectural Site Design Review as set forth in this Ordinance.

16. Development Incentives – Any proposed Multi-Family Dwellings located in the A-16 District shall be eligible to utilize the Development Incentives set forth in this Ordinance.

4.11 Residential – Mobile Dwelling District (MD).

4.11.1 Statement of Purpose

The MD District allows for the development of a planned mobile dwelling project. The special characteristics of mobile dwellings, as opposed to conventional housing (such as compactness of the dwelling unit, site accommodation requirements, etc.), are recognized as requiring special district considerations. The provision of public water and sewer facilities is mandatory for development within this district.

1. Primary Uses:
   a. Mobile Dwelling Projects, including mobile dwellings and manufactured homes for single family use and occupancy;
   b. Residential Facility for the Developmentally Disabled (as defined in Chapter 2);
   c. Residential Facility for the Mentally Ill; or,
   d. Neighborhood Park or County Park.

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses, including:
   a. Manager's office and apartment;
   b. Project maintenance equipment storage facility;
   c. Common recreation and service buildings, structures and areas, including laundry facilities;
   d. Common or individual storage areas; and
   e. Parking areas and carports.

4. Home Occupations.

5. Special Exception Uses (subject to the provisions of Chapter 10).
   - Religious Use

4.11.3 MD Development Standards – All uses permitted in the MD District shall conform to the following development standards.

1. Minimum Project Area – The minimum project area shall be fifteen (15) acres and attachment to public or semi-public water and sanitary sewer facilities shall be mandatory for development in this district.

2. Maximum Project Density – a project shall not exceed ten (10) units per gross acre.

3. Minimum Street Frontage – each project shall have at least 125 feet of street frontage and gain access from said street.

4. Minimum Lot Size and Lot Width for individual dwelling units – each individual lot shall contain a minimum of thirty-five hundred (3,500) square feet of area and have a lot width of forty (40) feet.

5. Minimum Setback Line and Perimeter Yard Requirements for a mobile dwelling project – a minimum setback line and perimeter yard shall be provided along all perimeter yards of the project as follows:

a. Front Yards – 40 feet from the right-of-way line of all public or private streets.
b. Side Yards – 40 feet.
c. Rear Yards – 40 feet.

6. Minimum Yards for Individual Lots Containing Dwelling Units:
   a. Individual Lots shall provide setback lines and yards as follows:
      - Front yards – 20 feet.
      - Side yards – 5 feet
      - Rear yards – 5
   b. Permitted accessory buildings for each dwelling shall not encroach into any yard and shall maintain an interior yard of six (6) feet from the dwelling located on the lot.
   c. All yards shall be measured perpendicular to the building or structure at all points.

7. Maximum Building Height
   a. Management offices, common recreation and service buildings – 30 feet.
   b. Dwelling Units and Accessory Buildings – 25 feet.

8. Minimum Main Floor Area for dwellings, exclusive of garage, carports and open porches – 540 sq. ft.

9. Storage – An open storage area shall be provided within the project boundaries for the purpose of storing all travel trailers, campers, boats and other recreational vehicles owned by project residents. The open storage area required for the project shall be computed on a minimum basis of one-hundred-twenty (120) square feet per dwelling site. Such storage area shall be located or screened so as to not be directly visible from any public right-of-way.

10. Open Space – Open space, playground space or recreational area shall be maintained, separate from any required perimeter yards, in an amount equal to five-hundred (500) square feet for each of the first twenty (20) lots for dwelling units and two-hundred and fifty (250) square feet for each additional lot for dwelling units.

11. Parking Requirements – in addition to the requirements set forth in Chapter 12, mobile dwelling projects shall comply with the following standards:
    a. There shall be no dead-end streets less than twenty-four (24) feet in width and in excess of one-hundred fifty (150) feet in length for vehicle traffic.
    b. Auto parking spaces may be included on the mobile dwelling lot or on-street in front of the mobile dwelling lot.
    c. Any turn-around serving to eliminate dead-end streets shall have a diameter of at least sixty (60) feet.
    d. One-way streets shall be at least twelve (12) feet wide and two-way streets shall be at least twenty-four (24) feet wide. If on-street parking is provided, each parking lane shall be at least an additional eight (8) feet wide.
    e. Overflow parking shall be provided at a rate of one (1) space for each three mobile dwelling lots.

12. Loading Requirements – See Chapter 13.

13. Signs – See Chapter 15.

14. Landscaping and Screening Requirements – See Chapter 14.

15. Residential Facility for the Mentally Ill – See Chapter 16.1.

SUMMARY OF SELECTED BUSINESS AND INDUSTRIAL DEVELOPMENT STANDARDS

	Setbacks			Transitional Yards			
District	Front	Side	Rear	Front	Side	Rear	Bldg. Height
OB	35	10	10	35	20	20	50
NC	25	0	0	35	25	25	50
CR	10	0	0	40	40	40	50
HB	10	0	0	40	40	40	50
CB	0	0	0	20	40	40	50 / 2 stories
LI	35	10	10	40	30	30	Unlimited *
GI	25	0	0	50	40	40	Unlimited *
LM	10	0	0	60	50	50	Unlimited *
HM	10	0	0	60	60	60	Unlimited *
WM-G	50	50	50	100	100	100	150 *
WM-H	100	100	100	150	160	150	150 *

* - See CB District regulations for additional requirements

** - See Specific District for additional requirements.

CHAPTER 5. BUSINESS DISTRICTS

5.1 Business – Office / Buffer (OB)

5.1.1 Statement of Purpose

The OB District (Business – Office / Buffer District) is designed to provide specific areas for the development of office and service uses of a generally non-retail nature. Since the structures and activity associated with these uses are topically much less commercial in appearance, this district is intended to serve as a buffer between Residential Districts and more intense business or industrial districts and as a gradual transition from existing residential use to more intense business or industrial uses.

5.1.2 Permitted OB Uses:

1. Uses permitted in the OB District shall be those specified below:
    - Bed & Breakfast
    - Cemetery
    - College / University
    - Data Processing and Analysis
    - Child Care Centers
    - Child Care Ministry
    - Child Caring Institution
    - Emergency Shelters
    - Fire Stations
    - General Agricultural Operations (except Livestock production)
    - Golf Course (public or private)
    - Health Services, including:
        - Convalescent Home / Nursing Care
        - Immediate Care Facilities
        - Medical Offices and Clinics
    - Membership Organizations or Club (office only)
    - Office Use, any type, including:
    - Business or Personal Services (excluding retail sales)
    - Financial (bank, savings & loan, credit union, automatic teller machines, etc.)
    - Governmental
    - Professional
    - Social Services (office only)
    - Parks, including:
        - Neighborhood Parks
        - County Parks
        - Public Pools
        - Private Swim Clubs
    - Police Stations
    - Post Office (excluding storage of delivery vehicles)
    - Public or Semi-public uses, including:
        - Art Galleries (excluding sales)
        - Library

    - Museum
    - Planetarium
  - Recording Studio
  - Religious Use
  - Boarding House
  - Schools, including:
    - Elementary
    - High
    - Nursery
    - Private
  - Veterinary Clinic (indoor only)

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Special Exception Uses (subject to the provisions of Chapter 10).
   - Antique Store
   - Broadcast Towers, including:
     - Cellular Communication
     - Radio
     - Television
   - Caretaker Dwelling
   - Country Club
   - Private Clubs
   - Public Transportation Facilities, including:
     - Airports
     - Heliports
     - Public Utility Substations
     - Social Clubs

5.1.3 <u>OB Development Standards – All uses permitted in the OB District shall conform to the following development standards.</u>

1. Minimum Public Street Frontage – each lot or integrated center shall have at least 100 feet of frontage on a public street and shall gain access from said street.

2. Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Required Front Yard and Front Transitional Yard – 35 feet from the right-of-way line of all public streets.

3. Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot lines as follows:
   a. Required Side and Rear Yards – 10 feet in depth measured from and paralleling the lot line.
   b. Required Side and Rear Transitional Yards – 20 feet in depth measured from and paralleling the lot line.

4. Use of Required Yards – all required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials subject to the requirements of Chapter 14, "Landscaping and Screening Requirements", and shall remain as open space free from structures except where expressly permitted below:
    a. Required Front Yards and Front Transitional Yards – (i) May include driveways, pedestrian walks, flag poles, fences, screening devices and similar appurtenant structures; and (ii) Shall not include any parking areas, outdoor display or outdoor storage.
    b. Required Side and Rear Yards – (i) May include interior access driveways, pedestrian walks, fences and screening devices; and, (ii) Shall not include any parking areas, outdoor display or outdoor storage.
    c. Required Side and Rear Transitional Yards – (i) May include pedestrian walks, fences and screening devices; and, (ii) Shall not include any parking areas, interior access driveways, outdoor display or outdoor storage.

5. Maximum Building Height – 50 feet but not to exceed two (2) stories containing usable floor area above ground.

6. Parking Requirements – See Chapter 12.

7. Loading Requirements – See Chapter 13.

8. Signs – See Chapter 15.

9. Landscaping and Screening Requirements – See Chapter 14.

10. Outdoor Storage, Display or Operations – All storage, display and operations (except off-street parking, off-street loading and delivery, automatic teller machines and drive-through customer service windows) shall be conducted completely within enclosed buildings. There shall be no outside storage or display permitted in the OB district.

11. Architectural Review – if any portion of a lot proposed for development is located in the OB District and within 600 feet of a residential district or gateway corridor, the entire proposed development on that lot shall be subject to the requirements for the filing of a Development Plan for Architectural Review as set forth in Chapter 24.

12. Development Incentives – Any proposed development located in the OB District shall be eligible to utilize the Development Incentives set forth in Chapter 24 of this Ordinance.

5.2 Business – Neighborhood Convenience Retail (NC)

5.2.1 Statement of Purpose

The NC District (Business – Neighborhood Convenience Retail District) is designed to permit a complete range of convenience business uses required to support the residents of an immediate neighborhood. This district is not intended for those businesses that draw significant numbers of customers from beyond the neighborhood boundary. This district does not allow for those businesses that require substantial outdoor display, sale areas, storage of merchandise, or outdoor operations.

5.2.2 Permitted NC Uses:

1. Uses permitted in the NC District shall be those specified below:
   Any Use Permitted in the OB District
   - Advertising Signs
   - Antique Store
   - Art Galleries
   - Blueprinting
   - Community, Multi-Service, Neighborhood or Senior Citizens' Center
   - Convenience Market (without accessory gasoline sales)
   - Fraternal Lodge (non-residential) (not including the sale or distribution of alcoholic beverages for on-site consumption)
   - Nursing Care (skilled) Facilities
   - Personal Service Establishments, including:
   - Barber Shop
   - Beauty Shop
   - Dry Cleaning or Laundry Pick-up Stations
   - Laundromats
   - Interior Decorator
   - Key Duplicating Service
   - Locksmith
   - Photography Studio
   - Tailor, Seamstress or Dressmaker
   - Tanning Salon

   Public or Semi-Public Uses (not including the sale or distribution of alcoholic beverages for on-site consumption), including:
   - Civic Clubs
   - Repair of Shoes
   - Restaurant (indoor service or drive-through pick-up only) (not including the sale or distribution of alcoholic beverages for on-site consumption)
   - Retail Type Uses, including:
     - Appliance Store (minor household)
     - Clothing, Apparel or Accessory Store
     - Bicycle Store
     - Book Store
     - Camera and Photographic Supply Store

    - Card Store
    - Computer or Computer Software Store
    - Drapery / Curtain Store
    - Drug Store / Pharmacy
    - Dry Goods Store
    - Fabric Store
    - General Food Products at Retail
    - Florist
    - Frame Shop
    - Gift Shop
    - Hardware Store
    - Hobby, Toy or Game Shop
    - Hospital, Sick Room and medical equipment, sales, rental and leasing
    - Ice Dealers
    - Jewelry Store
    - Lawn and Garden Supply Store
    - Luggage and Leather Goods
    - Music Store (tapes, records, compact disks and sheet music)
    - Musical instrument Store
    - Office Supply Store
    - Optical Goods Store
    - Orthopedic and Artificial Limb Store
    - Paint or Wallpaper Store
    - Pet Grooming
    - Pool and Billiard Table Store
    - Radio, Television or Consumer Electronics
    - Store
    - Religious Good Store
    - Shoe Store
    - Sporting Goods Store
    - Stationer
    - Swimming Pool Sales
    - Telephone Store
    - Tobacco Store
    - Trophy Shop
    - Typewriter Shop
    - Variety Store
- Schools, Commercial:
    - Art
    - Barber College / School
    - Beauty or Cosmetology College / School
    - Business and Secretarial
    - Clerical
    - Correspondence
    - Dance
    - Data Processing
    - Junior College
    - Language
    - Martial Arts

- Music
- Nursery
- Photography
- Vocational or Technical
- Veterinarian (without outdoor runs)

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Special Exception Uses (subject to the provisions of Chapter 10).
   Any Special Exception Use Identified in the OB District.
   - Automobile Related Uses, including:
     - Car Wash
     - Gasoline Service Station
     - Parts Supply Store
     - Quick Lube Facility
     - Tune-Up Facility
   - Check Cashing / Validation Service
   - Convenience Store (with accessory gasoline sales)
   - Package Liquor Store
   - Parcel Packing / Mailing Service
   - Any use which includes the sale or distribution of alcoholic beverages for on-site consumption.

5.2.3 <u>NC Development Standards – All uses permitted in the NC District shall conform to the following development standards</u>.

1. Minimum Public Street Frontage – each lot or integrated center shall have at least 150 feet of frontage on a public street and shall gain access from said street.

2. Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Required Front Yard – 25 feet from the right-of-way line of all public streets.
   b. Required Front Transitional Yard – 35 feet from the right-of-way line of all public streets.

3. Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot line as follows:
   a. Required Side and Rear Yards – 0 feet in depth measured from and paralleling the lot line.
   b. Required Side and Rear Transitional Yards – 25 feet in depth measured from and paralleling the lot line.

4. Use of Required Yards – all required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials subject to the requirements of Chapter 14, “Landscaping and Screening Requirements”, and shall remain as open space free from structures except where expressly permitted below:

a. Required Front Yards and Front Transitional Yards – (i) May include driveways, pedestrian walks, flag poles, fences, screening devices and similar appurtenant structures; and, (ii) Shall not include any parking areas, outdoor display or outdoor storage.
b. Required Side and Rear Yards – (i) May include interior access driveways, pedestrian walks, fences and screening devices; and (ii) Shall not include any parking areas, outdoor display or outdoor storage.
c. Required Side and Rear Transitional Yards – (i) May include pedestrian walks, fences and screening devices; and, (ii) Shall not include any interior access driveways, parking areas, outdoor display or outdoor storage.

5. Maximum Building Height – 50 feet but not to exceed two (2) stories containing useable floor area.

6. Parking Requirements – See Chapter 12.

7. Loading Requirements – See Chapter 13.

8. Signs – See Chapter 15.

9. Landscaping and Screening Requirements – See Chapter 14.

10. Outdoor Storage, Display or Operations – All storage, display and operations (except off-street parking, off-street loading and delivery, and drive-through customer service windows) shall be conducted completely within enclosed buildings, except that the outdoor display or sale of merchandise is permitted, provided that such display or sale:
    a. Is accessory to the primary use;
    b. Has a total square foot area not exceeding two percent (2%) of the total gross floor area of the primary use;
    c. Be located immediately adjacent to the primary structure; and,
    d. Not utilize any required off-street parking or loading space or facility.

11. Gross Floor Area – No single use first permitted in this NC District shall exceed 8,000 square feet in gross floor area and no integrated center containing uses first permitted in this NC District shall exceed 25,000 square feet in gross floor area.

12. Architectural Review – if any portion of a lot proposed for development is located in the NC District and within 600 feet of a residential district or gateway corridor, the entire proposed development on that lot shall be subject to the requirements for the filing of a Development Plan for Architectural Review as set forth in Chapter 24.

13. Development Incentives – Any proposed development located in the NC District shall be eligible to utilize the Development Incentives set forth in Chapter 24 of this Ordinance.

5.3 Business – Community and Regional Retail (CR)

5.3.1 Statement of Purpose

The CR District (Business – Community and Regional Retail District) is designed to provide for the development of major businesses and shopping centers intended to serve a large population base ranging from several neighborhoods to the entire county. These centers may feature large traffic generators such as department stores and required access from major thoroughfares. While shopping centers are usually characterized by indoor operations, certain outdoor operations and sales activities are permitted.

5.3.2 Permitted CR Uses:

1. Uses permitted in the CR District shall be those specified below:
   Any Use Permitted in the NC District.
   - Amusement Center, Indoor, including:
     - Pool Hall
     - Video Arcardes
     - Bowling Alleys
     - Racquet Club
   - Athletic Club Auditorium
   - Assembly Hall
   - Automobile Related Uses, including:
     - Car Wash
     - Gasoline Service Station
     - Parts Supply Store
     - Quick Lube Facility
     - Tune-Up Facility
   - Caterer
   - Check Cashing / Validation Service
   - Crating and Packaging Service
   - Dental Laboratory
   - Funeral Parlor / Mortuary
   - Hospital / Sanitarium
   - Hotel, Motel or Tourist Court
   - Museum
   - Newspaper Offices
   - Office or Studio of:
     - Radio Station
     - Television Station
   - Parcel Packing / Mailing Service
   - Package Liquor Store
   - Personal Service Establishments, including:
     - Mail Order Store
     - Photofinishing (“one-hour” photo service)
     - Radio or Television Service
     - Tattoo Parlor
   - Plasma (Blood) Center Public

- Utility Substations Radio and Television Studios
- Rental or Leasing of:
  - Clothing
  - Computers
  - Costumes
  - Furniture
  - Office Machines
- Repair of:
  - Antennas, Household
  - Bicycles
  - Cameras
  - Clocks, Watches or Jewelry
  - Computers
  - Dental Instruments
  - Drafting Instruments
  - Leather Goods Repair Shop
  - Luggage Repair Shop
  - Musical Instruments
  - Optical Goods
  - Radios or Televisions
  - Sewing Machine Repair Shop
  - Shoes
  - Typewriters
- Repossession Service (other than automotive)
- Restaurant (with drive-in, drive-through, drive-in or outdoor seating)
- Retail-Type use:
  - Antique Store
  - Appliance Store (Major Household)
  - Bait & Tackle Shop
  - Department Store
  - Firearms/ Gun Sales
  - Fireworks Sales
  - Flea Market (indoor)
  - Floor Covering Store, including:
    - Carpet
    - Linoleum
    - Tile
  - Furniture Store
  - Garden Shop / Nursery
  - Retail Glass Fabrication / Installation
  - Home Improvement Store
  - Pet Shop
  - Second Hand Store (excluding automotive or building materials)
- Security System Services
- Swimming Pool Service
- Water Softener Service
- Taxidermy

- Theatre, including:

- Dinner Theatre
- Motion Picture (except drive-in)

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Special Exception Uses (subject to the provisions of Chapter 10). Any Special Exception Use identified in the NC District.
   - Public Transportation Facilities, including:
     - Bus Station
     - Rail Station
     - Recycling Facilities

5.3.3 CR Development Standards – All uses permitted in the CR District shall conform to the following development standards.

1. Minimum Public Street Frontage – each lot or integrated center shall have at least 300 feet of frontage on a public street and shall gain access from said street.

2. Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Required Front Yard – 10 feet from the right-of-way line of all public streets.
   b. Required Front Transitional Yard – 40 feet from the right-of-way line of all public streets.

3. Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot lines as follows:
   a. Required Side and Rear Yards – 0 feet in depth measured from and paralleling the lot line.
   b. Required Side and Rear Transitional Yards – 40 feet in depth measured from and paralleling the lot line.

4. Use of Required Yards – all required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials subject to the requirements of Chapter 14, "Landscaping and Screening Requirements", and shall remain as open space free from structures except where expressly permitted below:
   a. Required Front Yards and Front Transitional Yards – (i) May include driveways, pedestrian walks, flag poles, fences, screening devices and similar appurtenant structures; and, (ii) Shall not include any parking areas, outdoor display or outdoor storage.
   b. Required Side and Rear Yards – may include interior access driveways and outside storage, display or operations as provided for in paragraph 10 below.
   c. Required Side and Rear Transitional Yards – (i) May include pedestrian walks, fences and screening devices; and, (ii) Shall not include any parking areas, interior access driveways, outdoor display or outdoor storage.

5. Maximum Building Height – 50 feet but not to exceed two (2) stories containing useable floor area.

6. Parking Requirements – See Chapter 12.

7. Loading Requirements – See Chapter 13.

8. Signs – See Chapter 15.

9. Landscaping and Screening Requirements – See Chapter 14.

10. Outdoor Storage, Display or Operations – All storage, display and operations (except off-street parking, off-street loading and delivery, and drive-through customer service windows) shall be conducted completely within enclosed buildings, except that the outdoor display or sale of merchandise is permitted, provided that such display or sale:
    a. Is accessory to the primary use;
    b. Has a total square foot area not exceeding five percent (5%) of the total gross floor area of the primary use;
    c. Be located immediately adjacent to the primary structure; and,
    d. Not utilize any required off-street parking or loading space or facility.

11. Architectural Review – notwithstanding anything in Chapter 24 to the contrary, all development located in the CR District, regardless of location or proximity to residential districts, shall be subject to the requirements for the filing of a Development Plan for Architectural and Site Design Review as set forth in Chapter 24 for development within commercial districts.

12. Development Incentives – development incentives shall not be available in the CR Districts.

5.4 Business – Heavy Business (HB)

5.4.1 Statement of Purpose

The HB District (Business – Heavy Business District) is intended to provide specific areas for retail uses which feature major outdoor storage or display areas for sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Because of the character and intensity of these uses, this district should be located on major business thoroughfares. Due to the intensity of uses this district should not be located in close proximity to residential or buffer uses.

5.4.2 Permitted HB Uses:

1. Uses permitted in the HB District shall be those specified below:
   Any Use Permitted in the CR District.
   - Amusement Outdoor:
   - Golf Driving Range
   - Go-Cart Racing
   - Miniature Golf
   - Amusement Park
   - Race Track
   - Sports Arena, Field
   - Batting Cages
   - Racetrack
     - Recreation Fields
   - Auction Rooms
   - Automotive Services / Related Uses
   - Air Conditioning Equipment (sale or installation)
   - Automobile:
     - Dealers
     - Leasing
     - Rental
     - Recovery Service
     - Repossession Service
     - Boat Dealers
     - Brake System Repair or Service
     - Glass Replacement Shop
     - Major Engine Repair
     - Muffler Shop
   - Recreational Vehicle:
     - Dealers
     - Rental
     - Repair Services
   - Repair Shop
   - Rust Proofing
   - Tire: Alignment, Dealers, Retreading or Repair Shop
   - Body Shop
   - Farm Equipment Sales and Service

- Paint Shop
- Recreation Vehicle:
  - Dealers
  - Rental
  - Repair Services
- Repair Shop (truck or bus)
- Rust Proofing (truck or bus)
- Trailer, Truck or Bus Rental
- Truck or bus (any load capacity)
  - Dealers
  - Leasing
  - Rentals
  - Repair or Service
- Tractor:
  - Dealers
  - Repair or Service
  - Transmission Repair
- Tune-up Facility
- Washes: Bus / Truck
- Automobile Storage
- Building Materials Retail Sales
- Cabaret or Night Club
- Drinking Establishment:
  - Bar / Tavern
- Equipment Rental or Leasing
  - Light Equipment
  - Tool
- Equipment Rental or Leasing, including:
  - Construction Equipment
  - Heavy Equipment
- Firing (gun) Range (indoor)
- Job Printing (not more than 17" x 25" page)
- Kennel (without outside runs)
- Laundry, Cleaning and Garment Services, including:
  - Carpet or Upholstery
  - Linen Supply
- Locker Rental
- Medical or Dental Laboratories
- Mini-warehouses
- Typesetting
- Upholsterers
- Parking (as a primary use), including:
  - Commercial Parking Lot
  - Parking Structure
- Newspaper – Publishing and Printing Facilities
- Nursery (plant) and Greenhouse (commercial)
- Recreational Vehicle Camp Grounds
- Personal Service Establishments, including:

- Power Laundry
- Photofinishing Laboratory

- Repair or Service of:
  - Air Conditioning (window units only)
  - Gas Appliances
  - Generators
  - Laboratory Instruments
  - Lawn Mowers
  - Surgical Instruments
- Retail-Type Use:
  - Air Conditioner Sales (window units only)
  - Flea Market (outdoor)
  - Gravestones, finished
  - Hot Tub Sales
  - Liquor Store
  - Lumber and Other Building Materials (with outside storage)
  - Mobile Home Dealers
  - Model Home, Garage, Outbuilding Sales
  - Pawn Shop
  - Pet Obedience School
  - Playground Equipment
  - Swimming Pool Installation
- Storage or Heavy Equipment (indoor)
- Theatre, Drive-in
- Transmission Reconditioning
- Upholstery
- Vending Machine Storage
- Veterinarian (with outside runs)
- Vocational Schools, including:
  Industrial
  Wholesaler

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Special Exception Uses (subject to the provisions of Chapter 10).
   Any Special Exception Use identified in the CR District:
   - Bingo Establishment
   - Gambling Establishment
   - Kennels (including outside runs)
   - Off-Track Betting Facility

5.4.3 HB Development Standards – All uses permitted in the HB District shall conform to the following development standards.

1. Minimum Public Street Frontage – each lot or integrated center shall have at least 300 feet of Frontage on a public street and shall gain access from said street.

2. Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Required Front Yard – 10 feet from the right-of-way line of all public streets.
   b. Required Front Transitional Yard – 40 feet from the right-of-way line of all public streets.

3. Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot lines as follows:
   a. Required Side and Rear Yards – 0 feet in depth measured from and paralleling the lot line.
   b. Required Side and Rear Transitional Yards – 40 feet in depth measured from and paralleling the lot line.

4. Use of Required Yards – all required yards and required Transitional Yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials subject to the requirements of Chapter 14, "Landscaping and Screening Requirements", and shall remain as open space free from structures except where expressly permitted below:
   a. Required Front Yards and Front Transitional Yards – (i) May include driveways, pedestrian walks, flag poles, fences, screening devices and similar appurtenant structures; and (ii) Shall not include any parking areas, outdoor display or outdoor storage.
   b. Required Side and Rear Yards – may include interior access driveways and outside storage, display or operations as provided for in paragraph 10 below.
   c. Required Side and Rear Transitional Yards – (i) May include pedestrian walks, fences and screening devices; and, (ii) Shall not include any parking areas, interior access driveways, outdoor display or outdoor storage.

5. Maximum Building Height – 50 feet but not to exceed two (2) stories.

6. Parking Requirements – See Chapter 12.

7. Loading Requirements – See Chapter 13.

8. Signs – See Chapter 15.

9. Landscaping and Screening Requirements – See Chapter 14.

10. Outdoor Storage, Display or Operations – All storage, display and operations (except off-street parking, off-street loading and delivery, and drive-through customer service windows) shall be conducted completely within enclosed buildings except that outdoor

display, sale, lease or rental is permitted, provided that such display, sale, lease or rental is:

a. Accessory to the primary use;
b. Not be located in any required yards or required transitional yards;
c. Not be located between the front lot line and the front of the building on the site, provided, however, the outdoor display, sale, lease or rental of automobiles, boats, tractors, trucks or buses shall be permitted between the required front yard or required front transitional yard and the front of the building on the site; and
d. Not utilize any required off-street parking or loading space or facility.

11. Architectural Review – Notwithstanding anything in Chapter 24 to the contrary, all development located in the HB District, regardless of location or proximity to residential districts, shall be subject to the requirements for the filing of a Developmental Plan for Architectural and Site Design Review as set forth in Chapter 24 for development within commercial districts.

5.5 Central Business District (CB)

5.5.1 Statement of Purpose

The CB District (Central Business District) is designed to provide for a broad range of activities including high density residential uses and major government, finance, office, and retail uses which provide goods and services to customers in urban settings. This District is intended to be located in the core areas of communities and to serve as a focal point of community or regional development.

5.5.2 Permitted CB Uses:

1. Uses permitted in the CB District shall be those specified below.
   Any Use Permitted in the OB District, except:
   - Advertising Signs: Cemetery; Country Club; General Agricultural
   - Operations: Golf Courses (public or private);
   - And, Public Camp Grounds.
   - Any Use Permitted in the NC District, except:
   - Gasoline Station (including accessory car wash).
   - Any Use Permitted in the CR District, except:
   - Automobile Related Uses, including Car Wash,
   - Gasoline Service Station, Parts Supply Store, Quick Lube Facility and Tune-Up Facility;
   - Restaurant (with drive-in, drive-through or outdoor seating).
   - Multi-Family Dwellings

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Special Exception Uses (subject to the provisions of Chapter 10).
   Any Special Exception Use identified in the OB, NC or CR District.

5.5.3 CB Development Standards – All uses permitted in the CB District shall conform to the following development standards.

1. Minimum Public Street Frontage – each lot or integrated center shall have at least 50 feet of frontage on a public street and shall gain access from said street.

2. Required Front Setback Line – No front setback shall be required from the right-of-way line of streets for any building. Off-street parking areas, however, shall provide a minimum required setback and front yard of 10 feet from the right-of-way line of all streets.

3. Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot lines as follows:
   a. Required Side and Rear Yards – 0 feet in depth measured from and paralleling the lot line.

b. Required Side and Rear Transitional Yards – 40 feet in depth measured from and paralleling the lot line.

4. Use of Required Yards – all required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, hedge, or in combination with other suitable ground cover materials subject to the requirements of Chapter 14, "Landscaping and Screen Requirements", and shall remain as open space free from structures except where expressly permitted below:
   a. Required Front Yards and Front Transitional Yards – (i) May include driveways, pedestrian walks, flag poles, fences, screening devices and similar appurtenant structures; and, (ii) Shall not include any parking areas, outdoor display or outdoor storage.
   b. Required Side and Rear Yards – may include interior access driveways.
   c. Required Side and Rear Transitional Yards – (i) May include pedestrian walks, fences and screening devices; and (II) Shall not include any parking areas, interior access driveways, outdoor display or outdoor storage.

5. Use of Yards – all front, side or rear yards provided shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials subject to the requirements of Chapter 14, "Landscaping and Screening Requirements", and shall remain as open space free from structures except for interior access driveways, pedestrian walks, fences and screening devices. Such yards shall not include any parking areas, outdoor display or outdoor storage.

6. Maximum Building Height – 50 feet but not to exceed two (2) stories.

7. Parking Requirements – See Chapter 12.

8. Loading Requirements – See Chapter 13.

9. Signs – See Chapter 15.

10. Landscaping and Screening Requirements – See Chapter 14.

11. Outdoor Storage, Display or Operations – all storage, display and operations (except off-street parking and off-street loading and delivery) shall be conducted completely within enclosed buildings. There shall be no outside storage or display permitted in the CB District.

12. Architectural Review – All lots located in the CB District shall be subject to the requirements for: The filing of a Development Plan for Architectural and Site Design Review and for compliance with the Development Requirements both as set forth in Chapter 24.

CHAPTER 6. INDUSTRIAL DISTRICTS

6.1 Industrial – Light Industrial District (LI)

6.1.1 Statement of Purpose

The LI District (Light Industrial District) is intended to provide for research laboratories, associated offices, office/warehouse uses and other light industrial operations which do not require the outdoor storage of raw materials, manufactured products, or other materials, and which do not involve the storage of volatile or hazardous materials. Uses located in this district are those whose external, physical effects are relatively clean and quiet and do not have noxious or offensive characteristics, such as emission, smoke, dust, fumes, gas, vapors, odors, pollutants, noises, or vibrations, beyond the confines of the building. This district should be located with good accessibility to thoroughfares, railroads, or other means of transportation, as well as a broad range of infrastructure and utilities. This district is intended to serve as a buffer use between higher density residential areas and more intense commercial or industrial areas.

6.1.2 Permitted LI Uses:

1. Uses permitted in the LI District shall be those specified below:
   Any Use Permitted in the OB District
   Laboratories, including:
   - Engineering
   - Pharmaceutical
   - Research
   - Testing

   Potable Water Treatment Plant

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses.

4. Special Exception Uses (subject to the provisions of Chapter 10).
   Any Special Exception Use listed in the OB District.
   Assembly of Pre-manufactured of light component parts
   Job Printing (any size)
   Warehouse and Distribution Center

6.1.3 LI Development Standards – All uses permitted in the LI District shall conform to the following development standards.

1. Minimum Public Street Frontage – each lot or industrial park shall have at least 300 feet of frontage on a public street and shall gain access from said street.

2. Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
    a. Required Front Yard – 35 feet from the right-of-way line of all public streets.
    b. Required Front Transitional Yard – 40 feet from the right-of-way line of all public streets.

3. Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot lines as follows:
    a. Required Side and Rear Yards – 10 feet in depth measured from and paralleling the lot line.
    b. Required Side and Rear Transitional Yards – 30 feet in depth measured from and paralleling the lot line.

4. Use of Required Yards – all required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials subject to the requirements of Chapter 14, "Landscaping and Screening Requirements", and shall remain as open space free from structures except where expressly permitted below:
    a. Required Front Yards and Front Transitional Yards – (i) May include driveways, pedestrian walks, flag poles, fences, screening devices and similar appurtenant structures; and (ii) Shall not include any parking areas, outdoor display or outdoor storage.
    b. Required Side and Rear Transitional Yards – (i) May include pedestrian walks, fences and screening devices; and (ii) Shall not include any parking areas, interior access driveways, outdoor display or outdoor storage.
    c. Required Side and Rear Yards – may include interior access driveways and outside storage or operations as provided for in paragraph 10 below.

5. Maximum Building Height – unlimited, provided that the minimum required setbacks shall be increased by one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35) feet.

6. Parking Requirements – See Chapter 12.

7. Loading Requirements – See Chapter 13.

8. Signs – See Chapter 15.

9. Landscaping and Screening Requirements – See Chapter 14.

10. Outdoor Storage, Display, or Operations-Outdoor storage, display and operations (except off-street parking, off-street loading and delivery, and drive-through customer service windows) shall be conducted completely within enclosed buildings. There shall be no outside storage or display permitted in the LI District.

11. Architectural Review – notwithstanding anything in Chapter 24 to the contrary, all development located in the LI District, regardless of location or proximity to residential districts, shall be subject to the requirements for the filing of a Developmental Plan for Architectural and Site Design Review as set forth in Chapter 24 for development within commercial districts.

12. Development Incentives – Any proposed development located in the LI District shall be eligible to utilize the development incentives set forth in Chapter 24 of this ordinance.

6.2. Industrial – General Industrial District (GI)

6.2.1 Statement of Purpose

The GI District (General Industrial District) is designed to provide for intermediate intensity, clean industrial uses such as assembly, warehousing, and distribution facilities, which do not involve the storage of volatile or hazardous materials. Uses located in this district are those who external, physical effects are relatively clean and quiet and do not have noxious or offensive characteristics, such as emission, smoke, dust, fumes, gas, vapors, odors, pollutants, noises, or vibrations, beyond the confines of the building. Uses located in this district may require limited amounts of outdoor storage of raw materials, pre-manufactured products, or other materials. This district requires good access to major thoroughfares, railroads, or other means of transportation, as well as a broad range of infrastructure and utilities. Because of the nature of the uses permitted in this district, it should not be located adjacent to residential areas.

6.2.2 Permitted GI Uses

1. Uses permitted in the GI District shall be those specified below:
    - Any Use Permitted in the L1 District
    - Any Use Permitted in the NC District
    - Assembly of Pre-Manufactured Parts, Subassemblies, Components
    - Assembly, Repair, or Manufacture of Light Component Parts
    - Canning of Food (not including slaughtering)
    - Engraving on Stone
    - Food Products (secondary food processing and packaging-initially processed off-premises)
    - Leather Curing and Tanning
    - Liquor and Spirit Distillation
    - Machine Shop
    - Packaging of Food
    - Power Plants, including:
        - Electric
        - Hydroelectric
        - Steam
        - Thermal
    - Produce Terminal
    - Storage and Transfer Establishment
    - Warehouse and Distribution Center

2. Temporary Uses (subject to the provisions of Chapter 11)

3. Accessory Uses

4. Special Exception Uses (subject to the provisions of Chapter 10)
    - Any Special Exception Use listed in the L1 District
    - Engraving on Metal
    - Furniture Refinishing

- Laundry, Cleaning and Garment Services, including:
  - Dry-Cleaning Plant
  - Industrial Launderers
- Penal Facilities
- Repair of:
  - Antique Repair or Restoration
  - Furniture Reupholster or Refinishing
- Welding Shop

6.2.3 GI Development Standards – All uses permitted in the GI District shall conform to the following development standards.

1. Minimum Public Street Frontage – each lot or industrial park shall have at least 300 feet of frontage on a public street and shall gain access from said street.

2. Required Front Setback line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Required Front Yard – 25 feet from the right-of-way line of all public streets.
   b. Required Front Transitional Yard – 50 feet from the right-of-way line of all public streets.

3. Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot lines as follows:
   a. Required Side and Rear Yards – a feet in depth measured from and paralleling the lot line.
   b. Required Side and Rear Transitional Yards – 40 feet in depth measured from and paralleling the lot line.

4. Use of Required Yards – all required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials subject to the requirements of Chapter 14 "Landscaping and Screening Requirements", and shall remain as open space free from structures except where expressly permitted below:
   a. Required Front Yards and Front Transitional Yards – (i) May include driveways, pedestrian walks, flag poles, fences, screening devices and similar appurtenant structures; and (ii) Shall not include any parking areas, outdoor display or outdoor storage.
   b. Required Side and Rear Transitional Yards – (i) May include pedestrian walks, fences and screening devices; and (ii) Shall not include any parking areas, interior access driveways, outdoor display or outdoor storage.
   c. Required Side and Rear Yards – may include interior access driveways and outside storage or operations as provided for in paragraph 10 below.

5. Maximum Building Height – unlimited, provided that the minimum required setbacks shall be increased by one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35) feet.

6. Parking Requirements – See Chapter 12.

7. Loading Requirements – See Chapter 13.

8. Signs – See Chapter 15.

9. Landscaping and Screening Requirements – See Chapter 14.

10. Outdoor Storage, Display or Operations – Outdoor storage, display and operations (except off-street parking, off-street loading and delivery, and drive-through customer service windows) is permitted, provided that such storage, display or operations:
    a. Is accessory to the primary use;
    b. Has a total square foot area not exceeding twenty-five percent (25%) of the total lot area;
    c. Be located immediately adjacent to the primary structure;
    d. Not utilize any required off-street parking or loading space or facility; and
    e. If located within five-hundred (500) feet of a residential district, be enclosed with a permanent screening devise of at least six (6) feet in height, but not more than eight (8) feet in height, made of a material that will obstruct vision into said storage area. At no time shall goods, merchandise, materials or equipment stored within the permanent screening devise exceed the height of the screening devise.

11. Architectural Review – If any portion of a lot proposed for development is located in the GI District and within six hundred (600) feet of a residential district or gateway corridor, the entire proposed development located on that lot shall be subject to the requirements for the filing of a Development Plan for Architectural Review as set forth in Chapter 24.

12. Development Incentives – Any proposed development located in the GI District shall be eligible to utilize the Development Incentives set forth in Chapter 24 of this Ordinance.

6.3 Manufacturing – Light Manufacturing District (LM)

6.3.1 Statement of Purpose

The LM District (Light Manufacturing District) provides for those industrial and light manufacturing uses which require outdoor operations and storage areas characterized by certain appearance factors requiring buffering by sufficient area and screening to minimize detrimental aspects. This district requires good access to major thoroughfares, railroads, or other means of transportation, as well as a broad range of infrastructure and utilities. This district should be located as far from residential areas as practical and be separated by lighter industrial districts.

6.3.2 Permitted LM Uses

1. Uses Permitted in the LM District shall be those specified below:
    - Any Use Permitted in the GI District
    - Any Use Permitted in the CR District
    - Bakery (manufacturing)
    - Coffee Roasting
    - Contractors Shop and Storage Yard
    - Fuel Dealers (not gasoline stations)
    - Lumber Yard (including outside storage)
    - Manufacturing, including:
        - Alcoholic Beverage
    - Appliance:
        - Light
        - Major electric or gas
        - Portable
        - Household
    - Boiler Tank
    - Bottling of Beverages
    - Bottling of Food
    - Bottling of Milk Products
    - Brewing Distillation of Liquor and Spirits
    - Cabinets
    - Cans
    - Cloth Products from Finished Cloth
    - Coating (excluding tar products)
    - Communication Equipment and Assembly
    - Construction Equipment and Machinery
    - Containers
    - Cosmetics
    - Dairy or Milk Products
    - Detergents and Soaps
    - Electric Hand Tools
    - Electric Neon Signs
    - Electric Materials
    - Electric Motors

- Electrical Components and Sub-Assemblies
- Elevators
- Furniture
- Jewelry (including engraving)
- Leather Products from Finished Leather
- Machinery and Machinery Components
- Malt Products
- Marine Equipment
- Mattresses
- Medicine
- Musical Instruments
- Non-alcoholic Beverages
- Office Equipment, including Assembly
- Office Machinery, Electrical and Mechanical
- Optical Goods
- Paper Box and Paper Products from Finished Paper
- Pharmaceutical Products
- Phonograph Records / Compact Discs
- Prefabricated Wood Building and Structural Members
- Recording Instruments
- Sports Equipment
- Starch
- Textiles
- Tools and Implements
- Toys
- Meat and Meat Products Wholesaling
- Metal Stamping and Fabricating
- Petroleum Products Bulk Storage
- Storage of Heavy Equipment (outdoor)
- Truck Terminal
- Utility Pole Yard
- Welding Shop
- Wrecker Service

2. Temporary Uses (subject to the provisions of Chapter 11)

3. Accessory Uses

4. Special Exception Uses (subject to the provisions of Chapter 10)
    - Any Special Exception Use listed in the GI District
    - Coal Yard or Station
    - Coating, Engraving and Allied Services (electroplating)

- Manufacturing, including:
  - Cans (utilizing rubberized or vinyl coatings)
  - Dyes
  - Fertilizers
  - Paints

6.3.3 LM Development Standards – All uses permitted in the LM District shall conform to the following development standards.

1. Minimum Public Street Frontage – each lot or industrial park shall have at least 300 feet of frontage on a public street and shall gain access from said street.

2. Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Required Front Yard – 10 feet from the right-of-way line of all public streets.
   b. Required Front Transitional Yard – 50 feet from the right-of-way line of all public streets.

3. Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot lines as follows:
   c. Required Side and Rear Yards – 0 feet in depth measured from and paralleling the lot line.
   b. Required Side and Rear Transitional Yards – 50 feet in depth measured from and paralleling the lot line.

4. Use of Required Yards – all required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials subject to the requirements of Chapter 14, "Landscaping and Screening Requirements", and shall remain as open space free from structures except where expressly permitted below.
   a. Required Front Yards and Front Transitional Yards – (i) May include driveways, pedestrian walks, flag poles, fences, screening devices and similar appurtenant structures; and (ii) Shall not include any parking areas, outdoor display or outdoor storage.
   b. Required Side and Rear Transitional Yards – (i) May include pedestrian walks, fences and screening devices; and (ii) Shall not include any parking areas, interior access driveways, outdoor display or outdoor storage.
   c. Required Side and Rear Yards – may include interior access driveways and outside storage or operations as provided for in paragraph 10 below.

5. Maximum Building Height – unlimited, provided that the minimum required setbacks shall be increased by one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35) feet.

6. Parking Requirements – See Chapter 12.

7. Loading Requirements – See Chapter 13.

8. Signs – See Chapter 15.

9. Landscaping and Screening Requirements – See Chapter 14.

10. Outdoor Storage, Display or Operations – Outdoor storage, display and operations (except off-street parking, off-street loading and delivery, and drive-through customer service windows) is permitted, provided that such storage, display or operations:
    a. Is accessory to the primary use;
    b. Has a total square foot area not exceeding fifty percent (50%) of the total lot area;
    c. Not utilize any required off-street parking or loading space or facility; and
    d. If located within five-hundred (500) feet of a residential district, be enclosed with a permanent screening devise of at least six (6) feet in height, but not more than eight (8) feet in height, made of a material that will obstruct vision into said storage area. At no time shall goods, merchandise, materials or equipment stored within the permanent screening devise exceed the height of the screening devise.

11. Architectural Review – If any portion of a lot proposed for development is located in the LM District and within six-hundred (600) feet of a residential district or gateway corridor, the entire proposed development located on that lot shall be subject to the requirements for the filing of a Development Plan for Architectural Review as set forth in Chapter 24.

12. Development Incentives – Any proposed development located in the LM District shall be eligible to utilize the Development Incentives set forth in Chapter 24 of this Ordinance.

6.4 Manufacturing – Heavy Manufacturing District (HM)

6.4.1 Statement of Purpose

The HM District (Heavy Manufacturing District) provides for those heavy industrial and manufacturing uses which require significant amounts of outdoor operations and storage area characterized by certain appearance factors requiring buffering by sufficient area and screening to minimize detrimental aspects. This district requires excellent access to major thoroughfares, railroads, or other means of transportation, as well as a broad range of infrastructure and utilities. This district should be located as far from residential areas as practical and be separated by lighter industrial districts.

6.4.2 Permitted HM Uses

1. Uses permitted in the HM District shall be those specified below:
    - Any Use Permitted in the LM District
    - Any Use Permitted in the HB District
    - Bottled Gas Storage and Distribution
    - Forest Products Processing
    - Granary, Grain Manufacture
    - Manufacturing, including:
        - Cement,
        - Lime, or Gypsum Ceramic and Clay Products
        - Cinder Block and Other Similar Building Materials
        - Concrete Blocks and Shapes Production
        - Concrete Paving Materials Preparation
        - Glass and Glass Products
        - Veneer (veneer mills)
    - Millwork, Planning Mill and Saw Mill
    - Rolling and Extruding of Metal

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses

4. Special Exception Uses (subject to the provisions of Chapter 10).
    - Any Special Exception Use listed in the LM District
    - Any business, industrial, or manufacturing use which is subject to the reporting requirements of Subpart B-Reporting Requirements, § 370.20 of the Code of Federal Regulations (40 CFR § 370.20) promulgated pursuant to Section 311 and Section 312 of the Community Right to Know Act (a copy which is on file in the Office of the Plan Commission and is hereby incorporated by reference and made a part hereof).
    - Adult Entertainment Business
    - Adult Massage Parlor
    - Blast Furnace
    - Coatings Manufacture (excluding tar products)
    - Coke Ovens
    - Concrete Mixing
    - Foundries

- Iron and Steel Production
- Salvage Yards Lumber Mill
- Manufacturing, including:
  - Asphalt Production
  - Asphaltic Paving Materials Preparation (halt or concrete production)
  - Biological
  - Creosote (including treatment)
  - Explosives, Matches, and Fireworks
  - Gases and Chemicals
  - Glue
  - Paper
  - Railroad Equipment (including repair and service)
  - Rubber Products
  - Tar, Tar Paper, Tar Products Processing
  - Tire and Inner Tubes
- Meat and Meat Products:
  - Packing
  - Processing
- Mineral Extraction Operations
- Oil Processing, Refining, and Manufacture
- Power Plants, including:
  - Atomic
  - Electric (utilizing refuse-derived fuels)
  - Steam (utilizing refuse-derived fuels)
- Stockyards

6.4.3 <u>HM Development Standards – All uses permitted in the HM District shall conform to the following development standards.</u>

1. Minimum Public Street Frontage – each lot or industrial park shall have at least 300 feet of frontage on a public street and shall gain access from said street.

2. Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Required Front Yard – 10 feet from the right-of-way line of all public streets.
   b. Required Front Transitional Yard – 60 feet from the right-of-way line of all public streets.

3. Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot lines as follows:
   a. Required Side and Rear Yards – 0 feet in depth measured from and paralleling the lot line.
   b. Required Side and Rear Transitional Yards – 60 feet in depth measured from and paralleling the lot line.

4. Use of Required Yards – all required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials subject to the requirements of Chapter 14, "Landscaping and Screening Requirements", and shall remain as open space free from structures except where expressly permitted below:
    a. Required Front Yards and Front Transitional Yards – (i) May include driveways, pedestrian walks, flag poles, fences, screening devices, and similar appurtenant structures; and (ii) Shall not include any parking areas, outdoor display or outdoor storage.
    b. Required Side and Rear Transitional Yards – (i) May include pedestrian walks, fences, and screening devices; and (ii) Shall not include any parking areas, interior access driveways, outdoor display, or outdoor storage.
    c. Required Side and Rear Yards – may include interior access driveways and outdoor storage or operations as provided for in paragraph 10 below.

5. Maximum Building Height – unlimited, provided that the minimum required setbacks shall be increased by one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35) feet.

6. Parking Requirements – See Chapter 12.

7. Loading Requirements – See Chapter 13.

8. Signs – See Chapter 15.

9. Landscaping and Screening Requirements – See Chapter 14.

10. Outdoor Storage, Display, or Operations
    a. Outdoor storage, display, and operations (except off-street parking, off-street loading and delivery, and drive-through customer service windows) is permitted, provided that such storage, display, or operations:

    b. Is accessory to the primary use;

    c. Not utilize any required off-street parking or loading space or facility; and

    d. If located within five-hundred (500) feet of a residential district, be enclosed with a permanent screening devise of at least six (6) feet in height, but not more than eight (8) feet in height, made of a material that will obstruct vision into said storage area. At no time shall goods, merchandise, materials, or equipment stored within the permanent screening devise exceed the height of the screening devise.
    The above restrictions on outdoor storage, display, and operations shall be subject to the following exceptions:
        1) Permitted Truck Terminals shall not be subject to the provisions of Chapter 6.4.3.10.A, above;
        2) Permitted Automobile Storage; Truck or Bus dealers, Leasing, Rentals Repair or Service; Contractors Shop and Storage Yards; Equipment Rental or Leasing; and Storage of Heavy Equipment shall not be subject to the provisions of Chapter 6.4.3.10.A, above; and

3) Permitted retail type uses, including Lumber and Other Building Materials and Swimming Pool Installation shall not be subject to the provisions of Chapter 6.4.3.10., above.

11. Architectural Review – if any portion of a lot proposed for development is located in the HM District and within six-hundred (600) feet of a residential district or gateway corridor, the entire proposed development located on that lot shall be subject to the requirements for the filing of a Development Plan for Architectural Review as set forth in Chapter 24.

12. Development Incentives – Any proposed development located in the HM District shall be eligible to utilize the Development Incentives set for in Chapter 24 of this Ordinance.

6.5 Waste Management – General Waste Management District (WM-G)

6.5.1 Statement of Purpose

The WM-G District (General Waste Management District) provides for those uses which conduct solid waste management operations (except disposal). This district requires the excellent access to major thoroughfares, railroads, or other means of transportation, as well as substantial setbacks, screening, and buffering to minimize detrimental aspects. This district should be located as far from residential areas as practical and be separated by lighter industrial districts, should not be located in any floodway, floodplain, or floodway fringe areas, and should not be located within the drawdown area for any public or semi-public potable water supply wells.

6.5.2 Permitted WM-G Uses

1. Uses permitted in the WM-G District shall be those specified below:
   Recycling facilities for:
   - Appliances (white goods)
   - Scavenger Service
   - Salvage / Storage
   - Solid Waste
   - Solid Waste Transfer Station

2. Temporary Uses (subject to the provisions of Chapter 11)

3. Accessory Uses

6.5.3 WM-G Development Standards – All uses permitted in the WM-G District shall conform to the following development standards.

1. Minimum Public Street Frontage – each lot or industrial park shall have at least 300 feet of frontage on a public street and shall gain access from said street.

2. Required Front Setback line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Required Front Yard – 50 feet from the right-of-way line of all public streets.
   b. Required Front Transitional Yard – 100 feet from the right-of-way line of all public streets.

3. Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot lines as follows:
   a. Required Side and Rear Yards – 50 feet in depth measured from and paralleling the lot line.
   b. Required Side and Rear Transitional Yards – 100 feet in depth measured from and paralleling the lot line.

4. Use of Required Yards – all required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials subject to the requirements of Chapter 14, "Landscaping and Screening Requirements", and shall remain as open space free from structures except where expressly permitted below:
    a. Required Front Yards and Front Transitional Yards – (i) May include driveways, pedestrian walks, flag poles, fences, screening devices, and similar appurtenant structures; and (ii) Shall not include any parking areas, outdoor display, or outdoor storage.
    b. Required Side and Rear Transitional Yards – (i) May include pedestrian walks, fences, and screening devices; and (ii) Shall not include any parking areas, interior access driveways, outdoor display, or outdoor storage.
    c. Required Side and Rear Yards – (i) May include pedestrian walks, interior access driveways, fences and screening devices; and (ii) Shall not include any parking areas, outdoor display, or outdoor storage.

5. Maximum Building Height – 150 feet, provided that the minimum required setbacks shall be increased by one (1) foot for each additional foot, or part thereof, of building or structural height above thirty-five (35) feet.

6. Parking Requirements – See Chapter 12.

7. Loading Requirements – See Chapter 13.

8. Signs – See Chapter 15.

9. Landscaping and Screening Requirements – See Chapter 14.

10. Outdoor Storage, Display, or Operations –
    a. Outdoor storage, display, and operations (except off-street parking, and off-street loading and delivery) is permitted, provided that such storage, display, or operations:
    b. Is accessory to the primary use;
    c. Does not utilize any required off-street parking or loading spaces or facility; and,
    d. If located within five-hundred (500) feet of a residential district, be enclosed with a permanent screening devise of at least six (6) feet in height, but not more than eight (8) feet in height, made of a material that will obstruct vision into said storage area. At no time shall materials or equipment stored within the permanent screening devise exceed the height of the screening devise.

6.6 Waste Management – Heavy Waste Management District (WM-H)

6.6.1 Statement of Purpose

The WM-H District (Heavy Waste Management District) provides for those uses which conduct treatment, processing, or disposal of non-toxic special or solid waste. This district requires the excellent access to major thoroughfares, railroads, or other means of transportation, as well as substantial setbacks, screening, and buffering to minimize detrimental aspects. This district should be located as far from residential areas as practical and be separated by lighter industrial districts, should not be located in any floodway, floodplain, or floodway fringe areas, and should not be located within the drawdown area for any public or semi-public potable water supply wells.

6.6.2 Permitted WM-H Uses

1. Uses permitted in the WM-H District shall be those specified below:
   Composting Facilities
   Junk/Salvage Yards
   Tire Recycling
   Wastewater Treatment Plant

2. Temporary Uses (subject to the provisions of Chapter 11).

3. Accessory Uses

4. Special Exception Uses (subject to the provisions of Chapter 10 and Chapter 6.6.4)
   Any use which conducts hazardous waste management operations as defined by Federal and State Regulations, including USEPA and IDEM.
   - Disposal Facilities
   - Incinerator
   - Resource Recovery (waste to energy)
   - Sanitary Landfill
   - Special Waste Recycling, including but not limited to:
     - Batteries
     - Solvents
     - Petroleum Products or other toxic, caustic, or combustible wastes
   - Treatment Facilities
   - Waste Storage Facilities

6.6.3 WM-H Development Standards – all uses permitted in the WM-H District shall conform to the following development standards:

1. Minimum Public Street Frontage – each lot or industrial park shall have at least 300 feet of frontage on a public street and shall gain access from said street.

2. Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows:
   a. Required Front Yard – 100 feet from the right-of-way line of all public streets.

b. Required Front Transitional Yard – 150 feet from the right-of-way line of all public streets.

3. Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot lines as follows:
   a. Required Side and Rear Yards – 100 feet in depth measured from and paralleling the lot line.
   b. Required Side and Rear Transitional Yards – 150 feet in depth measured from and paralleling the lot line.

4. Use of Required Yards – all required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials subject to the requirements of Chapter 14, "Landscaping and Screening Requirements", and shall remain as open space free from structures except where expressly permitted below:
   a. Required Front Yards and Front Transitional Yards – (i) May include driveways, pedestrian walks, flag poles, fences, screening devices, and similar appurtenant structures; and (ii) Shall not include any parking areas, outdoor display, or outdoor storage.
   b. Required Side and Rear Transitional Yards – (i) May include pedestrian walks, fences, and screening devices; and (ii) Shall not include any parking areas, interior access driveways, outdoor display, or outdoor storage.
   c. Required Side and Rear Yards – (i) May include pedestrian walks, interior access driveways, fences, and screening devices; and (ii) Shall not include any parking areas, outdoor display, or outdoor storage.

5. Maximum Building Height – 150 feet, provided that the minimum required setbacks shall be increased by one (1) foot for each additional foot, or part thereof, of building or structural height above thirty-five (35) feet.

6. Parking Requirements – See Chapter 12.

7. Loading Requirements – See Chapter 13.

8. Signs – See Chapter 15.

9. Landscaping and Screening Requirements – See Chapter 14.

10. Outdoor Storage, Display, or Operations –
    A. Outdoor storage, display, and operations (except off-street parking, and off-street loading and delivery)
       1. is accessory to the primary use;
       2. Does not utilize any required off-street parking or loading space or facility; and
       3. If located within five-hundred (500) feet of a residential district, be enclosed with a permanent screening devise of at least six (6) feet in height, but not more than eight (8) feet in height, made of a material that will obstruct vision into said storage area. At no time shall materials or equipment stored within the permanent screening devise exceed the height of the screening devise.

6.6.4 Provisions for Public Opinion Survey for Certain Special Exception Uses

In additional to complying with the requirements of this Ordinance that are applicable to Special Exception Uses in the Heavy Waste Management District and notwithstanding the provisions of Chapter 18.11.1 of this Ordinance to the contrary, any petition for a Special Exception Use identified in Chapter 6.6.2.4 with an asterisk (*) shall not be docketed for hearing before the Board of Zoning Appeals until the petitioner has complied with the following.

1. The petitioner shall cause a Notice and Public Opinion Survey to be placed in the Martinsville Daily Reporter, the Mooresville Times, and the Indianapolis Star-Metro South Section. The Notice and Public Opinion Survey shall be published not less than two (2) times in each newspaper, with each publication being at least one (1) week apart.

2. Said Notice and Public Opinion Survey shall include:
   a. The geographic area (by address or other identifiable location of geographic characteristic) and an easily understandable location map of the real estate that is the subject of the Notice and Public Opinion Survey (this does not require the identification of any real property by metes and bounds);
   b. The name of the owner of the subject real estate and the name and address of the petitioner;
   c. The docket number and a description of the proposal requested in the petition;
   d. A statement that the petition and file, including the legal description of the subject property, may be examined in the offices of the Plan Commission;
   e. A statement that legal notice of the date, time, and place of a public hearing on the petition shall be published at least ten (10) days prior to a public hearing before the Board of Zoning Appeals;
   f. A statement that anyone wishing to respond to the Notice and Public Opinion Survey may do so within ten (10) business days of publication of the Notice and Public Opinion Survey; and,
   g. A statement that the results of the Notice and Public Opinion Survey shall be made available to the Board of Zoning Appeals by Staff during the public hearing.

3. The Notice and Public Opinion Survey shall also contain the public question:
   "Shall (the Special Exception Use in question) be permitted in Morgan County, Indiana, on the following described real estate: [common address and legal description of real estate in question]?"

4. The Notice and Public Opinion Survey shall be in substantially the form set forth in Exhibit "E" of this Ordinance and shall be approved by Staff prior to publication. Staff shall either approve the proposed Notice and Public Opinion Survey or provide the petitioner with a written statement of changes required for publication with five (5) business days of receipt of the proposed Notice and Public Opinion Survey.

5. The Notice and Public Opinion Survey shall not be in the part of the paper in which legal notices and classified ads appear. The Notice and Public Opinion Survey shall not be smaller than one-quarter (1/4) page of a standard-size or tabloid-size newspaper, and the heading on the Notice and Public Opinion Survey shall be in 18-point or larger type with the remainder of the text being in a minimum 10-point type.

6. Petitioner shall be responsible for all costs associated with the Notice and Public Opinion Survey.

7. After publication, petitioner shall file with Staff either: (i) a Proof of Publication of each printing provided by the applicable newspapers; or (ii) copy of each printing taken from the newspaper indicating the date of publication. Said Proof of Publication or copy of newspaper shall be filed with the Staff within ten (10) days of publication of the second Notice and Public Opinion Survey.

6.7 Performance Standards for All Waste Management Districts

6.7.1 Statement of Purpose

The purpose of the performance standards set forth below, is to ensure that all waste management operations will provide methods to protect the community from hazards and nuisances which can be prevented by processes of control and nuisance elimination.

6.7.2 Performance Standards

The performance standards set forth below shall be applicable to any new, enlarged, extended, relocated, reconstructed or structurally altered use in any Waste Management District. Any prior existing Waste Management Use shall comply with the performance standards applicable at the time of commencement of said prior existing Waste Management Use.

1. Glare and Heat

   In no case shall glare (either from a direct or indirect source) or intense heat be permitted to escape beyond lot lines. For the purposes of this Chapter, glare is illumination caused by incandescent, fluorescent or arc lighting, or from high temperature processes.

2. Vibration

   In no case shall vibration be permitted to escape beyond the lot lines which is discernable to a person of normal sensitivities located beyond the lot lines. Vibrations from temporary construction activities or from vehicles entering or leaving the site are excluded. Vibrations from primarily onsite-vehicles and equipment are included.

3. Noise

   No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety or welfare, or cause injury to property. Noises not under the direct control of a waste management operation (i.e. vehicles entering or leaving the site) are excluded.

4. Fire and Explosive Hazards

   The storage or utilization of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association are hereby incorporated by reference and made a part hereof. Such storage or utilization shall not produce a hazard or endanger the public health, safety or welfare.

5. Air Quality

   The State of Indiana laws, rules and regulations pertaining to air pollution control are hereby incorporated by reference and made a part hereof.

6. Odor

   No use shall permit odorous matter to be emitted beyond the lot lines.

7. Water Pollution

   No use shall discharge liquid or solid wastes into public waters except as allowed under federal, state, and/or county regulations. Plans and specifications for proposed sewage and waste treatment must be approved by the appropriate agency.

8. Sewage and Waste

   No use shall accumulate or discharge into any river, stream, lake, creek, ground, or groundwater any waste matter, whether liquid or solid, in violation of the applicable standards of the Indiana State Board of Health, the Stream and Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

6.8 Limitation on Rezoning of Waste Management Zoning Districts

The Plan Commission shall not initiate any amendments to the zone maps concerning real estate involved in any approved Waste Management District zone map change provided that:

1. The Waste Management Land Use is operating in compliance with all federal, state and local regulations; and,
2. An Improvement Location Permit has been applied for and is either under review or has been issued within two (2) years of the effective date of the Waste Management District on the real estate.

CHAPTER 7: PLANNED UNIT DEVELOPMENT DISTRICT

7.1 Planned Unit Development District (PUD)

The purpose of the Planned Unit Development District is to provide a district which: allows for a greater degree of flexibility in the design of developments; encourages innovative environments; provides for more efficient use of land including the reduction of land area disturbed for utility lines and motor vehicle access; permits special consideration of property with outstanding natural or topographical features; encourages imaginative uses of common area and open space; and provides for a comprehensive review and processing by the Plan Commission by providing for concurrent review of land use and subdivision.

7.2 Permitted Uses

Uses permitted in a Planned Unit Development District shall be any use or range of uses specified in the petitioner's PUD District Ordinance establishing such District and shall be the same as those specified in the petition for Zone Map Change, either in text form or as noted in the Preliminary Plan filed with the petition for Zone Map Change. Permitted uses, by way of example, may include any residential, commercial or industrial land use, or any individual land use or combination of land uses deemed appropriate for the real estate.

7.3 Minimum Project Area.

The minimum acreage for any Planned Unit Development shall be five (5) acres.

7.4 Project Density

The overall density of development in a Planned Unit Development, either in terms of residential units per acre, gross floor area for business, industrial or manufacturing uses, or other units of measure contained elsewhere in this Ordinance, shall be those specified in the petitioner's PUD District Ordinance establishing such District and shall be the same as those specified in the petition for Zone Map Change.

7.5 Water and Sewer Availability

Attachment to public or semi-public water and sanitary sewer facilities shall be mandatory for any Planned Unit Development developed pursuant to this Chapter 7 with a proposed density in excess of two (2) residential units per acre or for any business, industrial or manufacturing development, unless an alternative water or sanitary system is approved by the State Department of Health or the Indiana Department of Environmental Management.

7.6 Public Streets

Each Planned Unit Development developed pursuant to this Chapter 7 shall have frontage on a public street and gain access from said street.

7.7 Development Standards

Development standards applicable to a Planned Unit Development District shall be those standards specified in the petitioner's PUD District Ordinance establishing such District and shall be the same as those specified in the petition for Zone Map Change, either in text form or as noted on the Preliminary Plan filed with the petition for Zone Map Change. Every petition for Zone Map Change to the Planned Unit Development District shall specify development standards applicable to each use permitted in the Planned Unit Development to be developed in a Planned Unit Development District and, at a minimum, shall adopt or include a variation of each – development standard that is applicable to each such use in the District in which each such use is first permitted. In any case in which applicable development standard for any permitted use has not been specified in the petition for Zone Map Change, the development standard shall be that which is specified in the District in which such use is first permitted. If the petitioner does not want an otherwise applicable development standard for any use permitted in the Planned Unit Development to be developed in a Planned Unit Development District to be applicable, then the petition for Zone Map Change shall contain a statement to such effect.

All standards of the Subdivision Regulations of Monrovia, Indiana applicable to a subdivision shall be applicable to a Planned Unit Development developed pursuant to this Chapter 7 and shall be complied with unless:

a. A waiver thereof is requested in the Preliminary Plan;
b. A waiver thereof is requested in the primary plat application; and,
c. Each request is granted by the Plan Commission.

7.8 Procedure for Planned Unit Development Approval.

The complete review and approval process for a Planned Unit Development consists of three (3) elements:

1. Preliminary Plan Conceptual Design Review;

2. Zone Map change; and

3. Detailed Final Plan Secondary Review

Secondary Review and approval of a Detailed Final Plan by the Plan Commission is required in the Planned Unit Development District as a prerequisite to the development of any real property in such District. The Plan Commission shall approve or disapprove each Detailed Final Plan submitted to it for secondary review pursuant to this Chapter 7.

7.8.1 Planned United Development Phases.

To facilitate the use of this Planned Unit Development District, a petitioner may elect to proceed with each element listed above separately or may elect to combine certain elements for joint approval as set forth in Chapter 7.8.4.3, below. If a petitioner elects to combine certain elements, all elements elected to be combined shall be docketed before the Plan Commission for a joint hearing.

If filed separately, the procedure for filing for approval of a Zone Map Change shall be the same as that required for any other petition for Zone Map Change before the Plan Commission, except as otherwise provided for in this Chapter. The procedure for filing for Detailed Final Plan Secondary Approval is set forth in this Chapter 7.

7.8.2 Filing of a Preliminary Plan for Conceptual Design Review by the Staff.

The petitioner shall submit a proposed Preliminary Plan consisting of a written description of the proposed preliminary Planned Unit Development and sketch plan for the property proposed for development for conceptual design review by the Staff prior to filing a petition for Zone Map Change to the Planned Unit Development District (that includes a Preliminary Plan) with the Plan Commission. Said proposed Preliminary Plan shall also satisfy the requirements of Chapter 7.8.3, below.

7.8.3 Preliminary Plan.

1. Preliminary Plan

   The Preliminary Plan shall include:
   a. A sketch plan which depicts the location of proposed land uses and maximum land use densities;
   b. Proposed layout of streets, open space and other basic elements of the development;
   c. Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal, and other pertinent development features;
   d. The current zoning of the area proposed to be developed as well as the current zoning of the adjacent land;
   e. A proposed breakdown of sections to be contained in the overall development along with a statement as to the order and timing of development;
   f. All public and private ways within two-hundred (200) feet of the site;
   g. North arrow, written and graphic scale, general location map; and
   h. Percentage of site devoted to open space.

2. The Preliminary Plan, which may be a sketch plan, shall be drawn to a scale of not more than 1" = 100'.

7.8.4 Conceptual Design Review of Preliminary Plan by Staff.

1. Staff shall review the proposed Preliminary Plan taking into consideration information regarding the terrain of the site and any unique natural features of the site. In doing so, Staff's review may include, but not be limited to, the following:
   a. Protection of unique topographical features on the site, including, but not limited to, slopes, streams and natural water features;
   b. Protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features;
   c. Development of common open space and recreational areas (passive or active) accessible to the residents or user of the Planned Unit Development by way of sidewalks, footpaths or combined walkways/bikeways;

d. A more efficient use of the land including the reduction of land area disturbed for utility lines and motor vehicle access;
e. Creation of innovative residential and business environments;
f. Minimize the alteration of the natural site features through the design and situation of individual lots, streets and buildings;
g. Diversity and originality in lot layout;
h. Utilization of individual building designs which achieve an enhanced relationship between the development and the land; and,
i. Relationship to surrounding properties.

2. Review by the Staff.

   Staff shall notify the petitioner of any comments related to the conceptual design of the proposed Preliminary Plan submitted for conceptual design review pursuant to chapter 7.8.2, above, within ten (10) business days of the submittal for conceptual design review. Staff, at its discretion, may schedule the proposed Preliminary Plan for review by the Technical Advisory Committee at its next available meeting.

   Notwithstanding anything contained in this Ordinance to the contrary, neither the Staff's review of the proposed Preliminary Plan submitted for conceptual design review nor its comments to the petitioner relating thereto shall be considered denial, approval or decision concerning the proposed Preliminary Plan.

3. Filing petition for zone Map Change, Detailed Final Plan Secondary Approval and Primary Plat Approval.

   Petitioner may modify the proposed Preliminary Plan and file a petition for Zone Map Change after the expiration of the ten (10) day period referred to in Chapter 7.8.4.2, above. All petitions for Zone Map Change to the Planned Unit Development District shall contain a Preliminary Plan that satisfies the requirements of Chapter 7.8.3, above, and specify the development standards, expressed in detailed terms, that will apply to the real property that is included in the petition.

   Petitioner may also request Detailed Final Plan Secondary Approval by the Plan Commission in connection with the approval of the Zone Map Change / provided that any such approval shall be conditioned upon the legislative body adopting the Zone Map Change to the Planned Unit Development District. The requirements for a Detailed Final Plan Secondary Approval are set forth in Chapter 7.10, below.

   If desired, petitioner may also file for primary plat approval before the Plan Commission in the manner set forth in the Monrovia Subdivision Regulations, provided that any such approval shall be conditioned upon the legislative body adopting the Zone Map Change to the Planned Unit Development District and the Plan Commission granting Detailed Final Plan Secondary Approval. Said primary plat approval shall be set for a joint hearing before the Plan Commission with the petition for Zone Map Change.

7.8.5 Determination by the Plan Commission.

In its determination of the appropriateness of the proposed Planned Unit Development and whether to make no recommendation, recommend disapproval or recommend approval of the Zone Map Change to the legislative body, the Plan Commission shall be guided by the extent to which the proposal:

a. Accomplishes the purpose set forth in Chapter 7.1, above; and,
b. Provides for the protection or provision of the site features and amenities outlined in Chapter 7.8.4.1, above.

7.8.6 Commitments Required by the Plan Commission.

The Plan Commission may allow or require the owner of a parcel of property to make written commitments concerning the use or development of the subject property in connection with the recommendation of approval of a Planned Unit Development or the granting of a Detailed Final Plan Secondary Approval. Such written commitments shall comply with the provisions of Chapter 1.18, of this Ordinance.

7.9 Maintenance of Common Open Space.

In those Planned Unit Developments in which common areas or recreation areas are provided for the use and enjoyment of residents or users of the Planned Unit Development, the petitioner shall file documentary assurances with the Plan Commission that the permanent dedication and continuous maintenance of open space shall be made in accordance with the Preliminary Plan submitted as a part of the petition for Zone Map change and Detailed Final Plan approved by the Plan Commission, and that the common areas and recreation areas shall be made available to the residents and users of the overall Planned Unit Development at a reasonable and non-discriminatory rate of charge, prior to obtaining secondary plat approval. Such documentary assurances shall be incorporated into the plat that is recorded in the Office of the Morgan County Recorder or otherwise provided for through legally binding perpetual agreements as approved by the Plan Commission. Such open space shall perpetually run with the Planned Unit Development at a later date (unless no development of any portion of the Planned Unit Development which is benefited by the common areas or recreation areas contained within that Planned Unit Development has occurred and the entire area subject to the Planned Unit Development is presented for zone map change as set forth in this Chapter.

7.10 Detailed Final Plan Secondary Approval.

If Detailed Final Plan Secondary Approval is not obtained from the Plan Commission in a joint hearing with the petition for Zone Map Change, petitioner shall have a period of up to five (5) years from the date of the approval of the petition for Zone Map Change in which to file a Detailed Final Plan Secondary Approval for the entire property included in the Planned Unit Development District, or for a phase or phases thereof, for approval by the Plan Commission. The Plan Commission shall review the Detailed Final Plan for consistency with the Preliminary Plan that was approved by the legislative body in connection with the petition for Zone Map Change. If a Detailed Final Plan Secondary Approval is filed for in phases, each subsequent phase shall be filed for within five (5) years of the prior approval.

A determination by the Plan Commission on whether or not to grant Detailed Final Plan Secondary Approval shall be made at a public hearing of the Plan Commission, notice of which shall be given in the same manner as for a petition for Zone Map Change. The Plan Commission is delegated the authority to establish rules governing the nature and type of application, fees, and proceedings for the review and approval of a Detailed Final Plan that are not specified elsewhere in this Ordinance.

A Detailed Final Plan shall expire five (5) years after the date of approval by the Plan Commission unless an Improvement Location Permit has been issued for the use or development of the property. Once a Detailed Final Plan has expired for any portion of the Planned Unit Development, no development shall occur within the expired portions of the Planned Unit Development until a new Detailed Final Plan as required by this Chapter 7 has been approved by the Plan Commission.

Before the Plan Commission approves a Detailed Final Plan, the petitioner must submit a Detailed Final Plan consisting of the following:

1. Area map insert showing the general location of the proposed subdivision in Monrovia referenced to major streets and section lines.

2. Location map showing the names of all metes and bounds property owners, boundary lines of recorded subdivisions, zoning and land uses of adjacent properties.

3. Proposed name of the planned unit development.

4. Legal description of the real estate.

5. Boundary lines of the proposed planned unit development.

6. Location and name of all existing and proposed public or private roads, access easements and rights-of-way within two-hundred (200) feet of the real estate.

7. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water managements, electric, gas, telephone and cable.

8. Layout, number and dimension of all lots and outparcels with zoning setback lines and/or building setback lines.

9. Location, delineation and elevation of all floodway and floodway fringe areas within the boundaries of the subdivision.

10. Drainage Plan for all watersheds in and around the proposed planned unit development, indicating the general drainage pattern of lots, the location of all drainage channels and sub-surface drainage structures, the proposed method of disposing of all storm water runoff including data to show that the proposed outlet(s) are adequate to accommodate the drainage requirements of the planned unit development, and all existing and proposed detention facilities.

11. An erosion control plan for all areas of site disturbance.

12. Topographic contour every five (5) feet superimposed upon the proposed Detailed Final Plan.

13. Proposed elevation of all building pads within the proposed development.

14. All improvements to access road system.

15. Sidewalk plan or alternate plan for pedestrian ways.

16. Plans and specifications for all infrastructure improvements required or proposed in the planned unit development.

17. Areas reserved for park, conservation, wetland, common area, lake or other similar uses.

18. Proposed covenants, conditions and restrictions.

19. The character and approximate density of all proposed uses and structures in the plan area.

20. Any other information requested in writing by the Plan Commission, Staff or other members of the Technical Review Committee.

The Plan Commission may approve a Detailed Final Plan only upon a finding that:

A. The Detailed Final Plan satisfies the development requirements and development standards specified in the Planned Unit Development District Ordinance establishing such District;
B. The Detailed Final Plan accomplishes the purposes set forth in this Chapter 7; and
C. The Detailed Final Plan provides for the protection or provision of the site features and amenities outlined in Chapter 7.8.4.1, above.

The Plan Commission shall make written findings concerning each decision to approve or disapprove a Detailed Final Plan, and each such written finding shall be signed by the President or Secretary of the Plan Commission.

Said Detailed Final Plan, upon approval, shall be sealed with the Plan Commission Seal and retained in the office of the Plan Commission to be used in its continuing administration of the Planned Unit Development.

7.11 Modification of Preliminary Plan

Minor modifications to development requirements or development standards specified in an approved Planned Unit Development District Ordinance which do not involve:

a. An increase in height, area, bulk or intensity of land uses;
b. The designation of additional land uses;
c. The reduction in perimeter yards for the Planned Unit Development;

d. The addition of driveways or access points to the Planned Unit Development; or,
e. Reduction in the amount of parking for any use located within the Planned Unit Development may be authorized by Staff without a public hearing in its continuing administration of the Planned Unit Development, if in the determination of the Staff, the requested minor modifications do not adversely impact the purpose or intent of the overall development.

Such minor modifications authorized by Staff shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.

If the Staff determines that the proposed minor modification is of such a nature as to adversely impact the purpose or intent of the overall development, or if the proposed modification includes an increase in intensity of any land use or if the proposed modification includes the designation of an additional land use(s), petitioner shall be required to file a new petition for Zone Map Change.

Any decision of the Staff under this Chapter 7.11, may be appealed by the petitioner to the Plan Commission within thirty (30) days of being notified of such determination.

The Plan Commission is delegated the authority to establish rules governing the nature and type of applications, fees, proceedings and any notice that is required to make a modification under this Chapter 7 that are not specified elsewhere in this Ordinance.

7.12 Secondary Plat Approval

Secondary Plat Approval for any development pursuant to this Chapter 7 shall be issued in a manner consistent with that for any other plat under the jurisdiction of the Plan Commission in compliance with the procedures set forth in the Subdivision Regulations of Monrovia, Indiana and with any additional requirements or commitments entered into in connection with the approval of a Detailed Final Plan pursuant to this Chapter 7.

7.13 Extensions

Extensions of time, in six (6) month increments not to exceed a total of two (2) years, for obtaining Final Development Plan Approval may be granted by Staff for good cause shown. In the event that Staff disallows a requested extension, the petitioner may appeal said determination to the Plan Commission within thirty (30) days of being notified of such determination.

1. Architectural Review:
   All projects located in the PUD District shall be subject to the requirements for the filing of a Development Plan for Architectural and Site Design Review as set forth in this Ordinance.

2. Development Incentives:
   Any proposed development located in the PUD District shall be eligible to utilize the Development Incentives set forth in this Ordinance.

CHAPTER 8: FLOOD HAZARD AREAS

8.1 Statement of Purpose.

The purpose of this Ordinance is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Morgan County Commissioners hereby adopts the following floodplain management regulations in order to accomplish the following:

1. To prevent unwise developments from increasing flood or drainage hazards to others;

2. To protect new buildings and major improvements to buildings from flood damage;

3. To protect animals and human life and health from the hazards of flooding;

4. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;

5. To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and

6. To make federally subsidized flood insurance available for property in Morgan County by fulfilling the requirements of the National Flood Insurance Program.

7. To make federally subsidized flood insurance available for property in the towns of Brooklyn, Lake Hart, Bethany and all other communities within the jurisdiction of the Plan Commission by fulfilling the requirements of the National Flood Insurance Program.

8.2 Definitions.

For the purpose of this Chapter 8 only, the following terms shall have the meaning set forth below. All other terms used in this Chapter 8 shall have the meaning set forth in Chapter 2 of this Ordinance.

1. Building – see “Structure”.

2. Development – any man-made change to improved or unimproved real estate including but not limited to:
    1. Construction, reconstruction, or placement of a building or any addition to a building valued at more than $1,000;
    2. Installing a manufactured home or installing a 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, 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 buildings 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 buildings.

3. Existing manufactured home park or subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Ordinance.

4. Expansion to an existing manufactured home park or subdivision – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

5. FBFM – means Flood Boundary and Floodway Map.

6. FEMA – means Federal Emergency Management Agency.

7. FHBM – means Flood Hazard Boundary Map.

8. FIRM – means Floor Insurance Rate Map.

9. 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.

10. Floodplain – 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 floodway fringe districts.

11. Flood Protection Grade or the "FPG" – means the elevation of the regulatory flood plus two feet at any given location in the SFHA.

12. Floodway – means the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonable required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

13. Floodway fringe – means those portions of the flood hazard areas lying outside the floodway.

14. Letter of Map Amendment (LOMA) – An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

15. Letter of Map Revision (LOMR) – An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

16. Lowest Floor – means the lowest of the following:
    1. The top of the basement floor;
    2. The top of the garage floor, if the garage is the lowest level of the building;
    3. The top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
    4. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
        a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
        b) Such enclosed space shall be usable for the parking of vehicles and building access.

17. Manufactured Home – means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

18. New Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

19. Recreation Vehicle – means a vehicle which is:
    1. Built on a single chassis;
    2. A maximum of 40 feet long and 8 feet wide excluding tip outs, etc. and 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 temporary living quarters for recreational camping, travel, or seasonal use.

20. Regulatory Flood – means the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. The regulatory flood elevation at any location is as set forth pursuant to Chapter 8.4 of this Ordinance. The “Regulatory Flood” is also known by the term “Base Flood”.

21. SFHA or Special Flood Hazard Area – means those lands within the jurisdiction of the County that are subject to inundation by the regulatory flood. The SFHAs of the County are generally identified as such on the Flood Insurance Rate Map of the County prepared by the Federal Emergency Management Agency dated June 1, 1981.

22. Structure – means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

23. Substantial Improvement – means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceed 50 percent of the market value of the structure before the "Start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The terms 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 alternation will not preclude the structures continued designation as a "historic structure".

8.3 Duties of the Monrovia Planning Commission

Staff of the Monrovia Planning Commission is appointed to review all development and subdivision proposals to insure compliance with this Ordinance, including but not limited to the following duties:

1. Ensure that all development activities within the SFHAs of the jurisdiction of the County meet the requirements of this Ordinance.

2. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.

3. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Chapter 8.6 of this Ordinance, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).

4. Maintain a record of the "as-built" elevation of the top of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA.

5. Maintain a record of the engineer's certificate and the "as-built" flood proofed elevation of all buildings subject to Chapter 8.7 of this Ordinance.

6. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this Ordinance. Submit reports as required for the National Flood Insurance Program.

7. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and flood proofing data for all buildings constructed subject to this ordinance.

8.4 Regulatory Flood Elevation

This Ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

1. The regulatory flood elevation and floodway limits for the SFHAs of Monrovia shall be as delineated on the 100 regulatory year flood profiles in the Flood Insurance Study of the County prepared by the Federal Emergency Management Agency dated December 1, 1980 and the corresponding FBFM dated June 7, 1981 prepared by the Federal Emergency Management Agency.

2. The regulatory flood elevation of each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the County.

3. The regulatory flood elevation and floodway limits for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of the County shall be according to the best data available as provided by the Department of Natural Resources.

8.5 Improvement Location Permit

No person, firm, corporation or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit from the Monrovia Planning Commission. Staff of the Monrovia Planning Commission shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this Ordinance.

1. The application for an Improvement Location Permit shall be accompanied by the following:
    1. A description of the proposed development.
    2. Location of the proposed development – sufficient to accurately locate property and structure in relation to existing roads and streams.
    3. A legal description of the property site.
    4. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
    5. Elevation of the top of the lowest floor (including basement) of all proposed structures. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.

2. Upon receipt of an application for an Improvement Location Permit, Staff shall determine if the site should be inspected by the Monrovia Engineer and confirm if located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.
    1. If the site is in an identified floodway the Building official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

       Under the provisions of I.C. 13-2-22 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in a floodway. This includes land preparation activities such as filling, grading, clearing and paving, etc. undertaken before the actual start of construction of the building.

       No action shall be taken by the Building Official until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Building Official may issue the local Improvement Location Permit, provided the provisions contained in Chapter 8.6 and 8.7 of this Ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

    2. If the site is located in an identified floodway fringe, then the Building Official may issue the local Improvement Location Permit provided the provisions contained in Chapter 8.6 and 8.7 of this Ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade.

    3. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile as determined by the Monrovia Engineer, the Building Official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

       No action shall be taken by the Building Official for construction in the floodplain until either a permit or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

       Once the Building Official has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the ILP are not less restrictive than the conditions received from Natural Resources and the provisions contained in Chapter 8.6 and 8.7 of this Ordinance have been met.

8.6 Preventing Increased Damages.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

1. Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:
    1. No development shall be allowed which acting alone or in combination with existing or future similar works, will cause any increase in the elevation of the regulatory flood; and
    2. For all projects involving channel modifications or fill (including levees) the County shall submit a request to the Federal Emergency Management Agency to revise the regulatory flood data.

2. Within all SFHAs identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standards shall apply:
    1. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.

3. Public Health standards in all SFHAs
    1. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a storage tank or flood proofed building constructed according to the requirements of Chapter 8.7 of this Ordinance.
    2. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPG are watertight.

8.7 Protecting Buildings

In addition to the damage prevention requirements of Chapter 8.6, all buildings to be located in the SFRA shall be protected from flood damage below the FPG.

1. This building protection requirement applies to the following situations:
    1. Construction or placement of any new building valued at more than $1,000, or greater than 400 square feet, whichever is less.
    2. Structural alterations made to an existing building that increase the market value of the building by more than 50% (excluding the value of the land) or any structural alteration made previously (one time only alternation) (Professional appraisal to be responsibility of applicant if in conflict with Staff) or any subsequent alterations;
    3. Re-construction or repairs made to a damaged building that are valued at or more than sot of the market value of the building (excluding the value of the land) before damage occurred;
    4. Installing a manufactured home on a new site or a new manufactured home on an existing site. This Ordinance does not apply to returning the existing manufactured

home to the same site it lawfully occupied before it was removed to avoid flood damage; and

5. Installing a recreational vehicle on a site for more than 180 days.

2. This building protection requirement may be met by one of the following methods. The Building Official shall maintain a record of compliance with these building protection standards as required in Chapter 8.3 of this Ordinance.
    1. A residential or nonresidential building may be constructed on a permanent landfill in accordance with the following:
        a) The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
        b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.
        c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slop shall be no steeper than three horizontal to one vertical.
        d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
        e) The top of the lowest floor including basements (see definition of lowest floor in chapter 8.2) shall be at or above the FPG.

    2. A residential or nonresidential building may be elevated in accordance with the following:
        a) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:
            1) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above grade.
            2) Any enclosure below the elevated floor is used for storage of vehicles and building access.
        b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.
        c) All areas below the FPG shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

    3. Mobile and Manufactured Homes and Recreational Vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
   1) Outside a manufactured home park or subdivision;
   2) In a new manufactured home park or subdivision;
   3) In an expansion to an existing manufactured home park or subdivision; or
   4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

b) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

   The requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

4. Recreation vehicles placed on a site shall either:
   a) Be on the site for less than 180 consecutive days;
   b) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devises, and has no permanently attached additions); or
   c) Meet the requirements for "manufactured homes" in paragraph (3) of this Chapter 8.7.

5. A non-residential building may be flood proofed to the FPG (in lieu of elevating) if done in accordance with the following:
   a) A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
   b) Flood proofing measures shall be operable without human intervention and without an outside source of electricity.

8.8 Other Development Requirements

1. Staff, in cooperation with the Monrovia Engineer, shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If Staff finds the subdivision to be so located, Staff shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. Staff shall require appropriate changes and modifications in order to assure that:
   1. It is consistent with the need to minimize flood damages;
   2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located

and constructed to minimize or eliminate flood damages.
3. Adequate drainage is provided so as to reduce exposure to flood hazards;
4. On-site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory
flood.

2. The Board may issue a variance to the terms and provisions of this Ordinance subject to the following standards and conditions:
    1. No variance or exception for a residential use within a floodway subject to Chapter 8.6.1 or 8.6.2 may be granted;
    2. Any variance or exception granted in a floodway subject to Chapter 8.6.1 or 8.6.2 will require a permit from Natural Resources;
    3. Variances or exceptions to the Building Protection Standards of chapter 8.7 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade;
    4. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;
    5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
    6. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

8.10 Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this Ordinance does not create any liability on the part of the community, Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this Ordinance or any administrative decision made lawfully thereunder.

8.11 Violations.

Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this Ordnance. All violations shall be considered a common nuisance and be treated as such in accordance with the provision of the Zoning Code for the County of Morgan.

1. A separate offense shall be deemed to occur for each day the violation continues to exist.

2. The Monrovia Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

3. Nothing herein shall prevent the Town from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

8.12 Abrogation and Greater Restrictions

This Ordinance repeals and replaces other ordinances adopted by the Town Council to fulfill the requirements of the National Flood Insurance Program.

However, this Ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Ordinance and other ordinance easements, covenants, or deed restriction conflict or overlap, whichever imposes the more restrictive restrictions shall take precedence. In addition, the Town Council shall assure that all National Flood Insurance Regulations (contained in 44 CFR 60.3) and State Floodplain Management Regulations and Laws (310 IAC 6 1-1, IC 13-2.22 and IC 13-2-22.5) are met.

CHAPTER 9: WELLHEAD PROTECTION OVERLAY ZONING DISTRICT.

9.1 Statement of Purpose

Certain land uses are characterized by the storage, utilization or manufacture of certain products which, if discharged into the environment pose a substantial threat to the public health, safety and general welfare of the citizens of Monrovia. Areas located in and around the drawdown area of public or semi-public water supply production wells are especially sensitive to potential contamination. This Wellhead Protection Overlay Zoning District identifies those areas of Monrovia in which special care must be taken in the citing and operation of any land use activities. Additional development standards in these areas are designed to protect the underground aquifer from contamination and to assure the future availability of drinking water supplies.

9.2 General Regulations Applicable to District

The following regulations shall apply to all land within a Wellhead Protection Overlay Zoning District. These regulations shall be in addition to all other primary zoning district regulations applicable to said land, and in case of conflict, the more restrictive regulations shall apply.

9.3 Upgrades to Legally Established Nonconforming Uses.

Legally established nonconforming uses may be:

1. Repaired or upgraded to achieve compliance with applicable federal, state or county regulations; or,

2. Repaired or upgraded to improve or protect the public health, public safety or the environment.

Provided, however, that such repairs or upgrades do not result in an increase in the intensity of any nonconforming land use regulated by Chapter 1.10, or in the increase in the total amount of hazardous materials located or stored at the premises.

9.4 Additional Development Standards in the Wellhead Protection Overlay Zoning District.

The following additional development standards shall apply to all uses within the Wellhead Protection Overlay Zoning District:

1. General Development Standards.
    a. No underground storage of any toxic or hazardous materials in or under a lot shall be permitted, including without limitation, the underground storage of fuels, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, petroleum products or any other potential contaminant to the underground aquifer.
    b. There shall be no storage of any toxic or hazardous materials, including without limitations, fuels, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, petroleum products or any other potential Contaminant to the underground aquifer outside a Containment Area, Containment Vessel or a Fuel Delivery Containment Facility on or over a lot.
    c. Any toxic or hazardous materials, including without limitation, oils, lubricants, anit-freeze, hydraulic fluids, cleaning solvents, petroleum products or any other potential contaminant to the underground aquifer, delivered to a lot shall be placed into an

appropriate Containment Area or Containment Vessel as soon as practical upon receipt of delivery, but in all cases by the end of each business day. Any fuels delivered to a lot shall be placed directly into a fuel storage tank located within a Fuel Delivery Containment Facility.

d. All buildings, or portions thereof, which contain any toxic or hazardous materials, including without limitation, fuels, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, petroleum products or any other potential Contaminant to the underground aquifer, shall be constructed with concrete floors which have been sealed with a concrete sealant and designed to function as a Containment Area to prevent the migration of any fluids or other materials outside such buildings.
e. All Containment Areas, Containment Vessels and Fuel Delivery Containment Facilities which contain any toxic or hazardous materials, including without limitation, fuels, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, petroleum products or any other potential Contaminant to the underground aquifer, shall be capable of containing a spill of one-hundred and twenty-five percent (125%) of the volume of the largest tank, drum or container of materials stored within any such Containment Areas, Containment vessels and Fuel Delivery Containment Facilities.
f. The storage of any toxic or hazardous materials, including without limitation, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, petroleum products or any other potential Containment Area or a Containment Vessel shall not exceed five hundred (500) gallons in the aggregate of all such materials stored at any one time. For limitations on fuels, see Chapter 9.4.4, below.
g. All sanitary, wastewater discharge and floor drains from any building shall be connected to and outlet into:
    1) A public or semi-public sanitary sewer system;
    2) A temporary holding tank which is regularly pumped with the contents being transported to a licensed disposal facility for proper disposition; or
    3) A self-contained recapture and recycling system.
h. Exception – The prohibitions against underground storage contained in this Chapter 9.4.1.a shall not be construed to prohibit the use of an under-floor collection system, sump system and tank as part of a Containment Area or a Fuel Delivery Containment Facility where such under-floor collection system, sump system and tank is:
    1) Designed to temporarily collect any toxic or hazardous materials, including without limitation, fuels, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, petroleum products or any other potential Contaminant to the underground aquifer, which may escape at any time; and,
    2) Approved by the Morgan County Board of Health, provided that such tanks are regularly pumped out, inspected and, maintained so as to assure their ability to contain all Contaminants.

2. Automotive Facilities

   Automotive facilities which utilize any toxic or hazardous materials, including without limitation, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, petroleum products or any other potential Contaminant to the underground aquifer, shall be constructed in compliance with Chapter 9.4.1 – General Development Standards, above, and the following:

   a. Any automotive cleaning facility shall be:
      1) Located within an enclosed building equipped with:
         a) A recapture and recycling system designed to prevent the migration of any Contaminants outside the building or into a sanitary sewer system; or,
         b) A temporary holding tank which is regularly pumped with the contents being transported to a licensed disposal facility for proper disposition.
3. Outdoor Storage.

   a. Outdoor storage on any portion of a lot located within the Wellhead Protection Overlay Zoning District which is not hard surfaced shall be limited to:
      1) Items or materials that do not contain potential Contaminants or do not create a threat of contamination to the underground aquifer; and
      2) Trucks, semi-trailers, semi-tractors, or other heavy vehicles or equipment (to the extent such storage is permitted by other provisions of this Ordinance), provided that:
         a) Such vehicles or equipment are routinely inspected for leakage of any Contaminants;
         b) The storage area is routinely inspected for indications of leakage; and
         c) All leaking vehicles or equipment are promptly removed from the area which is not hard surfaced and any contaminated stone and soil is promptly removed from the site and disposed of in compliance with all application federal, state, and local regulations.

   b. All heavy vehicles or equipment designed for the bulk transportation of any toxic or hazardous materials, including without limitation, fuels, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, petroleum products or any other potential Contaminant to the underground aquifer, shall be parked or stored on hard surfaced areas.

4. Fueling Areas.

   a. Any fueling area and fuel storage tanks shall be located within a Fuel Delivery containment Facility constructed with water tight concrete floors and sidewalls.

   b. Any fuel storage tank shall be limited to a maximum capacity of five-thousand (5,000) gallons and shall be located above-ground.

   c. All fueling areas shall be covered by an awning like structure to minimize exposure of the fueling area to weather conditions which may contribute to the dispersal of Contaminants.

5. Excavation and Site Reclamation

    a. There shall be no de-watering of any excavation site under any circumstances.

    b. No form of solid waste, sludge, or any other form of waste material of any kind, including but not limited to construction/demolition debris, shall be used as fill material in any site reclamation.

6. Remote Fueling Operations

    Any use of real estate which includes the need to fuel or maintain equipment without removing the equipment from the site shall be subject to the following requirements:

    a. Except for fuels or fluids reasonably required to be contained on the equipment, there shall be no storage of any toxic or hazardous materials, including without limitation, fuels, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, petroleum products or any other potential contaminant to the underground aquifer, on the site.
    b. All fueling operations shall utilize dry disconnect couplings on all fuel handling elements including the tanker trucks, the equipment, and the connection point between the tanker truck's hose and the equipment or its hose.
    c. A containment vessel, made of waterproof materials, shall be utilized under the point of connection of the hose from the tank truck with the hose from the equipment. The containment vessel shall be capable of containing a volume of fuel equal to the capacity of either the hose from the tank truck or the hose from the equipment, whichever is the greater.
    d. The equipment shall be fitted with a secondary containment unit made of waterproof materials under any fuel or hydraulic tanks located on the equipment.

9.4 Enforcement

In addition to enforcement rights otherwise provided for at law or in equity, the Plan Commission and the Morgan County Board of Health shall have the following inspection and enforcement rights with respect to any lot located within a Wellhead Protection Overlay Zoning District:

1) Staff of the Plan Commission and staff of the Morgan County Board of Health shall have access to any portion of a lot located within a Wellhead Protection Overlay Zoning District at all reasonable times and upon twenty-four (24) hour notice to the property owner of the land in question for purposes of inspecting Containment Areas, Containment Vessels, Fuel Delivery Containment Facilities and the operations being conducted on the lot.

2) The Plan Commission and the Morgan County Board of Health shall have the right to injunctive relief against any owner or user of land subject to this Wellhead Protection Overlay Zoning District in the event of violation or threatened violation of these regulations or any contamination or threat of contamination of ground water resulting from activities on the lot.

CHAPTER 10 SPECIAL EXCEPTION PROVISIONS

10.1 Statement of Purpose

Certain land uses have characteristics and locational impacts which, if inappropriately located, may have a detrimental effect upon other land uses within Monrovia. It is therefore recognized that such land uses should be regulated in order to preserve property values, as well as promote the public health, safety, comfort, community moral standards, convenience and general welfare of Morgan County.

10.2 Uses Permitted by Special Exception.

Only those uses identified in each individual zoning district shall be permitted by special exception in each zoning district.

10.3 Grant of a Special Exception

The Board of Zoning Appeals is hereby authorized to grant Special Exceptions to permit uses designated in each zoning district subject to the following requirements:

1. A petition for Special Exception shall be filed with the Board of Zoning Appeals in accordance with the requirements for the filing of a variance, except as such requirements may be modified in this Chapter 10. Such petition shall include proposed detailed Findings of Fact in support of the determinations required to be made by the Board pursuant to Chapter 10.3.2., below.

2. The Board may grant a Special Exception only upon a determinations that:
   a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
   b. The proposed use will not injure or adversely affect the adjacent area or property values therein;
   c. The propose use will be consistent with the character of the District, land uses authorized therein and the Monrovia Comprehensive Plan.

10.4 Conditions for the Grant of a Special Exception.

The grant of a Special Exception shall be subject to the following conditions:

1. The proposed use shall conform to all development standards of the applicable zoning district.

2. The proposed use shall conform to all conditions attached to the grant of the Special Exception by the Board. Such conditions may include any reasonable site, development, operational and performance stand roads, requirements and restrictions deemed necessary to ensure compliance with the Findings of Fact determinations. The grant of a Special Exception may be for a limited period of time, as specified by the Board.

10.5 Basis of Board Review

In reviewing a Special Exception petition, the Board shall give consideration to the particular needs and circumstances of each Special Exception application and shall examine the following items as they relate to the proposed use:

1. Topography and other natural site features;

2. Zoning of the site and surrounding properties;

3. Driveway locations, street access and vehicular and pedestrian traffic;

4. Parking amount, location and design;

5. Building character;

6. Landscaping, screening and buffering;

7. Open space and other site amenities; and

8. Proposals for handling sewage disposal, drainage and other utilities.

10.6 Additional Requirements for Caregiver. Care Receiver or Caretaker Dwellings.

In addition to the requirements of this Chapter 10 for the grant of a Special Exception, a Special Exception for the placement of a Caregiver, Care Receiver, or Caretaker Dwelling shall also comply with the following:

1. Additional Findings – In addition to the findings required for the grant of a special exception set forth in Chapter 10.3.2.a.,b., and c., above, the Board shall also make the following respective additional findings in the case of a Caregiver, Care Receiver or Caretaker Dwelling:
   a. The proposed Caregiver Dwelling is required to provide safe and healthful living quarters for a family required to provide weekly assistance to an individual residing in the primary dwelling located on the lot, as verified in writing by a licensed physician or osteopath responsible for the care of such individual;
   b. The proposed Care Receiver Dwelling is required to provide safe and healthful living quarters for an individual in need of weekly assistance from the family residing in the primary dwelling unit located on the lot, as verified in writing by a licensed physician or osteopath responsible for the care of such individual; or
   c. The proposed Caretaker Dwelling is required to house an on premise caretaker required to provide vital and/or continuous grounds maintenance and operational upkeep to the agricultural or business enterprise located on the real estate.

2. Additional Conditions – In addition to the conditions set forth in Chapter 10.4 above, the grant of a Special Exception for a Caregiver, Care Receiver or Caretaker Dwelling shall be subject to the following additional conditions:
   a. The grant shall be for a temporary period of time not to exceed two (2) years;

b. The Caregiver, Care Receiver or Caretaker Dwelling shall be less than sixteen (16) feet wide and installed in compliance with the Morgan County Building Code;
c. The Caregiver, Care Receiver or Caretaker Dwelling shall be made available for annual inspection to determine continued compliance with the Morgan County Building Code and that the need demonstrated for the grant of the Special Exception for a Caregiver, Care Receiver or Caretaker Dwelling still exists; and,
d. If the need demonstrated for the grant of the Special Exception no longer exists, the use of the Caregiver, Care Receiver or Caretaker Dwelling shall be removed from the site within thirty (30) days after written notice to the owner or occupant.

3. Renewal Procedures for Caregiver, Care Receiver or Caretaker Dwellings – Any Caregiver, Care Receiver or Caretaker Dwelling may be renewed as follows:
   a. Prior to the expiration of a grant or renewal period, the applicant shall notify the Staff of the intention to seek a renewal and shall provide notice of such renewal request by publication and certified mail to adjoining property owners. Such renewal request notice shall be in conformance with the procedures set forth in Chapter 18.12. of this Ordinance, and shall be in a form approved by Staff.
   b. Said renewal request shall allow thirty (30) days from the date of publication or certified mailing for objections to be received by Staff.
   c. In the event that objections to the renewal request are received by Staff, the renewal request shall be denied.
   d. In the event that no objections to the renewal request are received by Staff, the renewal request shall be granted by Staff provided that the need, as verified by a licensed physician or osteopath responsible for the care of such individual, demonstrated for the grant of the Special Exception still exits.

4. If a renewal request is denied by Staff, as provided for above, the owner or occupant shall either:
   a. Remove the Caregiver, Care Receiver or Caretaker Dwelling from the site within thirty (30) days after written notice to the owner or occupant; or,
   b. File a new petition for Special Exception to be heard by the Board of Zoning Appeals as set forth in this Chapter 10, with full notice to adjoining property owners as set forth in Chapter 18.12.1. of this Ordinance. For the purpose of this renewal application for a Special Exception, the denial by Staff shall not constitute an adverse decision as set forth in Chapter 18.14. of this Ordinance.

10.7 Additional Requirements for Waste Management Land Uses.

In addition to the requirements of this Chapter 10 for the grant of a Special Exception, a Special Exception for any Waste Management Land Use shall also comply with the following:

1. Additional Findings – In addition to the findings required for the grant of a special exception set forth in Chapter 10.3.2.a.,b., and c., above, the Board shall also make the following respective additional findings in the case of a Waste Management Land Use:
   a. The proposed incinerator, resource recovery facility (waste to energy), or sanitary landfill is not located within ½ mile of the nearest residential zoning district.
   b. The proposed composting facility, incinerator, resource recovery facility, sanitary landfill, or wastewater treatment plant shall be operated in such a manner as to prohibit any air pollution, odorous matter or particulate matter from escaping beyond the lot lines.

c. The proposed composting facility or sanitary landfill shall be equipped with a liner system of sufficient capability so as to prohibit any contamination of surrounding soil, ground water or surface water.

2. Additional Conditions – In addition to the conditions set forth in Chapter 10.4 above, the grant of a Special Exception for a Waste Management Land Use shall be subject to the following additional conditions:
   a. The grant shall allow the applicant a period of time not to exceed twelve (12) months from the date of grant to obtain all permits and approvals for operation required by all appropriate federal, state and local regulatory agencies having jurisdiction over such Waste Management Land Use and to make application for an Improvement Location Permit for such Waste Management Land Use.
   b. An Improvement Location Permit shall not be issued for any Waste Management Land Use until all appropriate federal, state and local regulatory agency permits which may legally be issued prior to the issuance of an Improvement Location Permit have been issued.

CHAPTER 11 TEMPORARY USES

11.1 Temporary Use Structures and Buildings – Exemption.

Temporary Use structures and buildings which are in compliance with the provisions of this Chapter 11, shall obtain a permit from the Plan Commission Office.

11.2 Permitted Temporary Uses.

By way of example only, permitted temporary uses include: construction trailers or sales offices; seasonal retail sales; and, portable signs.

11.3 Duration

A temporary use structures and buildings shall be permitted for a period not to exceed one (1) year. The temporary permit may be renewed for an additional one (1) year period upon showing of good cause and with the permission of the Plan Commission to do so.

11.4 Compliance with Development Standards.

Any temporary use, structure or buildings shall comply with all applicable development standard and setback requirements in the zoning district in which the temporary use, structure or building is located.

11.5 Cessation of Use.

All structures, buildings or debris associated with the temporary use shall be removed from the site immediately upon completion or cessation of the temporary use or expiration of the time period set forth in Chapter 11.2 above.

11.6 Additional Requirements for Temporary Seasonal Retail Sales Uses.

Any temporary seasonal retail sales use, structure or building shall also comply with the following regulations:

1. The use or structure shall comply with all setback requirements for a primary building on the site.

2. A minimum of three (3) off-street parking spaces shall be provided on-site for the temporary seasonal retail sales use.

3. The location of the temporary seasonal retail sales use and its required amount of parking spaces shall not interfere with any required parking spaces or safe and efficient flow of vehicular and pedestrian traffic around the parking lot for the primary, permanent use of the site.

4. Notwithstanding the provisions of Chapter 11.2 above to the contrary, seasonal retail sales uses shall not exceed ninety (90) days in duration.

11.7 Additional Requirements for Portable Signs.

Any portable sign shall comply with the following regulations:

1. Portable signs may not be used on any lot or for any business for more than a total of sixty (60) days per calendar year.
2. Once a portable sign on any lot or for any business is removed, no other portable sign may be located on said lot or for said business for a period of at least thirty (30) days.

11.8 Additional Requirements for Emergency Dwellings.

Emergency Dwellings may be permitted as temporary uses on any lot on which a single family or two-family dwelling is a permitted use provided that:

1. An application for a temporary use permit is made within six (6) months after the date of the emergency; and,

2. The Emergency Dwelling is removed from the property and the temporary use is ceased within thirty (30) days of the issuance of a Certificate of Occupancy for a permanent dwelling on that lot.

11.9 Additional Requirements for Temporary Residences.

1. A temporary use permit shall be issued for a temporary residence (being either a manufactured or mobile dwelling) on a building lot when an applicant has applied for a building permit for and is in the process of building or repairing a single family dwelling unit on the same building lot.

2. A temporary use permit for a temporary residence shall be issued for a period not to exceed one (1) year. The temporary use permit may be renewed for an additional one (1) year period upon showing of good cause and with the permission of the Plan Commission to do so.

3. Upon expiration of the temporary use permit, the temporary residence and all appurtenances thereto shall be removed from the building lot within ninety (90) days.

4. All temporary residences shall have an approved water supply, sewage disposal system and utility connections, where appropriate, which shall be provided and maintained in accordance with the standards of the Morgan County Board of Health and the Morgan County Building Code.

CHAPTER 12 OFF-STREET PARKING REGULATIONS

12.1 Parking for Buildings, Structures or Uses.

All new development, building additions or conversions of use for which an Improvement Location Permit is required by this Zoning Ordinance shall provide required off-street parking areas in accordance with the following regulations.

12.2 Existing Parking Areas.

Off-street parking areas shall not be reduced below the minimum requirement for such use as required by this Ordinance. Any off-street parking areas existing prior to the effective date of this Ordinance which were already below the standards established by this Ordinance shall not be further reduced.

12.3 Location of Parking Areas.

Off-street parking areas shall be located on the same lot, within the same integrated center, or within three hundred (300) feet as the building or use served by the parking. Off-street parking for any use shall be located within a zoning district which permits the use for which the parking is required.

12.4 Common Off-Street Parking Areas

To encourage desirable, efficient and well planned and landscaped off-street parking areas, two or more uses may create a common parking area. Such common parking areas shall be eligible for up to a ten percent (10%) overall reduction in the number of parking spaces. Approval of such parking reduction shall be issued by the Staff upon finding that the proposed common parking area employs improved design elements in access control, traffic circulation or landscaping than otherwise required by the provisions of this Ordinance.

12.5 Design and Construction of Parking Areas.

The following standards shall apply to the design of off-street parking areas required by this Ordinance in all districts (except for single family or two-family dwellings located in the AG, R-1, R-2, R-3, R-4, R-5, R-6, D-1, and D-2 districts, and agricultural land uses located in the AG or R-1 districts).

1. Standard Parking Schemes

   All parking layouts and plans shall be in compliance with the space requirements, overhang and design schemes set forth in Table 1.2-B – Parking Lot Design.

2. Alternate Parking Plan Approval.

   The Staff, upon request by an applicant, shall have the authority to modify the parking layout requirements of this Chapter 1.2 and approve an alternative parking layout plan so long as the alternative plan is appropriate to the site and its surroundings and is consistent with the intent and purpose of this Chapter 1.2.

Staff shall have up to ten (10) business days to either approve or disapprove a request for an alternative parking plan approval. If Staff does not approve or disapprove a proposed alternative parking plan within such ten (10) day period, the alternative parking plan shall be forwarded to the Plan Commission for consideration at the next regularly scheduled meeting of the Plan Commission. Staff may, at its discretion, forward such proposed alternative parking plan to the Plan Commission for review and approval.

If Staff disapproves of a proposed alternative parking plan, the Application may appeal Staff's decision in writing, stating the reasons and justification of the appeal, and request development plan approval of the Plan Commission for the alternative parking plan. Such petition shall be filed consistent with the provisions of any other form of development plan approval before the Plan Commission.

3. Screening and Landscaping of Parking Areas.

Each off-street parking area shall be provided with screening and landscaping in compliance with Chapter 14. Landscaping and Screening Requirements.

4. Surface of Parking Areas.

All required off-street parking areas and the access to and from such areas shall be hard surfaced with asphalt, concrete or other material to provide a dust-free surface. A gravel surface may be used for a period not to exceed six (6) months after the commencement of the use for which the parking area is provided, where ground or weather conditions are not immediately suitable for permanent surfacing as specified herein.

12.6 Minimum Number of Off-Street Parking Spaces.

Off-street parking for all uses shall be provided in accordance with the minimum requirements set forth in Table 12-A. When the computation of required parking spaces results in a fraction of one-half (1/2) or greater, the number of required parking spaces shall be rounded up to the next whole number.

12.7 Required Parking for the Disable.

Every parking facility available to the public shall have parking spaces reserved for the use of physically handicapped persons according to the following schedule (as required by ADA Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5) (a), published in the Federal Register, Volume 56, No. 144, dated July 26, 1991):

Total Parking Spaces Required	Minimum Number of Reserved Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	Two percent (2%) of the total number of parking spaces.
1001 and over	Twenty (20), plus one (1) for each one hundred (100 spaces over one thousand (1000).

TABLE 12 A

REQURIED OFF-STREET PARKING

No.	USE	MINIMUM PARKING REQUIREMENT
1	Any Amusement establishments (commercial Recreational) involving the assemling of persons (unless other-wise specified in this table):	
	Indoor	One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
	Outdoor	One (1) parking space for each two hundred (200) square feet of gross floor area plus one (1) parking space for each six hundred (600) square feet of site area accessible to the public, exclusive of the parking area.
2	Automotive, Truck, Bus, Boat, Recreational Vehicle or Motorcycle Sales:	One (1) parking space for each five hundred (500) square feet of interior floor area, plus one (1) space for each seven thousand (7,000) square feet of outdoor display area.
3	Banking: Bank, Savings and Loan, Credit Union	
	Combined drive-through and walk-in facilities	One (1) parking space for each two hundred-fifty (250) square feet of gross floor area.
	Drive-through facility only	One (1) parking space for each drive-up bay.
	Walk-in facility only	One (1) parking space for each two hundred (200) square feet of gross floor area.
4	Bowling Alleys:	Four (4) parking spaces for each alley/lane.
		If, in addition, there are other uses or accessory uses
		located within or operated in conjunction with the bowling alley, such as restaurants, night clubs, and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of gross leasable floor area for uses located within or operated in conjunction with the bowling alley.
5	Churches/Synagogues/Other Religious Uses	One (1) parking space for each four (4) permanent seats in the sanctuary.

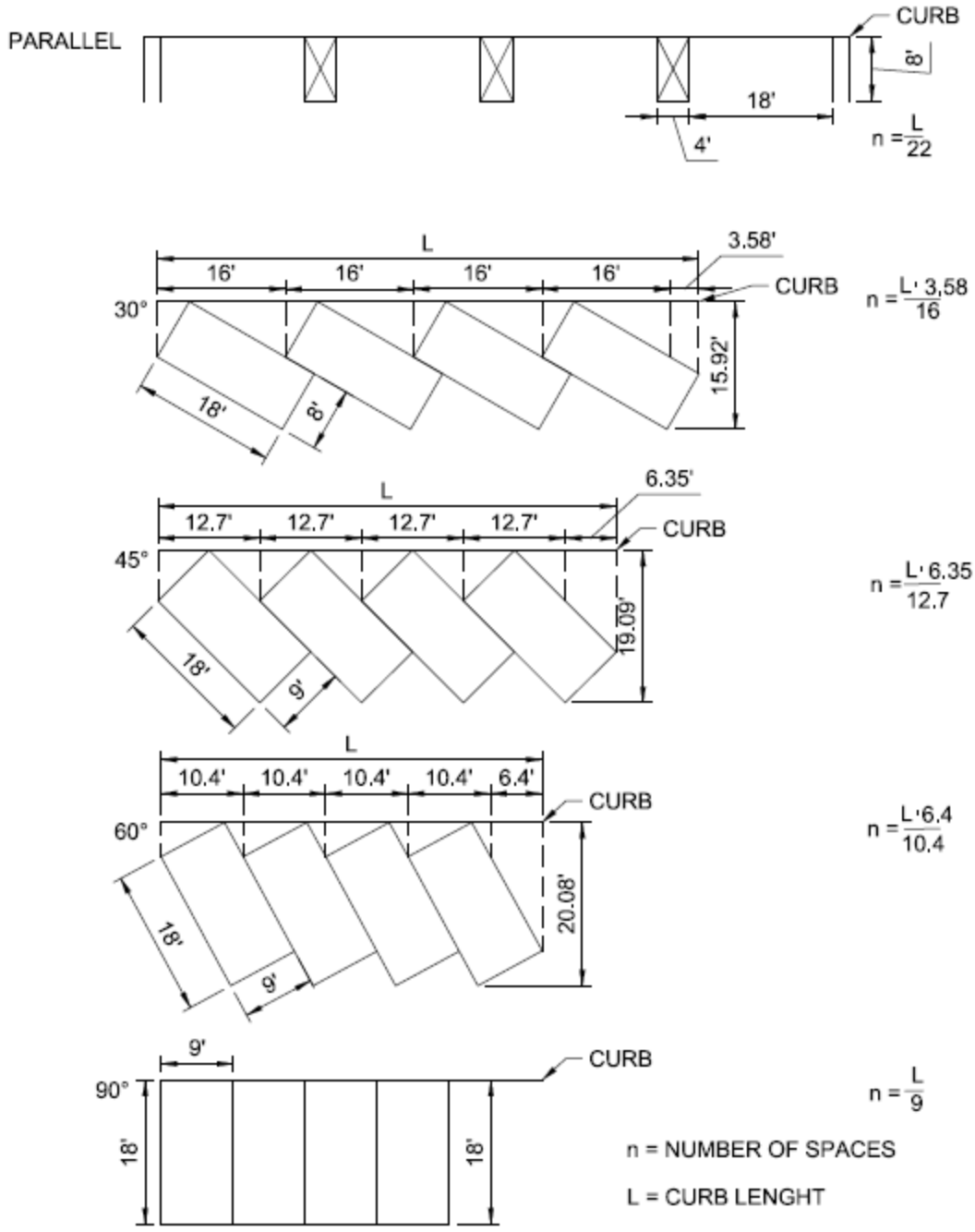
	Auditoriums, Assembly Halls, Recital Halls	One (1) parking space for each four (4) seats at maximum capacity calculated pursuant to Fire Code.
6	Community Centers, Museums, Civic Clubs, and Philanthropic Institutions	One (1) parking space for each four hundred (400) square feet of gross floor area.
7	Convenience Market	One 91) parking space for each two hundred eighty-five (285) square feet of gross floor area. Parking spaces at gasoline pumps may be included in the calculation of required parking.
8	Day Nurseries, Child Care Centers, Kindergartens, Nursery Schools	One (1) parking space for each eight (8) pupils based upon maximum capacity.
9	Fire Station	Three (3) parking spaces for truck bay, plus a minimum of three (3) additional parking spaces.
10	Furniture/Floor or Wall Covering Store	One (1) parking space for each four hundred (400) square feet of gross floor area.
11	Gasoline Service Stations, Tire and Auto Service Center, Automotive Garage, Other Auto Service Functions	One (1) parking space for each two hundred (200) square feet of gross floor area devoted to retail sales, plus two (2) spaces per service bay, (a service bay shall not be considered a parking space), plus three (3) customer spaces.
12	Gasoline Service Station/Convenience Market	Same as (7) Convenience Market
13	Grocery Store/Supermarket	One (1) parking space for each three hundred (300) square feet of gross floor area.
14	Hardware/Paint/Home Improvement Store	One (1) parking space for each two hundred (200) square feet of gross floor area plus one (1) parking space for each one thousand (1000) square feet of the facility devoted to outside operations or storage, exclusive of the parking area.
15	Health Spa / Sports Club	One (1) parking space for each two hundred (200) square feet of gross floor area.
		If, in addition, there are other uses or accessory uses located within or operated in conjunction with the health spa or sports club, such as dining areas, restaurants, night clubs, retail stores and the like, additional parking spaces, calculated based upon the parking requiremetns for that specific use, shall be provided (calculation shall be based upon the total square feet of gross leasable floor area for such uses located within or operated in conjunction with the health spa or sports club).
16	Hotels, Motels:	One (1) parking space for each rental sleeping unit.

		If, in addition to sleeping units, there are other uses or accessory uses located within or operated in conjunction with the hotel or motel, such as ballrooms, meeting rooms, dining areas, retail stores, auditoriums, restaurants, night clubs, and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of gross leasable floor area for such uses located within or operated in conjunction with the hotel or motel).
17	Library:	One (1) parking space for each four hundred (400) square feet of gross floor area.
18	Medical, Dental, Optometrists Clinics/Offices:	One (1) parking space for each two hundred (200) square feet of gross floor area.
19	Mini-Warehouses	One (1) parking space for each two hundred (200) square feet of gross floor area devoted to office space, plus one (1) parking space per resident/manager, plus one (1) parking space for each thirty (30) storage units. Required off-street parking spaces shall not be utilized as rental or leased spaces.
20	Miniature Golf	Four (4) parking spaces for each golf hole, plus one (1) space per each one hundred (100) square feet devoted to accessory retail or amusement establishments.
21	Mortuary, Funeral Service Crematories	One (1) parking space for each fifty (50) square feet of floor area in parlors and assembly rooms.
22	Nursing Care, Convalescent Home, Homes for the Aged, Sanitariums, Rehabilitation Centers	One (1) parking space for each two (2) patient beds.
23	Office Commercial Use, General: (to include, but not be limited to) Business, Professional Office, Post Office, Office Park, Research Center	Three and one-half (3.5) parking spaces for each one thousand (1000) square feet of gross floor area.
24	Racquetball / Tennis Courts / Club Facilities	Four (4) parking spaces per game court, plus one (1) parking space for each two hundred (200) square feet of the remaining floor area in the building devoted to office or retail acitivites.
25	Residential: Single Family Dwelling (including the individual mobile homes) and two-family dwellings	Two (2) parking spaces per dwelling unit.
	Multi Family Dwellings	Two (2) parking spaces per dwelling unit for the first fifty (50) dwelling units, plus one and three-quarter (1.75) parking spaces for each additional dwelling unit over fifty (50).

	Mobile Dwelling Projects	Two (2) parking spaces per dwelling unit plus one (1) 0parking space for each two hundred (200) square feet of office area.
	Mobile Home Park	Two (2) parking spaces per dwelling unit, plus one (1) parking space for each two hundred (200) square feet of office area, plus one (1) parking space per travel trailer.
26	Restaurant:	
	Family (Dine-In Only)	One (1) parking space per one hundred (100) square feet of gross floor arae (including outdoor seating areas).
	Fast Food, with or without Drive-Through	One (1) parking space per each three (3) customer seats (minimum of five (5) parking spaces requried).
	Fast Food, Drive-Through Only (No Seating)	One (1) parking space per one hundred (100) square feet of gross floor area (minimum of four (4) parking spaces required.
27	Taverns and Night Clubs	One (1) parking space per each seventy-five (75) square feet of gross floor area.
28	Retail or Service Commercial Uses - Individual, Freestanding uses: including but not limited to: Bakeries, Drugstroes; Beauty and Barber Shops, Package Liquor ores, Laundromats, Photo Studios, Jewelry, Gift, Appliance and Similar Stores, Personal Service Shops	Three and one half (3.5) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required for any individual, freestanding retail or service commercial use unlesslisted separately in this section, in which case the parking requirement noted for that specific use shall be utilized. Provided, however, that in no case shall any individual use provide less than five (5) parking spaces.
29	Retail or Service Commercial Uses - Integrated Centers	If the total gross leasable area of an integrated center is less than 400,000 square feet, four (4) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required.
		If the total gross leasable area of an integrated center is greater than 400,000 square feet, but less than 600,000 square feet, four and one half (4.5) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required.
		If the total gross leasable area of an integrated center is greater than 600,000 square feet, five (5) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required.

	Provided, however:	in no case shall any individual use provide less than five (5) parking spaces: and
		the following individual uses: grocery store/supermarket; theatres - motion picture or legitimate; bowling alley; or night club, shall provide parking spaces as required for the individual use by this section and such calculation shall be separate fromthe calculation of the gross leasable area calculation of the integrated center.
30	Roller / Ice Skating Rink	One (1) parking space for each two hundred (200) square feet of gross floor area in the building.
31	Schools: Business, Technical, Trade, and Vocational	One (1) parking space for each one hundred (100) square feet of gross floor area in t he building, or one (1) parking space per each twenty-five (25) square feet of classrooms, whichever provides the greater number of spaces.
32	Theaters: Motion Picture or Legitimate	One (1) parking space for each three (3) seats.
33	Assembly, Manfacturing, or Similar Use	One (1) parking space for each one thousand (1,000) square feet of gross floor area devoted to such use.
		If, in addition, there is space devoted to office, retail or other uses specified elsewhere in these regulations, parking required for such additional use shall also be provided.
34	Distribution, Warehouse, or Similar Use	One (1) parking space for each three thousand (3,000) square feet of gross floor area.
		If, in addition, there is space devoted to office, retail or other uses specified elsewhere in these regulations, parking required for such additional use shall also be provided.
35	Uses Not Specified	For any use not specified above, specific requirements shall be determined by the Executive Secretary and shall be based upon requirements for similar uses, expected demand and traffic generated by the proposed use, and other information from appropriate traffic engineering and planning criteria.

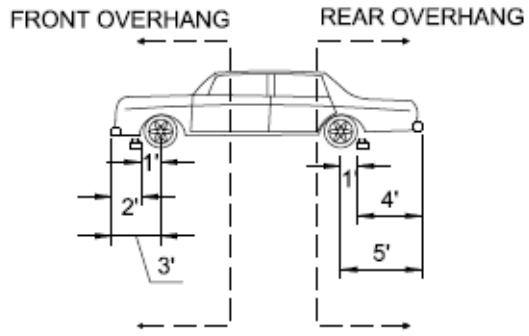
TABLE 12-B - PARKING LOT DESIGN

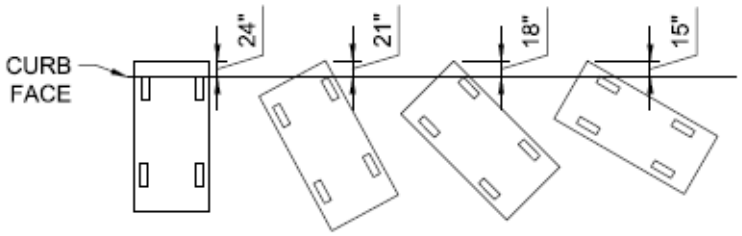


SPACE REQUIREMENTS FOR PARKING AT VARIOUS ANGLES

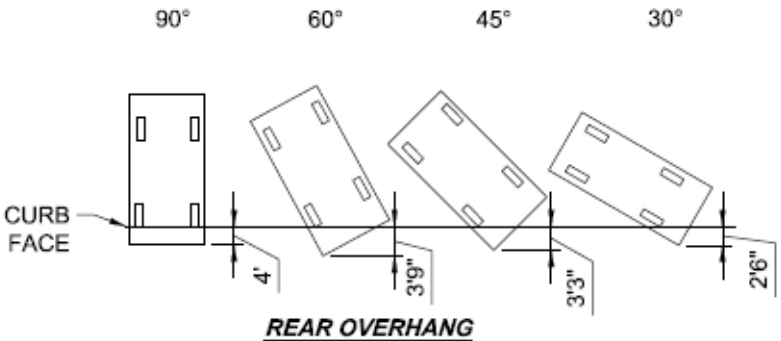
NOTE:
THE ZONING ORDINANCE SHOULD BE CONSULTED TO DETERMINE THE NUMBER OF PARKING SPACES REQUIRED.

OVERHANG OF AVERAGE AUTOMOBILE PARKED AGAINST 6" RAISED CURB AT 30°,45°,60°,& 90°

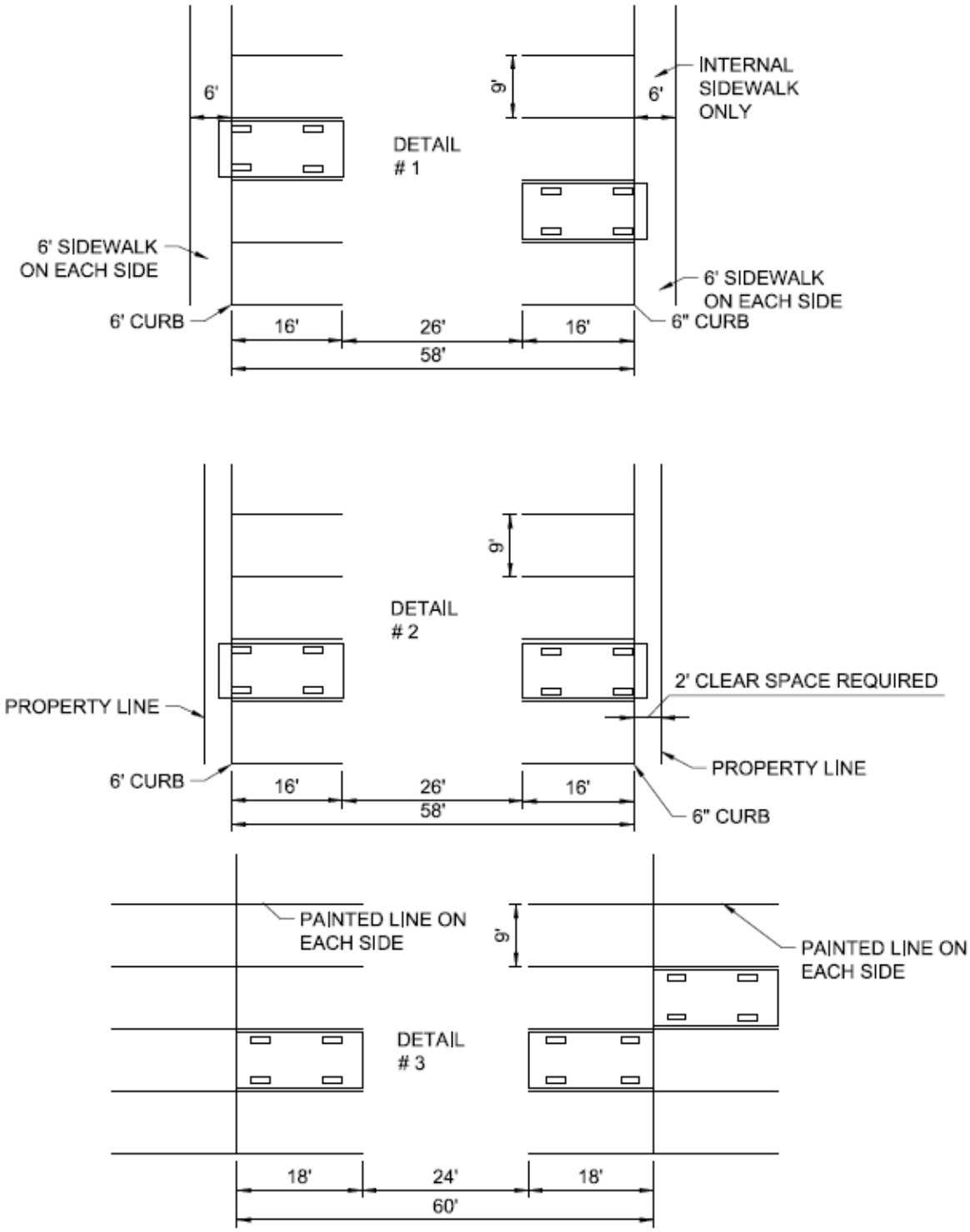




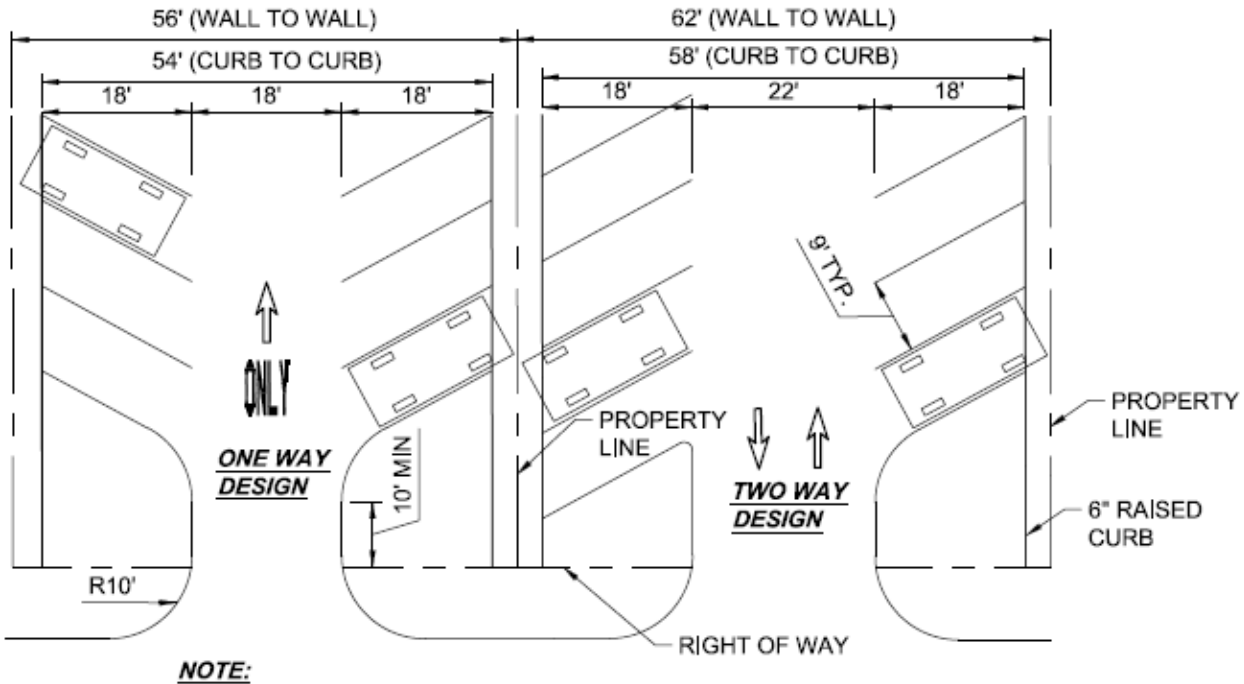
FRONT OVERHANG



REAR OVERHANG

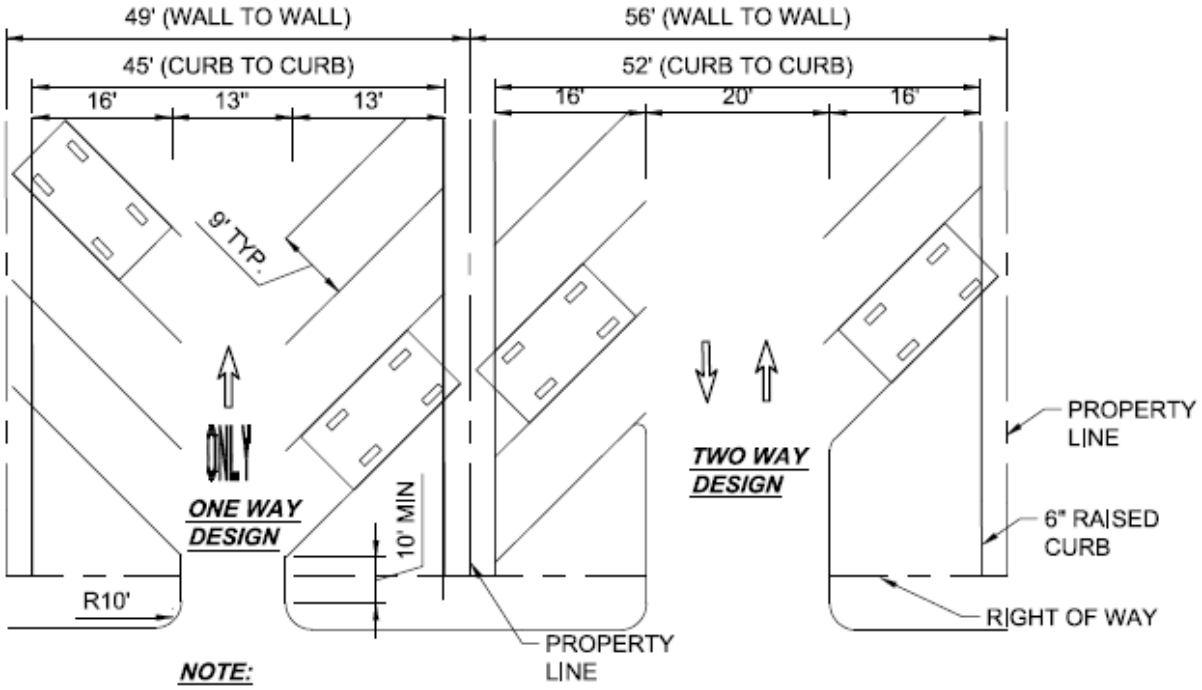


CONTINUOUS PARKING LOT NO MEDIAN DIVIDERS 90° SCHEMES



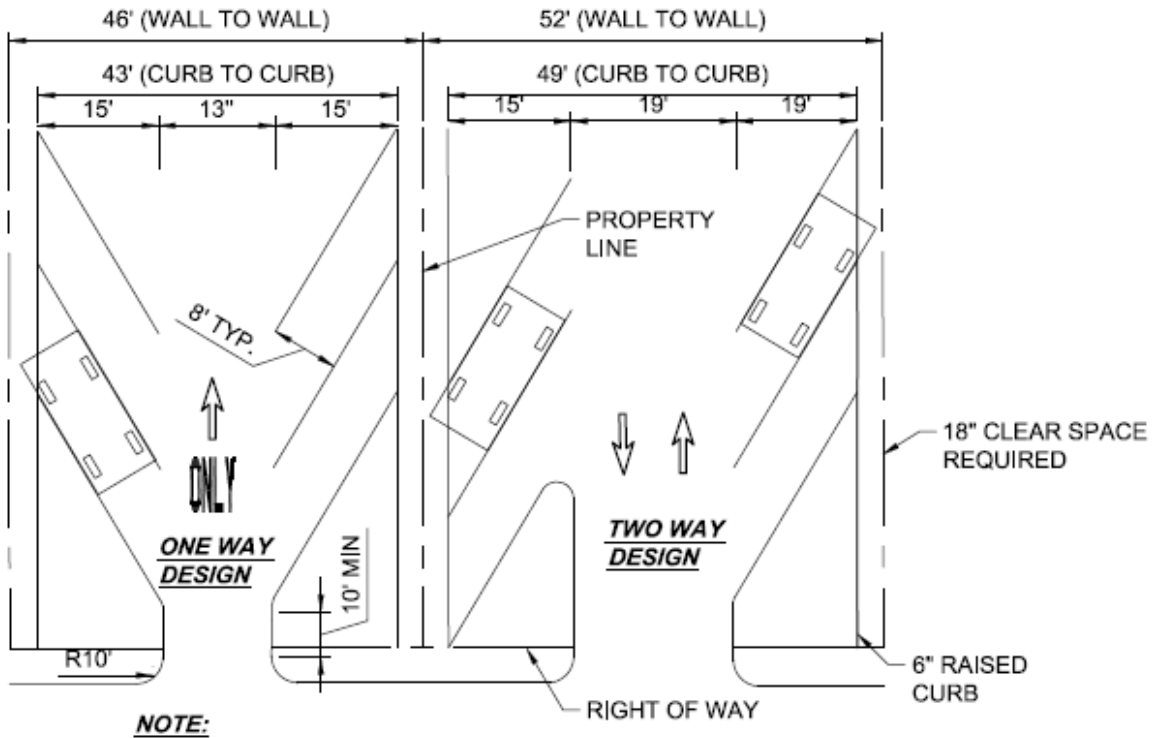
NOTE:
STREETS CAN NOT BE USED FOR MANEUVERING FROM ONE PARKING SPACE TO ANOTHER - USE INTERIOR DRIVEWAYS.

60° SCHEMES



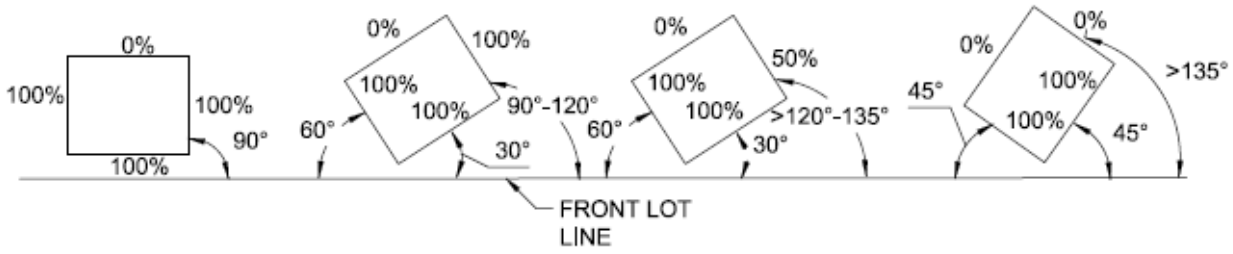
NOTE:
STREETS CAN NOT BE USED FOR MANEUVERING FROM ONE PARKING SPACE TO ANOTHER - USE INTERIOR DRIVEWAYS.

45° SCHEMES



NOTE:
STREETS CAN NOT BE USED FOR MANEUVERING FROM ONE PARKING SPACE TO ANOTHER - USE INTERIOR DRIVEWAYS.

30° SCHEMES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100%
50%
60°
>120°-135°
30°
0%
0%
100%
100%
45°
>135°
45°
FRONT LOT
LINE

CHAPTER 13 OFF-STREET LOADING REGULATIONS

13.1 Loading for Buildings, Structures or Uses.

All business, industrial or manufacturing development or conversions of USF for which an Improvement Location Permit is required by this Zoning Ordinance shall provide required off-street loading areas in accordance with the following regulations.

13.2 Design and Construction of Loading Areas.

The following standards shall apply to the design of the off-street loading areas required by this Ordinance.

1. Minimum Area – A required off-street loading berth shall be at least twelve (12) feet in width by at least fifty-five (55) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.

2. Minimum Aisle Width – Each required off-street loading berth shall open directly upon an aisle or driveway with a width of at least thirty-five (35) feet, creating a total maneuvering area, inclusive of the loading berth, of at least ninety (90) feet with such design as to provide safe and efficient access to such loading berth.

13.3 Location of Off-Street Loading Berths.

1. All required loading berths shall be located on the same lot as the use served.

2. All loading berths shall be located behind the established front building line.

3. No loading berth shall be located in a required side or rear yard or transitional yard.

13.4 Use of Required Loading Area.

Space allocated for required off-street loading berths and associated maneuverability shall not be used to satisfy off-street parking space requirements.

13.5 Screening and Landscaping of Loading Areas.

Each off-street loading area shall be provided with screening and landscaping in compliance with Chapter 14. Landscaping and Screening Requirements.

13.6 Surface of Loading Areas

All required off-street loading areas and the access to and from such areas shall be hard surfaced with asphalt, concrete or other material to provide a dust-free surface. A gravel surface may be used for a period of not to exceed six (6) months after the commencement of the use for which the loading area is provided, where ground or weather conditions are not immediately suitable for permanent surfacing as specified herein.

13.7 Minimum Number of Off-Street Loading Berths

Off-Street loading berths for all uses shall be provided in accordance with the minimum requirements set forth in Table 13-A.

TABLE 13-A. REQUIRED OFF-STREET LOADING

Gross Floor Area of Building (Square Feet)		Required Number of Loading Berths
< 40,000		1
40,000 - 100,000		2
100,000 - 200,000		3
Each Additional 200,000 or portion thereof		1 Additional

CHAPTER 14 LANDSCAPING AND SCREENING REQUIREMENTS

14.1 Statement of Purpose

Landscaping of required yards and required transitional yards is an essential element of the design of a site with respect to promoting the public health, safety, comfort, convenience and general welfare and maintaining the rural and scenic characteristics of Morgan County. Landscaping is intended to lessen the impact of development on the environment by reducing glare and heat buildup, promoting the creation landscape islands for pedestrian safety, to break up large expanses of pavement, and to reduce storm water run-off. Landscaping provides a critical buffering effect between more intense business and industrial districts and lesser intensity districts such as the residential districts.

14.2 Perimeter Screening of Parking Areas Facing a Front, Side or Rear Transitional Yard in all Business, Industrial and Manufacturing Districts.

In addition to landscaping provided in required yards, the perimeter of all parking areas located between the established building line and a front, side or rear transitional yard shall be screened by a compact hedge row located between the property line and the edge of the parking area. The hedge plants shall be planted as indicated in Table 14-A. Size and Spacing at Time of Planting, Screening Level II.

14.3 Landscaping of Required Front, Side and Rear Yards and Required Front, Side and Rear Transitional Yards.

All required yards and all required transitional yards shall be landscaped in compliance requirements of both Table 14-B. Levels of Buffers and Table 14-A. Size and Spacing at Time of Planting.

14.4 Perimeter Screening of Loading Areas Facing a Front, Side or Rear Transitional Yard.

In addition to landscaping provided in required yards, the perimeter of all loading areas located between the established building line and a front, side or rear transitional yard shall be screened by evergreen trees located between the property line and the edge of the loading area planted as indicated in Table 14-A. Size and Spacing at Time of Planting, Screening Level II.

14.5 Screening Levels

Table 14-B. Screening Levels includes a listing of the required Screening Levels to be placed between districts contained in this zoning Ordinance.

Screening Level 0 is a required yard which is only required to be landscaped with grass or other suitable vegetative ground cover.

Screening Level is typically provided for: Required yards in higher density residential districts; between the more intense non-residential districts and the office buffer and neighborhood convenience districts; and, in front yards along public streets and limited access streets. All screening Level I yards shall include landscape materials planted in

accordance with the size and spacing requirements of Table 14-A. Size and Spacing at Time of Planting, Screening Level I and maintained.

Screening Level II is typically provided for required transitional yards between non-residential districts and residential districts. All Screening Level II yards shall include landscape materials planted in accordance with the size and spacing requirements of Table 14-A. Size and Spacing at Time of Planting, Screening Level II and maintained.

Screening Level III is typically provided for required transitional yards between the more intense non-residential districts and residential districts. All Screening Level III yards shall include a screening device in addition Screening Level II requirements described above.

14.6 Allowance for Preservation of Existing Trees and Vegetation.

The provision of landscaping in required yards as provided for in this Chapter 14 shall be modified in any situation in which existing trees and vegetation are preserved. A credit for the planting of trees of one-half (1/2) inch for each one (1) inch of aggregate tree caliper preserved shall be awarded to the landscaping required by this Chapter 14. A credit for the preservation of undergrowth and shrubs shall be awarded on a one to one (1:1) basis for the lineal feet of screening provided by the existing undergrowth and shrubs.

14.7 Alternate Landscape Plan Approval

Staff, upon request by an applicant, shall have the authority to modify the landscape requirements of this Chapter 4 and approve an alternative landscape plan so long as the alternative plan is appropriate to the site and its surroundings and is consistent with the intent and purpose of this Chapter 14. Such alternative landscape plan may, by way of example, include: mounds; berm; low-level fence or wall; screening devices; preservation of existing vegetation or natural features; or, a clustering of plant materials.

Staff shall have up to ten (10) business days to either approve or disapprove a request for an alternative landscape plan approval. If Staff does not approve or disapprove a proposed alternative landscape plan within such ten (10) day period, the alternative landscape plan shall be forwarded to the Plan Commission for consideration at the next regularly scheduled meeting of the Plan Commission. Staff may, at its discretion, forward such proposed alternative landscape plan to the Plan Commission for review and approval.

If Staff disapproves of a proposed alternative landscape plan, the applicant may appeal Staff's decision in writing, stating the reasons and justification of the appeal, and request approval of the Plan Commission for the alternative landscape plan. Such alternative landscape plan shall be considered by the Plan Commission at the next regularly scheduled meeting of the Plan Commission.

TABLE 14-A

DECIDOUS SHADE (OVERSTORY) TREES

Screening Level I

Required Yard	Caliper *	Spacing
Front	2 1/2"	30' o.c.
Side	2 1/2"	30' o.c.
Rear	2 1/2"	30' o.c.

Screening Level II

Required Transitional Yard	Caliper *	Spacing
Front	2 1/2"	30' o.c.
Side	2 1/2"	15' o.c.
Rear	2 1/2"	15' o.c.

DECIDOUS ORNAMENTAL (UNDERSTORY) TREES

Screening Level I

Required Yard	Caliper *	Spacing
Front	1 1/2"	30' o.c.
Side	1 1/2"	50' o.c.
Rear	1 1/2"	50' o.c.

Screening Level II

Required Transitional Yard	Caliper *	Spacing
Front	1 1/2"	25' o.c.
Side	1 1/2"	30' o.c.
Rear	1 1/2"	30' o.c.

*Note: Caliper shall be measured at a point not less than twelve (12) inches above grade level.

EVERGREEN TREES

Screening Level I

Required Yard		**Spacing**
Front	6' high	30' o.c. in staggered row
Side	6' high	30' o.c. in staggered row
Rear	6' high	30' o.c. in staggered row

Screening Level II

Required		
Transitional Yard		**Spacing**
Front	6' high	15' o.c. in staggered row
Side	6' high	15' o.c. in staggered row
Rear	6' high	15' o.c. in staggered row

EVERGREEN TREES – NARROW SPREAD

Screening Level I

Required Yard		**Spacing**
Front	4' high	10' o.c.
Side	4' high	15' o.c.
Rear	4' high	15' o.c.

Screening Level II

Required		
Transitional Yard		**Spacing**
Front	4' high	6' o.c.
Side	4' high	6' o.c.
Rear	4' high	6' o.c.

HEDGE PLANTS

Screening Level I

Required Yard		**Spacing**
Front	24"- 30" high	3' o.c.
Side	24"- 30" high	3' o.c.
Rear	24"- 30" high	3' o.c.

Screening Level II

Required		
Transitional Yard		**Spacing**
Front	30" - 36" high	3' o.c.
Side	30" - 36" high	3' o.c.
Rear	30" - 36" high	3' o.c.

TABLE 14-B. LEVELS OF BUFFERS

Zoning of Subject Property

Zoning of Adjacent Property	AG R-J, R-2, R-3, R-4 R-5, R-6, D-J, D-2	A-8, A-J.6 MD	OB NC CB	CR, HB LI, GI LM, HM	WM-G WM-H
AG	0	0	0	0	II *
R-J	0	I	II	III	III *
R-2	0	I	II	III	III *
R-3	0	I	II	III	III *
R-4	0	I	II	III	III *
R-5	0	I	II	III	III *
R-6	0	I	II	III	III *
D-J	0	I	II	III	III *
D-2	0	I	II	III	III *
A-8	0	I	II	III	III *
A-J.6	0	I	II	III	III *
MD	0	I	II	III	III *
OB	0	0	I	I	II *
NC	0	0	I	I	II *
CR	0	0	0	0	II *
GB	0	0	0	0	I *
CB	0	0	0	0	II *
GI	0	0	0	0	I *
LM	0	0	0	0	I *
HM	0	0	0	0	I *
WM-G	0	0	0	0	0
WM-H	0	0	0	0	0
Limited					
Access Street	0	0	I	I	II *

***- Indicates that all plantings shall be increased by the installation of all plants in a staggered, double row, with each row planted in accordance with the size and spacing requirements designated for that particular screening level as specified in Table J.4-A. Size and Spacing at Time of Planting.**

0 = Screening Level 0. I = Screening Level I

II = Screening Level II III = Screening Level III

CHAPTER 15. SIGN REGULATIONS

15.1 Statement of Purpose.

The purpose of this Chapter 15 is to provide uniform sign standards which promote a positive county image which reflects the desire to protect the rural and scenic qualities of Monrovia as identified in the Monrovia Comprehensive Plan. The Comprehensive Plan establishes a long range Vision of Monrovia which recognizes that the aesthetics, amenities and infrastructure of a county are more than just luxuries for its residents, they are vital ingredients to maintain and create cultural and economic value for citizens of the county.

The objective and strategies of these sign regulations are:

1. To recognize that most signs, by their nature, are designed and located to be seen by the driving public, and to ensure that they are sized, located and otherwise regulated so as to maximize traffic safety;

2. To recognize that visual clutter leads to a decline in the community's appearance, a decline in property values and a decline in the effectiveness of the signs;

3. To identify business, residential and public uses without creating confusion, unsightliness or visual obscurity of adjacent business or other neighboring structures;

4. To assure that all signs in terms of size, scale, height and location are properly related to the overall adjacent land use character and development lot size;

5. To develop sign standards that relate to street function and other relevant factors; and,

6. To control visual clutter on major streets.

15.2 General Provisions

1. All signs shall meet the applicable standards of the Monrovia building codes.

2. Except as herein provided, no person or business firm, acting either as principal or agent, shall erect any sign or sign structure until a Building Permit has been issued by Staff.

3. Any sign used in conjunction with a legally established nonconforming use, building or structure, if such sign is not in accordance with the provisions of this Chapter 15, shall be deemed a separate legally established nonconforming structure, and its use shall be subject to the provisions contained in Chapter 15.2.4, .5 and .6 listed below, and Chapter 1.10.

4. The requirements of this Chapter 15 shall not be interpreted to require a sign that qualifies as a legally established nonconforming structure to be removed, relocated or reconstructed. However, any sign that qualifies as a nonconforming structure which is altered, removed or relocated by an owner or tenant shall be brought into compliance with this Ordinance at the time of such alternation, removal or relocation. Changing the

face of a sign is except from this requirement. Nothing in this Ordinance shall be construed to prevent restoration of a sign that qualifies as a legally established nonconforming structure which has been destroyed to the extent of not more than two-thirds (2/3) of its value (based upon the cost of erecting a new sign of the same size and type at the same location) by fire, explosion, weather or other casualty.

5. Existing oversized or over height signs may be replaced with signs conforming to this Chapter 15 provided that the total number of signs per street front are not increased.

6. No sign or sign structure shall project over any property line or into or over any rights-of-way.

7. Trees, rocks, bridges, fences, towers, abandoned buildings and unlicensed vehicles shall not be used as sign supports.

8. All signs for which a permit is required, together with all their supports, braces, guys and anchors, shall be kept in good repair and unless of galvanized or non-corroding metal, shall be thoroughly painted to ensure weather protection. The owner thereof or the person or firm maintaining the same shall, upon written notice from Staff, within ten (10) days of the date of such notice, either maintain or remove such sign. To the extent permitted by applicable law, if such order is not complied with within ten (10) days, Staff may remove such sign at the expense of the owner or lessee.

9. Should any sign become insecure or in danger of falling or otherwise become unsafe in the opinion of Staff, the owner thereof or the person or firm maintaining the same shall, upon written notice from Staff, immediately in the case of immediate danger and in any case within ten (10) days of the date of such notice, either secure the same in a manner to be approved by Staff in conformity with the provisions of the Building Code or remove such sign. To the extent permitted by applicable law, if such order is not complied with within ten (10) days, Staff may remove such sign at the expense of the owner or lessee.

10. The quantity, size, illumination, height and type of construction of each sign shall be determined, in part, by the type of street that the sign fronts as well as the amount of street frontage along said street as set forth in Table 15-A. Sign Regulations.

11. For the purpose of this Chapter 15, street frontages on separate streets shall not be combined to determine the permitted size of signs. For example, a corner lot with 200 feet of frontage on two streets is not deemed to have 400 feet of street frontage. Sign criteria shall be based on the actual property line dimension of the actual street front on which a sign is located. In the case of a “corner-cut” right of way, one-half of the length of the “corner-cut” may be attributed to each street frontage.

12. When lots front on two (2) or more streets of different types, no sign permitted only for a larger street shall be placed within the required setback of any smaller width street.

13. Wall signs shall be limited to the walls of the business/tenant space which it advertises.

14. Signs for home occupations shall be limited to four (4) square feet.

15.3 Exempt Signs.

The following signs are permitted in any zoning district and shall be exempt from the requirement to obtain an Improvement Location Permit:

1. Model home signs on all streets may be a ground, pole or wall sign, twenty-four (24) square feet in size, eight (8) feet in height, and may remain on a lot until the construction has begun on ninety percent (90) of the lots in a subdivision.

2. Real Estate Signs on all streets may be a ground, pole or wall sign, twenty (20) square feet in size, eight (8) feet in height, spaced a minimum of five-hundred (500) feet apart with a maximum of two (2) signs per street front per parcel.

3. Signs which are less than four (4) square feet in size.

4. On-premise signs related to the agricultural enterprise.

15.4 Prohibited Signs.

The following signs are prohibited in all zoning districts:

1. No revolving bean or beacon of light resembling any emergency vehicle light shall be permitted as part of an outdoor sign display, nor shall any sign be made to resemble a traffic control sign or signal.

2. No sign shall be erected which constitutes an obstruction to view of operators of motor vehicles on public streets or entering such streets from private property. In the event of any question regarding sign obstructions, the County Engineer of Morgan County shall determine whether such obstruction exists.

3. Portable signs, except as provided for in Chapter 11, Temporary Uses.

15.5 Height of Freestanding Signs

The height of a freestanding sign shall be the distance from the top of the sign structure to the lowest grade level within ten feet (10') of the base of the sign. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.

15.6 Sign Area

1. Wall signs:
   a) Sign copy mounted or painted on a wall, background panel – or area distinctively painted, textured or constructed as a background for the sign copy shall be measured as the area enclosed by the smallest single rectangle that will enclose the outside dimensions of the background panel or surface, including sign trim or frame.

b) Sign copy mounted as individual letters and/or graphics against a wall or fascia of a building shall be measured as the area enclosed by the smallest single rectangle that will enclose all sign copy.
c) Sign copy mounted or painted on an illuminated surface shall be measured as the area enclosed by the smallest single rectangle that will enclose the entire illuminated surface and sign trim or frame. However, for a continuous sign band that is an integral part of the building architecture, the area shall be measured as that portion containing the graphics of the sign.
d) Multiple wall signs shall be permitted provided that the cumulative area shall not exceed the area permitted for a single sign. The cumulative area shall be determined by the sum of no more than four (4) rectangles, each enclosing one or more individual signs.

2. Ground Signs – The area of a ground sign shall be measured as the area enclosed by the smallest single rectangle that will enclose the entire sign structure. Exception: Portions of the sign base less than four fee (4') above grade shall not be included in the area calculation of the sign.

3. Pole Signs – The area of a pole sign shall be measured as the area enclosed by the smallest single rectangle that will enclose the sign face, trim and panel.

4. For any sign which contains more than one (1) sign face, and where no interior angle is less than fifteen (15) degrees nor exceeds ninety (90) degrees, the total allowable sign area shall be doubled and the square footage may be distributed among the various faces provided that no single face may exceed the original allowable area.

15.7 Sign Illumination

1. Externally illuminated signs, when permitted, shall be illuminated by either ground mounted lights or light bars attached to a wall or the sign structure. Said ground mounted lights or light bars shall be shielded and directed so as to prevent any light or glare from impairing, distracting or otherwise interfering with the vision of the driver of any motor vehicle on any street.

2. Internal illuminated signs, when permitted, shall be lighted so that at a distance of ten feet (10'), the light intensity does not exceed 11,000 lumens.

3. Flashing, rotating, moving or intermittent forms of illumination are prohibited when not on the building.

15.8 Sign Standards

1. General business signs for a free standing use or an integrated center shall be permitted in compliance with the size, height, setback and lighting requirements of Table 15-A. Sign Regulations.

2. Gasoline price signs are not included in the square footage of the general business sign. The maximum size of gasoline price signs shall not exceed twenty (20) square feet per street front.

3. Entryway signs for single family or multi-family subdivisions shall be permitted on all streets. Such signs are restricted to a maximum sign area of fifty (50) square feet, located on an entryway wall and placed on either or both sides of a street providing direct access to the subdivision.

4. Electronic Message Center signs are permitted only on arterial streets and state controlled highways. The size and height of electronic message centers are regulated by limitations placed on business signs for the street on which they are placed. Electronic message center signs shall in no case exceed fifty (50) square feet when used as a wall sign.

5. Directional Signs for any general business shall be permitted on an arterial or collector street frontage provided such signs comply with the size, height, setback and lighting requirements of Table 15-A. Sign Regulations.

6. Off-Premise Signs shall be subject to the following additional regulations:

    a) Linear Spacing. The minimum distance between advertising signs located along and oriented toward the same street shall be:
        1) Five-Hundred (500) feet for any sign fronting on a street which is not a limited access street; or,
        2) One-Thousand (1,000) feet for any sign fronting on a street which is a limited access street.

    b) Measurement of Linear Spacing. Linear spacing shall be measured along the centerline of the street to which the sign is oriented from the point in the streets' centerline closest to the leading edge of the sign.

        Linear spacing shall apply to all advertising signs regardless of which side of the street the advertising sign is located on.

        Further, linear spacing shall be applied continuously along a street to all advertising signs oriented to that street, in either direction, whether the signs are located in the same block or are in different blocks separated by intersecting streets.

    c) Radial Spacing. No advertising sign shall be located closer than five-hundred (500) feet from any other advertising sign, regardless of location or orientation.
    d) Intersection Clear Areas. No advertising sign shall be located closer to the intersection of the centerline of two street rights-of-way than five-hundred (500) feet.

    e) Transitional Yards. No advertising sign shall be located within one-hundred (100) feet of any Residential Zoning District.

f) Setback. No advertising sign shall be located any closer to a front, side or rear lot line than five (5) feet.

g) Maximum Height Exception. The maximum height of an advertising sign shall not exceed twenty-five (25) feet.

h) Maximum Area Exception. The maximum area of the sign face of an advertising sign shall not exceed one-hundred and twenty-eight (128) square feet. Further, no advertising sign face shall exceed sixteen (16) feet in length or eight (8) feet in height.

TABLE 15-A. SIGN REGULATIONS
RURAL MINOR ARTERIAL AND RURAL MAJOR ARTERIAL
Streets (SR39 and SR42)

TYPE OF SIGN		POLE SIGN	GROUND SIGN	WALL SIGN	TENANT GROUND SIGN	GROUND DIRECTIONAL SIGN
>45 mph	Max Size s.f.	35	50 s.f.	25% of	100 s.f.	8 s.f.
<45 mpg	Max Size s.f.	20	40 s.f.	wall area		
	Max Height	20 ft.	8 ft.	Height of	15 ft.	8 ft.
				Structure		
	Min. Front	10 ft.	10 ft.	N/A	10 ft.	see bldg. setback (d)
	Permitted Lighting	Internal External	Internal External	Internal External	Internal External	Internal External

Number of Signs Per Lot Per Street Frontage

More Than 400' Frontage	One (e)	Two (a) (e)	N/A	One (e)	N/A
More Than 100' Frontage	One (e)	One (e)	N/A	None	N/A
Less Than 100' Frontage	None	One	N/A	None	N/A

SPECIAL CONDITIONS

a. Minimums of 150 st. between signs
b. 35 sq. ft. per tenant
c. Includes: directory, directional, and entryway signs
d. Directional signs in front of the building setback may not exceed 2 ft. in height
e. These sign types are mutually exclusive.

*Integrated business centers with 3 or more commercial lots, shall install one identification sign with the same name of the center, and the names of the businesses in the center. Identification sign shall be located at the major entrance to the integrated business center.
*Intersection corner lots shall only have one sign.

TABLE 15-A. SIGN REGULATIONS (Continued)
RURAL MINOR COLLECTOR AND RURAL MAJOR COLLECTOR STREETS

Type of Sign

		POLE	GROUND	WALL	MULTI-TENANT	GROUND SIGN
		SIGN	**SIGN**	**SIGN**	**GROUND SIGN**	**DIRECTIONAL SIGN**
	Max Size s.f.	20 s.f.	40 s.f.	25% of	100 s.f. (b)	8 s.f.
	Max Height	15 ft.	8 ft.	Height of	15 ft.	8 ft.
				Structure		
	Min. Front	10 ft.	10 ft.	N/A	10 ft.	See bldg. setback (d)
	Setback					
	Permitted Lighting	Internal/ External	Internal/ External	Internal/ External	Internal/ External	Internal/ External
		Number of Sign Per Lot Per Street Frontage				
		POLE	**GROUND**	**WALL**	**MULTI-TENANT**	**GROUND SIGN**
		SIGN	**SIGN**	**SIGN**	**GROUND SIGN**	**DIRECTIONAL SIGN**
More Than 400' Frontage		One (e)	Two (a) (e)	N/A	One (e)	N/A
More Than 100' Frontage		One (e)	One (e)	N/A	None	N/A
Less Than 100' Frontage		None	One	N/A	None	N/A

SPECIAL CONDITIONS

a. Minimum of 150 ft. between signs.
b. 35 sq. ft. per tenant
c. Includes: directory, directional and entryway signs.
d. Directional signs in front of the front building setback may not exceed 2 ft. in height.
e. These sign types are mutually exclusive.

TABLE 15-A. SIGN REGULATIONS (Continued)
LOCAL STREETS
Type of Sign

		GROUND SIGN		WALL SIGN
	Max Size s.f.	40 s.f.		25% of
	Max Height	8 f.t.		Height of Structure
	Min. Front Setback	10 ft.		N/A
	Permitted Lighting	Internal/ External		Internal/ External
Number of Sign Per Lot Per Street Frontage				
		GROUND SIGN		WALL SIGN
More Than 400' Frontage		Two (a)		N/A
More Than 100' Frontage		One		N/A
Less Than 100' Frontage		One		N/A

SPECIAL CONDITIONS:

a. Minimum of 150 ft. between signs.
b. 35 sq. ft. per tenant
c. Includes: directory, directional and entryway signs.
d. Directional signs in front of the front building setback.
e. These sign types are mutually exclusive.

CHAPTER 16. MISCELLANEOUS REGULATIONS.

16 Special Regulations for Residential Facilities for the Mentally Ill.

A residential facility for the mentally ill as defined in this Ordinance and by I.C. 2-7-2-167 may not be located within three thousand (3,000) feet of another residential facility for the mentally ill, as measured between lot lines.

16.2 Water and Sewage/On-Site Disposal Feasibility Analysis.

In those cases where a petition for zone map change is filed which would allow for:

1. Residential development at a density in excess of one (1) dwelling for each five (5) acres; or

2. Any business, industrial or manufacturing use

   And the subject real estate is not served by public or semi-public water or sanitary sewer, petitioner shall file a Water or Septic Feasibility Analysis. Such analysis shall provide information on drinking water availability or the suitability of the soils to provide for a septic system, as appropriate, in a manner prescribed by the Morgan County Board of Health and the State Department of Health.

16.3 Manufactured Dwelling Requirements.

All Manufactured Dwellings, as defined in Chapter 2, except those located in the MD District, shall be set onto a permanent foundation and comply with the set-up, utility connection, underfloor space enclosure requirements, and all other applicable requirements of the Monrovia Building Code.

16.4 Temporary Dwelling Unit Renewals.

Any temporary dwelling unit authorized pursuant to the Monrovia Manufactured Housing Ordinance shall be subject to the following:

1. Temporary dwelling units authorized for the purpose of providing temporary shelter while a permanent dwelling is being constructed shall:
   a. If the expiration date of the permit falls within six (6) months of the effective date of this Ordinance, such permit shall be extended one-time for a period of one (1) year from the expiration date; and
   b. Prior to the expiration of the permit (as extended pursuant to Chapter 6.5. a. above, if applicable):
      1) Owner or occupant shall remove the temporary dwelling unit from the site; or,
      2) Owner or occupant shall make application before the Board for a one-time extension, not to exceed one (1) year in duration, for the purpose of completing construction of permanent dwelling and the removal of the temporary dwelling unit from the site.

2. Temporary dwelling units authorized for the purpose of care receiving caregiving, or caretaking shall, prior to the expiration date of the permit:
    a. Be removed from the site by the owner or occupant; or,
    b. Owner or occupant shall make application before the Board for caregiver, care receiver or caretaker dwelling under the provisions of this Ordinance.
3. If any such application is denied by the Board, the temporary dwelling unit shall be removed from the site within sixty (60) days of the denial.

CHAPTER 17. PLAN COMMISSION PROCEDURES

17.1 Advisory Plan Commission

17.1.1 Establishment.

The advisory planning law is hereby re-adopted and the Monrovia Plan Commission is hereby re-established in accordance with Indiana Code 36-7-4-200.

17.1.2 Membership.

The representation and composition of the Plan Commission shall be in accordance with Indiana Code 36-7-4-200 et.

17.2 Filing of Petitions for Zone Map Changes and Approvals.

17.2.1 Who May File.

1) Amendments to the zoning Ordinance proposing to change the zone maps may be initiated by the Town Council, Plan Commission or by a petition signed by property owners who own at least fifty percent (50%) of the land involved in the petition.

2) An approval petition for a particular parcel or parcels of property may be filed by all of the owner(s) of the land subject to the petition.

A duly appointed agent or representative may sign a petition on behalf of the owner of the parcel. Any authorization to sign the petition or otherwise act on the owner's behalf with respect to any petition before the Plan Commission shall be in writing, signed by the owner and submitted at the time of filing the petition.

For purposes of this Chapter 17, owner is defined to include:

1) The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the most recent records of the County Auditor; or,

2) A long-term lessee (but only if the lease is recorded among the records of the County recorder and has at least twenty-five (25) years remaining, excluding unexercised renewal options, before its expiration date at the time of filing the petition).

17.2.2 Filing Required at Least Twenty-Eight (28) Days Prior to Hearing.

All petitions must be filed at least twenty-eight (28) days prior to the initial hearing at which they are to be considered.

17.2.3 Filing on Plan Commission's Forms Required.

1) All petitions for zone map change filed with the Plan Commission shall be made on forms prescribed and approved by the Plan Commission and shall include the petition, legal description of the subject property, proposed text of a Legal Notice, proposed text of an ordinance to be adopted by the Town Council amending the zoning ordinance, location map, site plans and all other materials, information and supporting documentation required by or specified on said forms or this Ordinance.

2) All approval of other petitions filed with the Plan Commission shall be made on forms prescribed and approved by the Plan Commission and shall include the petition, location map and all other materials, information or supporting documentation requested by or specified on said forms or this Ordinance.

Any communication purporting to be a petition not on forms prescribed and approved by the Plan Commission or not containing the information called for on said forms, shall be regarded as mere notice on intention to petition and shall be of no force or effect until it is filed in the form required and containing all required information.

17.2.4 Specifying of Request Required.
All approval petitions must specify the approval (s) sought by the petitioner to be modified or approved.

17.3 Docketing and Processing of Petitions for Zone Map Changes and Approvals.

17.3.1 Docketing.

Each petition filed in proper form (i.e., on a form prescribed and approved by the Plan Commission and containing all required information, exhibits and supporting documentation) shall be numbered and docketed for an initial hearing within ten (10) business days of filing, but in no case less than twenty-three (23) days prior to initial hearing by the Plan Commission. The initial hearing date shall be within sixty (60) days of the date of filing of the petition.

17.3.2 Docket Number.

After determination by Staff that a petition, ordinance or resolution has been presented in proper form and containing all required information, exhibits and supporting documents, such petition, ordinance or resolution shall be filed and numbered consecutively in the order of its filing. The docket numbers shall begin anew on January 1, of each year and for all petitions to be heard within that year. The docket numbers shall be hyphenated and begin with initial (s) indicating the type of petition, followed by the last two numbers of the year, and then by the number of the petition, as follows:

	TOWN OF MONROVIA PLAN COMMISSION DOCKET NUMBER
Petitions for one Map Changes	Z-95-1
Other Petitions for Commission Approvals Amen	AP-95-1
Amending Ordinances to Amend or Partially Repeal The Text of Zoning Ordinance	A0-95-1
Comprehensive Plan Segment Resolutions	CP-95-1
Other Commission Resolutions	R-95-1

17.3.3 Related Petitions.

A petition proposing a change to more than one zoning classification, but which involves contiguous or otherwise related property, shall be assigned, upon request by the petitioner, one docket number; however, a separate petition form shall be filed for each such zoning classification and the docket number assigned shall reflect each such separate classification as follows:

Z-95-1 (a)
Z-95-1 (b)

A separate filing fee shall be paid for each such separate zoning petition; however, such petitions shall be consolidated for a single hearing and the petitioner may request that the related petitions be voted or acted upon as a single petition. It shall be within the discretion of the Plan Commission, however, to decide whether said petitions shall be voted or acted upon as a single petition.

17.3.4 Order of Hearing Petitions.

On the date set for hearing, petitions shall come before the Plan Commission, as docketed by Staff, in the order of their numbers.

However, petitions which are continued from a previous hearing shall be heard at the beginning of the public hearing, in the order enumerated above, before the regularly docketed petitions which have not been continued from a previous hearing.

The Plan Commission may, in its discretion and at a public hearing, change the order in which petitions shall be heard at the public hearing.

17.3.5 Technical Review.

A Technical Review Committee is hereby established and shall consist of the Monrovia Engineer, Plan Administrator, Town Council President, Building Commissioner, and any other public utility or agency who is determined by Staff to be affected by a petition. Upon assignment of a number and docket, the Staff shall distribute a copy of the petition and relevant supporting documentation to the members of the Technical Review Committee. Each agency receiving a copy of such petition and supporting documentation shall review and comment on the petition in terms of public health, safety, convenience and general welfare, adequacy of public facilities, and sufficiency of plans, and report their findings and comments to the Staff either in writing or in an advisory meeting. Written comments shall be received or an advisory meeting shall be held not less than twelve (12) days prior to the scheduled public hearing of the petition before the Plan Commission. Petitioner, his attorney or agent, may participate in an advisory meeting to discuss a petition.

17.4 Notice of Petitions for Zone Map Changes and Approvals.

17.4.1 Notice Requirements.

Notice of all petitions and other matters to be heard by the Plan Commission shall be given to all interested parties or property owners, in the following manner:

1. Notice by Publication – The petitioner shall deliver to the Martinsville Daily Reporter, a newspaper of general circulation in Morgan County, and any other newspaper if required to comply with the requirements of i.e. 5-3-1, a notice of public hearing on behalf of the Plan Commission, in a form that complies with the requirements of I.C. 36-7-4-606 prescribed and approved by the Plan Commission, for publication at least ten (10) days prior to the date set for the hearing. Petitioner shall be responsible for all costs associated with said publication of notice.

2. Additional Notice by Petitioners to Interested Parties – Additional notice of each petition, shall be given by the petitioner by certified mail, return receipt requested, at least ten (10) days before the date of the hearing (on the form prescribed and approved by the Plan Commission) to the owners of all adjoining parcels of land in Morgan County and to all owners or property within the area included in the petition who are not petitioners.

   In the case of a petition for zone map change, such notice shall also be given to owners of property outside Morgan County, regardless of jurisdiction, if their property is within the depth of two (2) ownerships or within six-hundred and sixty (660) feet of the perimeter of the subject property described in the petition (plus abutting land owner by petitioner).

   Ownership by Monrovia, Morgan County or the Indiana Department of Transportation shall not constitute a property owner requiring notice if the property is right-of-way used for street or highway purposes.

   For purposes of the notice requirement of this Chapter 17, where any abutting parcels of land are owned by petitioner, the subject property shall be deemed to include the abutting land owned by petitioner.

   In no event shall notice be required to be given to owners of land located more than six-hundred-sixty (660) feet from the subject property described in the petition (plus abutting land owned by petitioner).

   In the case of property which has been submitted to the Horizontal Property Law (I.C. 36-1-6), each condominium unit shall be deemed one property ownership and the common area designated in the appropriate condominium instruments shall be deemed one property ownership, and notice to the co-owners of such common area may be given to the association of co-owners set forth in the condominium instrument recorded in the officer of the Recorder of Morgan County, Indiana and abutting counties.

   For the purpose of determining name and addresses of legal title owners, the records in the Morgan County Auditor's Office and appropriate offices of abutting counties which

list the current owner of record at a point in time within fourteen (14) days of the date on which the notice shall be sent, shall be deemed to be true names and addresses of persons entitled to notice and if notice is sent to such persons for the purposes of the hearing before the Plan Commission, such notice shall be deemed proper.

All notices shall comply with the requirements of I.C. 36-7-4-604 and state the following:

1) The time and place of the hearing;
2) The geographic area (by address or other identifiable location of geographic characteristic) that is the subject of the petition (this does not require the identification of any real property by metes and bounds);
3) In the case of a petition for zone map change, a description of the proposed change in the zone maps;
4) The name of the petitioner;
5) The docket number and a description of the proposal requested in the petition;
6) That the petition and file, including the legal description of the subject property, may be examined in the offices of the Plan Commission;
7) That written objections to the petition that are filed with Staff before the hearing will be considered;
8) The oral comments concerning the petition will be heard; and
9) That the hearing may be continued from time to time as may be found necessary.

3. The requirements of Chapter 17.4.1.2 and 17.4.1.3 above and Chapter 17.4.2 below shall not be applicable to petitions initiated by the Plan Commission. The Plan Commission shall, however, provide notice by certified mail to the owner(s) of the property included in such petitions and in the case of a petition for zone map changes, such notice shall also be given to owners of property outside of Morgan County, regardless of jurisdiction, if their property is within a depth of two (2) ownership or within six-hundred and sixty (660) feet of the perimeter of the subject property described in the petition (plus abutting land owned by petitioner).

17.4.2 Affidavit of Notice

Petitioner, his attorney or agent, shall furnish evidence of compliance with the notice requirements set forth above in Chapter 17.4.1 above by filing a notarized statement of a form prescribed and approved by the Plan Commission in the offices of the Plan Commission:

a) Including a copy of the Proof of Publication; and
b) A listing of the names and addresses of property owners to whom notice was sent by certified mail, return receipt requested as required by these Rules. Said notarized statement shall be filed in the offices of the Plan Commission at least five (5) business days prior to the hearing date.

17.4.3 Defective Notice.

If proper notice pursuant to Chapter 7.4.1.1, 17.4.1.2 and 17.4.1.3 has not been given, the Plan Commission, as the case may be, may continue the petition until a later date to allow time for proper notification and/or unnotified persons to prepare for hearing. Personal appearances shall waive any defect in notice unless the defect in the notice is timely raised

at the beginning of the hearing when the Plan Commission is considering requests for continuances.

If the failure to give proper notice is not discovered until after the hearing, the Plan Commission may take the following action:

1. If the petition has been approved by the Plan Commission but is not required to be or has not been certified to the Town Council for its approval, the Plan Commission may order the petition to be reheard by the Plan Commission upon proper notice given by the Petitioner.

2. If the petition has been certified to the Town Council for its approval, the Plan Commission may rescind its recommendation approving such petition and may direct Staff to amend the certification to exclude such petition and shall set the petition for rehearing by the Plan Commission upon proper notice given by the Petitioner.

17.5 Commitments.

17.5.1 Commitments Required by the Plan Commission.

The Plan Commission may require or permit the owner of a parcel of property to make written commitments concerning the use or development of the Subject property in connection with a development plan required by a zoning ordinance as a condition of development.

The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitment (s) shall be in effect for as long as the real estate to which they apply remains zoned to the classification to which the real estate was zoned when the commitments were made or for the life of the Development Plan Approval, whichever is longer. The commitment (s) shall authorize their recording by the Staff in the Office of the Recorder of Morgan County, Indiana upon the final approval of the Development Plan by the Plan Commission. Following the recording of the commitments, the Staff shall return the original recorded commitments to petitioner and shall retain a copy of the recorded commitments in its file.

The Plan Commission may require in such commitments the designation of any specially affected persons, who shall be entitled to enforcement thereof pursuant to I.C. 36-7-4-1015.

The commitments required by the Plan Commission shall be in substantially the form set forth in Exhibit “A” of this Monrovia Zoning Ordinance.

17.5.2 Modification of Commitments by the Plan Commission.

Commitments required or permitted by the Plan Commission may be modified or terminated by a decision of the Plan Commission, or its successor, made at a public hearing after proper notice has been given. Any modification or termination of the commitments shall not be effective until:

a) Reduced to writing;
b) Approved by the Plan Commission;

c) Executed and notarized by the present owner (s) of the real estate; and,
d) Recorded in the Office of the Recorder of Morgan County, Indiana.

The modifications or termination of commitments shall be in substantially the form set forth in Exhibit "B" of this Monrovia Zoning Ordinance.

17.5.3 Modification of Commitments by the Town Council.

During the time that a proposal to amend the zone maps is under consideration by the Town Council, the owner of property subject to the petition may make a new written commitment or modify the terms of a written commitment made when the proposal was before the Plan Commission as follows:

1. If a written commitment is new, no further action by the Plan Commission is required for the commitment to be effective.

2. If a written commitment is modified:
   1) No further action is required by the Plan Commission if the effect of the commitment modification is to make the commitment more stringent; or,
   2) The modified commi9tment must be ratified by the Plan Commission if the effect of the commitment modification is to make the commitments less stringent.

3. Any commitment made before the Town Council shall be reduced to writing in a recordable form consistent with the requirements of Chapter 17.5.1.

17.6 Final Disposition of Petitions for Zone Map Changes or Approvals.

17.6.1 Zone Map Changes: Determination by Town Council after recommendation by Plan Commission.

1. Certification – The Plan Commission may issue a favorable recommendation, an unfavorable recommendation or no recommendation on a proposal for zone map changes. The recommendation by the Plan Commission shall be certified by Staff within ten (10) business days following the decision to the clerk of the Town Council; provided, however, no petition shall be considered finally approved by the Plan Commission or be so certified until all the commitments required or allowed by the Plan Commission, and which comply with the requirements of Chapter 17.6, shall have been filed with Staff.

2. Zone Map Changes Receiving a Favorable Recommendation – At the first regular meeting of the Town Council after a proposal to change the zone map is certified with a favorable recommendation (or at any subsequent meeting within the ninety (90) day period after certification by the Plan Commission as specified in Chapter 17.6.1.1 above), the Town Council may, by a vote of at least a majority of all elected members, adopt or reject the proposal. The Town Council shall give notice under I.C. 5-14-1.5-5 of its intention to consider the proposal at that meeting.

   If the Town Council adopts (as certified) the proposal, it takes effect as other ordinances of the Town Council.

If the Town Council rejects the proposal, it is defeated.

If the Town Council fails to act on the proposal within (90) days after certification, the ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification.

3. Zone Map Changes Receiving No Recommendation or an Unfavorable Recommendation – At the first regular meeting of the Town Council after a proposal to change the zone maps is certified with no recommendation or an unfavorable recommendation (or at any subsequent meeting within the ninety (90) day period after certification by the Plan Commission as specified in Chapter 17.6.1.1. above), the Town Council may, by a vote of at least a majority of all the elected members, adopt or reject the proposal. The Town Council shall give notice under I.C. 5-14-1.5-5 of its intention to consider the proposal at that meeting.

   If the Town Council adopts (as certified) the proposal, it takes effect as other ordinances of the Town Council.

   If the Town Council rejects the proposal, it is defeated.

   If the Town Council fails to act on the proposal within (90) days after certification, it is defeated.

17.7 Waivers

The Plan Commission shall have the right to waive the requirements of this Chapter 17 upon their own motion, or upon request of an interested party, for good cause shown, provided, however, the Plan Commission may not waive any portion of this Chapter 17 beyond the minimum requirements established by statute.

CHAPER 18. BOARD OF ZONING APPEALS.

18. Board of Zoning Appeals Established.

The Advisory Board of Zoning Appeals for Monrovia ("Board") is hereby re-established in accordance with I.C. 36-7-4-900 et. Seq.

18.2 Membership.

The Board shall consist of five (5) members as follows:

1. Citizen members appointed by the Town Council, of whom one (1) must be a member of the Plan Commission and three (3) must not be members of the Plan Commission.

2. Buffer Zone resident and citizen member appointed by the Plan Commission who must be a member of the Plan Commission.

18.3 Terms in Office

1. The members of the Board shall initially be appointed as follows:
   One (1) for a term of one (1) year.
   One (1) for a term of two (2) years.
   One (1) for a term of three (3) years.
   Two (2) for a term of four (4) years.

2. When an initial term in office expires, each new appointment is for a term of four (4) years.

3. Each term expires on the first Monday of January of the year following the last year of the term of the appointment.

4. A member of the Board serves until his successor is appointed and qualified.

5. A member is eligible for reappointment.

18.4 Removal from the Board.

The appointing authority may remove a member from the Board for cause. The appointing authority must mail notice of the removal, along with written reasons for the removal, to the member at his/her residence address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the circuit or superior court of Morgan County.

18.5 Vacancies.

If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member. In addition, the appointing authority may appoint an alternate member to participate with the Board in any hearing or decision in which the regular member it has appointed has a disqualification due to conflict of interest.

18.6 Conflict of Interest.

A member of the Board may not participate in a hearing or decision of the Board concerning a zoning matter in which he has a direct or indirect financial interest. The Board shall enter into the records:

1. The fact that a regular member has such a disqualification; and

2. The name of the alternate member, if any, who participates in the hearing or decision in place of the regular member.

18.7 Proceedings of the Board.

The Board shall adopt Rules of Procedure necessary to the conduct of the affairs of the Board.

18.8 Powers of the Board.

The Board has the power to:

1. Hear and determine:
   1) Any order, requirement, decision, or determination made by an administrative official or staff member under the zoning ordinance;
   2) Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission of Monrovia in relation to the enforcement of the zoning ordinance; or
   3) Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission of Monrovia in relation to the enforcement of an ordinance adopted under i.e. 36-7-4 requiring the procurement of an Improvement Location Permit or occupancy permit.

2. Approve or deny all Special Exceptions from the terms of this Ordinance, but only in the classes of cases or in the particular situations specified in this Ordinance. The Board may impose reasonable conditions as a part of its approval.

3. Approve variances from the development standards (such as height, bulk or area) of this Ordinance only upon a determination in writing that:
   1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
   2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner, and,
   3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

   The Board may impose reasonable conditions as a part of its approval.

4. Deny variances from the development standards (such as height, bulk or area) of the zoning ordinance upon a determination in writing that:
    1) The approval will be injurious to the public health, safety, morals, and general welfare of the community;
    2) The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner; or,
    3) The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property.

5. Approve variances of use from the terms of this Ordinance only upon a determination in writing that:
    1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
    2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
    3) The need for the variance arises from some condition peculiar to the property involved;
    4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and,
    5) The approval does not interfere substantially with the comprehensive plan.

The Board may impose reasonable conditions as a part of its approval.

6. Deny variances of use from the terms of this Ordinance upon a determination in writing that:
    1) The approval will be injurious to the public health, safety, morals and general welfare of the community;
    2) The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner;
    3) The need for the variance does not arise from some condition peculiar to the property involved;
    4) The strict application of the terms of the zoning ordinance will not constitute an unnecessary hardship if applied to the property for which the variance is sought; or,
    5) The approval does interfere substantially with the comprehensive plan.

7. Approve or deny the modification or termination of commitments, modification to the conditions, or modification to an approved site and development plan related to a prior Board approval.

18.9 Categories of Petitions and Requests.

The Board may take action relative to the following:
1. Variance of Development Standards Petitions;
2. Variance of Use Petitions;
3. Special Exception Petitions;
4. Administrative Appeal Petitions;
5. Approval Petitions;
6. Continuances and other Special Requests permitted by these Rules of Procedure.

18.10 Filing of Petitions

18.10.1 Who May File

1. Petitions before the Board shall be signed by all owner (s) of the land subject to the petition or his or her duly authorized agent or representative. Any authorization to sign a petition or otherwise act on the owner's behalf with respect to any petition before the Board shall be in writing, signed by the owner and submitted at the time of filing the petition.
   For purposes of this Chapter, owner is defined to include:
   a) The person (s) who holds either fee simple title to the property or is a life tenant as disclosed in the most recent records of the County Auditor; or,
   b) A long-term lessee (but only if the lease is recorded among the records of the County Recorder and has at least twenty-five (25) years remaining, excluding unexercised renewal options, before its expiration date at the time of filing the petition.

18.10.2 Filing Required at Least Twenty-One Days Prior to Hearing.

All petitions shall be filed at least twenty-one (21) days prior to the initial hearing at which they are to be considered.

18.10.3 Filing on Board's Form Required.

All petitions filed with the Board shall be made on forms prescribed and approved by the Board and shall include the applicable petition, legal description of the subject property, proposed text of a Legal Notice, site plans and all other materials, information and supporting documentation required by and specified on said forms or this Ordinance.

Any communication purporting to be a petition not on forms prescribed and approved by the Board or not containing the information called for on said forms, shall be regarded as mere notice on intention to petition and shall be of no force or effect until it is filed in the form required and containing all required information.

18.10.4 Required Findings of Fact.

At the time of filing a petition, proposed detailed written findings of fact shall be filed by the petitioner.

Any other interested party may file proposed findings of fact at any time prior to the hearing.

18.10.5 Specifying of Request Required.

All petitions must specify the ordinance (s) and development, performance or other standard (s) and regulation (s), condition (s) or approval (s) sought by the petitioner to be modified or approved. A mere recitation in the petition that development is, or will be, "per plans" is insufficient to modify any standards or regulations of the applicable ordinance (s).

18.10.6 Appeals of Any Order, Requirement, Decision or Determination Made by an Administrative Official or Staff Member.

An appeal filed with the Board of any order, requirement, decision or determination made by an administrative official or staff member must be filed within thirty (30) days of the issuance of such order, requirement, decision or determination provided in writing by the administrative official or staff member.

18.11 Docketing and Processing of Petitions.

18.11.1 Docketing by Staff.

Each petition filed in proper form (i.e., on a form prescribed and approved by the Board and containing all required information, exhibits and supporting documentation) shall be numbered and docketed for an initial hearing by the Board within ten (10) business days of filing.

18.11.2 Docket Number.

After determination by Staff that a petition has been presented in proper form with all required exhibits and supporting documents, such petition shall be filed and numbered consecutively in the order of its filing. The docket numbers shall begin anew on January 1, of each year and for all petitions to be heard within that year. The docket numbers shall be hyphenated and begin with initial (s) indicating the type of petition, followed by the last two numbers of the year, and then by the number of the petition, as follows:

BOARD OF ZONING APPEALS

1. Administrative Appeal
2. Variance of Development Standards
3. Special Exceptions
4. Approval Petitions

} = A-93-1

18.11.3 Order of Hearing Petitions.

On the date set for hearing, petitions shall come before the Board, as docketed by Staff, in the order of their numbers.

However, petitions which are continued from a previous hearing shall be heard at the beginning of the public hearing, in the order enumerated above, before the regularly docketed petitions.

The Board, in its discretion and at a public hearing, change the order in which petitions shall be heard at the public hearing.

18.11.4 Technical Review.

Upon assignment of a number and docket, Staff shall distribute a copy of the petition and relevant supporting documentation to the Monrovia Engineer, Plan Administrator, Town

Council President and Building Commissioner and any other public utility or agency affected by the petition. Each agency receiving a copy of such petition and supporting documentation shall review and comment on the petition in terms of public health, safety, convenience and general welfare, adequacy of public facilities, and sufficiency of plans, and report their findings and comments to Staff either in writing or in an advisory meeting. Written comments shall be received or advisory meeting shall be held not less than twelve (12) days prior to the scheduled hearing. Petitioner, his attorney or agent, may participate in an advisory meeting to discuss a petition.

18.12 Notice

18.12.1 Notice Requirements.

Notice of all petitions or other matters to be heard by the Board shall be given to all interested parties or property owners, in the following manner:

1. Notice by Publication.
   The petitioner shall deliver to the Martinsville Daily Reporter, and The Mooresville Times required to comply with the requirements of I.C. 5-3-1, a notice of public hearing on behalf of the Board, in a form prescribed and approved by the Board, for publication at least ten (10) days prior to the date set for the hearing. Petitioner shall be responsible for all costs associated with said publication of notice.

2. Additional Notice by Petitioners to Owners and Adjoining Land.
   Additional notice of each petition, shall be given by the petitioner by certified mail, return receipt requested, at least ten (10) days before the date of the hearing (on the form prescribed and approved by the Board) to the owners of all adjoining parcels of land in Morgan County.

   Ownership by Monrovia, Morgan County or the Indiana Department of Transportation shall not constitute a property owner requiring notice if the property is right-of-way used for street or highway purposes.

   For purposes of the notice requirement of this Chapter, where any abutting parcels of land are owned by petitioner, the subject property shall be deemed to include the abutting land owned by petitioner.

   In the case of property which has been submitted to the Horizontal Property Law (i.e. 36-1-6), each condominium unit shall be deemed one property ownership and the common area designated in the appropriate condominium instruments shall be deemed one property ownership, and notice to the co-owners of such common area may be given to the association of co-owners set forth in the condominium instrument recorded in the office of the Recorder of Morgan County, Indiana and abutting counties.

   For the purpose of determining name and addresses of legal title owners, the records in the Morgan County Auditor's Office and appropriate offices of abutting counties which list the current owner of record at a point in time within fourteen (14) days of the date on which the notice shall be sent, shall be deemed to be true names and addresses of

persons entitled to notice and if notice is sent to such persons for the purposes of the hearing before the Board, such notice shall be deemed proper.

All notices shall state:

1) The time and place of the hearing;
2) The geographic area (by address or other identifiable locations of geographic characteristic) of the subject property (this does not require the identification of any real property by metes and bounds);
3) The name of the petitioner;
4) The docket number and a description of the request in the petition; and,
5) That the petition and file, including the legal description of the subject property, may be examined in the offices of the Board.

18.12.2 Affidavit of Notice.

Petitioner, his attorney or agent, shall furnish evidence of compliance with the notice requirements set forth above in Chapter 18.12.1 by filing a notarized statement on a form prescribed and approved by the Board in the Office of the Board

a) Including a copy of the Proof of Publication,
b) A listing the names and addresses of property owners to whom notice was sent by certified mail, return receipt requested, and
c) Certifying that notice was posted on the subject property as required by these Rules. Said notarized statement shall be filed in the offices of the Board at least five (5) business days prior to the hearing date.

18.12.3 Defective Notice.

If proper notice pursuant to Chapter 18.12.1.1, 18.12.1.2 and 18.12.1.3 has not been given, the Board may continue the petition until a later date to allow time for un-notified persons to prepare for hearing. Personal appearances shall waive any defect in notice unless the defect in the notice is timely raised at the beginning of the hearing when the Board is considering requests for continuances.

If the failure to give proper notice is not discovered until after the hearing, the Board may rescind its decision on the petition and may order a rehearing of the petition upon proper notice given by the petitioner.

18.13 Commitments.

If deemed advisable, the Board may require or permit the petitioner to make written commitments concerning the use or development of the subject property in connection with the grant of any petition for a special exception, special use, contingent use, conditional use, or variance from the terms of this Ordinance.

The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitment(s) shall authorize their recording by Staff in the office of the Recorder of Morgan County, Indiana upon the grant of the applicable petition by the Board. Following the recording of the commitments, Staff shall return the original recorded commitment to petitioner and shall retain a copy of the recorded commitments in its file.

The Board may require in such commitment the designation of any specially affected persons, who shall be entitled to enforcement thereof pursuant to I.E. 36-7-4-921.

The commitments required by the Board shall be in substantially the form set forth in Exhibit "C" of this Ordinance.

The commitments may be modified or terminated by a decision of the Board made at a public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Board shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, approved by the Board, and recorded in the Office of the Recorder of Morgan County, Indiana.

The modifications or termination of the commitments shall be in substantially the form set forth in Exhibit "D" of this Ordinance.

18.14 Final Disposition of Petitions.

1. Dismissal of Petitions – The Board may dismiss a petition for want of prosecution or for lack of jurisdiction.

   Any petition which has been dismissed by the Board for want of prosecution shall not again be filed for consideration within a period of three (3) months from the date of the dismissal, except upon motion to permit refiling by a majority vote of all members present at a regular or special meeting, for good cause shown.

2. Withdrawal of Petitions – No petition may be withdrawn by the petitioner after a vote has been ordered by the presiding officer. No petition which has been withdrawn by the petitioner shall again be filed for consideration within a period of three (3) months from the date of said withdrawal, except upon motion to permit refiling, adopted by a majority vote of all members present at a regular or special meeting, for good cause shown.

3. Refiling Following Adverse Decision – No parcel of ground, or part of a parcel, which has been the subject of an adverse decision by the Board shall again be included in a petition filed before the Board within a period of twelve (12) months from the date of the adverse decision by the Board unless the Board decides, by official vote, to allow a refiling within the twelve (12) month period.

4. Notice of Board's Decision – Within five (5) business days after granting a petition the Board shall file with the Office of the Board a copy of its decision.

5. Letter of Grant or Denial – Following final action on a petition, staff shall notify the petitioner of the final decision by sending the petitioner a letter of grant or denial which shall include, if letter of grant, all conditions imposed.

6. Findings of Fact – The Board shall in all cases heard by the Board make written findings of fact.

7. Judicial Review by Certiorari – Every decision of the Board shall be subject to review by certiorari. Such petition for certiorari shall be present to the court within thirty (30) days after the decision of the Board. The petitioner for certiorari shall pay the costs of preparation of the transcript of the hearing before the Board if the writ of certiorari calls for a transcript of evidence before said Board.

18.15 Waivers

The Board shall have the right to waive the requirements of this Chapter 18 upon their own motion, or upon request of an interested party, for good cause shown, provided, however, the Board may not waive any portion of this Chapter 18 beyond the minimum requirements established by Statute.

CHAPTER 19. IMPROVEMENT LOCATION PERMITS

19.1 Improvement Location Permit Required.

Within the jurisdiction of the Plan Commission, no structure shall be located, relocated, erected, altered or repaired unless the use, character and location of the structure are in conformity with the provisions of this Ordinance.

Within the jurisdiction of the Plan Commission, no structure shall be located, relocated, erected, altered or repaired until an Improvement Location Permit therefore has been applied for by the owner (or authorized agent) thereof and issued by the Plan Commission.

19.2 Permit Exceptions.

Repairs or alternations which do not change the height, size or lateral bulk of the structure shall be exempt from the requirements of this Chapter 19.

Any accessory building, structure or improvement, located in an AG, R-1, R-2, R-3, R-4, R-5, R-6, D-1 or D-2 Districts, which is less than two hundred (200) square feet in area shall be exempt from the requirements of this Chapter 19.

19.3 Application for Improvement Location Permit.

An applicant for an Improvement Location Permit shall, at the time of making such application, furnish the site plans as indicated below:

1. Single family or two family use – One (1) site plan indicating all existing and proposed structures; or

2. Any other use – Three (3) site plans indicating all existing and proposed structures.

The Staff may take such permit application under advisement for a period not to exceed ten (10) business days and may consult with appropriate technical consultants.

Each application for an Improvement Location Permit shall include a site plan as follows:

Drawn to a usable scale (typically of 1 inch = 30 feet, 1 inch = 20 feet or 1 inch = ten feet; for unusually large sites, a scale of 1 inch = 40 feet or smaller may be acceptable) indicate scale on the plans. All site plans should include the following:

- The north arrow.
- Address of the Site.
- All dimensions of the entire site.
- Names, center-line, and right-of-way widths of all streets, alleys and easements (including: drainage easements, utility easements, etc.)
- Location and horizontal dimensions of all structures, existing and proposed. Proposed structures indicated by cross-hatching, e.g.

- Use of each structure by labeling. (Such as: office, warehouse, storage shed, etc.)
- Structures to be removed indicated by broken lines, e.g.
- Distance from front, rear and each side property line to all structures. (This distance is measured from the point where the structure is nearest the property line. The line which represents this measurement must form a right angle with the property line).
- Location of proposed or existing driveway(s) and its width at the right-of-way (property) line. (Also show connection to street or alley).
- Measurement of curb radius and/or taper.
- Location, dimensions and use of any other paved areas (i.e., parking, loading, etc.).
- Names of legal ditches or streams on or adjacent to the site.
- Location, type (i.e. ground, pole, projected, wall or other) and dimensions of all signs. Include separate elevation of proposed sign structures complete with all dimensions and drawn to scale.
- Location, size and type of all existing and proposed trees and landscaping.

If, after such ten (10) day period, staff has not required any additional information or stated any objections in writing, the staff shall issue the Improvement Location Permit.

19.4 Expiration of Improvement Location Permits.

If the work described in any Improvement Location Permit has not begun within one (1) year from the date of issuance, the permit shall expire and be automatically revoked. However, staff may, upon good cause shown, grant one extension of time not to exceed one-hundred and eighty (180) days in length, for the commencement of work.

CHAPTER 20. ENFORCEMENT

20.1 Inspection of Property – Right of Entry.

Upon receipt of a signed written complain that the terms of this Ordinance are being violated, Staff shall notify the owner. If the premises is occupied by someone other than the legal owner of record, then both the owner and the occupant of the premises shall be notified. Such notice shall indicate that a zoning violation has been alleged on the subject property and indicate the nature of said violation. The notification shall be given by certified mail and request that the owner or occupant, as appropriate, contact the Staff within ten (10) business days of the receipt of said notification to discuss the alleged zoning violation, possible remedies, or to reach a mutual agreement to inspect the premises, if necessary.

If neither the owner nor occupant has contacted Staff within ten (10) business days to discuss options and/or inspect the premises, Staff shall send by certified mail and first class mail notice to the owner or occupant, if applicable, that Staff may make application to any judge of the Municipal Circuit or Superior Courts of Morgan County, Indiana, listing the alleged violation and the location of the property in possible violation and request the issuance of an administrative search warrant to said premises with the sole purpose of inspecting the premises in regard to the specific complaint.

If Staff determines, as a result of its inspection(s), that there is probable cause for the existence of a civil zoning violation, Staff shall proceed with enforcement pursuant to the provisions of Chapter 20.4.1.

20.2 Stop-Work Order

Staff is empowered to issue a Stop-Work Order requiring the suspension of land improvement that requires a permit of any kind when any of the following circumstances exist:

1. Site improvement is occurring without an Improvement Location Permit or any other permit required by the Zoning Ordinance having first been obtained or,

2. Site improvement is occurring in violation of: the terms, conditions or provisions of any Monrovia Zoning Ordinance; the terms, provisions, conditions or commitments of a variance grant or special exception; the terms of commitments made in connection with the approval of a development plan filed in connection with a petition for zone map amendment; or, other approval grant authorized by this Zoning Ordinance.

The Stop-Work Order shall be posted on the property in a conspicuous place, or personally delivered to the owner, possessor, or person in charge and state the conditions under which construction or other activity may be resumed. Staff shall meet with the recipient of a Stop-Work Order upon request to explain the conditions under which construction or other activity may be resumed.

The Plan Commission may institute a lawsuit in a court of competent jurisdiction to enforce the provisions of a Stop-Work Order.

20.3 Violations.

Each of the following shall be deemed civil zoning violations which may be enforced by the designated enforcement entity in accordance with the provisions set forth in Chapter 20.4 below:

1. The location, erection, or maintenance of any sign not specifically permitted by Chapter 15 of this Ordinance;

2. The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of this Ordinance;

3. The outdoor storage or display of merchandise or goods in any zoning district the provisions of which do not specifically permit such a use or in violation of the zoning district development standards regulating such a use;

4. The conduct of an activity in a residential zoning district that is not specifically enumerated as a permitted primary or accessory use in that zoning district, and which activity has not been legally established by a currently valid variance, special exception or other approval grant;

5. Failure to comply with zoning district development standards, including but not limited to landscaping, improving or striping of parking areas, minimum parking space requirements, trash dumpster enclosure, fencing or screening requirements.

6. The failure to comply with the terms, provisions, conditions or commitments of a variance grant or special exception; the terms of commitments made in connection with the approval of a development plan filed in connection with a petition for zone map amendment; or, other approval grant authorized by this Zoning Ordinance;

7. The violation of a Stop-Work Order issued pursuant to this Chapter 20; and

8. Failure to comply with any other provisions of this Ordinance.

20.4 Penalties for Violation.

Any person who commits a civil zoning violation as defined in Chapter 20.3 above may be issued a citation by the Staff.

Subject to the provisions of Chapter 20.4.1 below, each day a civil zoning violation remains uncorrected it is subject to an additional citation and fine in the amount prescribed in this Ordinance.

20.4.1 Procedures.

1. Staff may issue a citation to a person who commits a civil zoning violation or allows a civil zoning violation to be committed on real estate in which the person has a possessory interest. The citation may be served by personal service, or by certified mail

and First Class U.S. Mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice that a civil zoning violation has been committed.

2. No citation shall be issued unless the person who commits a civil zoning violation or allows a civil zoning violation to be committed on real estate in which the person has a possessory interest has been served with a notice to correct the civil zoning violation at least ten (10) business days before the issuance of a citation to allow said person an opportunity to correct the violation and to come into compliance with the prescribed zoning ordinance ore regulation. However, the service of a notice to correct the civil zoning violation is not required before issuing a citation for violation of a Stop-Work Order issued pursuant to this Chapter 20.

3. If a person who is served with a notice of civil zoning violation or receives a citation elects to file a land use petition to correct such violation, then the person must indicate the intent to file such a land use petition on the served notice or citation and return a copy to the Plan Commission. A person shall have ten (10) business days from service of a notice of civil zoning violation or receipt of citation to file the land use petition. During the pendency of said land use petition the issuance of additional citations and additional monetary fines as prescribed in Chapter 20.4.2 shall be stayed. A person who files the land use petition in an expeditious and diligent manner. If the land use petition is denied, withdrawn or dismissed and the civil zoning violation continues, then a lawsuit may be commenced by the Plan Commission, Board of appropriate enforcement official as provided by applicable laws.

20.4.2 Fines.

The monetary fine for the first citation for a civil zoning violation shall be Fifty Dollars ($50.00), and the following monetary fines shall apply for each subsequent citation:

Second Citation:	$50.00
Third Citation:	$100.00
Fourth Citation:	$100.00
Each Additional:	$200.00

In no event shall the total monetary fine for each civil zoning violation exceed Two Thousand Five Hundred Dollars ($2,500.00).

All fines prescribed by this Chapter 20 for civil zoning violations shall be paid to the Monrovia Treasurer, who shall render to the person making the payment a receipt stating the amount and purpose for which the fine been paid, a duplicate of which shall be made a part of the records of Monrovia. All fines thus received shall be deposited with the Monrovia General Fund.

20.4.3 Trial for Civil Zoning Violations

a) A person who receives a citation for a civil zoning violation may elect to stand trial for the violation by indicating on the citation his intent to stand trial and returning a copy of the citation to the Plan Commission. The returned copy of the citation shall serve as notice of the person's intent to stand trial, and the issuance of additional citations and

additional monetary fines as prescribed in Chapter 20.4.2 shall be stayed upon receipt of the notice. The office shall be given at least five (5) business days before the date that payment of the citation is due. On receipt of the notice of intention to stand trial, a lawsuit may be commenced by the Plan Commission, Board or appropriate enforcement official as provided by applicable law to enforce the terms and provisions of this Ordinance.

b) If a person who receives a citation fails to
   a) Pay the assessed fine within forty-five (45) days after the issuance of a citation,
   b) File a land use petition as prescribed in Chapter 20.4.1.3 above, or
   c) Give notice of his intention to stand trial as prescribed in Chapter 20.4.3.1 above,

   The Plan Commission, Board of designated enforcement official may file a lawsuit as provided by applicable law to enforce the terms and provisions of this Ordinance.

c) Seeking a civil penalty as authorized in this section, does not preclude the designated enforcement entity from seeking alternative and additional relief from the Court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of I.C. 36-7-4 or any ordinance adopted or action taken under I.E. 36-7-4.

CHAPTER 21 FEES

21.1 Statement of Purpose

In order to defray administrative costs, the following fees are to be paid by the applicant at the time of filing a petition or upon issuance of a permit.

21.2 Fees for Permits Obtained After Commencement of Work.

If work for which a permit is required has commenced in violation of the provisions of this Ordinance, the permit fee shall be two (2) times the applicable amount stated above; provided, however, that the maximum fee incurred under this Chapter 21 shall be five thousand dollars ($5,000.00) plus the amount of the normal fee for the permit.

CHAPTER 22 SITE PLAN REVIEW

22.1 Statement of Purpose

The purpose of this chapter is to identify a procedure for review and approval of site plans for permitted uses with the applicable sections of this ordinance.

22.2 Applicability

Site Plan Review (SPR) shall be required for all zoning districts referred to in the Monrovia Zoning Ordinance. For any instance in which SPR is required, the applicant shall follow the procedures outlined in this chapter.

22.2.1 The Plan Commission shall conduct SPR for the following types of projects:

a. New construction involving a permitted multifamily, commercial or industrial use;
b. Conversion of the use of a structure from one permitted use to another where no new exterior or interior construction of site development is planned, including any conversions from one zoning classification to another;
c. Additions, expansions, reduction, or any other modification of either the interior or exterior of a structure, or of real property or its use which would have at least one or more of the following effects;
    1) Alteration of traffic flows either into or out of the site;
    2) Alteration of on-site parking facilities which increase the required number of parking spaces; or
    3) Modification of a structure which increases or decreases its usable floor area.
d. The construction of public or private off-street parking areas which exceed ten parking spaces in districts where they are permitted in this Ordinance.

22.2.1.1 Development Requirements.

In determining whether the petitioner has satisfied the development requirements of SPR, the Planning Commission may consider the following:

a. Compatibility of the development with surrounding land uses;
b. Availability and coordination of utilities;
c. Management of traffic in a manner that creates conditions favorable to the health, safety, convenience, and the harmonious development of the community;
d. Building setback lines, coverage, and separation;
e. Vehicle and pedestrian circulation;
f. Parking and lighting;
g. Landscaping;
h. Height, scale, materials, and style of improvements;
i. Signage
j. Recreation space;
k. Other requirements which the Planning Commission or the Town Council consider appropriate.

22.3 Application Requirements

22.3.1 When the Plan Commission Staff has determine that a proposed project requires a Site Plan Review in accordance with Section 22.2 of this chapter, the applicant or his agent shall be notified of the need to apply for a Site Plan Review. Applications for a Site Plan Review may be obtained from the Town of Monrovia's Planning Office.

22.3.2 The application for a Site Plan Review shall include the following items:

1. Application Form.
   This application form, when completed, will contain general information including the name and location of the proposed development, as well as the identification of all the property owners.

2. Architectural Plan.
   The applicant must submit one (1) copy of an architectural plan of the proposed project showing exterior elevations, floor plans, and building materials used (façade and roof). If exterior elevations are not available, reasonable graphic representations may be submitted.

3. Site Plan.

a. The applicant must submit eight (8) copies of a site plan of the proposed project showing the following items:
   1) General vicinity map;
   2) Property boundary lines including any easements and a legal description;
   3) Elevation marks and contours;
   4) Adjacent streets;
   5) Parking and loading plan;
   6) Traffic and circulation plan;
   7) Pedestrian circulation plan;
   8) Landscaping plan – indicating plant types, number, location, size and method of installation;
   9) Grading and surface drainage plan in accordance with the requirements of the Subdivision Control Ordinance;
   10) Utilities plan (existing and proposed) showing location and size;
   11) Signage plan showing location and size;
   12) Lighting plan showing location and size;
   13) Open space and recreation plan;
   14) Refuse/trash storage plan;
   15) Proposed improvements showing location, dimensions, and configuration of existing and proposed buildings/structures and uses;
   16) Floor plans, building plans and elevations of all structures; and
   17) Development summary indicating lot area, building square footage, lot coverage, building height, number and size of dwelling units/structures and the number of parking spaces provided.

b. All drawings prepared for submission under this section must be prepared by a professional engineer, architect, or surveyor and must bear a professional seal. However, if the Plan Commission Staff determines that due to the simplicity of the project, a professional seal may not be required.

4. Application Fee.

The application must be accompanied by the payment of the fee as specified in the Monrovia Fee Ordinance, as amended. No application will be considered complete unless accompanied by a fee payment. All fees are nonrefundable.

5. Adjacent Property Owner List.
   The applicant must obtain the names and addresses of the property owners within six hundred and sixty feet (660) or the property lines being considered or to a depth of two (2) ownerships.

6. Plat Map Page.
   The applicant must submit a copy of each and every plat map page used to obtain the list of names of the adjacent property owners being submitted by the applicant.

22.4 Application Processing.

Once a completed Site Plan Review application has been received, the Plan Commission Staff will open a Site Plan Review file and must begin processing the application through the following procedures:

1. Notification

   a. At least ten (10) days prior to the date set for the public hearing, the Plan Administrator shall publish a notice one (1) time at the applicant's expense in two (2) newspapers of general circulation in the Town. The notice shall set forth the time and place of the public hearing and a general description of the Site Plan.

   b. At least ten (10) days prior to the public hearing, the applicant shall notify, by certified mail, the owners of all parcels of land adjoining or adjacent to the land described in the application. The notification boundaries shall be to a depth of two (2) ownerships, but not to include any ownership of land located more than six hundred and sixty (660) feet from the property described in the application.

   c. Within thirty (30) days after the public hearing, the Plan Commission shall review the preliminary site plan to determine if the proposed development is:
      1) Consistent with the intent and purpose of this Ordinance;
      2) Advancing the general welfare of the community and neighborhood; and
      3) Whether the benefits, combination of various land uses in the surrounding area justify the deviation from standard district regulations.

   d. The Plan Commission's approval in principle of the preliminary site plan shall be necessary before an applicant may submit a final site plan.

   e. Approval in principle of the preliminary site plan shall not be construed to endorse the following:
      1) A precise location of uses;
      2) Configuration of parcels; or
      3) Engineering feasibility.

2. Plan Commission Staff Review
   The Plan Commission Staff must circulate copies of the submitted site plans to the following agencies; engineering, highway, health, police, fire, soil conservation, and schools for their review and comment.

3. Staff Review Meeting.
   The Plan Commission Staff may arrange, if necessary, a meeting with the applicant or project representative to discuss the proposed project. Other interested parties may be invited to this meeting, as required. The purpose of the meeting will be to allow the applicant to communicate with the Plan Commission Staff so that any needed revisions may be made prior to the actual Plan Commission meeting. The applicant may be required to submit a revised site plan indicating any changes.

22.5 Site Plan Review Procedures.

The Plan Commission will conduct a Site Plan Review so that it may determine that the specific requirements of this Ordinance are being satisfied in the planning of the proposed project. The Plan Commission may also take into account comments from the administration or the general public in its evaluation of the project. Whenever it feels necessary, the Plan Commission may attach conditions to the approval of a site plan in order to insure the health, safety, or welfare of the public as well as the integrity of the existing neighborhood in proximity to the development.

1. Special Studies Required.

   In the event that the Plan Commission feels that additional information is necessary in order to make its decision, it may instruct the applicant or the Plan Commission Staff to conduct additional studies or seek expert advice. The cost of such studies shall be the responsibility of the applicant but in no event will such cost exceed one thousand ($1,000.00) dollars.

2. Decision.

   The Plan Commission shall approve or disapprove all site plans to come before it within sixty (60) days of the initial Site Plan Review meeting. Such period may be extended by the Plan Commission in the event that additional studies are required.
   a. Disapproval
      In the event that the Plan Commission does not approve a proposed site plan, the Plan Commission must notify the applicant in writing of its decision.
   b. Approval
      In the event that the Plan Commission approves a proposed site plan, the Commission must notify the applicant in writing of its decision. The President of the Plan Commission must sign and date a copy of the approved plans and this copy shall become the officially approved site plan. Upon approval, the applicant will have one (1) year from the date of approval to obtain an Improvement Location Permit / Building Permit. This permit must be obtained in accordance with Chapter 19 of this Ordinance. Should this one (1) year period elapse without the applicant having obtained the appropriate permit, the site plan approval will become null and void. Should this become the case, the applicant may resubmit the application in conformance with the requirements of this chapter.

22.6 Performance Guarantee.

The applicant is also required to furnish a Performance Guarantee or an Irrevocable Letter of Credit based upon an amount determined by the Plan Commission based upon an amount determined by The Plan Commission based upon a recommendation from the Town's Engineer. The applicant applies for a Performance Guarantee through an insurance agent and submits the required Performance Guarantee to the Planning and Building

Department of the completion of the work items covered by the Performance Guarantee. If, upon inspection, all installations are found to be in conformance with the conditions of site plan approval, the Plan Commission Staff shall release the Performance Guarantee. However, a Performance Guarantee for landscaping will be held for one (1) year to insure that the landscaping will survive (the applicant may wish to have a separate Performance Guarantee covering the landscaping).

22.7 Conformance with Site Plan Approval.

The Plan Commission may consider the revocation of a site plan approval in the event that a proposed development whose occupancy permit has not been issued is found to be in violation of the requirements of this Ordinance for the conditions attached to the approval by the Plan Commission. Should revocation be considered, the Plan Commission must schedule a meeting in which to consider the revocation and shall notify the original applicant or project representative of the date, time, and place of the hearing at least fifteen (15) days in advance of the meeting by certified mail. In the event that the Plan Commission decides to revoke approval, the occupancy permit may not be issued until the Plan Commission certifies that the violation has been corrected. Where a violation involves a project where an occupancy permit has been issued, the violation shall be treated as a violation to this Ordinance and be subject to the penalty as specified in Section 20.4 of this Ordinance.

22.8 Staged Development.

Where a proposed site plan indicates a staged site development approach, the later stages of the proposed development, may be constructed within ten (10) years of the initial approval providing that the initial stage is completed in conformance with Section 22.7 and that the application commenced shall be subject to the application and review requirements stated within this chapter and any additional amendments.

22.9 Technical Plan Review.

In addition to the Site Plan Review process set forth within this chapter, the proposed project plans shall also be subject to a Technical Plan Review coordinated by the Town Engineer and the Health Department which may require additional permits. An Indiana State Plan Release is also required for all multifamily, commercial, and industrial projects. In no way will a Site Plan Review be construed as a substitute or a waiver for these other required permits.

CHAPTER 23 ZONING ORDINANCE: WIRELESS COMMUNICATIONS FACILITIES

23.1 Statement of Purpose

The purpose of this chapter is to regulate the design, construction, placement, modification, and removal of wireless communications facilities: to allow the providers of wireless communications services to provide for adequate coverage end capacity while minimizing the total number and overall impact of additional towers: to encourage co-location, the use of attached facilities, and the use of appropriate public and semi-public properties where possible; to require designs and parameters compatible with adjacent land uses; to conserve the scenic, historic, aesthetic and environmental quality of Monrovia and the tourism industry based thereon from the adverse impacts of wireless communications facilities development: promote long-range planning and cooperation between the citizens and property owners of Monrovia, the Monrovia Plan Commission and Town Council Members, and the wireless communications services providers; to protect public health, safety and general welfare of the community; and to give due regard to the policies of Monrovia's Comprehensive Plan in evaluating proposals for wireless communications facilities.

23.2 Permitted Special Exception and Exempt Uses.

A) Permitted Uses. Permitted uses include:

1) Co-location: placement of an Antenna Array if located on:
   b) A legal existing or previously approved WCF:
   c) A previously constructed broadcast tower; or
   d) An existing communications tower where the engineering specifications of the tower(s) permit and no increase in the height of the tower is required.

2) Attached Wireless Communications Facilities: placement of an Antenna Array if integrated with/within another existing structure (i.e. a building façade, church steeple, water tower) and no more than a 15 ft. increase in the height of the existing structure is required.

3) Replacement of a legal, existing WCF, Support Structure, or Antenna Array with a similar facility of an equal or smaller size, subject to the application procedures, general requirements and abandonment provisions of this Chapter.

4) WCF Overlay District: Placement of Antenna Arrays or construction of Wireless Communications Facilities shall be permitted within a WCF Overlay District (designated on the Monrovia Zoning Maps). Amendments to the WCF Overlay District (map amendments) shall be subject to the procedures and requirements for rezone approval as described in Section 23-9 below.

B) Special Exceptions. In addition to the requirements of this Chapter, Special Exceptions shall be subject to the requirements of Chapter 10 (Special Exceptions), Sections 10-1 through 10-5. Special Exceptions approval shall be required for the following:

1) Placement of a WCF in the following zoning districts: OB, NC, CR, HB, CG, LI, GI, LM, HM, WM-G and WM-H.

2) Placement of a WCF in an AG/R-1 zoning district provided the proposed WCF would be set back from side and rear property lines a distance of at least one thousand (1,000) feet.

C) Exemptions. The following wireless communications facilities are exempt from the provisions of this chapter: police, fire, ambulance and other emergency dispatch; amateur (HAM) radio; antennas used solely for residential household television and radio reception and satellite dishes measuring 2 meters or less in diameter.

D) Prohibitions. WCF not expressly permitted under subsection (A), Permitted Uses, or subsection (B) Special Exceptions, or not exempted under subsection (C), Exemptions are prohibited.

E) Conditions of Approval. The following conditions apply to all permitted and Special Exceptions:

1. All Wireless Communications Facilities and Support Structures shall be designed for, and constructed in accordance with provisions for co-location (defined by Section 23-5, Table 34-1);

2) Applicants and/or petitioners agree to make a good faith effort on terms consistent with any applicable national agreement or on terms common to the region, to accommodate requests for co-location that originate from a provider, from the WCF owner, or from the Plan Commission;

3) Property owners and/or agents shall accept and accommodate the provisions for co-location prescribed by this ordinance, and shall agree to the renting or leasing of space on a Support Structure or WCF, for co-location, at fair market prices and terms without discrimination.

4) Upon completion of the Support Structure or WCF, owners and/or operators of the Support Structure or WCF agree to make a good faith effort to accommodate co-location (placement of additional Antenna Arrays) in a timely manner, including those WCF or Antenna Arrays proposed by other service providers.

5) No approval for a WCF or Support Structure shall become valid until authorization (written approval) or a written statement of no objection from all relevant federal, state or local agencies with regulatory authority has been submitted to the Plan Commission.

23.3 General Requirements.

The following requirements apply to all WCF that are erected or placed within U1e Town jurisdictional area after the effective date of this chapter:

A) For each application, the property owner(s), WCF owner(s), end wireless communications services provider(s) shall be considered co-applicants and shall be jointly and severally subject to the provisions of this Ordinance.

B) Each permit application for placement of a WCF, WCF Support Structure or Antenna Array shall be accompanied by the following:

1) Application Form. A completed application form, with original signatures from all applicants including the property owner(s), WCF owner(s), and wireless communications service provider(s).

2) Statement. A written statement with illustrations that described the proposed wireless communications facility (type of construction, lower height provisions for co-location).

3) Inventory. Inventory of the provider's existing Wireless Communications Facilities and/or Antenna Arrays within Monrovia and within three (3) miles of the boundaries of the town planning jurisdiction, along with a plan describing any potential future facility locations. The inventory and master plan shall include:

   a) Locations of all existing and proposed facilities (by property address, latitude/longitude coordinates, and townships, range, section, 114 section);

   b) Height and type of each existing and proposed facility (including antenna types, output frequency, number of channels, power output and maximum power output per channel);

   c) For each existing and proposed facility, information on the practical capacity for accommodating additional co-located antenna arrays;

   d) Delineation of existing and anticipated coverage patterns in Monrovia with brightly colored radial plots showing clear demarcations between signal strengths: for each existing and proposed facility, signal propagation and radio frequency studies and plots shall be prepared, clearly identified, and signed by a qualified radiofrequency engineer (power density calculations shall be in accordance with "worst case" formulas, assuming operation at maximum power and maximum capacity);

   e) For each existing or proposed facility, type(s) or services to be provided (i.e.e paging, PCS, etc).

4) Site Plan. A drawing to scale, with the following information:

   a) Property lines, with distances and bearings illustrated;

   b) Existing site improvements, including buildings and structures;

   c) Existing/proposed roadways and easements on the property;

   d) Proposed wireless communications facilities; and

   e) Proposed landscaping, including existing vegetation where applicable.

5) Visual Impact Analysis. A visual impact analysis that includes:

   2) Current photographs of significant man-made or natural features adjacent to the proposed WCF or Support Structure, indicating those features that will provide buffering for adjacent properties and rights-of-way;

   3) A photographic presentation that depicts current site conditions with a super-imposed image of the proposed facilities to demonstrate the anticipated views of the proposed site and facilities upon completion of all improvements. Four views shall be illustrated, at a minimum, from points directly to the north,

south, east, and west of the proposed facility at distances no less than one-half (1/2) mile and no greater than one (1) mile.

6) Maintenance and Facility Removal Agreement. For each WCF or Support Structure, a maintenance and facility removal agreement signed by the applicants and/or petitions. This agreement shall bind the applicants and all successors in interest to properly maintain the exterior appearance of all facilities and, ultimately, remove all facilities upon abandonment in compliance with the provisions of this chapter and any conditions of approval. This agreement shall bind the applicants to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse Monrovia for any and all costs incurred to perform any work required by this agreement that the applicants fails to perform. This agreement shall be signed by the applicants and by the Administrator of the Plan Commission and recorded in the office of the Morgan County Recorder.

7) Indemnification. The Town of Monrovia shall not enter into any lease agreement or authorize the placement of any WCF or support Structure unless the Town of Monrovia obtains an adequate indemnification from the applicants (owners/operators) and/or wireless communications service providers. This indemnification must:

   b) Release the Town of Monrovia from all liability arising out of the construction, operation, removal or repair of a wireless communications facility and/or antenna array. Parties to a wireless communications agreement agree to not sue or seek any monies or damages from the Town of Monrovia in connection with the above.

   c) Indemnify and hold harmless the Town of Monrovia, its elected and appointed officials, agents, servants and employees, from and against all claims, demands, or causes of action, whatsoever, and the resulting losses, costs, expenses, attorney's fees, liabilities, damages, orders, judgements or decrees, sustained by the Town of Monrovia or any third party arising out of, or resulting from, each wireless communications facility's owner's, operator's, agent's, employee's, or servant's negligible acts, errors, or omissions.

   d) Provided that the covenants and representations relating to the indemnification provision shall survive the term of any agreement and continue in force and effect as to the responsibility of the party to indemnify.

8) Proof of Insurance. At a minimum, adequate insurance covering liability, bodily injury and property damage must be obtained and maintained for the entire period the wireless communications facility is in existence. The Town of Monrovia Plan Commission shall be named as an additional insured. A certificate of insurance verifying such insurance shall be submitted at the time of application.

9) Reports. Copies of inspections or reports that are required by, and have been submitted to, the FAA and/or the FCC.

10) Fee. The fee, in accordance with the standards set by the Plan Commission.

11) Proof of Escrow Account. A certificate of funds in escrow, for the benefit of the Town of Monrovia, in the amount of five thousand dollars ($5,000) per support structure and one thousand dollars ($1,000) per antenna array (the amount

applicable to support6 structures shall not apply to Attached WCF). The escrow account shall be established with a bank located within sixty (60) miles of Monrovia, Indiana. The Clerk Treasurer shall have the authority to draw funds from the account as needed to ensure compliance with the maintenance, indemnification, insurance and abandonment provisions of this Chapter. The account may be released or closed upon the discontinuation of the subject WCF and upon demonstration of compliance with all requirements of this Chapter.

C) The requirements of 23.3 (B), (G), (7), (B) and (11) are continuing requirements and are binding on the Applicants, their successors and assigns. In the event of a draw of funds, the Applicants shall be required to restore the escrow account to its original amount. The Applicants, their successors and assigns shall be required to submit documented proof of compliance with the foregoing requirements:

1) Annually:

2) When ownership of the facility changes;

3) When ownership of the WCF site changes;

4) Prior to the expiration or invalidation of a submitted document;

5) Upon any other event that would reasonably call the validity or effectiveness of the original document into question.

D) The failure to maintain the Insurance coverage or the escrow account in the manner required above shall be a violation of the Town of Monrovia Zoning Ordinance. In addition to all other available remedies, the Plan Commission may seek a court order that mandates the maintenance of the coverage or account and/or that immediately and permanently prohibits the use of the WCF until compliance with this Chapter is demonstrated.

E) Each application for placement of a Wireless Communications Facility or Antenna Array shall be subject to Co-location Review, as described in Section 23-5.

F) In the manner described in Section 234 below, the Plan Commission shall employ, on behalf of the Town and at the applicant's expense, an Independent technical expert to review and assess all technical application materials or conclusions.

23.4 Provisions for Hiring Independent Consultant.

A) Upon submission of an application for a WCF, or petition for amendment to the WCF Overlay, the Town shall hire one or more independent consultants of its own choosing. These consultants shall be qualified professionals with an appropriate combination of training, record of service, and/or certification in one of the following fields: telecommunications radio frequency engineering; structural engineering; electromagnetic fields (EMF); and, if determined by the Plan Commission, other fields:

B) The Plan Commission shall provide the independent consultant with a copy of the complete application for analysis and review:

C) The independent consultant(s) shall provide an estimate for the cost of reviewing the application to the Plan Commission. The Plan Commission shall forward this estimate in

writing to the applicant, the applicant shall promptly pay this fee during the review process (separate from the general application file). The estimate shall be regarded as a decision of the Plan Commission. No application will be processed and not public hearings (where applicable) will be scheduled until full payment has been made;

D) The consultant(s) shall work under the direction of the Town of Monrovia Plan Commission and/or Board of Zoning Appeals (if a special exception or variance is requested). Copies of the consultant(s) findings and reports shall be made available to the applicant not less than seven (7) days prior to any scheduled public hearing(s), and the applicant shall be given the opportunity to respond to said reports in writing and at the applicable hearing(s).

23.5 Co-Location Review.

Co-location shall be required for Wireless Communications Facilities or Antenna Array, unless specifically exempted by the provision of this section.

A) Procedures. The Plan Commission shall, upon request and/or upon submittal of an application in conformance with Section 23.3, provide applicants with a list of all known existing and proposed wireless communications facilities or support structures that lie within one mile of the proposed site and the names of the applicable owners or providers, based upon the existing inventory of wireless communications facilities in The Town of Monrovia and upon known co-location opportunities.

B) Basis of Relief. Relief from co-location under this section shall require independent professional verification of the applicant's data and an independent professional evaluation that supports exception from co-location. Relief from this section may be justified by the following:

1) Existing Wireless Communications Facilities or Support Structures do not fall within location tolerances based upon Radio Frequency mapping;

2) Proposed site(s) do not meet minimum height requirements based upon Radio Frequency engineering data;

3) Existing Wireless Communications Facilities or Support Structures do not meet structural integrity requirements for the proposed antenna array; or

4) Placement of the proposed Wireless Communications Facility and/or Antenna Array would impair, or be impaired by, the emission of Radio Frequencies.

C) Amendments to the Overlay. A finding that relief from the co-location requirement is justified does not, in itself, imply or guarantee approval of any petition for amendment to the WCF Overlay. All petitions for amendment to the WCF Overlay shall be subject to the criteria specified by this chapter and all procedures and requirements described in Section 23.8.

23.6 Performance Standards.

A) Security.
For all WCF excepting Attached WCF, a perimeter fence at least eight (8) feet high shall be installed to circumscribe and contain the WCF, along with all accessory structures and/or facilities. Use of razor wire is prohibited.

B) Lighting.

1) Security lighting is not required. However, if security lighting is installed it shall be confined to accessory structure(s), directed downward to minimize glare or intrusion into adjoining properties.

2) Other illumination is prohibited. No WCF, Support Structure, or Antenna Array that requires illumination shall be permitted.

C) Landscaping.

1. The following planting requirements shall be applied to all applications or petitions for construction of WCF and/or Support Structures:

a) A double staggered row of evergreen trees planted at seven (7) ft. in height (measured from grade) and at no more than fifteen (15) ft. at intervals along the perimeter of the fence to screen the facilities from adjoining properties; or

b) A mix of deciduous shade trees (2.5' caliper) and large deciduous shrubs (at least 48") of sufficient density along the perimeter of the fence to adequately screen the facilities from adjoining properties.

2) Existing vegetation within twenty feet of the security fence that is preserved shall be credited towards planting requirements.

3) The provisions of this section may be waived in whole or in part by the Plan Commission upon a determination: Site conditions would not be adequate to support landscape plantings; or, that architectural camouflage ('stealth" design) will insure compatibility with adjoining land uses and eliminate the need for screening.

4) All landscape plantings shall be properly maintained or replaced as necessary to ensure their good health and viability for the life of the WCF and/or Support Structure.

D) Identification signage, no more than three square foot in total area, shall be required for each WCF/Support Structure, and/or accessory facility. Identification signage shall include the name(s) of the facility owner(s) or operator(s) and a 24-hour emergency telephone number, and shall be affixed to a perimeter fence where possible. Off-premise and other advertising signage is prohibited.

E) Attached WCF. Attached WCF shall be appropriately integrated with, or within, existing structures with due consideration given to sign placement, color, camouflage, size and type of construction. Attached WCF shall be designed to minimize visual impact and Antenna Arrays shall not exceed the height of the existing structure by more than fifteen (15) feet.

F) Noise.

1) Noise-producing equipment shall be sited and/or insulated to guarantee that no increase in noise above ambient levels measured at the property line occur.

2) Backup Generators, if used, shall only be operated during power outages and for testing and maintenance purposes. Routine testing and maintenance, if conducted, shall only be conducted between the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday.

G) Color and Camouflage.

1) All WCF, Support Structures, accessory buildings, poles, antennas and/or external facilities shall be painted upon installation and thereafter repainted as necessary with a matte paint; except where dictated by the FAA paint color shall, at the discretion of the Plan Commission, be designed to minimize visibility and blend with the surrounding environment. To this end, improvements which will be primarily viewed against soils, trees or grasslands shall be painted colors matching these landscapes. While elements that rise above the horizon shall be painted a blue or gray that matches the typical sky color at that location.
2) Accessory buildings and/or structures shall be designed to be architecturally similar and compatible with each other, and shall not exceed twelve (12) feet in height and 750 square feet in area. Accessory buildings and/or structures shell be used only for the housing or equipment needed to service the WCF and/or Antenna Array(s) located on the premises. Where possible, accessory buildings and/or structures shall be attached or clustered so as to appear as one building. Exterior facades shall incorporate materials, textures and colors that blend with the surroundings to minimize visual impact.

3) The Plan Commission shall reserve the right to require architectural camouflage, or "stealth design", if a proposed is deemed sensitive for any of the following reasons:

a) The prospect6ive site is located in, or within 300 feet of property officially designated as "Historic" by the State of Indiana, Morgan County or the Town of Monrovia, listed with the Indiana Historic Site and Structures Inventory, or located within property listed with the National Register of Historic Places;

b) The prospective site lies in, or within 300 feet of a right-of-way classified as a scenic corridor by the Town of Monrovia Comprehensive Plan.

H. Materials. Excepting attached WCF, all Support Structures shall be constructed of galvanized metal. The provisions of this section may be waived by the Plan Commission upon a determination that the architectural camouflage ("stealth" design) will satisfy the intent of this section.

I. Health and Safety.

1) All WCF and/or Support Structures shall be constructed, operated, maintained and monitored in compliance with all applicable federal (i.e., FCC and FAA) and state standards and requirements.

2) WCF and/or Support Structures that would be classified as a hazard to air navigation, as defined by the Federal Aviation Administration, shall not be permitted.

J. Other Performance Standards, Refer to Table 34-1.

23.7 Temporary WCF.

A. Temporary WCF or antennas shall be permitted for test purposes, emergency communications or in the event of equipment failure for a maximum period of two (2) weeks, subject to the requirements of Section 23.3 (B) (1) through (5) and (7) through (10).

B. If the applicant is investigating co-location opportunities for a proposed Antenna Array, and demonstrates with written documentation that good faith co-location negotiations are in process, a temporary WCF may be approved by the Plan Commission for a period not to exceed six months subject to the requirements of Section 23.3 (B) (1) through (5) and (7) through (10).

C. An improvement location permit shall be required for each Temporary WCF.

23.8 WCF Overlay.

The WCF Overlay is incorporated into the Town of Monrovia Zoning Maps and is yet to be defined. Amendments to the overlay shall be subject to the provisions described below in Section 23.9.

23.9 WCF Overlay Amendment.

A. Requests for amendments to the WCF Overlay shall be submitted to the Plan Commission for review and recommendation, in accordance with the procedures and requirements of this Chapter and of the Town of Monrovia Zoning Ordinance.

B. In evaluating a request for map amendment, The Town of Monrovia shall give due consideration to the Comprehensive Plan, Zoning Ordinance, Zoning Maps, the context of the prospective site, the technical constraints and requirements of the prospective facility, and the purposes, requirements and provisions of this chapter.

23.10 Abandonment.

A) Any WCF or Support Structure that is no longer needed or used for its intended purpose shall be considered abandoned and shall be reported immediately by the service provider to the Plan Commission. All abandoned WCF and/or Support Structures shall be completely removed by, and at the expense of, the service provider and/or owner within six (6) months from the date of abandonment and the surface of the site shall be restored to a condition suitable for redevelopment.

B) Any discontinued WCF or Support Structure not completely removed within six (6) months from the date of abandonment may be removed by the Town. Costs associated with the dismantling and removal of an abandoned WCF or Support Structure and site restoration shall be paid by the service provider and/or owner as bound by the terms of the maintenance and facility removal agreement described in Section 23.3 (B) (6).

C) In the event that costs are not covered by the applicants described above, the Town reserves the right to withdraw funds, as needed, to cover costs associated with removal of an abandoned WCF through disbursement of funds from the Escrow Account (per Section 23.3 (B) (11).

Table 34.1

Performance Standard	**All WCF, Support Structures**
Type of Construction (WCF or Support Structure)	Monopole
Provisions of Additional Collocated Antenna Arrays	2 (minimum)
Maximum Permitted Height *	199 Feet
Front Yard Setback (minimum)	200 Feet
Side Yard Setback (minimum)	
adjoining non-residential zone	200 Feet
adjoining residential * zone	500 Feet
Special Exceptions in AG/R-1 Zoning Districts	1,000 Feet
Rear Yard Setback (minimum)	
adjoining non-residential zone	200 Feet
adjoining residential * zone	500 Feet
Special Exceptions in AG/R-1 Zoning Districts	1,000 Feet

No WCF, Support Structure, or Antenna Array shall be permitted at a height that would require illumination.

* For tile purposes of this requirement, residential zones include the following:
AG, R-1, R-2, R-3, R-4, R-5, R-6, D-1, D-2, A-8, A-16,
MD

CHAPTER 24 DEVELOPMENT PLANS AND INCENTIVES

24.1 Development Incentives

1. Intent

   It is the intent of this Chapter to provide incentives to developers which encourage: creativity and imagination in the process of development efficient, aesthetic and desirable use of open space; variety in physical development patterns; and, special considerations for property with outstanding features (i.e. historical significance, unusual topography, landscape amenities, size and shape).

2. General Procedures.

   Within each zoning District contained in this Ordinance which refers to Development Incentives, there shall be two opportunities available for development:

   1. Any development which demonstrates full compliance with the Permitted Use and Development Standards section of that District shall be entitled to the issuance of an Improvement Location Permit; or,

   2. Any development which desires to take advantage of the Development Incentives set forth in this Chapter, shall file for and obtain Development Plan approval from the Plan Commission or staff, as specified for each Development Incentive, prior to the issuance of an Improvement Location Permit.

   If, at any point in the approval process of a Development Plan, the Petitioner elects to forgo the pursuit of Development Plan approval, the Petitioner shall be allowed to withdraw the application for Development Plan approval and apply for an Improvement Location Permit in full compliance with the Permitted Use and Development Standards section of that District and the Subdivision Control Ordinance.

3. Waiver of Development Requirements.

   To accomplish the purpose of this Chapter, the Plan Commission or staff, as appropriate, may approve a waiver of the Development Requirements specified for that District to the extent provided for in this Article.

   All Development Requirements and Development Standards of this Ordinance and the Subdivision Control Ordinance for which a waiver provision is not provided for in this Chapter shall remain applicable unless a variance of this Ordinance is granted by the Board of Zoning Appeals or waiver of the Subdivision Control Ordinance is granted by the Plan Commission.

24.2 Development Incentives in R-3, R-4 and R-5 Districts.

The following Development Incentives are available for the development of Single Family Dwelling Subdivisions in the R-3, R-4 and R-5 Districts.

All Development Plans which utilize the Development Incentives specified below in the R-3, R-4, and R-5 Districts shall be filed for review and approval by the Plan Commission.

A. Development Requirements.

1. Project Area (Minimum Size of Overall Subdivision).

   The minimum acreage for any overall Subdivision to be developed utilizing the provision of this Chapter shall be five (5) acres.

2. Project Density.

   The overall maximum number of Lots within an overall Subdivision to be developed pursuant to this Chapter shall remain the same as that permitted by developing the same real estate into developable Lots in full compliance with all zoning, health, flood control and Subdivision laws, ordinances and regulations applicable to such real estate.

3. Water and Sewer Availability.

   Attachment to public water and sanitary sewer facilities shall be mandatory for any overall Subdivision to be developed pursuant to this Chapter.

4. Public Streets / Individual Lot Access.

   Each Lot within an overall Subdivision developed pursuant to this Chapter shall be served by:

   a. Public Streets; or,

   b. Private Streets, where each such Private Street:

      1) Is designed and built to Town Standards for depth and materials;

      2) Is designed so as to provide adequate maneuverability and Access for school busses, fire trucks and other emergency vehicle Access; and

      3) Is approved by the Plan Commission as a waiver of the Subdivision Control Ordinance.

5. Project Open Space.

   The amount of permanent open space created by the development of an Overall Single Family Dwelling Subdivision pursuant to this Chapter shall be equivalent to, or more than, the total reduction in area contained within developable Lots based upon a comparison of Sketch Plan One and Sketch Plan Two as required by Chapter 24.2, E, below.

6. Compliance with Residential Design Guidelines.

   Each Subdivision shall demonstrate compliance with the following provisions of the Town of Monrovia Residential Design Guideline

   a. Section 2 – Single Family and Two Family Guidelines;

b. Section 4 – Open Space;

c. Section 5 – Vehicular Design and Pedestrian Circulation; and

d. Section 7 – Building Materials and Craftsmanship

7. Compliance with other applicable laws.

   Each Subdivision shall demonstrate compliance with all applicable Development Standards of the zoning District and Subdivision Control Ordinance for which a waiver is not otherwise provided for in this Article.

B. Waiver of Development Requirements in R-3, R-4 and R-5 Districts.

Individual Lots within an overall Subdivision that receives Development Plan Approval from the Plan Commission to be developed pursuant to this Article may be granted a waiver of the Development Requirements specified in this Ordinance to the extent permitted below:

1. Minimum Lot Area, except as provided below –

   a. The Minimum Lot Area requirements shall remain applicable to all Lots which abut the perimeter of a Subdivision section.

   b. The Minimum Lot Area for all Lots which do not abut the perimeter of a Subdivision section may be reduced in area up to the extent provided for below.

District	Minimum Lot Area
R-3	20,000 sq. ft.
R-4	15,000 sq. ft.
R-5	10,000 sq. ft.

   c. When a Minimum Lot Area requirement is reduced as provided for in this Article for the first Article for the first tier of Lots in from the perimeter of a Subdivision, a provision shall be made for a landscape and buffering area of not less than:

      Fifty (50) feet in dimension between said first tier of Lots and any perimeter Street; or,

      Thirty (30) feet in dimension between said first tier of Lots and the perimeter of that portion of the overall Subdivision for which this waiver is being requested,

      with landscaping and buffering details equivalent to a Level II (see Chapter 14 Landscaping and Screening Requirements) and as approved by the Plan Commission in connection with the approval of a Development Plan pursuant to this Chapter.

2. Minimum Lot Width, except as provided below –

   a. The Minimum Lot Width requirements shall remain applicable to all Lots which abut the perimeter of a Subdivision section.

   b. The Minimum Lot Width for all Lots which do not abut the perimeter of a Subdivision section may be reduced in area up to the extent provided for below:

District	Minimum Lot Width
R-3	85 Feet
R-4	75 Feet
R-5	65 Feet

   c. When a Minimum Lot Width requirement is reduced as provided for in this Chapter for the first tier of Lots in from the perimeter of a Subdivision, a provision shall be made for a landscape and buffering area of not less than:

      1) Fifty (50) feet in dimension between said first tier of Lots and any perimeter Street; or,

      2) Thirty (30) feet in dimension between said first tier of Lots and the perimeter of that portion of the overall Subdivision for which this waiver is being requested,

      With landscaping and buffering details equivalent to a Level II (see Chapter 14 Landscaping and Screening Requirements) and as approved by the Plan Commission in connection with the approval of a Development Plan pursuant to this Article.

3. Minimum Lot Width, except as provided below –

   a. The Minimum Lot Width requirements shall remain applicable to all Lots which abut the perimeter of a Subdivision section.

   b. The Minimum Lot Width for all Lots which do not abut the perimeter of a Subdivision section may be reduced in area up to the extent provided for below:

District	Minimum Lot Width R-1
R-3	85 Feet
R-4	75 Feet
R-5	65 Feet

   c. When a Minimum Lot Width requirement is reduced as provided for in this Chapter for the first tier of Lots in from the perimeter of a Subdivision, a provision shall be made for a landscape and buffering area of not less than:

      1) Fifty (50) feet in dimension between said first tier of Lots and any perimeter Street, or

      2) Thirty (30) feet in dimension between said first tier of Lots and the perimeter of that portion of the overall Subdivision for which this waiver is being requested,

With landscaping and buffering details equivalent to Level II (see Chapter 14 Landscaping and Screening Requirements) and as approved by the Plan Commission in connection with the approval of a Development Plan pursuant to this Article.

4. Minimum Front Yard, except as provided below –

   a. The minimum Front Yard requirements may be reduced as follows: (1) to twenty-five (25) feet for any portion of a Structure with a front loading Garage; or,

      To fifteen (15) feet for any portion of a Structure containing Finished Floor Area or a side-load Garage.

   b. In those Subdivisions where, in the determination of the Plan Commission, the product type may present a similar or repetitive appearance from Lot to Lot, a provision shall be provided on the plat or through other legally binding documents satisfactory to the Plan Commission, to:

      Create a variable build-to line; or,

      Assure significant variation will exist in the design and appearance of adjacent Single Family Dwelling Units:

5. Maximum Lot Coverage, except as provided below – The maximum Lot Coverage may not exceed:

District	Maximum % of Lot Coverage
R-3	30%
R-4	35%
R-5	40%

6. The minimum Rear Yard requirements of the applicable zoning District shall remain applicable to all Lots.

7. The requirements for Lot Frontage on a Public Street and for each Lot to gain direct Access from said Public Street or an abutting Alley may be waived to allow for direct Access from a Lot to a Private Street or Private Alley.

8. The requirement for each Single Family Dwelling to demonstrate compliance with the Town of Monrovia Residential Design Guidelines may be waived to allow for the provision of: alternate architectural embellishments or Building design features; alternate open space accommodations; alternate vehicular design and pedestrian circulation accommodations; or, alternate building materials which are determined by the Plan Commission to be superior to the recommendations of the Town of Monrovia Residential Design Guidelines.

C. General Requirements for Project Open Space.

1. The open space created by any development which utilizes the provisions of this Article shall be:

   a. Preserved in its naturally occurring state;

b. Developed only to the extent required to provide for (i) the passive recreational activities of walking, biking, hiking, picnicking (ii) developed and maintained as landscape features including, but not limited to, common areas, landscape easements, and boulevard entry ways (iii) other recreational or amenity features approved by the Plan Commission; or,

c. Developed into an active recreational area; and,

If the project is located adjacent to any portion of the Greenway Plan as set forth in the Comprehensive Plan, a direct linkage to such Greenway from the open space shall be provided.

2. The development of such open space shall be subject to the following additional requirements:
   a. Land area devoted to a perimeter landscape and buffering area as required above by Chapter 24.2, B, 1., for a Lot Area waiver or by Chapter 24.2, B., 2., for a Lot Width waiver, shall not quality as open space under this Chapter 24.2, C – General Requirements for Project Open Space or under Chapter 24.2, D. – Calculation of Open Space.

   b. At least seventy-five (75) percent of the total open space created by development pursuant to this Chapter shall consist of tracts of land at least fifty (50) feet wide in its smallest dimension;

   c. The open space shall be accessible to all owners or residents within the Subdivision or project, and their quests, by way of sidewalk, footpath or combined walkway/bikeway; and,

   d. At least fifty (50) percent of the open space created by the development of an overall Subdivision pursuant to this Chapter shall be either (i) preserved in its natural state (ii) utilized for passive recreational activities or (iii) maintained as landscape features.

D. Calculation of Open Space.

Open space shall be calculated by taking the total land area within Lots contained in Sketch Plan One (as defined below) and subtracting the total land area within Lots contained in Sketch Plan Two (as defined below).

E. Plan Documentation and Supporting Information.

All requests for Development Plan Approval within the R-3, R-4 and R-5 Districts pursuant to this Chapter shall include the following:

1. Sketch Plan One.

Sketch Plan One shall depict the development of the overall Subdivision in full compliance with all use and Development Standards of the applicable zoning District and all other applicable health, flood control and Subdivision laws, ordinances and regulations of the Town.

2. Sketch Plan Two.

   Sketch Plan Two shall depict the development of the overall Subdivision pursuant to this Chapter.

3. Development Plans shall contain a proposed breakdown of sections to be contained in the overall Subdivision.

   Section One of such overall Subdivision shall include an amount of open space equivalent to, or more than, the total reduction in Lot Area contained within developable Lots within that Section One of the overall Subdivision and shall be the first section of the Subdivision to be developed.

   Any subsequent section of the Subdivision may utilize the "excess" permanent open space created and existing in Section One (and all prior sections) of such Subdivision to provide for Lot Area reductions within that subsequent section provided that the total amount of open space remains equivalent to, or more than, the total reduction in Lot Area contained within developable Lots within all approved sections of the Subdivision (including the section in question).

4. Open Space.

   Documentary evidence of the provision of open space in a manner and amount equal to or in excess of that required by this Chapter shall be provided either in written format or in tabular format incorporated into Sketch Plan Two, above.

5. Residential Design Guidelines.

   Documentary evidence, through the provision of: typical Building elevations; typical Building renderings; photographic and text explanations of architectural details; Overall Site Plan; material samples; manufacturer specifications; written commitments; or, proposed covenants, to demonstrate compliance with the Town of Monrovia Residential Design Guidelines.

F. Maintenance of Common Open Space.

Prior to obtaining Secondary Plat approval, the petitioner shall file documentary assurances with the Town that the permanent dedication and continuous maintenance of open space shall be made in accordance with the Development Plan approved by the Plan Commission, and that the common areas and recreation areas shall be made available to the residents of the overall Subdivision at a reasonable and non-discriminatory rate of charge. Such documentary assurances shall be incorporated into the Secondary Plat this is recorded in the Office of the Morgan County Recorder or otherwise provided for through legally binding perpetual agreements as approved by the Plan Commission. Such open space shall perpetually run with the Subdivision section and shall not be developed or separated from the Subdivision section at a later date (unless no development of any portion of the overall Subdivision which utilizes the open space contained within that Subdivision section for the purpose of Lot Area reductions has occurred and the entire area subject to the Subdivision section is presented for re-plat).

G. Services for Private Drives.

Prior to obtaining Secondary Plat approval, the petitioner shall file documentary assurances with the Town that all residences served by private drives shall be provided with the following services: regular trash pick-up; leaf pick-up; snow removal; daily mail delivery service; roadway maintenance and repair, including, but not limited to, driving surface, roadway subgrade, subsurface drainage, roadside drainage, curbs, sidewalks, Street lights, Street name signs, traffic control signs, and traffic control signals; and, powers to enforce speed control and parking regulations. Such services shall be provided in accordance with the specifications approved by the Plan Commission, which shall include the establishment of a maintenance fund or escrow account by the petitioner, which may be supplemented by regular or special assessments against each Lot owner provided such assessments are at reasonable and non-discriminatory rate charge. Such documentary assurances shall be incorporated into the Secondary Plat that is recorded in the Office of the Morgan County Recorder or otherwise provided for through legally binding perpetual agreements as approved by the Plan Commission.

H. Findings.

The Plan Commission may approve a Development Plan (and thereby grant the waivers requested by the petitioner) indicating compliance with this Article only upon finding that:

1. The use of value of area properties will not be adversely affected;

2. The proposed development will be in compliance with the applicable Development Requirements and General Requirements for Project Open Space;

3. The proposed development has demonstrated the use of Building design features and site layout consistent with the intent and recommendations of the Town of Monrovia Residential Design Guidelines;

4. The proposed development is appropriate to the site and its surroundings; and,

5. The proposed development is consistent with the intent and purpose of this Ordinance.

24.3 <u>Development Plans Required for Architectural and Site Design Review in the R-6, D-1, D-2, A-8, A-16, and MD District.</u>

In order to promote innovation and creativity in the design of the built environment and to mitigate the impacts of high density Multi-Family Dwelling projects, all development located within the R-6, D-1, D-2, A-8, A-16, and MD District shall be subject to the approval of a Development Plan by the Plan Commission.

A. Projects with A Gross Density of up to 8.0 Dwelling Units Per acre.

Any proposed Multi-Family Dwelling project located in the R-6, D-1, D02, A-8, A-16, and MD District which contains up to 8.0 Dwelling Units per acre shall provide the Architectural and Site Design Features specified in this Chapter 24.3.

1. Plan Documentation and Supporting Information.

   All requests for Development Plan Approval submitted under the Chapter 24.3, shall include a Site Plan, Building Elevations, Landscape Plan, Sign Plan and Lighting Plan as specified in Chapter 24.7, below, demonstrating compliance with the provisions of this Chapter.

2. Development Requirements.

   All Multi-Family Dwelling projects in the R-6, D-1, D-2, A-8, A-16, and MD District which are proposed to comply with the Development Standards set forth in Chapter 24, shall provide Architectural and Site Design Features as specified below:

   a. Required Multi-Family Dwelling Architectural Features.

      1) All Buildings, including community Building/clubhouse, storage buildings, maintenance buildings, garages, carports and Buildings containing Dwelling Units shall utilize a minimum of two (2) of the following five (5) Architectural Features:

         a) Building materials shall comply with the following: (i) all brick or stone veneer supplemented with significant use of architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils, etc); or, (ii) Multiple Building materials with the primary Building material being brick, fieldstone, limestone, marble, granite and comprising a minimum of: 85% of the area of each elevation for a one-story elevation; 100% of the area of the first floor of each elevation for a two-story elevation; or, 100% of the area of the first floor of each elevation and 60% of the total area of each elevation for more than two-story elevations. (Note: Elevation wall area is exclusive of window or door areas). (iii) In the case of multiple Building materials, secondary Building should comprise a minimum of 10% of the elevation area. Recommended secondary materials include: textured block, architectural pre-case concrete, concrete composite siding, wood clapboard siding, wood beaded siding, stucco, E.F.I.S., etc.

         b) Multiple surface textures (e.g., rough, striated, imprinted, etc.);

         c) Façade or elevation modulations (e.g., building off-sets of at least two (2) feet in depth for every forty (40) feet of building wall length);

         d) Architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.); or,

         e) Multiple colors (i.e., the use of a maximum of three (3) discernible colors, with primary color constituting a minimum of 60% of the applicable elevation and the secondary color constituting a minimum of 10% of the applicable elevation on each wall surface.

      2) Additional Architectural Features for Multi-Family Townhouses. Townhouse developments shall utilize the following architectural features:

a) The roof of each Dwelling Unit shall be distinct from the roof of adjacent Dwelling Units either through: separation of roof pitches, varying the direction of roof pitches; inclusion of dormers; or, other variation in roof design; or,

Each Dwelling Unit is designed with a covered front porch occupying a minimum of fifty (50) percent of the overall width of the Dwelling Unit.

b) All Garages, carports or other Off-Street Parking Areas reserved for the owners or occupants of the townhouse Dwelling Units, whether attached or detached, shall be provided with rear access from an adjoining Public or Private Alley.

Multi-Family Townhouses with Roof Line Changes

Multi-Family Townhouse with Covered Front Porch

Alley Access to Townhouse Garages

3) Mechanical Equipment – In order to minimize the negative visual impact associated with the location of mechanical equipment (e.g., HVAC systems and related components; pedestals for electrical, telephone or cable service; above-ground water and gas utility meters; and the like) in required

Yards, on Building or adjacent to Buildings, mechanical equipment shall be screened as follows:

a) Roof Mounted – All roof mounted mechanical equipment shall be screened based upon an elevation view of the Building on all sides.

b) Ground Mounted – All ground mounted mechanical equipment shall be screened on all sides by: the Building; screen walls or fences of a material and color which is compatible with the Primary Building; or, evergreen or densely twigged hedge plants (with or without mounding) of a height at time of planning which is not less than the height of the mechanical equipment being screened.

b. Site Design Features Required.

The Site Design Features listed below shall be utilized in all Multi-Family Dwelling projects in the R-6, D-1, D-2, A-8, A-16, and MD District which are not requesting any Development Incentives regarding Gross Density, use of Interior Yards or Perimeter Yards, Maximum Building Height, or the number of stories containing Dwelling Units:

1) The project shall include a community building/clubhouse featuring two (2) or more common recreational facilities including, but not limited to, a swimming pool, hot tub, tennis court, basketball court, lounge area, multi-purpose room, game room, and the like which are appropriate to the project;

2) The project shall include a walkway or pedestrian/bikeway system complying with the following requirements as part of the site design:
   a) Shall functionally connect front doors or primary Building entries with planned or existing public sidewalks on each Public Street Frontage of the Multi-Family Dwelling project;

   b) Shall provide a direct linkage to any planned or existing town greenway which abuts or is adjacent to the Multi-Family Dwelling project

   c) Shall provide a direct and functional connection from the front doors or primary building entries to any on-site, off-street parking area;

   d) Shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever a private walkway or pedestrian/bikeway system crosses an interior access drive or interior access driveway; and,

   e) Shall functionally connect to the various required open space elements within the Multi-Family Dwelling project.

The Owner of the real estate shall be responsible for the perpetual maintenance of any private walkways or pedestrian/bikeway systems.

3) The provision of Parking Spaces and Dwelling Units accessible to individuals with disabilities, as defined in Title III of the Americans with Disabilities Act, in excess of the minimum requirements specified by applicable federal rule.

3. Waiver of Development Requirements.

In order to encourage innovative Building and site designs, capable of enhancing the quality of the built environment within the R-6, D-1, D-2, A-8, A-16, and MD District, a waiver of any of the Architectural Features and Site Design Features specified in this Chapter 24.3, A., may be heard and determined in connection with the approval of a Development Plan for Architectural and Site Design Review.

4. Findings Required for the Approval of a Waiver of Development Requirements of this Chapter 24.3, A.

A waiver of the Architectural Features and Site Design Features specified in this Chapter 24.3, A., may only be granted upon the finding that:

a. The proposed development represents an innovative use of Building materials, site design features or landscaping which will enhance the use or value of area properties beyond the enhancement that would otherwise occur under the strict application of the Architectural and Site Design Requirements set forth in the R-6, D-1, D-2, A-8, A-16, and MD District; or,

The strict application of the terms of the Architectural Features or Site Design Features set forth in Chapter 24.3, represents an inappropriate pattern of development given the specific location and surroundings of the proposed development;

b. The proposed development is consistent with and compatible with other development located within the R-6, D-1, D-2, A-8, A-16, and MD District and the surrounding area; and

c. The proposed development is consistent with the intent and purpose of this Ordinance.

B. Projects with a Gross Density of Between 8.0 Dwelling Units Per Acre and 12.0 Dwelling Units Per Acre.

1. Development Incentives.

Multi-Family Dwelling projects shall be eligible to receive Development Plan Approval from the Plan Commission to be developed pursuant to this Chapter 24.3, B., and may be granted a waiver of the Development Requirements specified in this Ordinance to the extent permitted below:

a. Maximum Project Gross Density – Maximum project Gross Density may be increased by the Plan Commission up to a maximum of twelve (12) Dwelling Units per acre;

b. Minimum Interior Yards: In projects containing two or more Buildings, Interior Yard requirements may be waived by the Plan Commission to provide for Interior Yards as follows:

1) The requirements for Yards around Buildings containing Dwelling Units and requirement that the a minimum distance between Buildings shall be the sum of each applicable minimum Interior Yard may be modified to provide a minimum distance between Buildings of twenty (20) feet; or

2) Interior Yards may be modified to provide for the overlap of Interior Yards with required Perimeter Yards; or

c. Maximum Building Height – The Maximum Building Height may be waived by the Plan Commission to provide for a Maximum Building Height of fifty (50) feet, but not to exceed three (3) stories containing Dwelling Units.

2. Plan Documentation and Supporting Information.

a. All requests for Development Plan Approval submitted under the Chapter 24.3, B., shall include the following:

b. Sketch Plan One.

Sketch Plan One shall depict the development in full compliance with all use and Development all other applicable health, flood control and Subdivision laws, ordinances and regulations of the Town.

c. Sketch Plan Two.

Sketch Plan Two shall depict the development pursuant to this Chapter.

d. A Site Plan, Building Elevations, Landscape Plan, Sign Plan and Lighting Plan as specified in Chapter 24.7, below, demonstrating compliance with the provisions of this Article.

3. Development Requirements.

All Multi-Family Dwelling projects in the $R-6, D-1, D-2, A-8, A-16, and MD District which are proposed to be in excess of eight (8) Dwelling Units per acre, proposed to contain Buildings which are over thirty-five (35) feet in height or are proposed to contain Buildings with more than two (2) stories containing Dwelling Units shall provide Architectural Features and Site Design Features as specified below:

a. Required Multi-Family Dwelling Architectural Features.

1) All Buildings, including community Building / Clubhouse, storage Buildings, maintenance Buildings, Garages, carports and Buildings containing Dwelling Units shall utilize a minimum of four (4) of the following five (5) Architectural Features:

a) Building materials shall comply with the following: (i) all brick or stone veneer supplemented with significant use of architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.); or, (ii) Multiple Building materials with the primary Building material being brick, fieldstone, limestone, marble, granite and comprising a minimum of: 85% of the area of each elevation for a one-story

elevation; 100% of the area of the first floor of each elevation for a two-story elevation; or, 100% of the area of the first floor of each elevation and 60% of the total area of each elevation for more than two-story elevations. (Note: Elevation wall area is exclusive of window or door areas) (iii) In the case of multiple Building materials, secondary Building should comprise a minimum of 10% of the elevation area. Recommended secondary materials include: textured block, architectural pre-cast concrete, concrete composite siding, wood clapboard siding, wood beaded siding, stucco, E.F.I.S., etc.

b) Multiple surface textures (e.g., rough, striated, imprinted, etc.);
c) Façade or elevation modulations (e.g., building off-sets of at least two (2) feet in depth for every forty (40) feet of building wall length);
d) Architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.); or,
e) Multiple colors (i.e., the use of a maximum of three (3) discernible colors, with primary color constituting a minimum of 60% of the applicable elevation and the secondary color constituting a minimum of 10% of the applicable elevation) on each exterior wall surface.

Example of Multiple Building Materials, Multiple Textures, Façade Modulation, Architectural Elements and Multiple Colors

2) Each Dwelling Unit shall provide a minimum of two (2) of the following three (3) items:

   a) Amenities such as fireplaces, private patios or private balconies;
   b) Minimum floor area of 1,100 per Dwelling Unit; or,

c) Laundry facility hook-ups in each Dwelling Unit.

3) Additional Architectural Features for Multi-Family Townhouses. Multi-Family townhouse developments shall utilize the following architectural features:

a) The roof of each Dwelling Unit shall be distinct from the roof of adjacent Dwelling Units either through: separation of roof pitches, varying the direction of roof pitches; inclusion of dormers; or, other variation in roof design; or,
Each Dwelling Unit is designed with a covered front porch occupying a minimum of fifty (50) percent of the overall width of the Dwelling Unit.
b) All Garages, carports or other Off-Street Parking Areas reserved for the owners or occupants of the townhouse Dwelling Units, whether attached or detached, shall be provided with rear access from an adjoining Public or Private Alley.

Multi-Family Townhouse
With Covered Front Porch

Multi-Family Townhouses with Roof Line Changes

Alley Access to Townhouse Garages

4) Mechanical Equipment – In order to minimize the negative visual impact associated with the location of mechanical equipment (e.g., HVAC systems and related components; pedestals for electrical, telephone or cable service; above-ground water and gas utility meters; and the like) in required Yards, on Buildings or adjacent to Buildings, mechanical equipment shall be screened as follows:

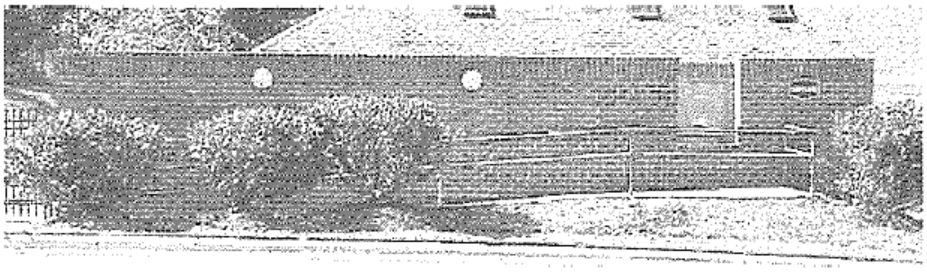
a) Roof Mounted – All roof mounted mechanical equipment shall be screened based upon an elevation view of the Building on all sides.
b) Ground Mounted – All ground mounted mechanical equipment shall be screened on all sides by: the Building; screen walls or fences of a material and color which is compatible with the Primary Building; or, evergreen or densely twigged hedge plants (with or without mounding) of a height at time of planting which is not less than the height of the mechanical equipment being screened.

b. Site Design Features Required.

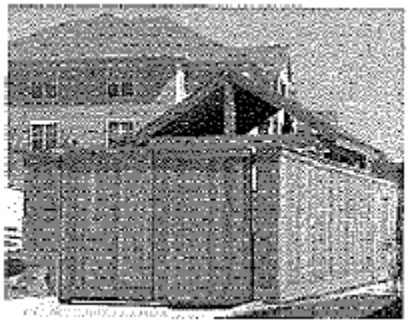
1) Each Multi-Family Dwelling project which proposes to be developed under the Development Incentives of this Chapter 24.3, B., shall provide Site Design Features as specified below:
   a) A minimum of two (2) Site Design Features shall be utilized for each additional Dwelling Unit per acre, or fraction thereof, above eight (8) Dwelling Units per acre.
   b) A minimum of two (2) Site Design Features shall be utilized for any increase in Maximum Building Height above thirty-five (35) feet or two (2) stories containing Dwelling Units.
   c) A minimum of two (2) Site Design Features shall be utilized for an overlap of Interior Yards or an overlap of Interior Yards with required Perimeter Yards.
   d) Each site Design Feature selected shall be considered separate from and in addition to the other Site Design Features listed below and in no event shall one (1) Site Design Feature be credited toward compliance with any other Site Design Feature.

2) Site Design Features.

   a) Recreational opportunities are provided in manner and amount which: (i) exceed the minimum requirements of the R-6, D-1, D-2, A-8, A-16, and MD District by at least 50% in area; (ii) are superior in design and layout from minimum requirements; and, (iii) are appropriate to the anticipated resident profile of the project;
   b) The project includes a community Building/Clubhouse featuring four (4) or more common recreational facilities including, but not limited to, a swimming pool, hot tub, tennis court, basketball court, lounge area, multi-purpose room, game room, and the like which are appropriate to the project;
   c) Accommodations for trash collection through the use of centralized trash collection areas which: (i) are screened on at least three (3) sides by a solid-walled enclosure which is faced with exterior materials of brick, stone, or other masonry material(s) compatible with the architecture of the Buildings containing Dwelling Units (wood may be used in limited circumstances, subject to applicable fire codes, when necessary to be consistent and compatible with the architecture of Buildings containing Dwelling Units); (ii) provide a gate across the access to the trash collection area enclosure covered with wood or similar appearing material and painted a color that is compatible with the colors of the Buildings containing Dwelling Units; (iii) provide foundation landscaping around the trash collection area enclosure; and, (iv) have a vehicular pull-off area for residents to park while depositing items into the trash collection area.



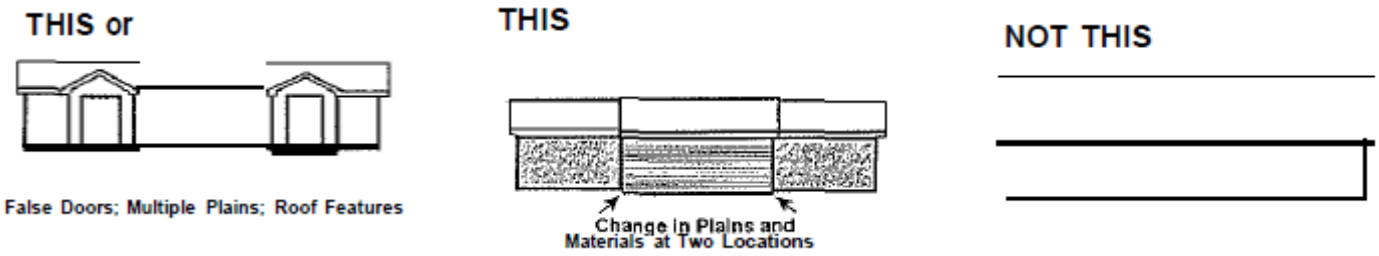
Solid Walled Enclosure for Trash Compactor with Foundation Landscaping



Gated Access to Trash Enclosure

Vehicular Pull-Off at Trash Enclosure

d) Provision of a trash compactor within a trash collection area.
e) The provision of Perimeter Yard landscaping which is, at a minimum, two (2) times greater than the minimum required for a Screening, Chapter 14.2;
f) The provision of foundation landscaping for all Buildings equivalent to a Level II;
g) The provision of a fenced pet run;
h) On-Site covered parking, subject to the following requirements: (i) parking spaces may be in garages or carports; (ii) the total number of Parking Spaces in garages or carports should not be less than forty (40) percent of the total number of Dwelling Units; (iii) if a Garage or carport is located between a Primary Building containing Dwelling Units and a Front Yard, Side Yard or Rear Yard, any elevation located parallel to or within thirty (30) degrees of being parallel to such Front Yard, Side Yard or Rear Yard shall include at least (2) of the following:
    - Façade modulation of at least six (6) inches for every thirty (30) feet of wall length;
    - Multiple Building materials (e.g., brick, fieldstone, limestone, marble, granite, textured block, architectural pre-cast concrete, concrete composite siding, wood clapboard siding, wood beaded siding, stucco, E.F.I.S., vinyl siding, aluminum siding, etc.);
    - Multiple surface textures (e.g., rough, striated, imprinted, etc.) or patterns;
    - Separation in roof pitch, variation in direction of roof pitches, inclusion of dormers or other variation on roof design; or,
    - Use of false door or window openings, defined by frames, sills and lintels.



Examples of Architectural Features for On-Site Garages

i) Centralized, on-site self-storage units, in addition to any storage closets that may be provided on any patios or balconies, in an amount not less than twenty (20) percent of the total number of Dwelling Units.

j) On-Site area set-aside as a car wash facility, either covered or open, available to residents.

Example of On-Site Self Storage Units

Example of On-Site Car Wash Area

k) Any Multi-Family Dwelling project shall include a walkway or pedestrian/bikeway system complying with the following requirements as part of the site design: (i) shall functionally connect front doors or primary Building entries with planned or existing public sidewalks on each Public Street Frontage of the Multi-Family Dwelling project; (ii) shall provide a direct linkage to any planned or existing town greenway which abuts or is adjacent to the Multi-Family Dwelling project. (iii) shall provide a direct and functional connection from the front doors or primary building entries to any on-site, off-site street parking area; (iv) shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever a private walkway or pedestrian/bikeway system crosses an Interior Access Drive or Interior Access Driveway; and (v) shall functionally connect to the various required open space elements within the Multi-Family Dwelling project. The owner of the real estate shall be responsible for the perpetual maintenance of any private walkways or pedestrian/bikeway systems.

l) The provision of Parking Spaces and Dwelling Units accessible to individuals with disabilities, as defined in Title III of the Americans with Disabilities Act, which exceed of the minimum requirements specified by applicable federal rule by 50% or more.

m) A fire protection system which includes a sprinkler system and which provides Access to all Buildings over an improved driving surface (grass-crete o similar surfaces may be used in Yards between Bui8ldings).

4. Waiver of Architectural and Site Design Requirements.

   In order to encourage innovative Building and site designs capable of enhancing the quality of the built environment within the R-6, D-1, D-2, A-8, A-16, and MD District, a Waiver of any of the Architectural Features and Site Design Features specified in this Chapter 24.3, B., may be heard and determined in connection with the approval of a Development Plan for Architectural and Site Design Review.

5. Findings Required for the Approval of a Waiver of Architectural and Site Design Requirements of this Chapter 24.3, B.

   A Waiver of the Architectural and Site Design Requirements specified in this Chapter 24.3, B., may only be granted upon the finding that:

   a. The proposed development represents an innovative use of Building materials, site design features or landscaping which will enhance the use or value of area properties beyond the enhancement that would otherwise occur under the strict application of the Architectural Features and Site Design Features set forth in R-6, D-1, D-2, A-8, A-16, and MD District or,

      The strict application of the terms of the Architectural Features and Site Design Features set forth in chapter 24.3, B., represents an inappropriate pattern of development given then specific location and surroundings of the proposed development;

   b. The proposed development is consistent with and compatible with other development located within the R-6, D-1, D-2, A-8, A-16, and MD District and the surrounding area; and,

   c. The proposed development is consistent with the intent and purpose of this Ordinance.

24.4 <u>Development Incentives for All Commercial and Industrial Districts (except the CB: Central Business District).</u>

The following Development Incentives are provided in order to encourage flexibility and creativity in the design of commercial and industrial sites.

All Development Plans which utilize the Development Incentives specified below in the Commercial or Industrial Districts shall be filed for review and approval by the Plan Commission or the Staff, as specified below.

A. Development Requirements.

   Each commercial or industrial site shall demonstrate compliance with all applicable Development Standards of the Commercial or Industrial District in which the Lot is located and all applicable provisions of the Subdivision Control Ordinance for which a waiver is not otherwise provided for in this Chapter.

B. Waiver of Development Requirements in Commercial or Industrial Districts.

1. Common Off-Street Parking Areas

a. Purpose.

To encourage desirable, efficient and well planned and landscaped Off-Street Parking Areas, two or more uses may create a common parking area. Such common Parking Areas shall be eligible for up to a ten percent (10%) reduction in the overall number of required Parking Spaces.

b. Plan Documentation and Supporting Information.

All requests for Development Plan Approval for Common Off-Street Parking Areas pursuant to this Article shall include the following:

1) Sketch Plan One.

Sketch Plan One shall depict the development in full compliance with all use and Development Standards of the applicable zoning District and all other applicable health, flood control and Subdivision laws, ordinances and regulations of the Town.

2) Sketch Plan Two.

Sketch Plan Two shall depict the development pursuant to this Article.

3) A Site Plan and Overall Plan as specified in Chapter 24, below.

c. Findings.

The Staff may approve such parking reduction upon a finding that:

1) The proposed common parking area employs improved design elements in Access control, traffic circulation or landscaping than otherwise required by the provisions of this Ordinance.

2. Alternate Parking Plan Approval.

a. Purpose.

To encourage desirable, efficient and well planned and landscaped Off-Street Parking Areas, the Staff may approve an alternative parking plan which deviates from the requirements of this Ordinance.

b. Plan Documentation and Supporting Information.

All requests for Development Plan Approval for Alternate Parking Plan Approval pursuant to this Article shall include the following:

1) Sketch Plan One.

Sketch Plan One shall depict the development in full compliance with all use and Development Standards of the applicable zoning District and all other applicable health, flood control and Subdivision laws, ordinances and regulations of the Town.

2) Sketch Plan Two.

Sketch Plan Two shall depict the development pursuant to this Article.

3) A Site Plan as specified in Chapter 24.

c. Findings.

The Staff may approve such alternative parking plan upon finding that such parking layout:

1) Is appropriate to the site and its surroundings;
2) Makes provision for small car Parking Areas, angled parking, one-way traffic patterns, handicapped parking or other feature appropriate for the use and setting; and

3) Is consistent with the intent and purpose of this Ordinance.

3. Depth of Required Yards and Required Transitional Yards.

a. Purpose.

In order to facilitate urban development and improve quality of landscaping in the built environment, the depth of a required Yard or a required Transitional yards may be reduced as follows:

1) A required Front Yard or front Transitional Yards may be reduced by up to fifty (50) percent of its normally required depth, provided, however, that any required Front Yard or front Transitional yards along any Major or Minor Street, shall not be reduced to a depth of less than twenty (20) feet; or

2) A required Side or Rear Yard or required side or rear Transitional yards may be reduced by up to fifty (50) percent of its normally required depth.

b. Plan Documentation and Supporting Information.

All requests for Development Plan Approval for reduction of Depth of Required Yards and Required Transitional yards pursuant to this Chapter shall include the following:

1) Sketch Plan One.

Sketch Plan One shall depict the development in full compliance with all use and Development Standards of the applicable zoning District and all other applicable health, flood control and Subdivision laws, ordinances and regulations of the Town.

2) Sketch Plan Two.

Sketch Plan Two shall depict the development pursuant to this Article.

3) A Site Plan and Landscape Plan as specified in Chapter 24.

c. Findings.

The Staff may approve such Depth of Yard and Required Transitional yards reduction upon a finding that:

1) The Landscaping to be provided in the required Yard or required Transitional yards exceeds the normal standard for such Yard by a multiple of 2.0 or more; or

For any Building wall which is located completely or partially within a reduced Yard or Transitional yards, the entire length of such Building wall shall be screened by foundation landscaping which has been increased by a multiple of 2.0 or more, and the site will be so designed and Building placement so oriented that all Parking Areas, Interior Access Drives, Loading Areas, Outside Storage and operations, or outdoor display areas shall be located so as to comply with the minimum Setback requirements, Use of Minimum Yards and Transitional yards requirements, and landscaping requirements otherwise applicable to the site;

2) The proposed development is appropriate to the site and its surroundings; and

3) The proposed development is consistent with the intent and purpose of this Ordinance.

4. Orientation of Loading Spaces.

a. Purpose.

In order to facilitate urban development and to enhance the quality of landscaping in the built environment, the Plan Commission may approve the orientation of Loading Spaces toward a Front Lot Line that faces a Street classified as a Collector or above or non-industrial District. In addition, the Plan Commission may approve the location of Loading Spaces between a Front Lot Line that is located along a Street classified as a Collector or above or a Street bordering directly on a non-industrial District and the front line of the Building served.

b. Plan Documentation and Supporting Information.

All requests for Development Plan Approval for the front Orientation or Location of Loading Spaces pursuant to this Article shall include the following:

1) Sketch Plan One.

Sketch Plan One shall depict the development in full compliance with all use and Development Standards of the applicable zoning District and all other

applicable health, flood control and Subdivision laws, ordinances and regulations of the Town.

2) Sketch Plan Two

Sketch Plan Two shall depict the development pursuant to this Chapter.

3) A Site Plan and Landscape Plan as specified in Chapter 24.

c. Findings

The Plan Commission may approve such Loading Space orientation or location upon a finding that:

1) The required Front Yard or required front Transitional yards is effectively screened with Landscaping which exceeds the standard and is approved by the Staff.

2) The proposed development is appropriate to the site and its surroundings; and

3) The proposed development is consistent with the intent and purpose of this Ordinance.

5. Use of Required Yards in Integrated Centers or Industrial Parks.

a. Purpose.

In order to facilitate urban development and to enhance the quality of landscaping in the built environment, the Plan Commission may approve the use of required side and Rear Yards which abut other required side or Rear Yards of Lots located within the same Integrated Center or Industrial Park for Parking Areas, Loading Areas, Interior Drives, Interior Access Drives or Outdoor Storage.

b. Plan Documentation and Supporting Information.

All requests for Development Plan Approval for the Use of Required Yards in Integrated Centers or Industrial Parks pursuant to this Article shall include the following:

1) Sketch Plan One.

Sketch Plan One shall depict the development in full compliance with all use and Development Standards of the applicable zoning District and all other applicable health, flood control and Subdivision laws, ordinances and regulations of the Town.

2) Sketch Plan Two.

Sketch Plan Two shall depict the development pursuant to this Chapter.

3) A Site Plan, Overall Plan and Landscape Plan as specified in Chapter 24.

c. Findings.

The Staff may approve such use of required side and Rear Yards upon finding that:

1) The required Landscaping in all required Front Yards and required front Transitional yards, whether located on a Street internal to the Integrated Center or Industrial Park or on the perimeter of the Integrated Center or Industrial Park has been increased by a multiple of 2.0 or more;

2) The required Landscaping in all required side or Rear Yards and required side or rear Transitional yards on the perimeter of the Integrated Center or Industrial Park has been increased by a multiple of 2.0 or more;

3) The area of required foundation planting areas located along the Building has been increased by a multiple of 2.0 or more;

4) The Landscaping contained in such enlarged foundation planting areas has been increased by a multiple of 2.0 or more;

5) The proposed development is appropriate to the site and its surroundings; and

6) The proposed development is consistent with the intent and purpose of this Ordinance.

6. Private Streets in Integrated Centers or Industrial Parks.

a. Purpose.

In order to encourage desirable, efficient and well planned Integrated Centers and Industrial Parks, the Plan Commission may approve Lot frontage on Private Streets on the interior of an Integrated Center or Industrial Park.

b. Plan Documentation and Support Information.

All requests for Development Plan Approval for the development of Private Streets in Integrated Centers or Industrial Parks pursuant to this Chapter shall include the following:

1) Sketch Plan One.

Sketch Plan One shall depict the development in full compliance with all use and Development Standards of the applicable zoning District and all other applicable health, flood control and Subdivision laws, ordinances and regulations of the Town.

2) Sketch Plan Two.

Sketch Plan Two shall depict the development pursuant to this Chapter.

3) An Overall Plan as specified in Chapter 24.

c. Findings

The Plan Commission may approve such Private Streets upon finding that:

1) Such Private Streets shall be constructed to Town Standards for depth and materials;

2) Adequate provisions have been made for the maintenance of such Private Streets and for the provision of services along the Private Streets by the owner or owners thereof. Services shall include, but not limited to: regular trash pick-up; leaf pick-up; snow removal; daily mail delivery service; roadway maintenance and repair, including, but not limited to, driving surface, roadway subgrade, subsurface drainage, roadside drainage, curbs, sidewalks, street lights, street name signs, traffic control signs, and traffic control signals; and, powers to enforce speed control and parking regulations;

3) The use of Private Streets results in design elements in Access control and traffic circulation consistent with the intent and purpose of this Ordinance;

4) The proposed development is appropriate to the site and its surroundings; and

5) The proposed development is consistent with the intent and purpose of this Ordinance.

7. Depth of Yards Along Private Streets in Integrated Centers or Industrial Parks.

c. Purpose.

In order to encourage desirable, efficient and well planned Integrated Centers and Industrial Parks, the Plan Commission may approve a reduction in the depth of the required Front Yard along Private Streets of up to fifty (50) percent in Integrated Centers or Industrial Parks.

d. Plan Documentation and Supporting Information.

All requests for Development Plan Approval for the reduction of required Depth of Yards along Private Streets in Integrated Centers or Industrial Parks pursuant to this Chapter shall include the following:

1) Sketch Plan One.

Sketch Plan One shall depict the development in full compliance with all use and Development Standards of the applicable zoning District and all other applicable health, flood control and Subdivision laws, ordinances and regulations of the Town.

2) Sketch Plan Two

Sketch Plan Two shall depict the development pursuant to this Chapter.

3) An Overall Plan, Landscape Plan and Sign Plans as specified in Chapter 24.

c. Findings.

The Staff may approve such reduction of required Front Yard depth along Private Streets upon finding that:

1) The required Landscaping in all required Front Yards along such Private Street been increased by a multiple of 2.0 or more; or

Adequate provision has been made for the development of common or combined driveways between adjacent Lots so as to reduce the number of curb cuts and enhance the effectiveness of the required Front Yard landscaping;

2) The proposed development is appropriate to the site and its surroundings; and

3) The proposed development is consistent with the intent and purpose of this Ordinance.

24.5 Development Plans Required for Architectural and Site Design Review for All Development Located in All Commercial Districts (Except the CB: Central Business District) and All Industrial Districts When Located Within Six-Hundred (600) Feet of a Gateway Corridor or Within Six-Hundred (600) Feet of a Residential District.

Intent-In order to: promote innovation and creativity in the design of the built environment along the major corridors within the Town of Monrovia; protect residential neighborhoods from the potential negative impacts of nearby commercial or industrial development; minimize the negative impacts on the Town associated with strip commercial development, service facilities, loading facilities, storage facilities; minimize Sign clutter and the intrusion of Signs on the landscape; and, minimize the use of incompatible Building design features, all development located within six-hundred (600) feet of the Right-of-Way of any Gateway Corridor or within six-hundred (600) feet of a Residential District shall be subject to the approval of a Development Plan by the Plan Commission or by the Staff, as specified below.

A. Applicability and Review Authority.

1. Gateway Corridors

All development located in any Commercial District (Except the CB: Central Business District) and any Industrial District when located within six-hundred (600) feet of a Gateway Corridor shall be subject to the filing of a Development Plan for Architectural and Site Design Review as set forth in Table 24.5 – A: Gateway Corridor Development Plans.

2. Adjoining Residential Districts.

All development located in any Commercial District (Except the CB: Central Business District) and any Industrial District when located within six-hundred (600) feet of a residential use which is not legal nonconforming shall be subject to the filing of a Development Plan for Architectural and Site Design Review as set forth in Table

24.5-B: Commercial and Industrial Development Plans Within 600 Feet of a Residential Use which is not Legal Nonconforming.

3. Development Plans Review Authority.

    a. All development shall be subject to the filing, review and appeal procedures set forth in Chapter 24.8 – Procedures for Submission and Review of Development Plans.

    b. Limitation on Staff's Authority – Notwithstanding anything in Table 24.5-A or Table 24.5-B to the contrary, any development which requires a Waiver of any Development Requirement of this Article shall be required to file a Development Plan for review and determination by the Plan Commission.

TABLE 24.5-A: GATEWAY CORRIDOR DEVELOPMENT PLANS

	Development Activity	Approval Authority
a.	New Construction of a Primary Use Building on Lot with Existing Development *	Plan Commission
b.	Major Building Additions (greater than 10,000 sq. ft. or in excess of 20% of Gross Floor Area of Existing Building(s))*	Plan Commission
c.	New Outdoor Display Area, Outdoor Operations (i.e.: Outdoor Seating/Dining areas; processing; servicing; etc.), Outside Storage Area, Off-Street Parking Area of Off-Street Loading Area	Staff
d.	Minor Building Additions (less than 10,000 sq.ft. and less than 20% of Gross Floor Area of existing Building(s))	Staff
e.	Exterior Building Renovations (i.e., change in exterior building materials, substantial change in exterior color, increase or decrease in façade fenestration in excess of 10%)	Staff
f.	Accessory Buildings / Structures (new or Additions) - including by way of example: Trash Enclosures; Storage Sheds; Drive-Through Facilities; ATM's, etc.	Staff
g.	Expanded or Relocated Outdoor Display Area, Outdoor Operations (i.e.: Outdoor Seating/Dining areas; processing; servicing; etc.), Outside Storage Area, Off-Street Parking Areas, Off-Street Loading Area (unless subject to Chapter 24.5)	Staff
h.	All Signs, including: Freestanding Identification Signs (Ground, Pole or Pylon Signs); Building Identification Signs (Wall, Awning, Canopy or Marquee Signs); Incidental Signs (Ground, Projecting or Wall Signs); Suspended Signs; or Outdoor Display Area Signs.	Staff
i.	Landscaping	Staff
j.	Lighting	Staff
k.	Fences	Staff
*	Includes complete review of site, landscape, lighting, sign and building elevation plans.	

Plan Commission = Determination by Plan Commission as set forth in Chapter 24.

Staff = Administrative Determination by Staff as set forth in Chapter 24 and subject to compliance with the Development Requirements of this Chapter 24.

TABLE 24.5-B: COMMERCIAL/INDUSTRIAL DEVELOPMENT PLANS

WITHIN 600 FEET OF A RESIDENTIAL DISTRICT

	Development Activity	Approval Authority
a.	New Construction of a Primary Use Building on Lot with Existing Development *	Plan Commission
b.	Major Building Additions (greater than 10,000 sq. ft. or in excess of 20% of Gross Floor Area of Existing Building(s))*	Plan Commission
c.	New Outdoor Display Area, Outdoor Operations (i.e.: Outdoor Seating/Dining areas; processing; servicing; etc.), Outside Storage Area, Off-Street Parking Area of Off-Street Loading Area	Staff
d.	Minor Building Additions (less than 10,000 sq.ft. and less than 20% of Gross Floor Area of existing Building(s))	Staff
e.	Exterior Building Renovations (i.e., change in exterior building materials, substantial change in exterior color, increase or decrease in façade fenestration in excess of 10%)	Staff
f.	Accessory Buildings / Structures (new or Additions) - including by way of example: Trash Enclosures; Storage Sheds; Drive-Through Facilities; ATM's, etc.	Staff
g.	Expanded or Relocated Outdoor Display Area, Outdoor Operations (i.e.: Outdoor Seating/Dining areas; processing; servicing; etc.), Outside Storage Area, Off-Street Parking Areas, Off-Street Loading Area (unless subject to Chapter 24.5)	Staff
h.	All Signs, including: Freestanding Identification Signs (Ground, Pole or Pylon Signs); Building Identification Signs (Wall, Awning, Canopy or Marquee Signs); Incidental Signs (Ground, Projecting or Wall Signs); Suspended Signs; or Outdoor Display Area Signs.	Staff
i.	Landscaping	Staff
j.	Lighting	Staff
k.	Fences	Staff
*	Includes complete review of site, landscape, lighting, sign and building elevation plans.	

Plan Commission = Determination by Plan Commission as set forth in Chapter 24.

Staff = Administrative Determination by Staff as set forth in Chapter 24 and subject to compliance with the Development Requirements of this Chapter 24.

B. Identification of Gateway Corridors.

Gateway Corridors include all land areas lying within the corporate limits of the Town of Monrovia which are within six hundred feet of the greater of the Existing Right-of-Way or the Proposed Right-of-Way of any of the following Street segments:

4. S.R. 39 (Chestnut St.) from Keller Hill Road (N. County Line Rd) to the south boundary of the Town of Monrovia Buffer Zone.

5. S.R. 42 (Main St.) from the West boundary to the East boundary of the Town of Monrovia Buffer Zone.

6. I-70 within the Town of Monrovia Buffer Zone.

7. Perimeter Rd., entire length, as identified on the Monrovia Buffer Zone Thoroughfare Plan.

C. Development Requirements.

The Development Requirements specified below shall be satisfied prior to the approval of a Development Plan for Architectural and Site Design Review for any development located along a Gateway Corridor or located within six hundred (600) feet of a Residential District.

1. Each site shall demonstrate compliance with all applicable Development Standards of the District in which the site is located and all applicable provisions of the Subdivision Control Ordinance for which a waiver is not provided for in this Chapter.

2. Submission of a Site Plan, Landscape Plan, Lighting Plan, Sign Plan and Building Elevations, as set forth in Chapter 24.

3. Building Materials Along a Gateway Corridor or Located Within Six Hundred (600) Feet of a Residential District.

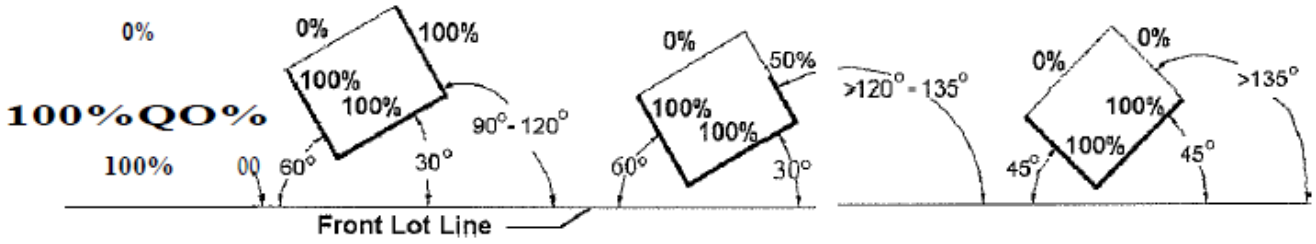
   The following Building Material regulations shall apply to all Lots located along a Gateway Corridor or located within six hundred (600) feet of a Residential District:

   a. New Construction, New Primary Use Buildings and Major Building Additions.

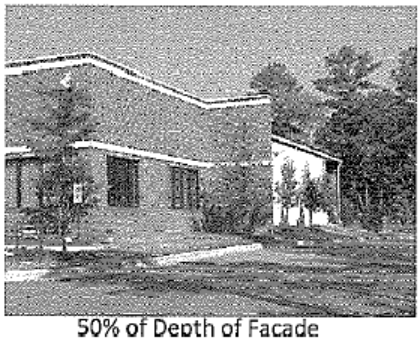
      In order to create variation and interest in the built environment, all new construction, new Primary Use Buildings and major Building additions located along a Gateway Corridor or located within six hundred (600) feet of a residential District shall use the exterior Building materials specified below for each façade oriented to any Street of the Lot is located along a Gateway Corridor or within six hundred (600) feet of a residential District.

      1) Determination of Façade Orientation.

A façade shall be considered to be oriented toward a Street if the Lot is located along a Gateway Corridor or within six hundred (600) feet of a residential District, pursuant angle of the façade as set forth below:



Facades Subject to Building Material Requirements


50% of Depth of Facade

a) One-hundred (100) percent of any façade which is located parallel to or up to one-hundred and twenty (120) degrees from being parallel to the Front Lot Line;

b) Fifty (50) percent of the depth of any façade, beginning at the point which is closest to the Front Lot Line, of any façade which is located more than one-hundred and twenty (120) degrees or up to one-hundred and thirty-five (135) degrees from being parallel to the Front Lot Line;

c) The determination of being parallel to the Front Lot Line, or the number of degrees from a line being parallel to the Front Lot Line, shall be determined from a line which is perpendicular to a line which represents the minimum Setback of a Building to a Front Lot Line; and,

2) Commercial Districts.

a) All brick (excluding window, door, roofing, fascia and soffit materials). The brick used on each application façade shall include:
   i) At least two (2) architectural elements (e.g., quoins, pilasters, solider courses, lintels, friezes, cornices, dentils, architraves, etc.); or,

   ii) at least two (2) colors of brick (any secondary color shall constitute a minimum of ten (10) percent of the façade area, exclusive of color variation resulting from windows, doors, roofing and soffit materials); or,

b) Two (2) or more Building materials on each applicable façade (excluding window, door, roofing and soffit materials) provided:
   i) The primary Building material shall be either brick, stone (limestone, granite, fieldstone, etc.), architectural pre-cast (if the surface looks like brick or stone), or EIFS (Exterior Insulation and Finish System or comparable material) and shall constitute a minimum of fifty (50) percent of each applicable façade.

ii) Any secondary Building material shall constitute a minimum of twenty (20) percent of the façade. Glass used as a curtain wall (above transom level) or a faux window may qualify as a secondary Building material. If EIFS is used as the primary Building material, the secondary Building material shall be brick, stone (limestone, granite, fieldstone, etc.) or architectural pre-cast (if the surface looks like brick or stone).

iii) The exterior Building material selection shall be supplemented with the use of multiple colors, textures (e.g., rough, smooth, striated, etc.) or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each applicable façade.

c) Exterior Building materials, whether as a primary Building material, a secondary Building material, or an accent material, shall not include vinyl or aluminum horizontal lap siding.

3) Industrial Districts.

a) The primary Building material (excluding window, door, roofing and soffit materials) used on each applicable façade shall be brick or other masonry material. If a masonry material other than brick is utilized, it shall include at least two (2) textures (e.g., rough, smooth, striated, etc.) or at least two (2) colors with the secondary texture or color constituting a minimum of ten (10) percent of the façade (exclusive of texture or color variation resulting from windows, doors, roofing and soffit materials).

b) Additions to an Existing Building.

All additions to an existing Buildings shall utilize building materials with a style, color, texture and architectural detailing which is compatible and harmonious with the materials used on the existing Building.

c) Exterior Building Façade Renovations with No Building Additions or Minor Building Additions.

1) Exterior Building façade renovations which involve no Building additions or only minor Building additions shall demonstrate reasonable efforts to incrementally bring the exterior façade, which is being renovated or added to, into compliance with the provisions for new construction specified above. Full compliance with the provisions for new construction shall not be a requirement for approval.

2) Exterior Building façade renovations shall not include the painting of brick, stone, architectural pre-cast or other natural exterior wall or siding products.

d) Exterior Building Façade Renovation with Major Building Additions.

Exterior Building façade renovations performed in connection with a major Building addition as described herein shall comply with the provisions for new construction specified above.

4. Building Orientation and Site Design.

f. Building Facades – All Building facades facing a Gateway Corridor or a residential District shall be a finished façade in compliance with the Building materials requirements set forth above.

g. Loading Spaces – No Loading Spaces shall be permitted to face a Gateway Corridor or other Street where a Residential District exists on the opposite side of said Street.

h. Outside Storage – No Outside Storage shall be permitted between an established Building Line and the Right-of-Way of a Gateway Corridor or other Street where a Residential District exists on the opposite side of said Street.

i. Mechanical Equipment – In order to minimize the negative visual impact associated with the location of mechanical equipment (e.g., HVAC systems and related components; pedestals for electrical, telephone or cable services; above-ground water and gas utility meters; and the like) in required Yards, on Buildings or adjacent to Buildings, mechanical equipment shall be screened as follows:

1) All Commercial Districts:

a) Roof Mounted – All roof mounted mechanical equipment shall be screened based upon an elevation view of the Building on all sides.

b) Ground Mounted – All ground mounted mechanical equipment shall be screened on all sides by: the Building; screen walls or fences of a material and color which is compatible with the Primary Building; or, evergreen or densely twigged hedge plans (with or without mounding) of a height at time of planting which is not less than the height of the mechanical equipment to be screened.

2) All Industrial Districts:

a) Roof Mounted – All roof mounted mechanical equipment shall be screened based upon a line-of-site view of the Building from a point four (4) feet above Grade located at:
i) The centerline of the Street immediately in front of the Building; or
ii) Any Side Lot Line or Rear Lot Line of a Buffer yard.

b) Ground Mounted – All ground mounted mechanical equipment shall be screened from any Front Lot Line or any Buffer yard by: the Building; screen walls or fences or a material and color which is compatible with the Primary Building; or, evergreen or densely twigged hedge plants (with or without mounding) of a height at time of planting which is not less than the height of the mechanical equipment being screened.

j. Trash Enclosures:

1) The materials of the three (3) solid-walled sides of the enclosure shall be consistent and compatible with the materials of the Primary Building.

2) When a solid-walled side of a trash enclosure abuts or adjoins a Yard or Buffer yard, such side shall be provided with foundation landscaping of not less than hedge plants spaced four (4) feet on-center.

3) Gates shall be located on the non-solid-walled side of the trash enclosure and shall be covered with a wood, simulated wood or a similar material painted a compatible color with the Primary Building.

f. Trash Compactors:

1) Abutting a Primary Building – Trash compactors which abut a Primary Building:

a) Shall be oriented toward a Side Lot Line or a Rear Lot Line;

b) Shall not be located between the Front Lot Line and the front line of any portion of the Building served; and,

c) Shall not be located in a required Side Yard or Rear Yard or required Side Buffer yard or Rear Buffer yard.

2) Freestanding – Trash Compactors located as a freestanding unit shall be screened consistent with the requirements set forth above for a trash enclosure, provided, however, a man-door shall be permitted in the otherwise solid walls.

g. Pedestrian Connectivity – New Construction.

All new construction of a commercial or industrial project shall, in all cases where a sidewalk, pathway or town greenway either exists or is required to be developed as part of the project, include a Walkway or pedestrian/bikeway system in compliance with the following requirements:

1) Sidewalk Connection – A private Walkway or pedestrian/bikeway system shall functionally connect front doors, storefronts or primary Building entries with planned or existing public sidewalks, pathways or town greenway on each Public Street Frontage of the project;

2) Greenway Connection – A private Walkway or pedestrian/bikeway system shall provide a direct linkage to any planned or existing town greenway which abuts or is adjacent to the project; and,

3) Delineation – A private Walkway or pedestrian/bikeway system shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever a private Walkway or pedestrian/bikeway system crosses an Interior Access Drive or Interior Access Driveway.

h. Grading.

In order to ensure that Gateway Corridors have a neat and kept appearance, the temporary storing of topsoil and grading shall comply with the following Development Requirements:

1) The mounding of topsoil shall not have a slope greater than 3:1.

2) Topsoil mounds shall be sowed with an appropriate ground cover that can be mowed to prevent erosion.

3) Topsoil mounds shall not be located within a Front or Side Yard Setback and shall be located adjacent to the Rear Yard Setback.

5. Landscaping.

Front Yards and Front Buffer yards shall be landscaped in compliance with the provisions of Chapter 14, provided, however, that at least fifty (50) percent of the required Landscaping shall be made up of Deciduous Shade (Overstory) Trees, Deciduous Ornamental (Understory) Trees or Evergreen Trees, unless such Yard is subject to a stricter requirement for Buffer yards, in which case the requirements for Buffer yards shall control.

6. Lighting.

Site lighting shall comply with the following Development Requirements:

b. Pole Lights – All pole light fixtures used to illuminate Off-Street Parking Areas, Off-Street Loading Areas, delivery areas or service areas shall be a “shoebox” style light (which may be square, rectangular or round in shape).

c. Wall Mounted Light Fixtures – All wall pack light fixtures on a Building façade visible from a Gateway Corridor or a Residential District shall be a “shoebox” style light (except for low level architectural lighting for Buildings, Structures, Signs, sidewalks or landscape features and approved as part of a Development Plan).

d. All Light Fixtures – All exterior lighting, including pole lights and wall pack lights, shall be of Metal Halide or LED (light emitting diode) (except for low level architectural lighting for Buildings, Structures, Signs, sidewalks or landscape

features, which may be incandescent or other type of lighting deemed appropriate and approved as part of a Development Plan).

e. Pole and Wall Pack Light Fixtures – All pole light fixtures and wall pack light fixtures with a wattage of 400 watts or above, shall be equipped with a flat lens that does not protrude below the bottom edge of the "shoebox".

f. Pole and Wall Pack Light Fixtures – All pole light fixtures and wall pack light fixtures shall be mounted parallel with the horizon and shall utilize a rigid mounting arm with no built-in up-tilt and no adjustment feature.

g. Vehicular Canopy Light Fixtures – All vehicular canopy light fixtures, including but not limited to gasoline service station canopies and bank drive through canopies, regardless of wattage, shall be equipped with a flat lens that does not protrude below the bottom edge of the light fixture.

7. Signs.

a. All Signs – All Signs shall be designed to create a unified and consistent Sign package for the development. Elements of a unified and consistent Sign package include:
   1) Type of Sign – A Sign package shall specify the type of Freestanding Identification Sign proposed (e.g., Ground Sign, Pylon Sign, Pole Sign), and the type of Building Identification Sign proposed (e.g., individual letters, raceway mount, box, painted, etc.);

   2) Materials (e.g., limestone base with bronze letters, routed aluminum cabinet with plexiglas face, etc.);

   3) Size and Proportion of Signs (e.g., maximum height, maximum width, maximum Sign Surface Area, etc.);

   4) Style and Color (e.g., style and color pallet for letter colors, background colors, and text font); and,

   5) Illumination (e.g., internally illuminated, or external illumination with similar type outdoor light fixture).

b. Freestanding Identification Signs – In order to create a unified and consistent treatment, new Freestanding Identification Signs shall be erected in accordance with the regulations of Chapter 24.5.

c. Wall Signs – In order to create a unified and consistent treatment, new Wall Signs shall be erected in accordance with the following regulations:

   1) New Construction / Major Building Additions – Wall Signs for new construction projects and major Building addition projects shall be consistent with the type of Wall Sign selected from the Alternatives Hierarchy listed below and approved by the Plan Commission.

2) Alternatives Hierarchy – The order of ranking of the various types of Wall Signs, from the highest to the lowest, shall be (a), (b), (c) and (d) outlined below:

   a) An Individual Letter Sign (including but not limited to: internally illuminated channel letters, logos or script; illuminated or non-illuminated pin-mounted letters, logos or script, or, plaque with raised or routed letters, logos or script).

   b) A Raceway Mounted Sign (including but not limited to: channel letters, logos or script).

   c) A Box Sign.

   d) A Painted Board Sign or a Sign painted directly on a wall of a Building.

3) Existing Integrated Centers – Any new Wall Sign on an existing Integrated Center shall be of an equivalent type or higher rated type than the predominant type of Wall Signs existing throughout the Integrated Centers.

4) Existing Single Use Sites – Any new Wall Sign on an existing Single Use Site shall be the greater of either an equivalent type or higher rated type Wall Sign than:

   a) The previously existing Wall Sign; or,

   b) The predominant type of Wall Signs existing on the subject Lot and any immediately adjacent Single Use Sites located within the same Block Face.

   c) Illuminated Wall Signs & Transitional yards. Illuminated Wall Signs, whether internally or externally illuminated, shall not be permitted on a Building façade oriented to a Side Transitional yards or Rear Transitional yards.

D. Permitted Uses.

   All uses which are permitted in a given site's underlying primary zoning district, except those uses expressly excluded in Chapter 24 of this Ordinance, are permitted within 600' of a Gateway Corridor or Residential District.

E. Excluded Uses.

   The following uses shall be prohibited in all Zoning Districts within 600' of Gateway Corridor or Residential District:

1. Prohibited Uses.
   Antique Mall
   Discount Retailer
   Flea Market

F. Legally Established Nonconforming Buildings or Structures.

Where a Legally Established Nonconforming Building or Structure located within 600' of a Gateway Corridor or Residential District exists on the effective date of this Ordinance that was not constructed in compliance with the terms of this Ordinance with regards to Development Requirements of Chapter 24, the use of the Building or Structure may continue to exist so long as it remains otherwise lawful, subject to compliance with the following provisions:

1. The use was not discontinued or abandoned for a period of six (6) months or more; and

2. In the event the Building or Structure has lost is Legally Established Nonconforming status based on the above provisions, prior to the reuse of the Building or Structure, the Owner shall make application for an Improvement Location Permit (ILP) for compliance with the Development Requirements of Chapter 22 of this Ordinance.

G. Findings.

The Plan Commission or the Staff may approve a Development Plan for Architectural and Site Design Review upon a finding that:

1. The Development Plan complies with all applicable Development Standards of the District in which the site is located;

2. The Development Plan complies with all applicable provisions of the Subdivision Control Ordinance for which a waiver has not been granted;

3. The Development Plan complies with all applicable provisions for Architectural and Site Design Review for which a waiver has not been granted;

4. The proposed development is appropriate to the site and its surroundings; and,

5. The proposed development is consistent with the intent and purpose of this Ordinance.

H. Waivers and Findings.

In order to encourage innovative Building and site designs capable of enhancing the quality of the built environment along a Gateway Corridor or adjoining a residential District, the Plan Commission or the Staff (in matters delegated to the Staff may grant a waiver of the: Landscaping; Lighting; Sign; Building Orientation and Site Design; or, Building Materials Along A Gateway Corridor, Development Requirements specified in

this Chapter 22.5 for Architectural and Site Design Review upon finding that the proposed development:

1. Represents an innovative use of Building materials, lighting, Signs, site design features or landscaping which will enhance the use or value of area properties;

2. Is consistent with and compatible with other development located along the Gateway Corridor or within six hundred (600) feet of a residential District; and,

3. Is consistent with the intent and purpose of this Ordinance.

24.6 Development Plans Required for Architectural and Site Design Review in the CB: Central Business District.

Intent-In order to: assure the continued development and redevelopment of the downtown area of the Town of Monrovia as the "center place" of the community which provides a high character "sense of place" in the style of a traditional downtown; provide and enhance the quality and character of the downtown area; and, provide for interconnectivity of downtown neighborhoods with the commercial downtown area, all development located in the CB: Central Business District shall be subject to the approval of a Development Plan by the Plan Commission.

A. Applicability and Review Authority.

1. CB: Central Business District – Development located within the TC: Town Center District shall be subject to the filing of a Development Plan for Architectural and Site Design Review as set forth in Chapter 22.6-A; Town Center Development Plans.

2. Residential Uses in TC District – Notwithstanding anything above to the contrary, any Single Family Dwelling, Two Family Dwelling or Multi-Family Dwelling located in the TC: Town Center District shall be subject only to the Development Requirements contained in Section 5.6, C., below, for Single Family Dwelling, Two Family Dwelling or Multi-Family Dwelling development located within the R-U: Urban Residential District and the MU: Mixed Use District.

3. Development Plan Review Authority.

   a. All development shall be subject to the filing, review and appeal procedures set forth in Chapter 22.8 – Procedures for Submission and Review of Development Plans.

   b. Limitation on Staff's Authority – Notwithstanding anything in Chapter 22.6-A or Chapter 22.6-B to the contrary, any development which requires a Waiver of any Development Requirement of this Article shall be required to file a Development Plan for review and determination by the Plan Commission.

TABLE 24.6-A: CB: CENTRAL BUSINESS DISTRICT DEVELOPMENTAL PLANS

	Development Activity	Approval Authority
a.	New Construction *	Plan Commission
b.	New Construction of a Primary Use Building on Lot with Existing Development *	Plan Commission
c.	Major Building Additions (greater than 10,000 sq. ft. or in excess of 20% of Gross Floor Area of Existing Building(s)*	Plan Commission
d.	New Outdoor Display Area, Outdoor Operations (i.e.: Outdoor Seating/Dining areas; processing; servicing; etc.), Outside Storage Area, Off-Street Parking Area of Off-Street Loading Area	Staff
e.	Minor Building Additions (less than 10,000 sq.ft. and less than 20% of Gross Floor Area of existing Building(s))	Staff
f.	Exterior Building Renovations (i.e., change in exterior building materials, substantial change in exterior color, increase or decrease in façade fenestration in excess of 10%)	Staff
g.	Accessory Buildings / Structures (new or Additions) - including by way of example: Trash Enclosures; Storage Sheds; Drive-Through Facilities; ATM's, etc.	Staff
h.	Expanded or Relocated Outdoor Display Area, Outdoor Operations (i.e.: Outdoor Seating/Dining areas; processing; servicing; etc.), Outside Storage Area, Off-Street Parking Areas, Off-Street Loading Area (unless subject to Chapter 24.5)	Staff
i.	All Signs, including: Freestanding Identification Signs (Ground, Pole or Pylon Signs); Building Identification Signs (Wall, Awning, Canopy or Marquee Signs); Incidental Signs (Ground, Projecting or Wall Signs); Suspended Signs; or Outdoor Display Area Signs.	Staff
j.	Landscaping	Staff
k.	Lighting	Staff
l.	Fences	Staff
*	Includes complete review of site, landscape, lighting, sign and building elevation plans.	

Plan Commission = Determination by Plan Commission as set forth in Chapter 24.

Staff = Administrative Determination by Staff as set forth in Chapter 24 and subject to compliance with the Development Requirements of this Chapter.

B. Development Requirements in the CB: Central Business District

The Development Requirements specified below shall be satisfied prior to the approval of a Development Plan for Architectural and Site Design Review for any development located in the CB: Central Business District.

1. Each site shall demonstrate compliance with all applicable Development Standards of the CB: Central Business District and all applicable provisions of the Subdivision Control Ordinance for which a waiver is not provided for in this Chapter.

2. Submission of a Site Plan, Landscape Plan, Lighting Plan, Sign Plan and Building Elevations, as set forth in Chapter 24.

3. Central Business Context.

   Development shall incorporate old downtown Monrovia design theme into the overall development through Building design and detailing, and sign design (including graphics).

4. Site Layout.

   a. Major Building entrances shall be oriented toward the Front Lot Line.

   b. Building Placement in the CB: Central Business District along Main Street (SR 42), between Baltimore Road to Chestnut Street:

      Building placement for all new construction on any Lot which buts Main St. (SR 42), between Baltimore Road to Chestnut Street shall be in compliance with the following provisions:

      1) For sites containing one Building – in elevation view from the Front Lot Line, at least seventy-five percent (75%) of the visible façades of the buildings facing a Street shall be located between the Front Lot Line and the lesser of a five (5) foot Setback or the established Setback in the same Block Face;

      2) For sites containing multiple Buildings – in elevation view from the Front Lot Line, at least seventy-five percent (75%) of the visible facades of the Buildings facing a Street shall be located between the Front Lot Line and the lesser of a five (5) foot Setback or the established Setback in the same Block Face; and,

      3) On Corner Lots located along Main Street (SR 42), the primary façade of the Building shall be oriented toward Main Street (SR 42).

   c. Building Placement for Any Other Location in the CB: Central Business District.

1) For sites containing one Building – in elevation view from the Front Lot Line, at least fifty percent (50%) of the length of the façade of the Building facing a Street shall be located between the Front Lot Line and the lesser of a twenty (20) foot Setback or the established Setback in the same Block Face; and,

2) For sites containing multiple Buildings – in elevation view from the Front Lot Line, at least fifty percent (50%) of the visible facades of the Buildings facing a Street shall be located between the Front Lot Line and the lesser of a twenty (20) foot Setback or the established Setback in the same Block Face;

d. Plazas – Plazas shall be provided along all non-Building portions of a Front Yard in the CB: Central Business District in compliance with the following requirements:

1) Plazas shall be separated from the Front Lot Line by a five (5) foot deep planting bed;

2) Plazas shall be located adjacent to a Building;

3) Plazas shall be surfaced with concrete, brick or other form of hard surface pavers appropriate for the proposed development, except for those areas used for trees, foundation landscaping or planters;

4) Plazas shall maintain surface areas at a slope of less than 3%, surface areas may be stepped, where appropriate, as necessary to accommodate natural topography; and,

5) That portion of the Plaza perimeter located adjacent to a Front Lot Line shall include shade or ornamental trees planted with a maximum spacing of twenty-five (25) feet on-center. If Plaza trees have already been installed on an abutting Lot, the on-center spacing shall be measured from the existing Plaza trees. Overall Plaza tree location within each CB District shall begin in any block with a measurement from the edge of the nearest vision clearance area.

e. Landscaping –

1) Front Yards – All non-Building portions of Front Yards and non-Building portions of Front Transitional yards (except along Main Street (US40)) shall be landscaped as follows:

a) Depth of Landscaping – a planting bed with a minimum depth of five (5) feet measured from the Front Lot Line shall be provided along all non-Building portions of the Front Lot Lines.

b) Plantings – all planting beds shall include a continuous hedge row with hedge plants planted three (3) feet on-center and a shade tree or ornamental tree planted every twenty-five (25) feet on-center.

c) Size of Plant Materials:

i) All hedge plants shall be a minimum size of twenty-four (24) inches at time of planting.
ii) All shade trees shall be a minimum size of 2 Y, inch caliper at time of planting.
iii) All ornamental trees shall be a minimum of 1 Y, inch caliper at time of planting.

2) Front Yards along Main Street (SR 42) – All non-Building portions of Front Yards and non-Building portions of Front Transitional yards along Main Street (SR 42) shall be landscaped as follows:

a) Depth of Landscaping – a planting bed with a minimum depth of five (5) feet measured from the Front Lot Line shall be provided along all non-Building portion of the Front Lot Lines.

b) Screen Wall Required – any non-Building portion of a Front Yard or non-Building portion of a Front Transitional yards shall be screened by a low masonry wall or combination of masonry piers and wrought iron fencing located adjacent to the Front Lot Line.

c) Trees Required – On the Lot side of the screen wall, a shade tree or ornamental tree planted every twenty-five (25) feet on-center.

d) Size of Plant Materials:

i) All shade trees shall be a minimum size of 2Y, inch caliper at time of planting.
ii) All ornamental trees shall be a minimum of 1Y, inch caliper at time of planting.

3) Side Lot Lines & Rear Lot Lines – All non-Building portions of Side Yards, Rear Yards, side Transitional yards, or rear Transitional yards shall be landscaped as follows:

a) Plantings – all planting beds shall include a continuous hedge row with hedge plants planted three (3) feet on-center and a shade tree or ornamental tree planted every twenty-five (25) feet on-center.

b) Size of Plant Materials:

i) All hedge plants shall be a minimum size of twenty-four (24) inches at time of planting.

ii) All shade trees shall be a minimum size of 2Y, inch caliper at time of planting.
iii) All ornamental trees shall be a minimum of 1Y, inch caliper at time of planting.

f. Trash Enclosures – All trash enclosures shall utilize three (3) solid-walled sides. The materials of the three (3) solid-walled sides of the enclosure shall be consistent and compatible with the materials of the Primary Building. Gates shall be located on the non-solid-walled side of the trash enclosure and shall be covered with a wood, simulated wood or a similar material painted a compatible color with the Primary Building.

g. Minimum Lot Coverage – The minimum Lot Coverage shall not be less than fifty (50) percent.

h. Pedestrian and Vehicular Circulation – Site design shall minimize conflicts between pedestrian and vehicular traffic.

i. Site Access – Driveways shall not provide direct Access to Main Street (SR 42). Access to Main Street (SR 42) shall occur via side Streets or Public Alleys.

j. Off-Street Parking – Off-Street Parking Areas shall be located to the side or rear of a Building, provided however, in no case shall an Off-Street Parking Area be located within five (5) feet of a Front Lot Line.

k. Drive-Through Facilities – Drive-Through facilities shall be located at the rear of the Buildings or at the rear of the Lot.

5. Architectural Design.

a. Materials.

1) Brick shall be utilized as the primary exterior Building material on each façade oriented toward a Public Street.

2) Each façade oriented toward a Side Lot Line or Rear Lot Line and which intersects a front façade shall incorporate a minimum twenty-four (24) inch brick return. The remaining portion of such façade shall be recessed from the brick return by a minimum of three (3) inches.

b. Minimum Front Façade Height.

1) In the CB: Central Business District:

a) Lot Abutting Main Street (SR 42) between East Street and Mill Street – in the elevation view from the Front Lot Line, the minimum front façade height shall be not less than twenty-seven (27) feet with a minimum of two (2) stories capable of being occupied.

b) All other locations – in the elevation view from the Front Lot Line, the minimum front façade height shall be not less than twenty-two (22) feet.

c. Articulation.

In order to assure that new development in the Central Business maintains a scale and relationship to the street and sidewalk which can promote pedestrian activity in the downtown area, all Buildings shall comply with the following design features:

1) Human Scale – Architectural elements such as colonnades, Canopies, Awnings, display windows, lighting and variation in Building materials may be used to create a human scale to Building.

2) Detailing – Architectural detailing (i.e., variation in Building materials, surface recesses, protrusions, cornices, etc.) shall be used to distinguish the ground floor from upper levels of a building. Such architectural detailing used to distinguish the ground floor from upper levels shall be no lower than eighteen (18) feet above Grade.

3) Vertical Rhythm – The vertical rhythm of architectural detailing on a Building shall be consistent or compatible with the pattern established on adjacent Buildings located within the same Block Face.

4) Building Entrances – All Buildings which front on Main Street (SR 42) shall orient a main entrance on Main Street (SR 42).

5) Mechanical Equipment.

a) Roof Mounted – All roof mounted mechanical equipment shall be screened based upon an elevation view of the Building on all sides.

b) Ground Mounted – All ground mounted mechanical equipment shall be screened on all sides by: the Building; screen walls or fences of a material and color which is compatible with the Primary Building; or, evergreen or densely twigged hedge plants (with or without mounding) of a height at time of planting which is not less than the height of the mechanical equipment to be screened.

d. Fenestration.

1) Ground Floor –Window openings on the ground floor of a Building shall occupy a minimum of sixty (60) percent of the ground floor façade area (i.e., that portion of the façade located below eighteen (18) feet above Grade.)

2) Upper Floors – Window openings on the upper floors of buildings shall occupy no more than forty (40) percent of the entire upper floor façade

area (i.e., that portion of the façade located above eighteen (18) feet above Grade).

3) Any non-residential Building taller than twenty (20) feet shall have windows (or faux windows) on the upper façade (i.e. that portion of the façade located below eighteen (18) feet above Grade).

4) Window size and shape shall be compatible with those of adjacent buildings and shall have a generally vertical orientation.

5) Windows, doors, eaves and parapets on a Building shall be proportional and shall relate to one another.

6. Signs.

a. Freestanding Identification Signs, where permitted by Chapter 22.5 A. – Freestanding Identification Signs in the CB: Central Business District shall comply with the following:
   1) The Sign Structure shall be constructed of materials which are in harmony with, and architecturally compatible with the Primary Building or Integrated Center served by the Freestanding Identification Sign;

   2) Freestanding Identification Signs shall not be internally illuminated;

   3) If illuminated, Freestanding Identification Signs shall be illuminated by way of:

      a) Sign Structure mounted gooseneck type fixtures;

      b) Wall-wash lights mounted behind opaque individual letters or elements; or

      c) Ground mounted up-lights located beneath the Building Identification Sign.

b. Building Identification Signs – Building Identification signs installed above a storefront(s) or on the ground floor façade should from a clearly articulated band and be integrated into the overall Building façade design.

c. Building Identification Signs – Building Identification Signs shall be designed so as to not interfere with architectural details, or interrupt the rhythm of columns or fenestration.

d. Building Identification Signs – Building Identification Signs shall be eligible for an increase in Sign Surface Area in compliance with the provisions of Chapter 24.6, E, 1, a, (4) and Chapter 24.6, E, 2, b, below.

e. Illumination – Building Identification signs shall comply with the following regulations:

1) Building Identification Signs shall not be internally illuminated.

2) External illumination shall be by way of:

a) Wall or Sign Structure mounted gooseneck type fixtures;

b) Wall-wash lights mounted behind opaque individual letters or elements; or,

c) Up-lights mounted in an open area beneath the Building Identification Sign.

f. Window Signs – Window signs shall not exceed fifteen (15) percent of available window space.

g. Marquee Signs – Marquee Signs shall be limited to theater uses.

h. Awnings and Canopies:

1) Any Awning or Canopy that includes graphics, lettering, logos or text in acess of ten (10) inches in any overall dimension shall be classified as Building Identification Signs and such Awning or Canopy shall comply with the provision of this Chapter 24.6, B., 6., c., above.

2) Any Awning or Canopy shall utilize canvas or canvas-like material. Vinyl coated fabric, fixed metal, transparent or opaque vinyl or wood shall not be utilized for any Awning or Canopy.

3) Awnings or Canopies on a Building and within a Block Face shall produce a consistent pattern through size, location, shape and color.

7. Lighting – The design of outdoor light fixtures and the supports for such outdoor light fixtures shall be architecturally compatible with the Building.

8. Accessory Structures and Facilities.

a. Drive Through Facilities – Drive through facilities shall be located at the rear of the properties so as to take advantage of Public Alleys, Interior Access Drives and Interior Access Driveways for, with a circulation and queuing of vehicles.

b. Accessory Structures – Brick, with color and architectural detailing consistent with the Primary Building, shall be used on all Accessory Structures or drive through facilities.

c. Planting Bed – A three (3) foot planting bed located between any sidewalk or Off-Street Parking Area and any Accessory Structures or drive through facility.

9. Additions to an Existing Building.

   All additions to an existing Building shall utilize Building materials with a style, color, texture and architectural detailing which is compatible and harmonious with the materials used on the existing Building.

10. Exterior Building Façade Renovations with no Building Additions or Minor Building Additions.

    Exterior Building façade renovations which involve no Building additions or only minor Building additions shall demonstrate reasonable efforts to incrementally bring the exterior façade of the entire Building into compliance with the provisions of Chapter 24.6, B, 3. Through 8 specified above shall not be a requirement for approval of a Development Plan.

11. Exterior Building Façade Renovation with Major Building Additions.

    Exterior Building façade renovations performed in connection with a major Building addition as described herein shall comply with the provisions sub-Chapter 24.6, B, 3. Through 8 specified above.

D. Findings.

   The Plan Commission shall grant Development Plan Approval for Architectural Review in the CB: Central Business District, upon finding that the proposed development:

   1. Represents a use of Building materials, site design features, architectural design, Signs, lighting or other features which will enhance the use or value of area properties;

   2. Is consistent with an compatible with development located in the vicinity; and,

   3. I consistent with the intent and purpose of this Ordinance.

E. Waivers.

   1. Authorized Waivers of Development Requirements – In order to encourage innovative Building and site designs capable of enhancing the quality of the built environment within the historic downtown portion of the Town of Monrovia, the Plan Commission may grant a Waiver of the following Development Requirements to the extent specified:

      a. Development Requirements in the CB: Central Business District which may be Waived:

         1) Central Business Context – all provisions of Chapter 24.6;

         2) Site Layout – all provisions of Chapter 24.6;

         3) Architectural Design – all provisions of Chapter 24.6;

4) Signs.

   a) All provisions of Chapter 24.6 and the provisions of Chapter 24.5, B., regarding the total Sign Surface Area of Building Identification Signs to allow a maximum Sign Surface Area of up to forty (40) percent of the applicable façade; or,

   b) The provisions of Chapter 24.8, D., 2., so as to not include graphics, letters, logos or text which is ten (10) inches or less in overall height in the calculation of Sign Surface on an Awning or Canopy.

5) Lighting - all provisions of Chapter 24.6;

6) Accessory Structures and Facilities – all provisions of Chapter 24.6;

7) Additions to an Existing Building – all provisions of chapter 24.6;

8) Exterior Building Façade Renovations with No Building Additions or Minor Building Additions – all provisions of Chapter 24.6; or,

9) Exterior Building Façade Renovation with Major Building Additions – all provisions of Chapter 24.6.

2. Findings Required to Grant a Waiver of Development Requirements – A Waiver of Development Requirements, to the extent specified in this Chapter 24.6 for Architectural and Site Design Review, shall only be granted upon finding that the proposed development:

   a. Represents an innovative use of Building materials, site design features, architectural design, landscaping, Signs, lighting or other features which will enhance the use or value of area properties;

   b. (Regarding Building Identification Signs) – The Building demonstrates exceptional compliance with the site layout, architectural design, sign and lighting Development Requirements of Chapter 24.6b B., of this Ordinance;

   c. Is consistent with and compatible with other development located within and near the CB: Central Business District; and

   d. Is consistent with the intent and purpose of this Ordinance.

24.7 Plan Documentation and Supporting Information.

In any case where the Plan Documentation and Supporting Information for a Development Plan requires the submission of a Site Plan, Overall Plan, Landscape Plan, Building Elevations, Sign Plan or Lighting Plans, such plans and elevations shall be submitted in compliance with the following requirements:

A. Site Plan.

A site plan filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1" = 100' and shall include the following items:

1. North arrow and scale;
2. Address of the site;
3. Proposed name of the development;
4. Area map insert showing the general location of the site referenced to major Streets and section lines;
5. Legal description of the real estate;
6. Boundary lines of the site including all dimensions of the site;
7. Names, center-lines and Right-of-Way widths of all Streets, Alleys and easements;
8. Layout, number and dimension of all Lots and Out Lots with zoning Setback Lines or Building Setback Lines;
9. Location and dimensions of all existing Structures, including paved areas;
10. Location and dimensions of all proposed Structures, including paves area, and indicated by cross-hatching;
11. Location and name of all existing and proposed Public or Private Streets, Access easements and Rights-of-Way within two-hundred (200) feet of the real estate;
12. Location of all floodway and floodway fringe areas within the boundaries of the site;
13. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
14. Use of each Structure by labeling including approximate density or size of all proposed uses and Structures on the site (e.g. parking – number of Parking Spaces required and provided, residence – number of Dwelling Units per acre, office – Gross Floor Area);
15. Structures proposed for demolition should be indicated as such;

16. Distance of all Structures from Front, Rear and Side Lot Lines. (This distance is measured as a line from the point where the Structure is closest to the Lot Line. This line is perpendicular to the Lot Line.);

17. Location of any proposed or existing Driveway and its width at the Lot Line. (Any connection to an Alley must also be indicated);

18. All Improvements to Street system on-site and off-site;

19. Sidewalk plan or alternate plan for pedestrian ways;

20. Measurement of curb radius and/or taper;

21. Names of legal ditches and streams on or adjacent to the site;

22. Location, dimensions, and type (e.g. ground, pole, wall) of all Signs on the site. Include separate elevations of proposed Sign Structures with all dimensions drawn to scale;

23. Location, size and species of all proposed and existing trees over six (6) inches in caliper at four and one-half (4-1/2) feet above Grade and all proposed and existing landscaping;

24. Areas reserved for park, recreation, conservation, wetland, common area, lake or other similar uses;

25. Building elevations, including Building materials and colors; and,

26. Any other information requested in writing by the Plan Commission or Staff.

The Staff, in its sole discretion, may waive or relax any of the Site Plan requirements listed above, as circumstances dictate.

B. Overall Plan.

An Overall Plan filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1" = 100' and shall include the following items:

1. North arrow and scale.

2. Address of the site.

3. Proposed name of the development.

4. Area map insert showing the general location of the site referenced to major Streets and section lines;

5. Legal description of the real estate;

6. Boundary lines of the site including all dimensions of the site;

7. Names, center-lines and Right-of-Way widths of all Streets, Alleys and easements;

8. Layout, number of dimension of all Lots and Out Lots with zoning Setback lines and/or Building Setback Lines;

9. Location and name of all existing and proposed Public or Private Streets, Access easements and Rights-of-Way within two-hundred (200) feet of the real estate;

10. Location of all floodway and floodway fringe areas within the boundaries of the site;

11. Location of all existing and propose utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;

12. All Improvements to Street system on-site and off-site;

13. Sidewalk plan or alternate plan for –pedestrian ways;

14. Location, dimensions, and type (e.g. ground, pole, wall) of all Signs on the site. Include separate elevations of proposed Sign Structures with all dimensions drawn to scale;

15. Areas reserved for park, recreation, conservation, wetland, common area, lake or other similar uses;

16. Any other information requested in writing by the Plan Commission or Staff.

The Staff, in its sole discretion, may waive or relax any of the Overall Plan requirements listed above, as circumstances dictate.

C. Building Elevations.

Building Elevations filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:

1. Address of the site.

2. Proposed name of the development.

3. Scale.

4. Elevations for each façade of the Building.

5. Specification or sample of the type and color of Building materials to be used for all wall, window, roof and other architectural features.

6. A separate true color rendering of the proposed Building, including any proposed Wall Sign.

7. Placement, size, color and illumination details for any proposed Wall Sign.

8. Details of any exterior architectural lighting proposed on or around the Building.

9. Any other information requested in writing by the Plan Commission or Staff.

The Staff, in its sole discretion, may waive or relax any of the Building Elevation requirements listed above, as circumstances dictate.

D. Sign Plan.

Sign Plans filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:

1. Address of the site.

2. Proposed name of the development.

3. Scale.

4. A site plan indicating the location of any existing or proposed Freestanding Signs.

5. A site plan indicating the location of any Building upon which a Sign is to be mounted, with the location of the Signs indicated.

6. Elevation of proposed Signs including size, materials and color.

7. A true color rendering of the proposed Signs.

8. Illumination details for proposed Signs.

9. Placement size, color and illumination details for any proposed Wall Sign.

10. Any other information requested in writing by the Plan Commission or Staff.

The Staff, in its sole discretion, may waive or relax any of the Sign Plan requirements listed above, as circumstances dictate.

E. Landscape Plan.

Landscape Plans filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1” = 100’ and shall include the following items:

1. Address of the site.

2. Proposed name of the development.

3. Scale.

4. The location of any existing or proposed Freestanding Signs.

5. Outline of all existing or proposed Buildings or Structures, including parking and loading areas.

6. Boundary lines of the site.

7. Location of all floodway and floodway fringe areas within the boundaries of the site.

8. All existing elevations and proposed land contour lines having at least two (2) foot intervals.

9. Proposed sidewalk or alternate plan for pedestrian ways.

10. Size, species and spacing (on center) of all proposed trees, landscaping and ground cover.

11. Survey of existing trees in required Yards and required Bufferyards, indicating exact location or existing trees over six (6) inch caliber at four and one-half (4-1/2) feet above Grade and all flowering trees, shrubs and evergreens over six (6) feet in height.

12. Description of methods to preserve trees without injury and with sufficient area for the root system to sustain the tree.

13. Description of protective care and physical restraint barriers at the drip line to prevent alternation, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction.

14. Any other information requested in writing by the Plan Commission or Staff.

The Staff, in its sole discretion, may waive or relax any of the Landscape Plan requirements listed above, as circumstances dictate.

F. Lighting Plans.

Lighting Plans filed in connection with the submission of a Development Plan shall be drawn to scale of not more than 1" = 100' and shall include the following items:

1. North arrow and scale;

2. Address of the site;

3. Proposed name of the development;

4. Boundary lines of the site including all dimensions of the site;

5. Location and dimensions of all existing Structures, Parking Areas and walkways;

6. Type and location of all exterior of lighting fixtures, including, wattage and type of light.

7. Intensity of lighting at base of light Structure and at the Lot Line measured in foot candles.

8. If architectural Building lighting is proposed, elevations for each façade of the Building indicating the location, type and intensity of light on each Building façade and the intensity of such lighting at the Lot Line measured in foot candles.

The Staff, in its sole discretion, may waive or relax any of the Lighting Plan requirements listed above, as circumstances dictate.

24.8 Procedures for Submission and Review of Development Plans.

A. Application.

1. Application for Development Plan Approval by the Plan Commission shall be in compliance with the following procedures:

a. Who May File.

Development Plans may be initiated by a petition signed by the owners of the land involved in the petition.

b. Filing Deadline.

1) Pre-Filing Conference – In order to avoid delays in the processing of a Development Plan, the applicant is encouraged to prepare a Concept Plan and consult with the Director on an information basis to learn of any comments, concerns and questions regarding the proposed Development Plan application. The Concept Plan shall be prepared with as much information and detail as is available at the time of presenting the Concept Plan. The applicant is hereby advised that the greater the level of information and detail shown on the Concept Plan, the greater the value of the Concept Plan review and comments.

2) Architectural and Site Design Review – All Development Plan petitions submitted for Architectural and Site Design Review only shall be filed at least thirty-seven (37) days prior to the initial public hearing at which they are to be considered by the Plan Commission.

3) Development Incentives – All other Development Plan petitions shall be filed at least thirty-seven (37) days prior to the initial public hearing at which they are to be considered by the Plan Commission.

c. Form of Filing.

All Development Plan Approval petitions to the Plan Commission shall be on forms provided by the Department of Planning and Zoning. In addition, site plans, surveys, legal descriptions, Building elevations, Sign details, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality.

d. Findings of Fact

The petitioner shall, at the time of filing of the petition, file proposed detailed written findings of fact.

e. Specifying of Request

All Development Plan Approval petitions shall specify the approvals requested. Any items, including proposed waivers of Development Requirements in connection with a Development Plan approval, even if indicated on the proposed plans, shall not be considered a part of the request presented to the Plan Commission for its consideration unless such waivers are specified in the petition.

f. Docketing by Staff

Each petition filed in proper form pursuant to the guidelines established by the Department of Planning and Zoning shall, within ten (10) days of filing, be numbered and docketed by the Staff for an initial hearing by the Plan Commission.

g. Investigation of Petitions.

Upon assignment of a number and hearing date, the Staff shall distribute a copy of the petition and relevant supporting documentation to the members of the Technical Advisory Committee or Design Review Committee for review and comment.

h. Notice Requirements.

Notice of all petitions for Development Plan approval which require a public hearing before the Plan Commission shall be given to all interested parties or property owners in the following manner:

1) Notice by Publication.

Notice shall be published by the Plan Commission in accordance with I.C. 5-3-1 at least fifteen (15) days prior to the date of the public hearing.

2) Notice by Mailing.

Notice, in a form approved by the Director shall be mailed to each interested party.

Notice by mailing shall be given by registered or certified mail at least fifteen (15) days prior to the date of the hearing.

Interested parties for a Development Plan approval shall include all owners of adjoining parcels to a depth of two (2) ownerships or six hundred (600) feet, whichever is less, surrounding the perimeter of the area included in the petition.

3) Posted Notice on Subject Property.

Notice, on a form prescribed by the Plan Commission, shall be posted in conspicuous place on the subject property at least fifteen (15) days prior to the date of the hearing.

4) Affidavit of Notice.

Petitioner shall file an Affidavit of Notice with the Department of Planning and Zoning, in a form as specified by the Department of Planning and Zoning, indicating compliance with the above notice requirements not less than one (1) business day prior to the date of the public hearing. Copies of all "Receipt for Certified Mail" (white slips) and the originals of the "Domestic Return Receipts" (green cards) shall be filed with the Affidavit of Notice.

i. Conduct of Public Hearings.

All public hearings on a Development Plan Approval shall comply with the Conduct of Public Hearings section of the Rules of Procedure of the Plan Commission.

2. Application for Development Plan Approval by the Staff shall be accomplished in compliance with the following procedures:

a. Contact the Staff to make an appointment to deliver the required plans and provide a brief explanation of the proposed Development Plan.

b. Staff shall have a period of not more than fifteen (15) days in which to review the proposed Development Plan and either make a decision concerning the Development Plan or request, in writing, additional information from the applicant.

c. Staff may seek the advice and comment of members of the Technical Advisory Committee or the Design Review Committee prior to making a decision.

d. Any Development Plan approval which has been delegated to the Staff may occur without public notice and without a public hearing and shall be submitted as an Improvement Location Permit (ILP).

e. Any decision of the Staff under this Chapter, may be appealed by any interested party to the Plan Commission within thirty (30) days of such decision by filing a letter with the Plan Commission requesting a hearing by the Plan Commission. Said appeal shall be heard by the Plan Commission at the Plan Commission's next regularly scheduled public hearing for which published notice of the appeal pursuant to I.C. 5-3-1 can be provided.

B. Fees.

In order to defray administrative costs, the fees as set forth in the Fee Schedule as approved by the Plan Commission and the Town Council for Development Plan Approval by Staff and for Development Plan Approval by the Plan Commission are to be paid by the applicant at the time of filing an application for Development Plan Approval.

C. Notice.

All notices for public hearings regarding a Development Plan Approval before the Plan Commission shall be provided in accordance with the requirements set forth in the Rules of Procedure of the Plan Commission.

Notice shall not be required for Development Plan Approvals delegated to Staff.

D. Hearings.

All public hearings regarding a Development Plan Approval before the Plan Commission shall be conducted in accordance with the procedures set forth in the Rules of Procedure of the Plan Commission.

E. Amendments.

1. Amendments to Development Plans pending determination by the Plan Commission.

   Amendments to Development Plans pending determination by the Plan Commission may be made by the applicant at any time prior to a vote being called for by the Plan Commission. If, in the sole discretion of the Plan Commission, the proposed amendment is of such a nature that additional time is needed for review, the Plan Commission may continue the consideration of such amended Development Plan to the next meeting of the Plan Commission.

2. Amendments to Development Plans pending determination by the Staff.

   Amendments to Development Plans pending determination by the Staff may be made by the applicant at any time prior to a determination being made by the Staff. If, in the sole discretion of the Staff, the proposed amendment is of such a nature that additional time is needed for review, the amended Development Plan shall be reviewed within the time frames set forth above for the review of Development Plans by the Staff.

3. Amendments to Approved Development Plans.

a. Applicability – The amendment procedures of this Chapter 24.9, E., 3., shall apply to:

1) Minor amendments to any Development Plan which has already received approval from the Plan Commission or the Staff; and,

2) Minor additions to site which include existing development authorized prior to the effective date of this Ordinance.

b. Determination of Minor Amendments or Minor Additions.

Those projects listed in:

1) Table 24.5-A: Gateway Corridor Development Plans;

2) Table 24.5-B: Commercial / Industrial Development Plans Within 600 Feet of a Residential District;

3) Table 24.6-A: CB: Central Business District Development Plans; or

As having an "Approval Authority" of "Staff" shall be eligible for review and determination through the Improvement Location Permit process as a minor amendment or a minor addition without the filing of a Development Plan.

All projects listed on said Tables as having an "Approval Authority" of "Plan Commission" shall file a Development Plan for review and determination by the Plan Commission.

c. Staffs Authority:

1) The Staff is hereby authorized to approve minor amendments to Development Plans or minor additions to sites which include existing development through the Improvement Location Permit process and without a public hearing if, in the determination of the Staff, the requested minor amendments or minor additions:

a) Do not adversely impact the purpose or intent of the overall development;

b) Do not include a substantial increase in intensity of any land use relative to the previous land use on the real estate; and,

c) Comply with the applicable Development Requirements specified in Chapter 24.1, Chapter 24.3, Chapter 24.4, Chapter 24.5 or Chapter 24.6.

2) If the Staff determines that a request for minor amendment to a Development Plan or a minor addition to an existing development does not comply with the requirements set forth above, the Staff may:

a) Deny the request; or,

b) Refer to the request to the Plan Commission for determination.

Any request referred to the Plan Commission for determination shall be accompanied by an application for Development Plan Approval and shall be subject to all application, fee, notice and hearing requirements specified above for new development.

d. Reporting – Minor amendments or minor additions authorized by the Staff shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.

e. Appeal – Any decision of the Staff regarding a minor amendment of a Development Plan or a minor addition may be appealed by any interested party as follows:

1) An appeal of the interpretation of a Development Standard of the applicable District shall be to the Board of Zoning Appeals;

2) An appeal of the interpretation of any other Development Requirement specified in this Chapter 24 shall be to the Plan Commission; and,

3) An appeal of a determination to approve or deny a minor amendment of a Development Plan or a minor addition shall be to the Plan Commission.

All appeals shall be filed within thirty (30) days of such determination.

F. Findings.

All findings specified above for the approval of a Development Plan shall be reduced to writing and signed by the Staff of the Department of Planning and Zoning in the case of a determination by the Staff, or by the President of the Plan Commission in the case of a determination by the Plan Commission, and retained as a part of the permanent record of the determination.

G. Duration of Development Plan Approval.

Any Development Plan authorized by Chapter 24 – Development Plan Approvals shall be subject to the following duration provisions:

1. Any Development Plan which has been approved by the Plan Commission or the Staff pursuant to this Article shall be valid for a period not to exceed three (3) years from the date of approval of such Development Plan.

2. In the case of a Development Plan approved by the Plan Commission, a complete Improvement Location Permit application shall be filed with the Department of Planning and Zoning prior to the expiration of such three (3) year period and shall be subject to the provisions of Chapter 24.2 – Improvement Location Permits.

3. In the case of a Development Plan approved by the Staff in the form of an Improvement Location Permit, notwithstanding the one (1) year duration specified

in Chapter 24.2, B., 1., the duration of such Improvement Location Permit shall be three (3) years. The Improvement Location Permit shall comply with all current Development Standards and Requirements. All other provisions of Chapter 24.1 – Improvement Location Permit shall apply.

4. If an Improvement Location Permit has not been filed with the Department of Planning and Zoning within one (1) year of approval of the Development Plan, the Development Plan shall be reviewed on an annual basis by the Staff for compliance with current Development Standards and Requirements.

24.9 Design Review Committee

A. Establishment and Purpose.

The Plan Commission is hereby authorized to establish, by resolution, a Design Review Committee as an Advisory Committee of Citizens.

The purpose of the Design Review Committee shall be to study problems and issues identified by the Plan Commission in its resolution establishing the Design Review Committee and to advise the Plan Commission concerning such problems and issues. Such advice to the Plan Commission may be provided by way of technical assistance to Staff and the Plan Commission in the exercise of their duties in connection with the administration of this Ordinance.

B. Duties and Powers.

The Design Review Committee shall study problems and issues identified by the Plan Commission and advise the Plan Commission concerning such problems with issues in sufficient detail to assist the Plan Commission in the Plan Commission's:

1. Review and determination of all Development Plans, including, but not limited to those Development Plans related to:

   a. Development Incentives in R-3, R-4 and R-5 Districts;

   b. Development Incentives for the R-6 District;

   c. Development Incentives for All Commercial and Industrial Districts (except the CB: Central Business District);

   d. Development Plans Required for All Development Located in the R-6, All Commercial Districts and All Industrial Districts when located within six-hundred (600) feet of a Gateway Corridor;

   e. Development Plans Required for Architectural Review in the CB: Central Business District and all other Commercial and Industrial Districts within six-hundred (600) feet of a Residential District.

2. Review and recommendation of Planned Unit Developments as to:

    a. Preliminary Plan Conceptual Design Review;

    b. Zone Map Change; and,

    c. Final Detailed Plan Secondary Review.

3. Site Plan Review in connection with a Special Exception Use application for Wireless Telecommunications Facilities.

4. Other applications or petitions identified by the Staff as needing additional technical review, including but not limited to the review of applications or petitions for Improvement Location Permits, Zone Map Change, Primary Plat, Secondary Plat, Variance of Use, Variance of Development Standards, and Special Exceptions.

C. Membership, Terms, Vacancies and Removal.

1. Membership

    Membership of the Design Review Committee shall consist of a total of a minimum of three (3) and a maximum of six (6) members. Such membership shall be determined as follows:

    a. One (1) ex-officio, non-voting member appointed by the Plan Commission from its membership; and

    b. Three (3) to Five (5) voting citizen members within the Town of Buffer Zone whom shall be appointed by the Plan Commission.

2. Terms

    Citizen members of the Design Review Committee shall serve three (3) year terms.

    The term of ex-officio, non-voting Plan Commission members shall be for a period of one (1) year.

    Initial terms of citizen members appointed pursuant to this Ordinance shall be: two (2) members for a period of one (1) year, two (2) members for a period of two (2) years and one (1) member for a period of three (3) years.

    The Plan Commission may appoint an alternate member to participate with the Design Review Committee who may serve at any meeting, hearing or procedure in which the regular member of that has a conflict of interest or at any meeting, hearing or procedure for which a regular member may be absent.

3. Vacancy

   In the case of a vacancy on the Design Review Committee, the Plan Commission shall, as soon as practicable, appoint a new member to the Design Review Committee to complete the term which was vacated.

4. Removal

   The Plan Commission shall have the power to remove any member of the Design Review Committee at any time.

D. Meetings, Hearings and Procedures.

   The Plan Commission shall adopt Rules of Procedures to govern:

   1. The scope of the Design Review Committee's review authority; and,

   2. The conduct of all meetings, hearings and procedures of the Design Review Committee.

E. Records.

   The Design Review Committee shall keep minutes of its hearings of all petitions as well as any investigations and other official actions taken; and shall record the vote on all actions taken. A shorthand, steno type or electric record shall be made of all hearings of the Design Review Committee and shall remain on file with Staff for a period of six months following hearing and determination. All minutes and records filed with Staff shall be public records.
   A transcription of such verbatim record or any hearing may be ordered by any party and the cost thereof shall be paid by the party ordering such copy or copies.

OUTDOOR LIGHTING ORDINANCE

AN ORDINANCE TO IMPROVE OUTDOOR LIGHTING IN THE TOWN OF MONROVIA

Section 1. Title

This ordinance shall be known as the Monrovia Outdoor Lighting Improvement Ordinance.

Section 2. Purpose

The Town of Monrovia and surrounding area possesses a rural character and substantially natural nighttime environment, including starry night skies. The town desires to preserve that environment, promote safety, minimize intrusion and nuisance, and promote energy conservation. Accordingly, it is the purpose of this ordinance to establish community standards for the use of outdoor lighting within the town and its buffer zone which enhances vision, minimizes glare and light spillage, promotes energy efficiency, and preserves the starry night time environment of the area, by;

Establishing that light shall not be emitted above horizontal;
That lighting fixtures shall be fully shielded to greatly minimize glare;
That light shall not spill or trespass upon other property or the public right-of-way, by;
Establishing limits of illumination levels, and by;
Eliminating unnecessary use of outdoor lighting.

Section 3. Definitions

The following definitions are adopted for the purposes of this Ordinance;

1) Acre or net acre – 43,560 contiguous square feet or total of 43,560 square feet from portions of a parcel dissected by a road or other public right-of-way.
2) Axis of illumination, or centerline beam – the midline of the primary beam of light emitted by a spotlight, floodlight or other fixture.
3) Constant lighting – a light fixture meant to operate continually, and not meant to operate only briefly upon activation by a motion sensor or other device. A motion detector activated light would be a non-constant light.
4) Fixture – The bulb and the assembly that holds the bulb (or lamp), in a lighting system, including the elements that provide light output control such as a reflector (mirror) or refractor (lens) and the ballast, photosensor, and housing.
5) Footcandle – a measure of illumination striking a surface. Measured by a light meter.
6) Full-cutoff – a fixture design that emits no light at an angle higher than horizontal. A cutoff, or semi-cutoff design allows a restricted amount of light emitted above horizontal and a non-cutoff provides no restriction against light emitted above horizontal.
7) Fully shielded – a fixture with an opaque housing or attachment thereto which prevents a line of sight to the bulb when viewed from another property and which prevents a line of sight to any pan of the light source at or above a horizontal plane running through the lowest portion of the fixture.
8) Gas discharge lamp – family of bulb type that produces illumination by passing an electric current through gas. Includes low and high pressure sodium, mercury vapor, metal halide and florescent.

9) Glare – the sensation caused by luminance within the visual field, produced by the components of a fixture that are meant to distribute light (the light source) sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss of visual performance or visibility.
10) HID lighting – a family of bulb type known as high intensity discharge, including high pressure sodium, mercury vapor, and metal halide.
11) Horizontal footcandles – a measure of illumination striking a horizontal surface.
12) Vertical footcandles – a measure of illumination striking a vertical surface.
13) Inventory of lighting – a list of fixtures relative to a parcel, indicating fixture cutoff design, location, and bulb type, wattage and bulb manufacturer from which a lumen rating can be determined.
14) Lamp – the bulb.
15) Light source – source from which light emanates either directly from the bulb, or indirectly from a reflective enclosure, lens, or diffuser.
16) Light trespass, or spillage – light projected onto property or onto a right-of-way from another property.
17) Lumen – the unit used to measure the actual amount of light that is produced by a bulb. Provided by the manufacturer. A 60 watt incandescent household bulb is usually 890 lumens. For the purposes of this Ordinance, for HID lighting lumens means initial lumens.
18) Lumen cap – the specified maximum number of lumens allowed for an application of outdoor lighting.
19) Luminaire – the complete lighting unit, including the lamp, fixture, and other parts.
20) Outdoor light – a fixture which illuminates an exterior area. Includes lighting at location ssuch as under canopies, pavilions, or drive-through bays not fully enclosed such that the fixture or the illuminated area is visible from beyond the property line.
21) Spotlight – a fixture or bulb which is intended to project light primarily in a narrow directed beam.
22) Floodlight – a fixture or bulb which is intended to project light primarily in a broad directed beam, typically 100 degrees wide.

Section 4. <u>Lighting Standards</u>

1) Directional Control.

    1) All outdoor fixtures shall be full-cutoff as installed, except as specified otherwise herein.
    2) All outdoor fixtures shall be fully shielded, except as specified otherwise herein.
    3) Provided, a fixture may beam light upward, if all such upward light is reflected back down by a canopy, roof, or other such structure.

2) Light Trespass

    1) All outdoor fixtures emitting 1000 lumens or more, except motion detector activated lighting and lighting covered under 4-5-2-3, must be fully shielded to an observer at the property line. This can be achieved with fixture location, mounting height, natural or artificial barriers on the fixture owner's property, fixture shielding, and other fixture design features. Generally, luminaires should not be located

closer to the property line than a distance equal to three times the fixture's mounting height above grade at the property line.

2) Light projected onto adjoining property may not exceed .05 (five-one hundredths) horizontal or vertical footcandles, 20 feet inside the property line.
3) The lighting for a right-of-way is subject to these restrictions on light trespass 20 feet beyond said right-of-way.

3) Low Intensity Lighting
    1) No shielding is required for a fixture with a bulb rated at 260 lumens or less.
    2) Full shielding is not required for a fixture with a bulb rated at more than 260 lumens and less than 1,000 lumens but the bulbs must be installed inside frosted glass or other translucent covers and shielded on top.
    3) The total lumens of bulbs specified in 4-3-1 and 4-3-2, not motion detector activated, shall not exceed 2,000 lumens per a building, or 1,000 lumens per exterior entryway, whichever is greater.
    4) All other bulbs used in constant lighting must be installed in fully shielded fixtures.
    5) Non-constant lighting
        1) Pull shielding is not required for motion detector activated lighting of less than 1,800 lumens, provided the light cycles off within ten minutes after coming on.
        2) Such a light shall not be used to provide constant light, or it will be subject to the provisions of 4-2-1.
        3) The centerline beam of a spotlight or floodlight shall be aimed no higher than 45 degrees below horizontal.

4) Reasonableness of Intensity

No parcel may use bulbs in such number and size to produce a total output measured in lumens, or initial lumens for HID lighting, that exceeds the specified number of allowed lumens. For parcels smaller than one net acre, lumens allotted on a lumen per acre basis shall not exceed a portion of specified lumens equal to the parcel's portion of an acre. For example, a 3/5 net acre commercial parcel bordering only commercial parcels shall not exceed 30,000 lumens. For the purposes of this section, the area of any building on a non-residential parcel is not included in determining the parcel's square footage, nor is the area of any body of water on any parcel. For the purposes of this section, lumens produced by neon and other similar colored tube lighting is not counted. Lumens produced by downward directed external sign illumination or internal sign illumination do not count unless indicated otherwise.

1) Commercial Bordering Commercial
    1) A parcel zoned commercial bordered only by parcels zoned commercial may be illuminated by not more than 50,000 lumens per net acre. Provided, regardless of parcel size the allotment shall be sufficient to provide 3,000 lumens per entryway with motion detector activated lighting counted as 1/2 lumens.
    2) Lumens from fixtures installed under a canopy ten or more feet from all edges of the canopy shall be counted as 112 lumens.

2) Commercial Bordering Residential
    1) A parcel zoned commercial bordered by a parcel zoned residential or containing a residence may be illuminated by not more than 40,000 lumens per net acre,

provided. Regardless of parcel size the allotment shall be sufficient to provide 2,500 lumens per entryway with motion detector activated lighting counted as 1/2 lumens.

2) Lumens from fixtures installed under a canopy ten or more feet from all edges of the canopy shall be counted as 112 lumens.

3) Residential Lighting
    1) Single Family Dwellings.
        1) A parcel zoned single-family residential may not be illuminated by more than 13,000 lumens per acre, of which 3,500 lumens may be a combination of motion detector activated lighting, and lighting from bulbs rated at no more than 1,000 lumens, to the limit specified in 4-3-3, per residence. Regardless of parcel size a residence may be illuminated by at least the said 3,500 lumens.
    2) Dual Family Dwellings.
        1) A parcel zoned dual-family dwelling may not be illuminated by more than 6,500 lumens per residence, of which 2,500 lumens may be any combination of motion detector activated lighting and bulbs rated at no more than 1,000 lumens.
    3) Multi-Family Dwelling Residential
        1) A parcel zoned multi-family dwelling may not be illuminated by more than 6,000 lumens per residence, including 2,000 lumens per building entryway of any combination of motion detector activated lighting and bulbs rated at no more than 1,000 lumens.
4) Agricultural
    1) For a parcel zoned agricultural, the residence may not be illuminated by more than 13,000 lumens, of which 3,500 lumens may be a combination of motion detector activated lighting, and lighting from bulbs rated at no more than 1,000 lumens, to the limit specified in 4-3-3.
    2) Service buildings may be illuminated by an additional 3,000 lumens per entryway, with lumens from motion detector activated lighting counted as 1/2 lumens.

5) Special Use Lighting.

    1) Lighting under canopies, pavilions, or drive through bays as described in 3-1-19, is subject to the following:
        1) Shielding: All luminaires mounted on or recessed into the lower surface of canopies or structures referred to in 4-5-1 shall be fully shielded and utilize flat glass or plastic covers,
        2) Total Output: The total light output used for illuminating areas under canopies or structures referred to in 4-5-1, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed twenty (20) lumens per square foot of roof area. All lighting mounted under the canopy or roof, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy or roof, and any lighting within signage or illuminated panels such as over gas pumps, is to be included toward the total.
        3) The lumen output of lamps mounted on or within the lower surface of a canopy or roof is included toward the lumen maximums in 4-4-1 or 4-4-2, according to

the method defined in 4-4-1 or 4-4-2. Other lighting located under a canopy or similar structure but not mounted on the lower surface as indicated in 4-5-1-1 is included toward the any lumen maximum at full output.

4) Provided, areas under canopies or similar structures may be lighted by upward directed fixtures when such fixtures are fully shielded from a view to the light source from another property, and when all light from said fixtures is directed at the structures' ceiling. Such lumens shall be counted as 1/2 lumens.

2) Sports lighting is exempt from maximum lumens per acre requirements, but subject to a maximum maintained a verage illumination of 30 horizontal footcandles of the playing field, verified by a certified engineer hired by the town upon receipt of funds in the amount of the engineer's fee, from the applicant.
   1) Every property owner and resident of adjoining parcels, or parcel any portion of which is within 100 feet of the parcel upon which sports lighting is to be installed, must agree to the installation of sports lighting.
   2) Sports lighting must be full cutoff.
   3) Sports lighting must be fully shielded for an observer at a distance of 100 feet from the property line of the parcel containing the sports lighting and adjoining property.
   4) At a distance of 20 feet inside an adjoining property line light trespass from sports lighting shall not exceed .05 (five-one hundredths) horizontal or vertical footcandles, verified in the manner described in 4-5-2.
3) No outdoor sporting event, outdoor concert, play, or similar outdoor event shall commence after 10:00 p.m.
4) Search lights are prohibited except when used by civil authorities for public safety.
5) The use of laser lighting for advertising or promotions is prohibited.
6) Lighting for festivals and carnivals is exempt but should be in keeping with the intent of this Ordinance.
7) Outdoor Christmas lighting is exempt but should be in keeping with the intent of this Ordinance.
8) Emergency lighting is exempt.
9) Tower lighting not prohibited by another Ordinance shall not be permitted unless required by the FAA. Required lighting shall be of the lowest allowed intensity and red unless specifically forbidden under FAA requirements.
10) Traffic control lighting is exempt.

6) Signs

1) Illuminated signs shall only be lighted internally or by fixtures mounted above the sign pointed down. Such fixtures shall be shielded so no glare is visible from the roadway or any other property.
2) Effective one year after the passage of this Ordinance.
   1) Illuminated on-premise signs will be turned off by one hour after the business closes, but if non-conforming due to bottom mounted external lighting, shall be turned off upon the close of business.
   2) Illuminated off-premise signs will be turned off by 10:30 p.m., but if non-conforming due to bottom mounted external lighting, shall be turned off by 9:30 p.m.
   3) No sign lighting may pulse, rotate, blink, flash, or simulate motion, except a display of the time and temperature.

4) The Plan Commission shall set size limitations for predominately light or white signs at 75 percent of the size allowed for predominately dark colored signs.

7) Hours of Operation

1) Unless otherwise specified by this Ordinance, constant outdoor lighting at any commercial site shall be turned off within one hour after the business closes, except the fixture nearest to a building entryway, if desired for security, effective one year after passage of this Ordinance.

8) Street Lighting

1) New street lighting or replacements of existing street lights shall comply with the requirements of this ordinance that fixtures be full cutoff.

Section 5. Compliance

1) New Lighting

1) For new site developments or remodeling or renovations of existing sites, a site plan shall be submitted with the application for permit showing the location, height, fixture design, bulb type, manufacturer, and wattage, of any existing or proposed outdoor lighting.

2) Non-conforming Lighting
1) Any non-conforming lighting in existence on the effective date of this Ordinance shall be exempt, except;
1) Street lighting shall comply with section 4-8-1, effective upon passage of this Ordinance.
2) Any lighting found to be hazardous or a public nuisance by a government office or agency may be ordered abated.
3) Any light installation which provides for re-aiming of the fixture shall be re-aimed as needed to achieve compliance with this Ordinance, within one year of its passage.
4) Upon the relocation or replacement of any luminaire of more than 1,000 lumens, or the repair of any component of any luminaire of 1,800 lumens or more, requirements pursuant to this Ordinance that such luminaire be made full-cutoff and fully shielded, shall apply.
5) Upon installation of any new luminaire of 1,800 lumens or more, this Ordinance shall fully apply to all of the parcel's lighting. For the addition of lighting to an existing development, a permit shall be required and the applicant shall submit an inventory of any existing and proposed lighting showing the location, height, fixture design, bulb type, manufacturer, and wattage, of all such lighting.

3) Other Remedies
1) Nothing in this Ordinance shall prevent relief from a nuisance or other remedies pursuant to other law.
2) Permit approval shall not preclude pursuit of relief from a nuisance from lighting.

4) Severability

The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

5) Conflicting Ordinances repealed
   Ordinances or portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

6) Effective Date
   This Ordinance is effective upon being duly passed by the town council of the Town of Monrovia.

The attached Ordinance, being duly voted upon by members of the Monrovia Plan Commission on this _____ day of _____ year _____, is hereby adopted.

_____

Gregg Terhune, President

_____

Shirley Walls, Administrator

STANDARDS BY LIGHTING TYPE

CONSTANT LIGHTING: (except special use)	Full Cutoff	Shielding	Other Shielding	Lumen Limits/Other
1 Less than 260 lumens, any district	NO	NO	NO	Counts toward parcel total. Counts toward low intensity total.
Over 260 and less than 1,000 lumens, any district	NO	On Top	Translucent Cover	Same as above
Over 1,000 lumens, any district	YES	YES	N/A	Counts toward parcel total.

NON-CONSTANT LIGHTING: (except special use)				
Less than 1,800 lumens	NO	NO	Translucent cover if over 260 lumens and not a spot or flood.	Counts toward parcel total. Counts toward low intensity total. Spotlights and floods aimed no brighter than 45 below horizontal.
1,800 lumens or more	YES	YES	N/A	Counts toward parcel total.

SPECIAL USE LIGHTING				
Canopy, bay, etc., lighting installed on ceiling	YES	YES	N/A	Counts toward parcel total at 1/2 lumens. Counts toward max. 20 lumen/sq. ft of roof area as full lumens
Canopy, bay, etc., installed below ceiling pointed up, all beams striking ceiling	YES	YES	N/A	Counts toward parcel total at 1/2 lumen. Counts toward max. 20 lumen/sq. ft. of roof areas as full lumens
Other canopy, bay lighting, less than 1,100 lumens	Per above lumen levels	per above lumen levels	per above lumen levels	Counts toward parcel total as full lumens. Counts toward max 20 lumen/sq.ft. of roof area as full lumens.
Other canopy, bay lighting, 1,800 or more lumens	YES	YES	N/A	Counts toward parcel total as full lumens. Counts toward max 20 lumen/sq.ft. of roof area as full lumens.

SCHEDULE OF EFFECTIVE DATES FOR COMPLIANCE

		Required Action	EFFECTIVE DATE Immediate	Within 1 Year	Citation
1	Hazardous Lighting	As needed to abate	√		5-2-1-2
2	Repaired luminaires ≥ 1,800 lumens	Made full cutoff; fully shielded	√		5-2-1-4
3	Relocated luminaires > 1,000 lumens	Made full cutoff; fully shielded	√		5-2-1-4
4	Replacement luminaires > 1,000 lumens	Made full cutoff; fully shielded	√		5-2-1-4
5	Add new luminaire ≥ 1,800 lumens to existing installation	Full compliance of all lighting	√		5-2-1-5
6	New installation	Applicable requirements per lumens	√		Numerous
7	Re-aim fixtures, except per (1) above	As possible to achieve compliance		√	5-2-1-3
8	Commercial lights except signs after hours.	Off 1 hour after close except nearest entryways		√	4-7-1
9	On-premise non-conforming signs	Off 1 hour after close of business		√	4-6-2-1
10	on-premise non-conforming sign	Off upon close of business		√	4-6-2-1
11	Off-premise conforming signs	Off by 10:30 p.m.		√	4-6-2-2
12	Off-premise non-conforming signs	Off by 9:30 p.m.		√	4-6-2-2
13	Lasers, search lights, tower, white strobes	Prohibited	√		4-5-4, 5 & 9
14	Lighting at late night events	State time deadline 10:00 p.m.	√		4-5-3

LEGEND:

> greater than

≥ greater than or equal to

< less than

≤ less than or equal to

ALLOWED ILLUMINATION LEVELS BY PARCEL AND USAGE TYPE

	Commercial Bordering Commercial	Commercial Bordering Residential	Residential	Agricultural	Other
Lumens/acre	50,000	40,000	Single Family 13,000	Minimum 3,000 lumens per entry	
Lumens/Residence			Dual family 6,500 Multi family 6,000	13,000 / residence	
Canopy, pavilion, bay lighting Minimums	20 lumens/sq. ft. >: 10 ft. from edge counts 1/2 toward 50,000 lumens/acre, 3,000/entryway, motion activated 1/2	20 lumens/sq. ft. >: 10 ft. from edge counts 112 toward 50,000 lumens/acre, 2,500/entryway, motion activated 1/2	3,500 lumens/residence	3,500 lumens/residence	
Sports Lighting					Maintained avg. 30 horizontal footcandles .05 horizontal and vertical footcandles 20 ft. inside property line.
Light Trespass					

TOWN OF MONROVIA

RESIDENTIAL DESIGN GUIDELINES

Approved by the Monrovia Plan Commission
resolution 5-2005
july 12, 2005

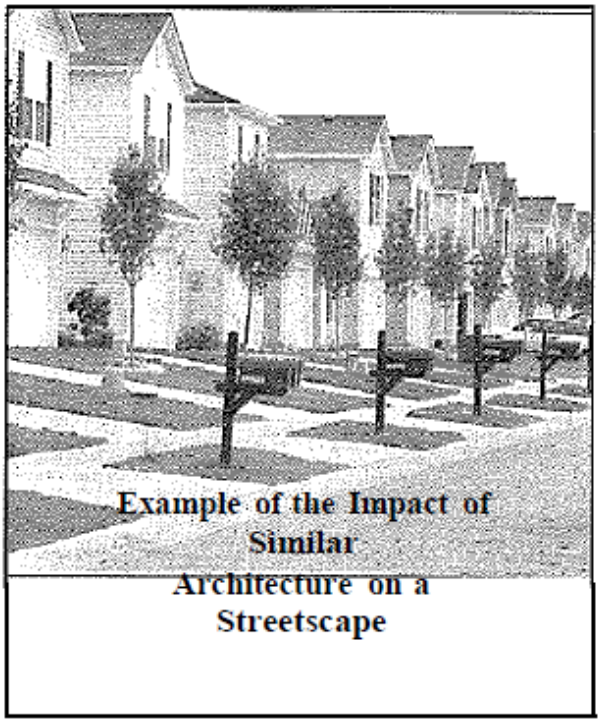
approved by the monrovia town council
Ordinance 10-2005
october 11, 2005

Residential Design Guidelines

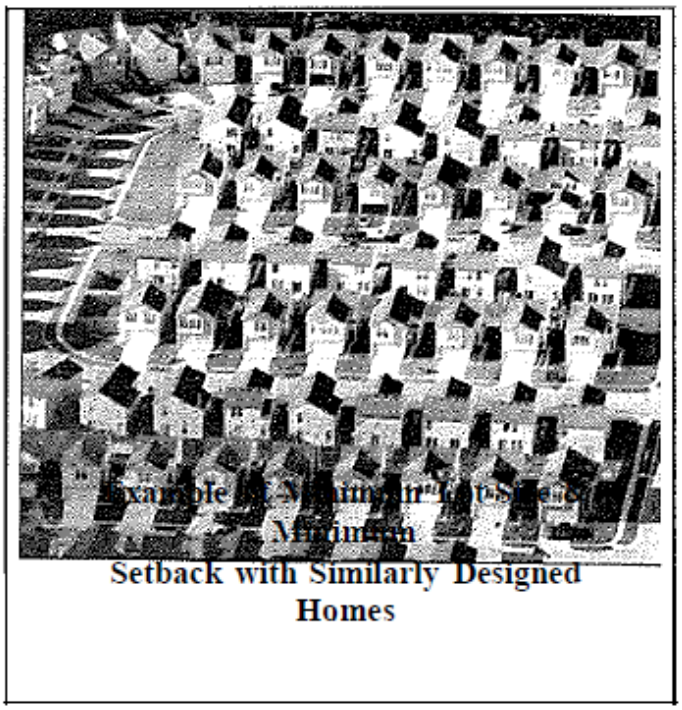
Section 1. Introduction

A. Intent.

Over the years, as more and more residential developments have been created in the suburban Indianapolis area, many of these developments have focused on efficient construction methods for the individual dwelling units and the development of efficient site layouts. While efficiency may lead to the creation of more dwellings which are affordable to more families, an overabundance of efficiency can lead to a perception of many developments as having a cookie-cutter sameness in which many of the residential development start to look alike, both from the interior and exterior. The perception of residential communities is primarily impacted by two critical elements: (i) architectural appearance / quality of the individual dwelling units; and (ii) the site design of the overall development, whether the design is of a single family or two family subdivision or a multifamily complex.



Example of the Impact of Similar Architecture on a Streetscape



Example of Minimum Lot Size & Minimum Setback with Similarly Designed Homes

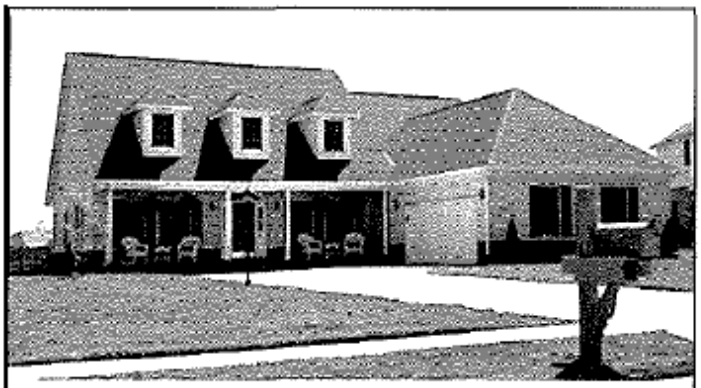
It is the intent of these guidelines to provide information to be considered by residential developers to accomplish two goals: first, to assist the Town of Monrovia in providing the mix of housing products which meet the market needs of the current and future residents of the Town of Monrovia; and, second to provide residential communities, in a full range of price points, that utilize sound design principles so that all members of the Town of Monrovia will take a sense of pride in the developments.

To accomplish these goals, the Residential Design Guidelines which follow are intended to: provide an overview of the architectural and site design issues; identify the primary areas of concern over each architectural and site design issue; and, provide a series of

guidelines or options which may be used to address each architectural site design issue. The items contained in these Residential Design Guidelines are not intended to be all-inclusive, but rather to establish a base-line which developers and home builders may use to create their own response to the outlined concerns.

B. Architectural Appearance Issues.

In recent years, many residential home builders have responded to citizen, neighborhood and plan commission concerns over the architectural appearance and quality issues by paying significant attention to the architectural details on the fronts of homes and, for the most part, have provided a wide range of housing products with attractive front elevations. In many cases, front elevations now include such architectural design features as: a percentage of brick; dormers; window shutters; door sidelights; door transoms; decorative window headers; and, the like. Residential home builders are encouraged to continue and expand upon this good work.

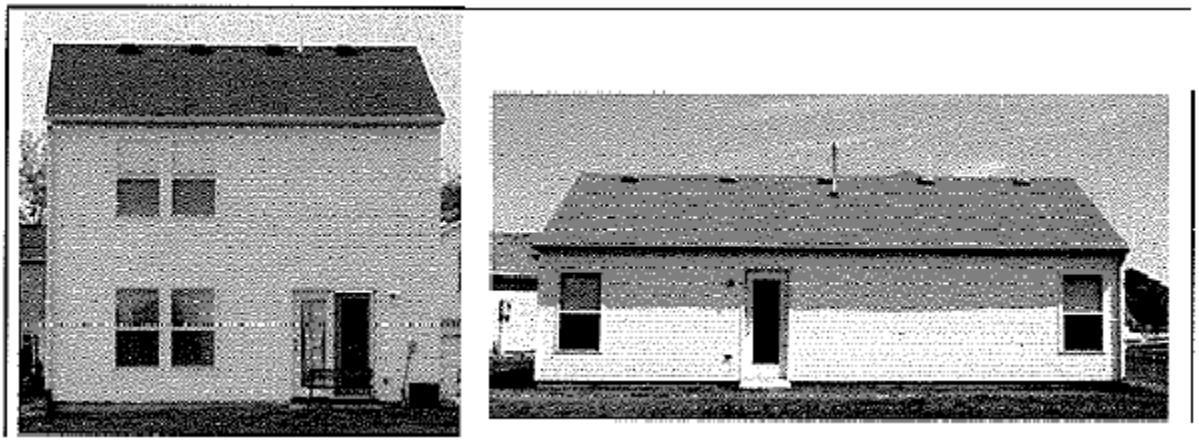


Example of: Brick; Dormers; Covered Front Porch; Decorative Door Surround; and, Side Load Garage.

Front Porch, Shutters, Widow Grids, Door Sidelight and Door Transom

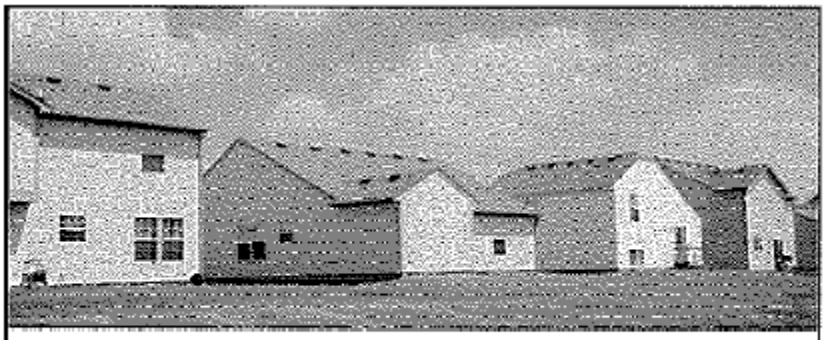
While the attention paid to the architectural detailing of the front façades of homes has been well received, architectural detailing of the side or rear façades often feature only a single architectural plain with little or no architectural embellishments. This lack of side or rear façade architectural embellishments is compounded by two issues which relate to the layout of the lots and the design of a subdivision or project. First, typical subdivision control ordinance regulations, in an effort to promote public safety and the efficient movement of traffic, prohibit direct access to individual single family, two family or multifamily dwellings from primary or secondary streets. Second, many developers attempt to create and sell their subdivision or project as an individual "community". Often, the effort to create an individual "community" fits with the subdivision control regulations, but when individual communities are created off of lesser traveled collector or local streets, the result is that the side or rear façades of the majority of the new homes, which contain little or no architectural embellishments, are: (i) oriented toward the streets of the town; (ii) establish the primary views of the residential market in the town; and, (iii) impact the perception of the overall residential development within the town.

Many modern subdivisions or projects also include common areas or other activity areas as a focal point of the community and are used to market the subdivision or project as an attractive place to live and spend leisure time. The common areas or other activity areas are often designed and located within a block and surrounded by lots which back up to the common areas or other activity areas. As a result, a similar concern exists regarding common areas or other activity areas within a subdivision or project as exists along perimeter streets.



Rear Façades with No Architectural Embellishments

To a lesser extent, the same architectural concern has been expressed for all lots within a single family or two family subdivision. This concern is magnified as the size of the block increases or the size of the individual lots decreases.



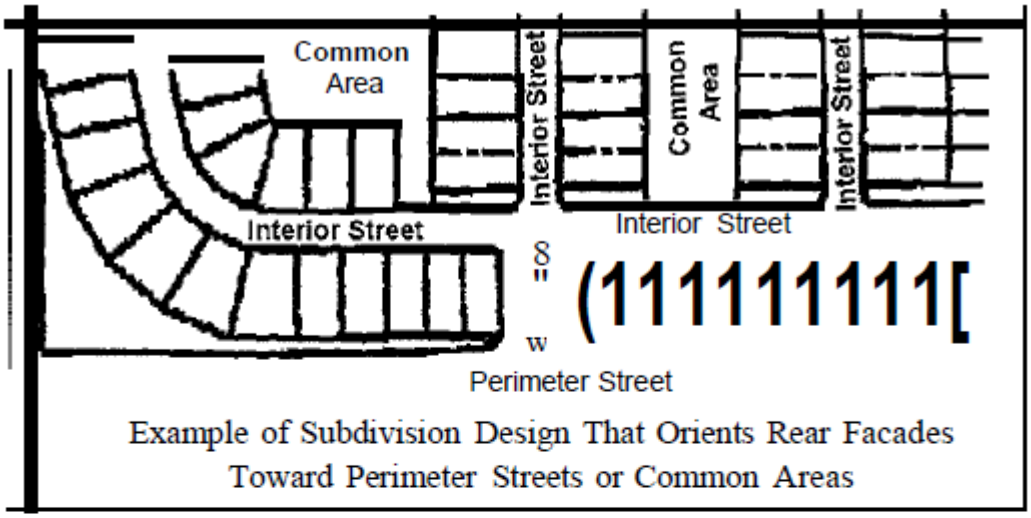
Rear Facades Oriented Toward a Playground / Common Area

C. Site Design Issues.

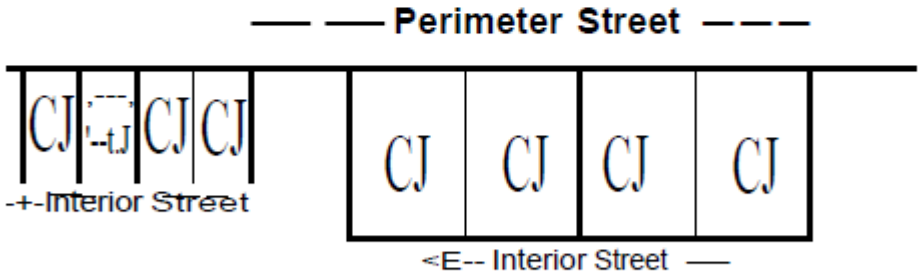
Partially in an effort to off-set increased costs associated with: the architectural design features or embellishments used to address the architectural appearance issues discussed above; and, construction costs of streets, utilities and lot preparation, many subdivisions are developed with the minimum lot size available and with the homes located at the minimum front setback. The use of minimum size lots and minimum setbacks, if developed with appropriate architectural styles, streetscape details and

attention to on-site amenities, can be used to create a very attractive community. However, if minimum lot sizes and setbacks are coupled with only a handful of home designs that offer little or no architectural variation, or with no on-site amenities or ill-suited on-site amenities, internal streetscapes can soon become a negative element of the development.

The Residential Design Guidelines are provided in an effort to present some alternatives for consideration to address the site design issues identified herein.



Example of Subdivision Design That Orients Rear Facades Toward Perimeter Streets or Common Areas



Example of the Relative Visual Impact of Lot Size and Setback on a Perimeter or Interior Streetscape

D. Conclusion.

The combination of the architectural appearance issues and the site design issues, if not appropriately addressed, can lead to the monotonous repetition of similar appearing dwellings which can create a perception of low quality. The Town of Monrovia encourages developers to be creative in the architectural appearance of a home and the site design of a development to address the concerns and perceptions outlined above in

a manner that will result in a favorable impact on the new developments as well as the overall perception of the Town.

In an effort to promote the order and general welfare of the Town of Monrovia, the Plan Commission of the Town of Monrovia encourages residential developers to consider the design features contained in these Residential Design Guidelines for each residential development proposed within the Town of Monrovia. It is recognized that the design features contained in these Residential Design Guidelines cannot and do not represent all forms of acceptable design treatments which may be utilized by a developer to achieve the desired impact. The Plan Commission (in its recommendations regarding petitions for zone map change and determinations regarding subdivision layout) and Town Council (in its determinations regarding zone map changes) are encouraged to review a development proposal for compliance with the spirit and intent of the design features outlined in these Residential Design Guidelines.

Section 2. Single Family and Two Family Guidelines

A. Basic Standard.

The basic standard desired by the Town of Monrovia for all single family dwellings and two family dwellings is as follows:

1. Minimum Main Floor Area: The minimum main floor area of each dwelling unit, exclusive of garage, carport, deck, patio, open porches, and basements:

    a. One-Story Building: one-thousand seven hundred (1,700) square feet; or,

    b. Two or More Story Building: one-thousand two hundred (1,200) square feet, with a total finished floor area of not less than one-thousand eight hundred (1,800) square feet.

2. Garages: Garages should either be attached or detached, but not both. All garages should be no less than four hundred and eight-four (494) square feet in usable area (exclusive of areas set aside for HVAC, water heaters and the like).

3. Appearance: The exterior walls should comply with the following requirements:

    a. One Story Building: The exterior walls of a single story residence should contain a minimum of eight-five percent (95%) of brick or stone veneer, exclusive of windows and doors, supplemented with architectural elements (e.g. quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.)

    b. Two or More Story Building: The exterior walls should have one-hundred percent (100%) of the first floor covered with brick or stone veneer, exclusive of windows and doors, supplemented with architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.).

    c. Brick or stone requirements should also apply to: any portion of a building facing any porches; and, any wall areas oriented to the front of the building and located between the two side walls of the building.

    d. Roof Pitch: The roof should have not less than a 6/12 pitch.

    e. Additional Siding Materials: Those portions of a wall area not required to utilize a brick or stone veneer may use other durable siding materials, provided, however, aluminum siding less than 0.024 thickness or vinyl siding less than 0.048 thickness, shall not be permitted (except in soffit areas).

    f. Compatibility of Garages: Garages should use exterior siding materials and architectural elements consistent with and in the same proportions as required for the primary building.

If a residential developer / builder desires to not follow the basic standards desired by the Town of Monrovia for single family or two family residential developments, then the design guidelines and design features set forth below are recommended.

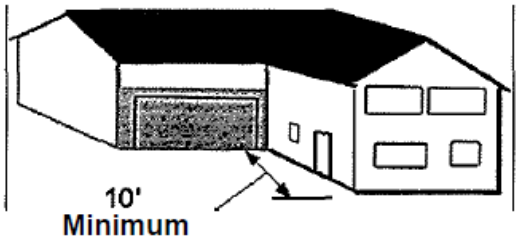
B. Design Guidelines and Design Features.

The Town of Monrovia encourages developers / builders to use the following guidelines to create variety and interest in all elevations of a home. The Town also strongly encourages builders to exceed the recommendations contained in these guidelines on all model homes built in a subdivision.

1. Garages – All single family dwellings and two family dwellings with accessory garages, either detached or attached, should comply with the following guidelines:

   a. Design Features for One or Two Car Garages – All one or two car garages, either detached or attached, should utilize at least one (1) of the following three (3) design features:

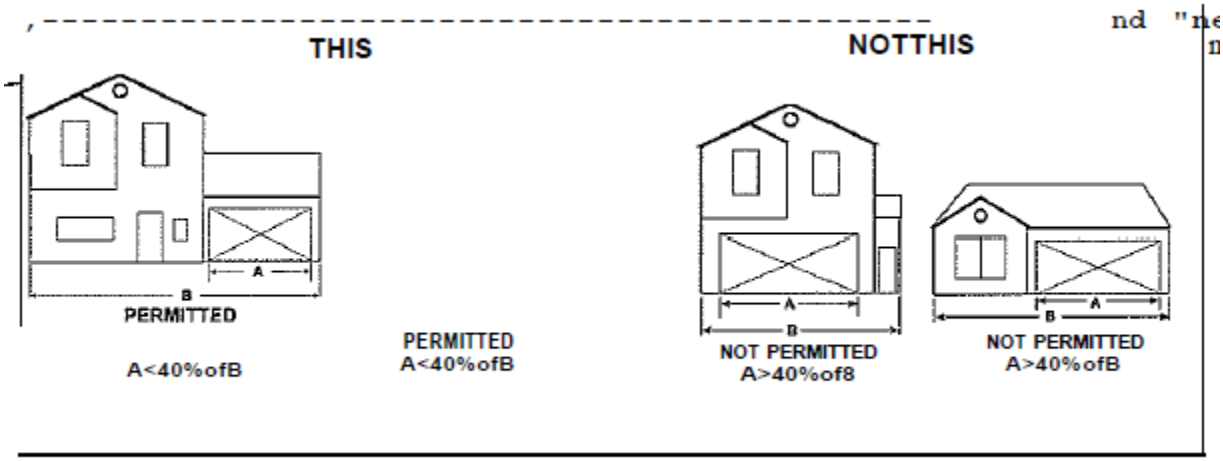
      1) Garage Off-Set - Development of single family dwellings or two family dwellings in which the front façade of an attached or detached front loading garage is off-set and stepped back from the front building line by at least ten (10) feet.



Example of Front Loading Garage with 10' Off-Set

      2) Garage as Percent of Façade – Garage doors shall not comprise more than forty (40) percent of the linear length of the ground floor, street facing façade of the primary building containing a dwelling unit.

      3) Side or Rear Loaded Garages – Utilization of a side load or rear loaded garage to minimize the impact of the garage doors on the streetscape.



Examples of Garage Doors as Percentage of a Street Facing Facade

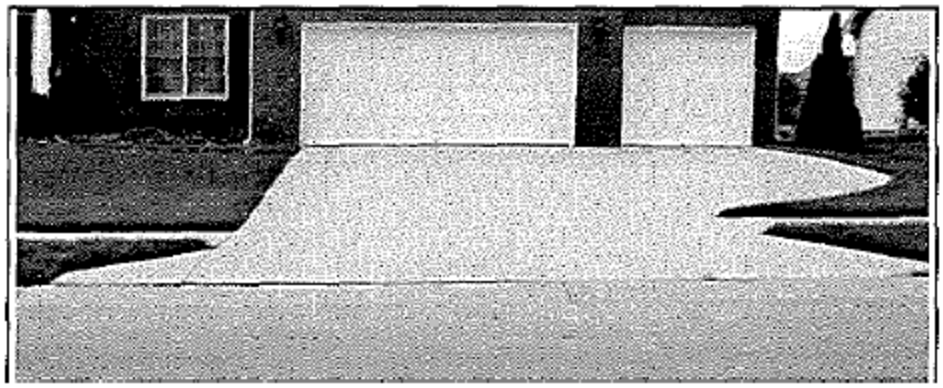
Example of a Side Loaded Garage

b. Additional Design Features:

1) More than Two-Car Garages – No more than two (2) one-car garage doors nor one (1) two-car garage door should be located on the same architectural plane of a front elevation. Architectural planes for additional sets of garage doors on a front elevation should be off-set by a minimum of twelve (12) inches.

Example of Garage Door Off-Set When Garage Accommodates More than Two Cars

2) Maximum Driveway Width – No driveway should exceed twenty (20) feet in width at the sidewalk.



Example of Driveway Flair to Limit Width at Sidewalk

c. Minimum Size of Garages – All one or two car garages, either detached or attached, should comply with the following minimum area and width guidelines:

1) One Car Garages – All one car garages should have a minimum area of 275 square feet (exclusive of any side garage bump-out area), with a minimum width of II feet.

2) Two Car Garages – All two car garages should have a minimum area of 484 square feet (exclusive of any side garage bump-out area), with a minimum width of 19 feet.

C. Front Elevations – The front elevations of all single family dwellings and two family dwellings should include design features selected from the options specified in Table 2A: Residential Design Features – Front Façades.

Table 2A: Residential Design Features Front Façades

Select a minimum of eleven (11) of the following design features for the front façade with at least:

- Four (4) design features selected from Group 1;
- Three (3) design features selected from Group 2; and,
- The remaining four (4) design features may be selected from either Group 1, Group 2 or Group 3

Group 1:

- Change in Elevation or Roof Ridge.
- Change in Direction of Roof Ridge.
- Roof with Dormers (minimum of two (2) dormers, unless Eyebrow Dormer).
- Bay or Oriel Window.
- Porch or Verandah (covering a minimum of 40% of the overall width of the front façade of the primary building containing a dwelling unit).
- Portico or Shed Roof Accent over Front Entry (minimum covered area - 4' x 10').
- Façade Modulation (Other than items listed herein; minimum 12 inches in depth).
- Front Façade Containing No Garage Doors.
- Roof Overhands (minimum 12" on front, side and rear elevations).
- 100% brick or stone on front, side and rear elevations (i.e., all wall area* below the eave line or a trimmed gable). = This item qualifies as three (3) design features selected from any Group).
- Minimum 50% brick or stone on front façade*.

* - Front façade wall area is exclusive of window or door areas but does include all wall areas oriented to the front of a primary building containing a dwelling unit located between the two side walls of such building.

Group 2:

- Multiple Building Materials (secondary material must comprise at least 20% of front façade). *
- Crawl Space or Basement.
- Hip Roof.
- Gable Accent.
- Side-by-Side Windows (within 8"; min. of 50% of windows in each story).
- Door Sidelight(s)
- Door Transom.
- Window Transom.
- Side Garage Bump-Out (minimum size 3' x 10', exclusive of garage area).

* - Front façade wall area is exclusive of window or door areas but does include all wall areas oriented to the front of a primary building containing a dwelling unit located between the two side walls of such building.

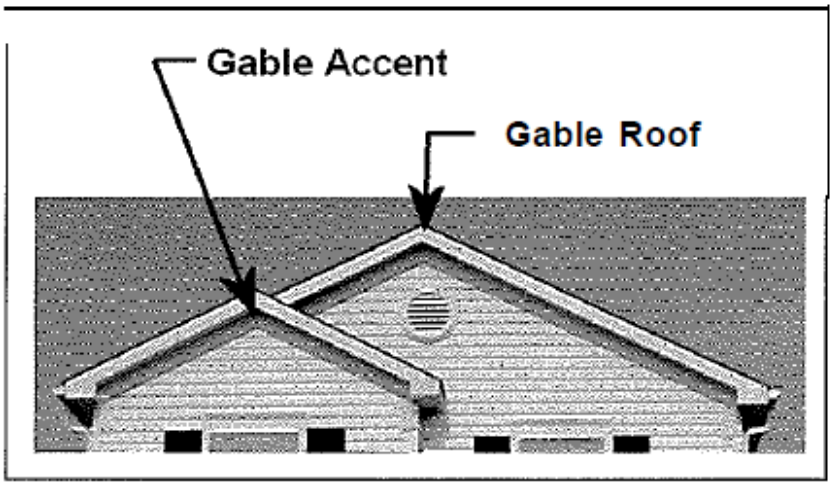
Continuation - Table 2A: Residential Design Features Front Façades

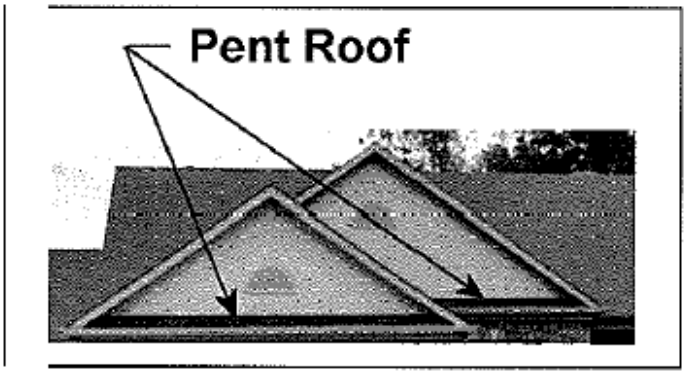
Group 3: Additional Items:

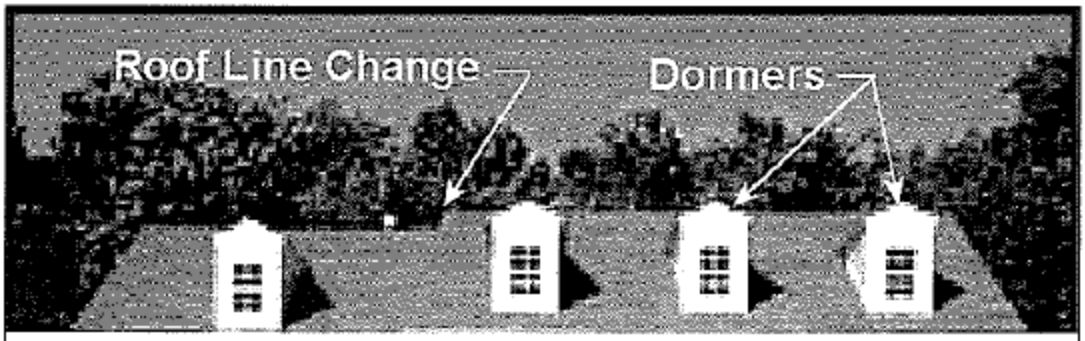
- Decorative Door Architrave.
- Decorative Window Architrave.
- Decorative Window Cornice.
- Decorative Trim Molding (including, at a minimum, fascia, soffit & corner trim).
- Architectural Elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentisl, etc.).
- Pent Roof or Pent Roof Return.
- Accent Siding.
- Shutters (all front, side and rear elevations).
- Window Grids (permanent).
- Decorative Front Door (minimum 25% glazing).
- Decorative Gable Vents.
- Keystone (over all first floor, front façade windows and doors).
- Windows in Garage Door.
- Foundation Landscape Package (minimum: 2 trees; 1 tree and 4 shrubs; or 8 shrubs).

NOTE: Additional architectural embellishments or design features may be approved within each Group when such architectural features would provide a similar architectural effect to the items listed within each Group.

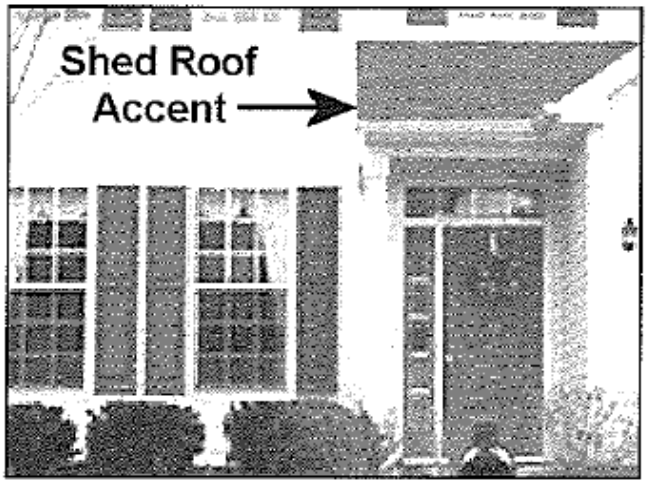
Examples of Residential Design Features for Front Façades

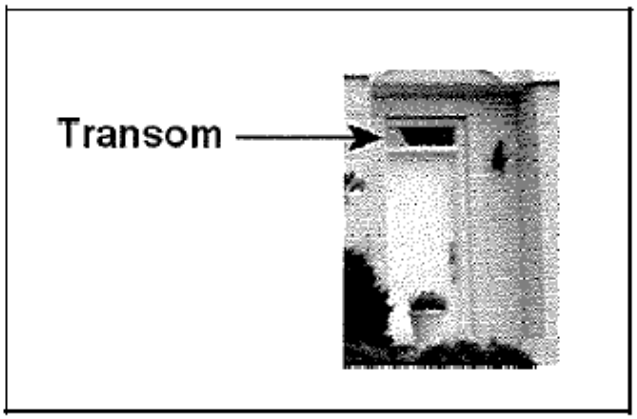


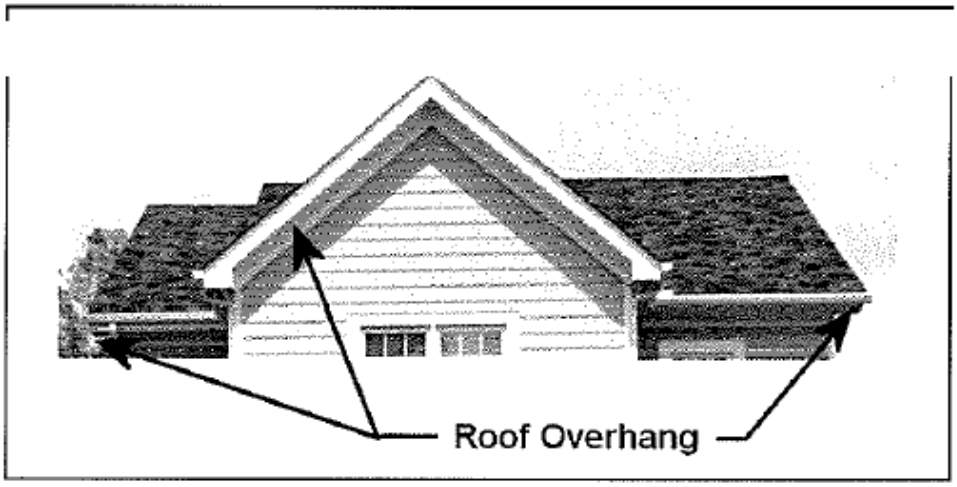


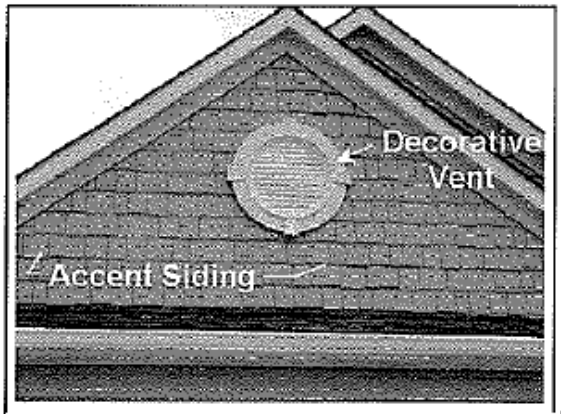


Example of Change in Elevation of Roof and Dormers

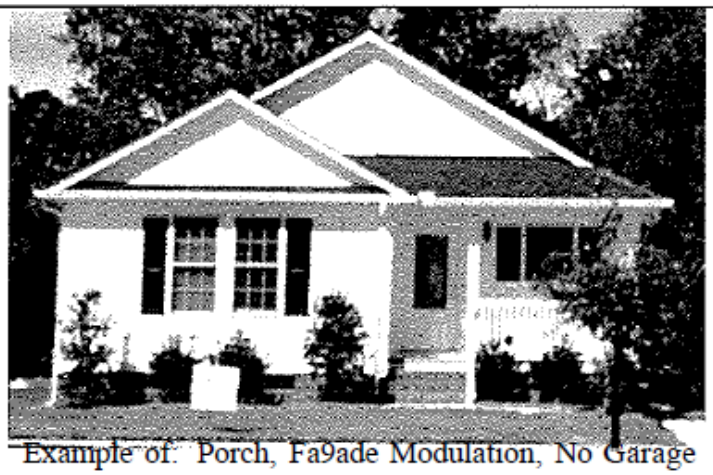




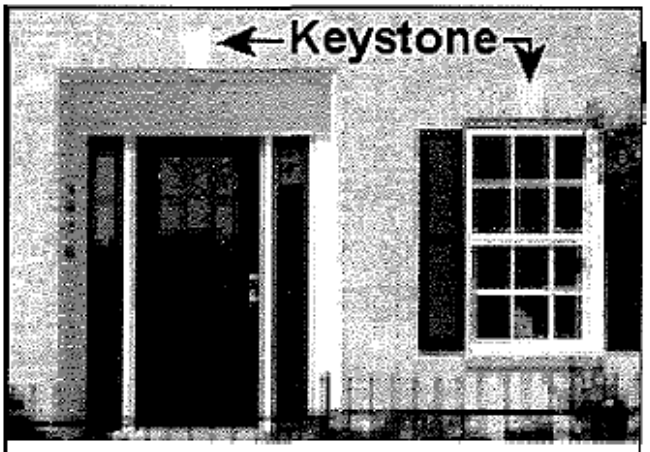




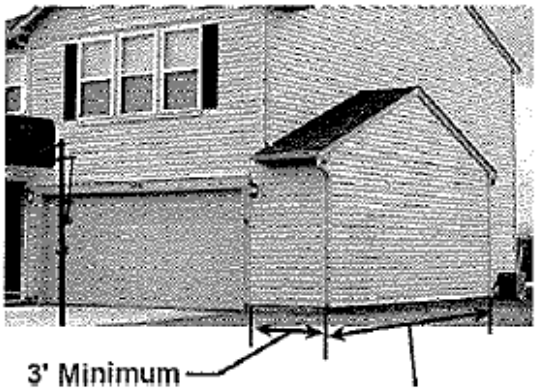
Example of: Accent Siding and Decorative Vent in a Gable Accent with Pent Roof



Example of: Porch, Fa9ade Modulation, No Garage Doors, Roof Overhang, Side-by Side Windows, Crawl Space, Pent Roof, Shutters, Window Grids, Decorative Gable Vent, and Foundation Landscaping



Example of Keystones



10' MiniimUim_J

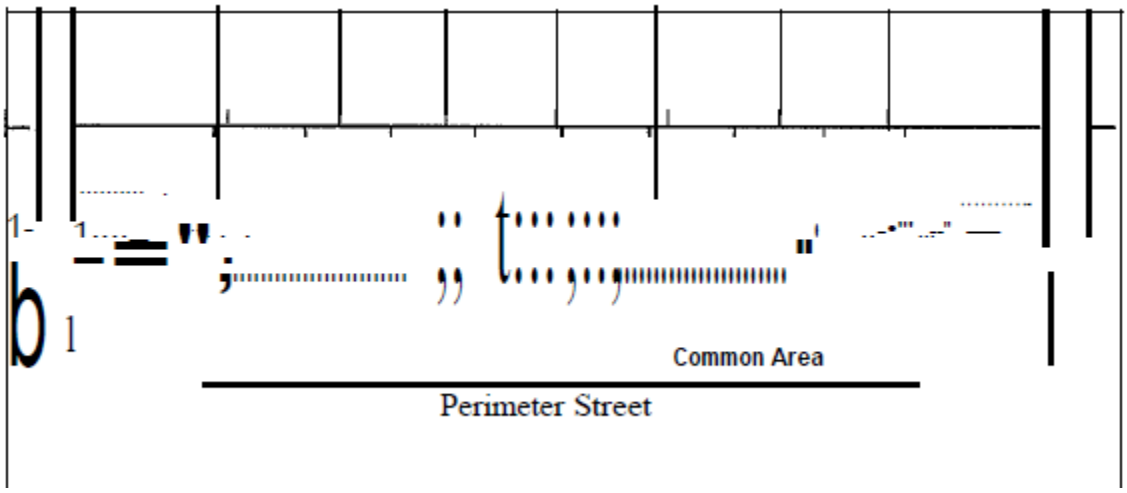
Side Garage Bump-Out

Example of: Side-by-Side Windows, with Grids and Shutters

D. Additional Design Features for Single Family Dwelling Lots and Two Family Dwelling Lots.

1. Perimeter Streetscapes – All portions of the subdivision or project which is oriented toward an existing perimeter street should utilize at least one (1) of the following three (3) design features:

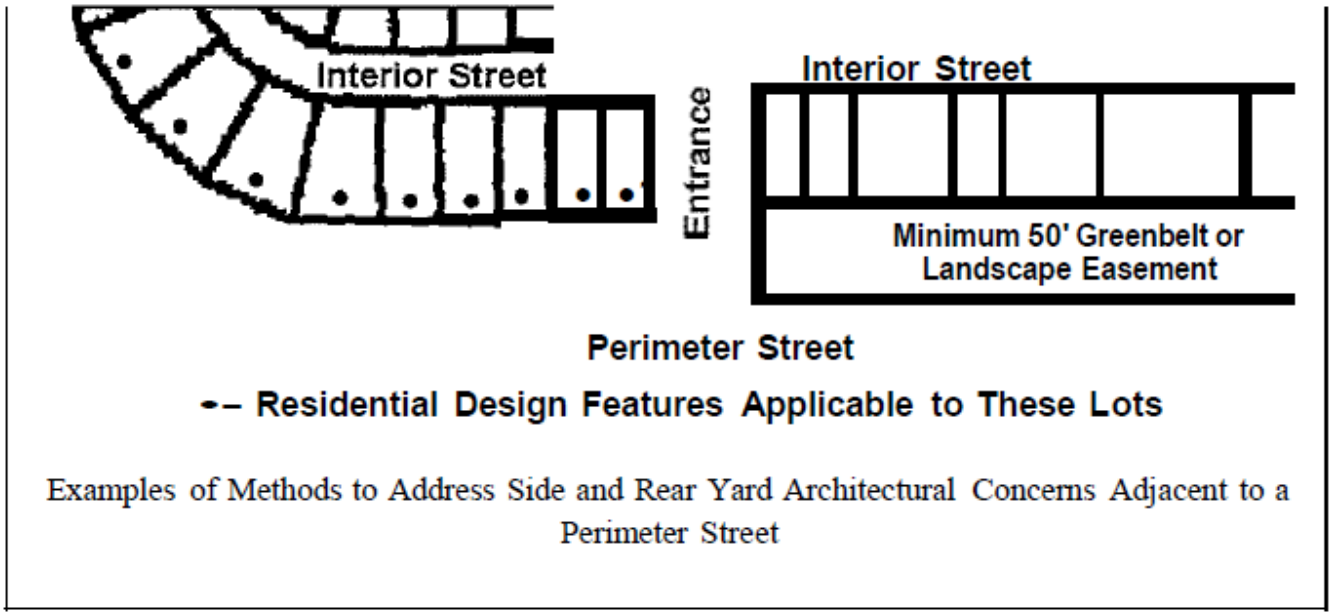
   a. Frontage Street – All lots, sub-lots and streets should be laid out so that single family dwellings and two family dwellings located on all lots which are adjacent to a perimeter street of a subdivision or project are oriented with the front façade of the dwelling facing toward the perimeter street of the subdivision or project. This design feature may be accomplished through the utilization of a frontage street;



Example of Frontage Street

   b. Side or Rear Elevation Architectural Treatment – Single family dwellings and two family dwellings located on lots or sub-lots adjacent to a perimeter street of a subdivision or project and located so as to have a side or rear elevation oriented to said perimeter street should utilize design features selected from the options specified in Table 2B: Residential Design Features – Side and Rear Elevations; or,

   c. Greenbelt or Landscape Easement – A greenbelt (which includes significant tree preservation) or landscape easement, of not less than fifty (50) feet in dimension should be provided along all perimeter streets of the subdivision or project. A landscape easement which contains primarily new plantings should achieve a plant unit value of five (5) or greater (as calculated pursuant to Article 4.7 of the Monrovia Zoning Ordinance), with at least 40% of the value obtained from ornamental or shade trees, and at least 40% of the plant unit value obtained from evergreen trees. The remaining 20% of the plant unit value may consist of: any type of plant material (deciduous trees, evergreen trees, hedge plants, etc.); walls; fences; or, berms, as regulated by Article 4.7 of the Monrovia Zoning Ordinance. No portion of the greenbelt or landscape easement should be included in the area of any lot.



Examples of Methods to Address Side and Rear Yard Architectural Concerns Adjacent to a Perimeter Street

2. Interior Streetscapes for all Single Family Dwelling Lots of 15,000 square feet in Lot Area or Less; and, Two Family Dwelling Lots of 20,000 square feet in Lot Area or Less:

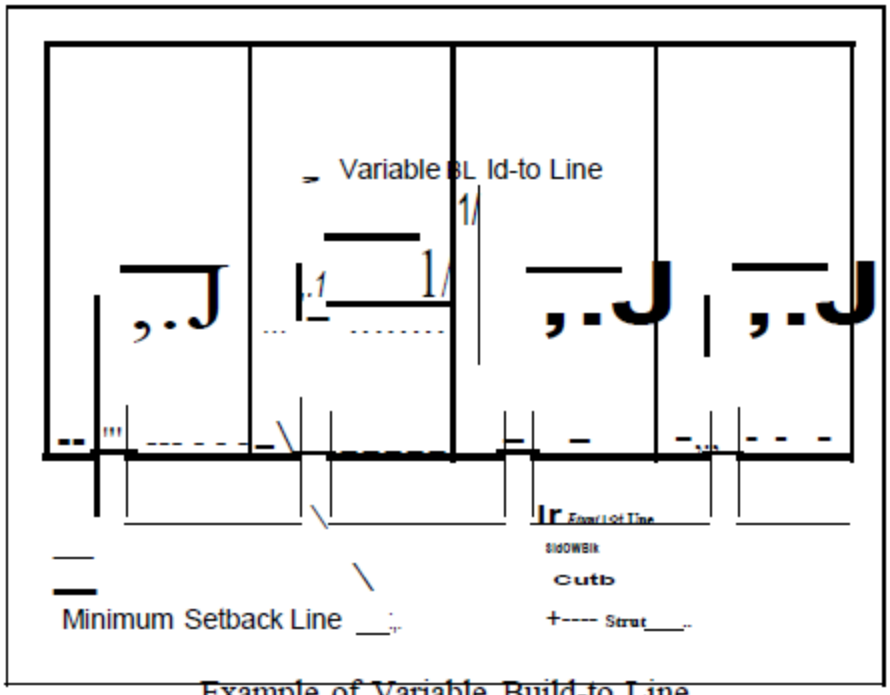
   All portions of the subdivision or project should utilize at least one (1) of the following two (2) design features:

   a. Establish a variable build to line by plat to vary the placement of adjacent dwelling units by a minimum of:

      1) Single Family Dwellings – a five (5) foot or more variation applicable to at least one (1) of every four (4) lots along a block face; or,

      2) Two Family Dwellings – either: a two (2) foot off-set or more for each dwelling unit in a two family dwelling building; or, a five (5) foot or more variation applicable to at least one (1) of every four (4) lots along a block face; or,

   b. Provide documentary assurances that sufficient variation will exist in the design and appearance of adjacent dwelling units necessary to avoid a monotonous building design and streetscape.



Example of Variable Build-to Line

3. All Other Side or Rear Elevations Not Oriented Toward a Perimeter Street – Single family dwellings and two family dwellings located on all other lots or sub-lots and which are not oriented toward a perimeter street should utilize design features selected from the options specified in Table 2B: Residential Design Features – Side and Rear Elevations.

Table 2B: Residential Design Features Side and Rear Elevations

Selected from the following design features based upon the location and orientation of the side or rear elevation:

- Side or Rear Elevation Oriented Toward a Perimeter Street - a minimum of five (5) of the following design features, with at least three (3) features selected from Group 1, for any side or rear elevation oriented toward a perimeter street;
- All Other Rear Elevations - a minimum of four (4) of the following design features, with at least two (2) features selected from Group 1, for any other rear elevation; or,
- All Other Side Elevations - a minimum of two (2) of the following design features, with at least one (1) feature selected from Group 1, for any other side elevation.

Group 1:

- Change in Elevation of Roof Ridge.
- Change in Direction of Roof Ridge.
- Finished Space "Pop-Out" (minimum size 3' x 10')
- Open or Screened in Porch (minimum size 10' x 10')
- Bay or Oriel Window
- Side-by-Side Windows (within 8"; minimum of 50% of windows in each story).
- Exterior Chase Fireplace.
- Façade Modulation (other than items listed herein; minimum 12 inches in depth).
- Roof with Dormers (minimum of two (2) dormers).
- Roof Overhangs (minimum 12" on front, side and rear elevations).
- 100% brick or stone on front, side and rear elevations (i.e., all wall area* below the eave line or a trimmed gable). (Note: This item qualifies as three (3) design features selected from any Group).
- Minimum 50% brick or stone on the applicable side or rear elevation.*

* Note: Side elevation wall area is exclusive of window or door areas. Rear elevation wall area is exclusive of window or door areas but does include all wall areas oriented to the rear of a primary building containing a dwelling unit located between the two side walls of such building.

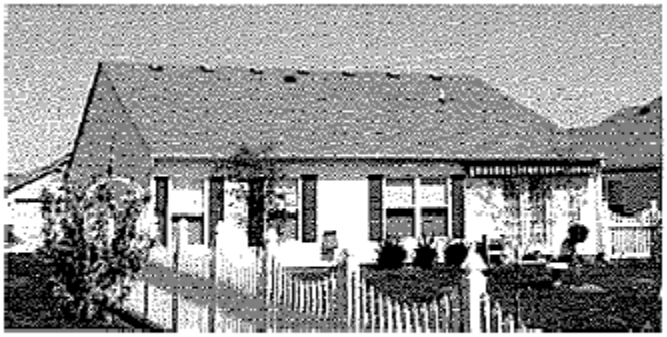
Table 2B: Residential Design Features Side and Rear Elevations - Continued

Group 2:

- Multiple Building Materials (secondary material must comprise at least 20% of the applicable elevation).
- Hip Roof
- Roof Overhang (subject elevation only)
- Decorative Door Architrave.
- Decorative Window Architrave.
- Decorative Window Cornice.
- Decorative Trim Molding (including, at a minimum fascia, soffit & corner trim).
- Architectural Elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.)
- Accent Siding
- Door Transom
- Window Transom
- Elevated Deck with Decorative Rail
- Integrated Covered Storage Area (not the same as a Side Garage Bump-Out; minimum size 3' x 10')
- Foundation Landscape Package (minimum: 2 trees, 1 tree and 4 shrubs; or 8 shrubs).
- Shutters (all front, side and rear elevations).
- Window Grids (permanent)
- Patio Doors (double width, not sliding)

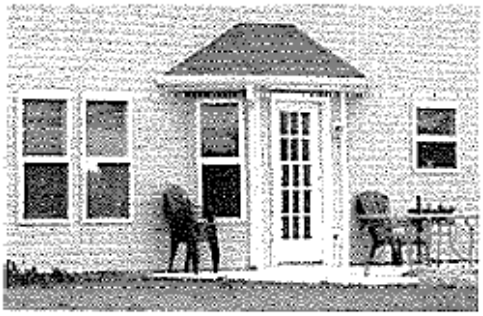
NOTE: Additional architectural or design features may be approved within each Group when such architectural features would provide a similar architectural effect to the items listed within each Group.

Examples of Residential Design Features for Side and Rear Façades



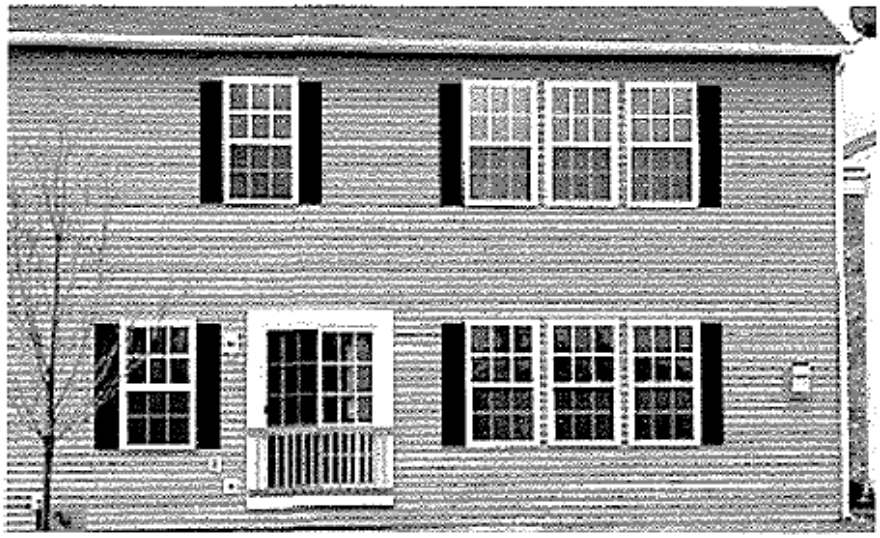
Example of: Shutters, Patio Doors and Retractable Awning

Example of: Screened Porch & Elevated Deck with Decorative Rail



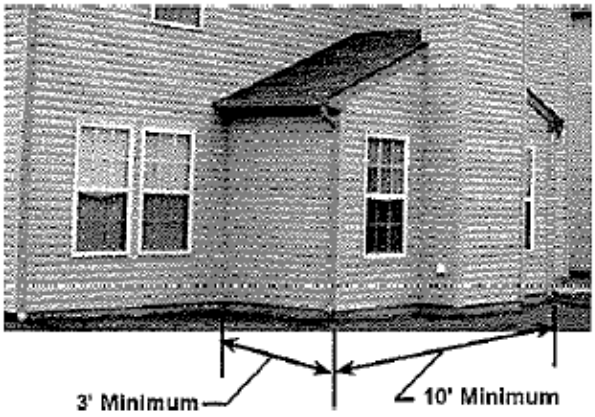
Example of Bay Door

Example of: Roof Line Change, Patio Doors and Change in Architectural Plains

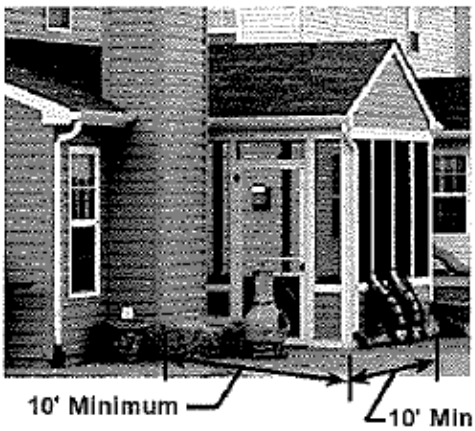


Example of: Shutters, Window Grids, Patio Doors and Side-by-Side Windows

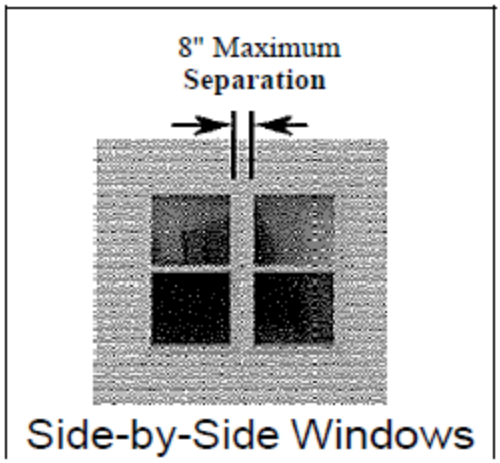
Example of an Exterior Chase Fireplace



Finished Space Pop-Out



Screened-In Porch



E. Administration.

1. Homeowners Association / Architectural Review Committee / Covenants, Conditions and Restrictions.

   In any subdivision that will include a homeowners association (HOA) or an architectural review committee (ARC) charged with the approval of all proposed new construction, alternations or additions in the subdivision, the design features selected for the subdivision should be incorporated into any rules, procedures or guidelines established by the Covenants, Conditions and Restrictions of the subdivision and should be used to establish the scope of review for such HOA or ARC.

2. Improvement Location Permit & Building Permit Process.

   A Certification of Compliance for all plans which indicates the design features used to comply with these design guidelines shall be prepared by the applicable HOA, ARC or builder (where no HOA or ARC exist) and should be submitted with all applications for an Improvement Location Permit and Building Permit for all single family or two family dwellings covered by these Residential Design Guidelines.

Section 3: Multifamily Guidelines.

The design features set forth in this section are intended to be used with multifamily projects. These design features are particularly appropriate as density or building height increases or when special attention to site design features can make a difference in the perceived compatibility of the multifamily project with existing and planned developments in the immediate area. The number and selection of design features should be commensurate to: the density of the project; the projected market profile for the project; the land use of abutting parcels; and, conditions of the surrounding area.

Each design feature discussed below is intended to be considered from and in addition to the other design features listed below or elsewhere in these Residential Design Guidelines.

A. Multifamily Site Design Features.

1. Multifamily projects should include a community building or clubhouse. Any community building/clubhouse should be designed so as to feature four (4) or more common recreational facilities including, but not limited to: a swimming pool; hot tub; tennis court; basketball court; lounge area; multi-purpose room; game room; and, the like, which are appropriate to the project.

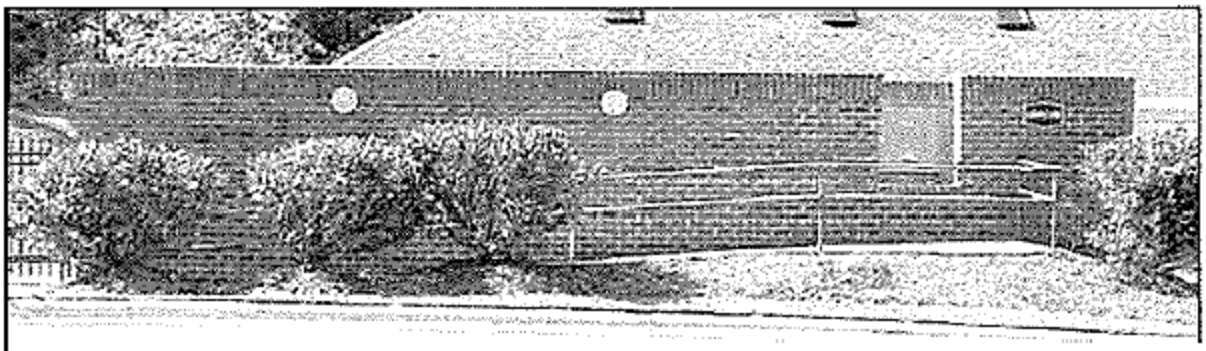
2. Accommodations for trash collection through the use of centralized trash collection areas which:

    a. Are screened on at least three (3) sides by a solid-walled enclosure which is faced with exterior materials of brick, stone, or other masonry material(s) compatible with the architecture of the buildings containing dwelling units (wood may be used in limited circumstances, subject to applicable fire codes, when necessary to be consistent and compatible with the architecture of buildings containing dwelling units);

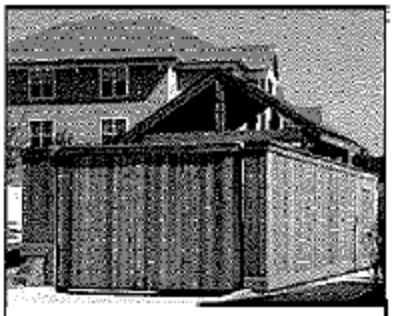
    b. Provide a gate across the access to the trash collection area enclosure covered with wood or similar appearing material and painted a color that is compatible with the colors of the buildings containing dwelling units;

    c. Provide foundation landscaping around the trash collection area enclosure; and,

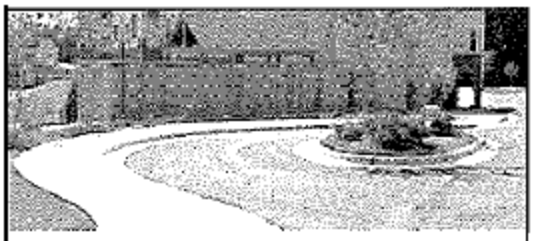
    d. Have a vehicular pull-off area for residents to park while depositing items into the trash collection area.



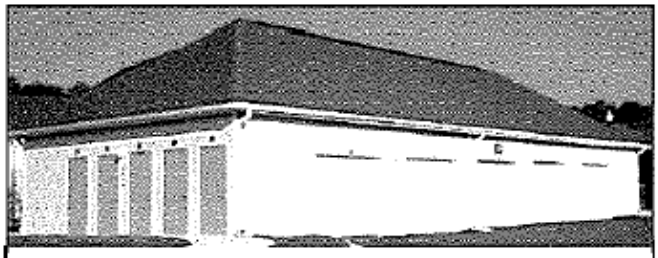
Solid Walled Enclosure for Trash Compactor with Foundation Landscaping



Gated Access to Trash Enclosure

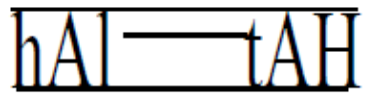


Vehicular Pull-Off at Trash Enclosure



On-Site Garages with Self-Storage Units

THIS or



False Doors; Multiple Plains; Roof Features

THIS

Change in Plains and Materials at Two Locations

NOT THIS

Examples of Architectural Features for On-Site Garages

3. Provision of a trash compactor within a trash collection area.

4. The provision of perimeter yard landscaping which is, at a minimum, two (2) times greater than the minimum required plant unit value for a perimeter yard;

5. The provision of foundation landscaping for all buildings;

6. The provision of a fenced pet run;

7. On-site covered parking, subject to the following requirements:

    a. Parking spaces may be in garages or carports;

    b. The total number of parking spaces in garages or carports should not be less than forty (40) percent of the total number of dwelling units;

    c. If a garage or carport is located between a primary building containing dwelling units and a front yard, side yard or rear yard, any elevation located parallel to or within thirty (30) degrees of being parallel to such front yard, side yard or rear yard shall include at least two (2) of the following:

        1) Façade modulation of at least six (6) inches for every thirty (30) feet of wall length;

        2) Multiple building materials (e.g., brick, fieldstone, limestone, marble, granite, textured block, architectural pre-cast concrete, concrete composite siding, wood clapboard siding, wood beaded siding, stucco, E.F.I.S., vinyl siding, aluminum siding, etc.);
        3) Multiple surface textures (e.g., rough, striated, imprinted, etc.) or patterns;

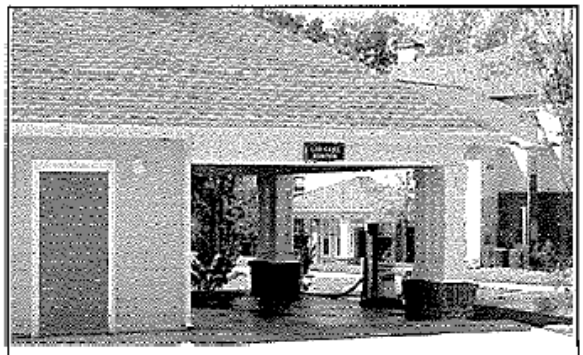
        4) Separation in roof pitch, variation in direction of roof pitches, inclusion or dormers, or other variation on roof design; or,

        5) Use of false door or window openings, defined by frames, sills and lintels.

8. Centralized, on-site self-storage units, in addition to any storage closets that may be provided on any patios or balconies, in an amount not less than twenty (20) percent of the total number of dwelling units.

Example of On-Site Self Storage Units

9. On-site area set aside as a car wash facility, either covered or open, available to residents.



Example of On-Site Car Wash Area

B. Multifamily Architectural Features.

All buildings, including community building / clubhouse, storage buildings, maintenance buildings, garages, carports and buildings containing dwelling units should utilize the following design features in a manner and extent appropriate for the density and location of the project:

1. Building materials should comply with the following guidelines:

   a. All brick or stone veneer supplemented with significant use of architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.); or,

   b. Multiple building materials with the primary building material being brick, fieldstone, limestone, marble, granite and comprising a minimum of:

      1) 85% of the area of each elevation for a one-story elevation;

      2) 100% of the area of the first floor of each elevation for a two-story elevation; or,

      3) 100% of the area of the first floor of each elevation and 60% of the total area of each elevation for more than two-story elevations.

      (Note: Elevation wall area is exclusive of window or door areas)

   c. In the case of multiple building materials, secondary building should comprise a minimum of 10% of the elevation area. Recommended secondary materials include: textured block, architectural pre-cast concrete, concrete composite siding, wood clapboard siding, wood beaded siding, stucco, E.F.I.S., etc.

2. Multiple surface textures (e.g., rough, striated, imprinted, etc.);

3. Façade or elevation modulations (e.g., building off-sets of at least two (2) feet in depth for every forty (40) feet of building wall length);

4. Architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.); or,

5. Multiple colors (i.e., the use of a maximum of three (3) discernable colors, with primary color constituting a minimum of 60% of the applicable elevation and the secondary color constituting a minimum of 10% of the applicable elevation) on each exterior wall surface.

Example of Multiple Building Materials, Multiple Textures, Facade Modulation, Architectural Elements and Multiple Colors

C. Additional Architectural Features for Multifamily Townhouses.

Townhouse developments shall utilize the following design features:

1. The roof of each dwelling unit shall be distinct from the roof of adjacent dwelling units either through: separation of roof pitches; varying the direction of roof pitches; inclusion of dormers; or, other variation in roof design; or,

Multifamily Townhouses with Roof Line Changes

Each dwelling unit is designed with a covered front porch occupying a minimum of fifty (50) percent of the overall width of the dwelling unit.

2. All garages, carports or other off-street parking areas reserved for the owners or occupants of the townhouse dwelling units, whether attached or detached, shall be provided with rear access from an adjoining public or private alley.

Alley Access to Townhouse Garages

Multifamily Townhouse with Covered Front Porch

Section 4. Open Space

Whenever a developer proposes the provision of open space as a project or subdivision amenity, such open space should be provided in compliance with the following recommendations and guidelines.

While open space may vary widely in terms of type, size, use and location, open space is a critical element in determining the quality of the built environment. The following information provides general guidelines for determining: the total amount of open space to be provided; the size of each open space area; general standards for the development or preservation of open space areas; and, examples of the various types of open space which may be incorporated into a single family or multifamily residential development in order to enhance the quality of the built environment.

A. Computation of Size of Area Recommended for Open Space.

The area (in acres) of land recommended to be set aside as open space in a residential development should be not less than one thirty-fifth (1/35) of an acre times the number of dwelling units or lot, whichever is greater, provided that if any land to be set aside also:

1. Lies within an area within the one hundred (100) year floodplain (but outside of any floodway);

2. Has slopes greater than fifteen (15) percent; or,

3. Is included within overhead utility easements,

Such land shall be calculated at a rate of one twentieth (1/20) of an acre rather than one thirty-fifth (1/35) of an acre.

Any area located in a designated floodway or which is required to comply with any drainage requirement, storm water management system or flood management system shall not qualify for open space credit.

B. General Standards for the Development of Open Space.

As a general rule, areas set aside for open space use should comply with the following guidelines:

1. Buffering – An adequate buffer should be provided between any open space and nearby dwelling units or other buildings or structures. Buffering may be accomplished by distance, fencing or landscaping, individually or in combination, as appropriate to the setting.

2. Surfacing of Playground Areas – Playground areas should utilize safety surfacing (see CPSC playground safety guidelines) under and around all play equipment.

3. Hazard Signs – Water areas or other safety hazards should be identified with tastefully designed hazard signs.

4. Safety – Open space areas which are activity areas for children should have impediments between the activity area and any street near the perimeter of the open space to minimize the opportunities for young children to run or wander into a nearby street. Such impediments may include landscaping, berms or fencing, individually or in combination, as appropriate to the setting.

C. Type of Open Space.

The sections which follow provide examples of various specific types of open space which may be provided and outlines recommended standards for the development or preservation of each type of open space.

1. Playground – All playgrounds should:

   a. Include an open shelter or benches in an amount and style appropriate for the proposed development;

   b. Utilize safety surfacing (see CPSC playground safety guidelines) under and around all play equipment; the remainder of the playground area may be covered in grass, sand, mulch or crushed gravel as appropriate for the proposed development.

   c. Be landscaped around the perimeter with overstory trees, two and one-half (2 ½) inch caliper at time of planting, spaced not more than forty (40) feet on-center, or equivalent as appropriate for the setting;

   d. Have a minimum size equal to or in excess of:

      1) Single family or two family subdivision – the minimum area required for an individual lot in the district applicable to the site; or,

      2) Multifamily projects – 10,000 sq. ft.; and,

   e. Be centrally located within the project or subdivision, be easily accessible, and be conveniently and safely reached and used by the residents of the project or subdivision; provided, however, in the case of a larger project or subdivision, playgrounds should be located at several locations throughout the project or subdivision so that no individual lot or dwelling unit is more than one-quarter (1/4) mile from a playground.

2. Mini-Parks. The purpose of the mini-park is to provide adequate active recreational facilities to serve the residents of the subject project or subdivision. The following are illustrative of the types of facilities which serve the active recreational needs of the residents of a project or subdivision and therefore qualify as mini-park elements: tennis court; racquetball courts, swimming pools; sauna; exercise rooms;

meeting or activity rooms within clubhouses; basketball courts; slides; and, play apparatus.

Each mini-park should include the types of recreational facilities that are most suited to and used by the age bracket of persons likely to utilize the mini-park. In most cases, a minimum of fifteen percent (15%) of the mini-park area should be set-aside as a "tot lot" (i.e., areas equipped with imaginative play apparatus oriented to younger children as well as seating accommodations for parents). However, if the anticipated resident profile indicates that less than five percent (5%) of the residents are likely to be children under twelve (12), the "tot lot" provisions may not be appropriate.

a. Mini-parks should be landscaped around the perimeter with overstory trees, two and one-half (2 ½) inch caliper at time of planning, spaced not more than forty (40) feet on-center, or equivalent as appropriate for the setting.

b. Each mini-park should be centrally located, easily accessible, and conveniently and safely reached and used by residents of the4 project or subdivision; provided, however, in the case of a larger project of subdivision, mini-parks should be located at several locations throughout the project or subdivision so that no individual lot or dwelling unit is more than one-quarter (1/4.) mile from a mini-park.

c. Each mini-park should be constructed on land that is relatively flat, dry and capable of serving the intended purpose.

d. Mini-parks generally range in size form:

    1) Single family or two family subdivision – the minimum lot area for an individual lot in the applicable district to 30,000 square feet; or,

    2) Multifamily projects – 5,000 square feet to 30,000 square feet.

3. Greenways, Walkways or Pedestrian / Bike Path Alternatives.

Greenways, walkways or pedestrian / bike path alternatives may be credited against the area recommended for open space by these guidelines, provided that such greenways, walkways or pedestrian / bike path alternatives:

a. Connect to a Town sidewalk or greenway;

b. Are dedicated to public use; and,

c. Are located in an easement measuring at least thirty (30) feet in width.

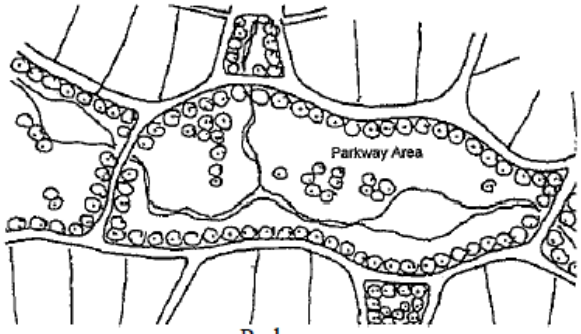
4. Parkway – All Parkways:

    a. Should retain, to the greatest extent possible, natural or pre-existing contours, topography, water courses and vegetation;

    b. If sparsely vegetated, should be provided with supplemental interior landscaping of an information design;

    c. Should be landscaped around the perimeter with overstory trees, two and one-half (2 ½) inch caliper at time of planting, spaced not more than forty (40) feet on-center, or equivalent as appropriate for the setting; and,

    d. Are generally a minimum of one (1) acre in area and have a minimum width of fifty (50) feet of open space between from back of curb/edge of pavement to back of curb/edge of pavement.



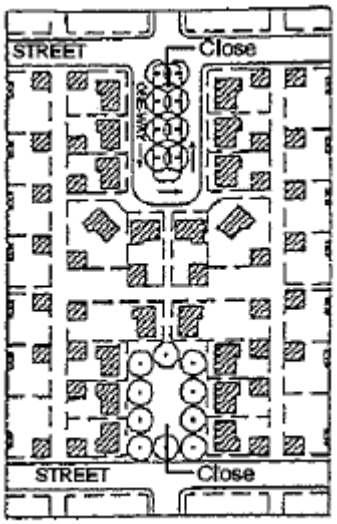
Parkway

5. Close – All Closes:

    a. Should be surfaced in grass or other suitable ground cover as approved;

    b. Should be landscaped around the perimeter with overstory trees, two and one-half (2 ½) inch caliper at time of planting, spaced not more than forty (40) feet on-center, or equivalent as appropriate for the setting; and,

    c. Are generally between 2,500 square feet and 15,000 square feet in area.



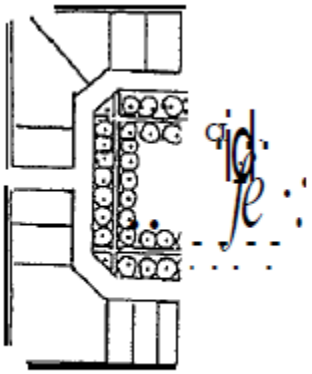
CLOSE

6. Square – All squares:

a. May be surfaced in any combination of grass or other suitable ground cover as approved;

b. Should be landscaped around the perimeter with overstory trees, two and one-half (2 ½) inch caliper at time of planting, spaced not more than forty (40) feet on-center, or equivalent as appropriate for the setting; and,

c. Are generally between 2,500 square feet and one (1) acre in area.



SQUARE

D. Maintenance of Open Space.

Any developer who proposes the provision of open space as a project amenity should, at the time of filing any petition for rezoning, development plan approval or subdivision approval, submit a proposal which describes the developer's proposal for the development, ownership and long term maintenance of such open space.

Section 5 Vehicular Design and Pedestrian Connectivity.

The street, sidewalk, walkway and pedestrian/bikeway systems of any subdivision or project should be designed in a manner compatible with the following principles:

A. Maximize the internal connection of local streets within the subdivision or project.

B. Minimize the use of cul-de-sac streets.

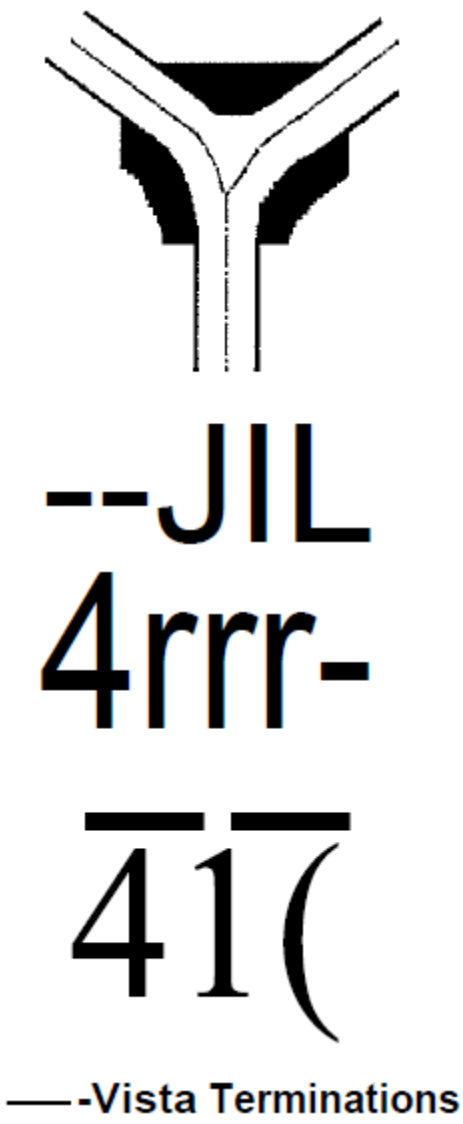
C. Maximize the connectivity of streets within the subdivision or project with surrounding streets or subdivision.

D. Include a sidewalk, walkway or pedestrian/bikeway system which functionally connects the various required open space elements of the subdivision or project with other residential and non-residential areas contained within the subdivision or project.

E. Provide a direct linkage to any town greenway which abuts or is adjacent to the subdivision or project.

F. Provide a vista termination for all internal streets so that no uninterrupted street segment extends for more than 1,350 feet.

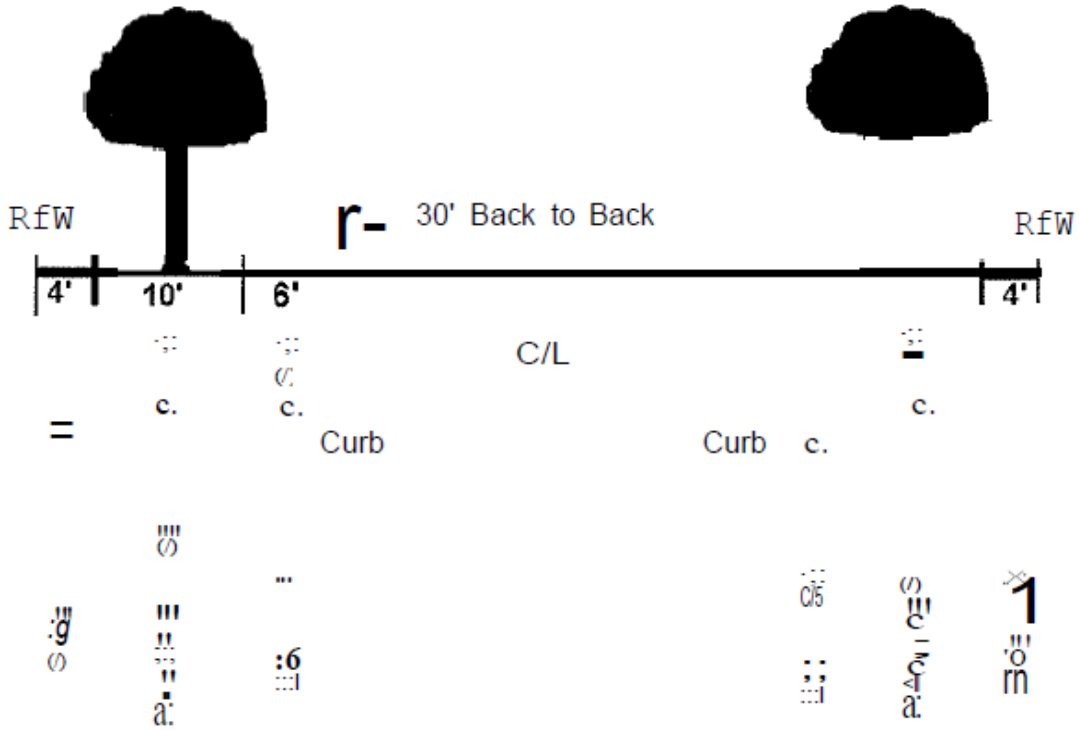
G. Provide for street trees along all local and collector streets within a subdivision or project. While various options are available to comply with this recommendation, the Town does prefer that the six (6) foot utility strip be provided adjacent to back or curb. Species selected for use as street trees shall be approved by the Town of Monrovia.

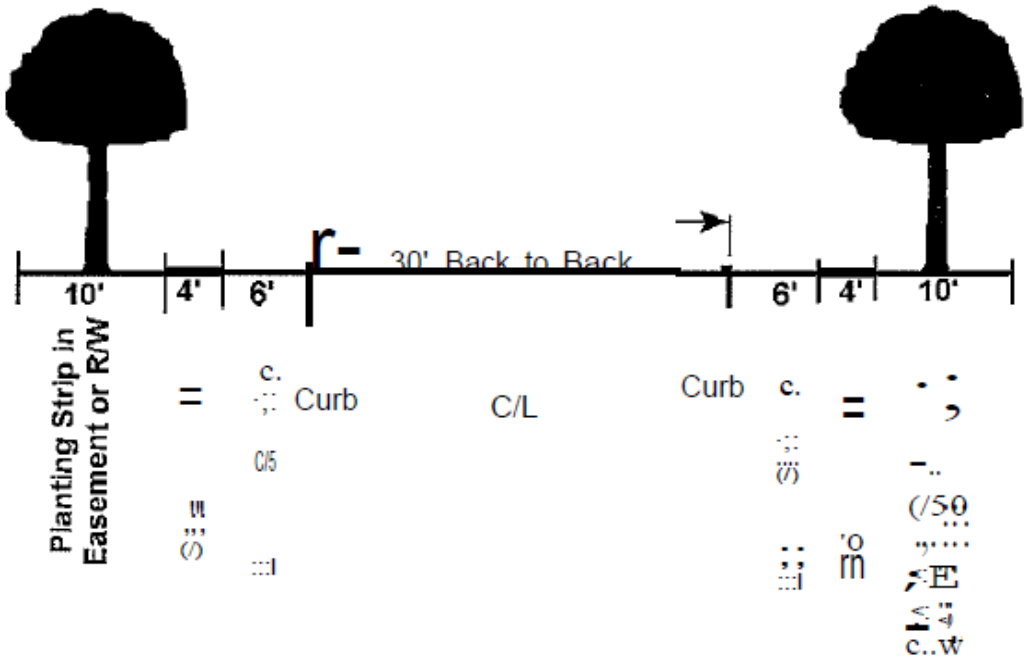


Street Tree Placement

The following diagrams depict examples of various methods for the provision of street trees.

Note: The species selected for use as street trees shall be approved by the Town of Monrovia.





Section 6. Comprehensive Plan Interpretation.

In most cases, new developments generally take one or two forms. First, new development may be on a tract which is adjacent to existing development on one or more sides. Second, new development may be an "infill" development in an already developed area. In each case, the interpretation or application of the Comprehensive Plan Land Use Recommendations must include an analysis of existing and proposed conditions rather than a simple black and white reading of the recommendations.

A. Adjacent Development.

When a new development is proposed, two analyses need to be conducted. The first is to analyze the land use recommended for the tract by the Comprehensive Plan. Compatibility with a comprehensive plan is not a simple matter of saying: "the comprehensive plan recommends residential development of two to five units per acre, so five units per acre complies with the recommendation of the comprehensive plan." A proper analysis will take into consideration, at a minimum, the following factors: the availability and capacity of utilities; capacity of the roadway system; existing land use in the area; and, proposed land use patterns in the area. These analyses should take into consideration the above items at the time of the land use recommendation, any changes to those items since the recommendation, and proposed changes to those items in the future.

From a thorough analysis, one may reach a conclusion similar to the following: "although the comprehensive plan recommends residential development a two to five units per acre, utility limitations / surround conditions indicate that a maximum of two units per acre is appropriate". One the other hand, utility extensions and roadway improvements may lead to a reasonable conclusion that: "although the comprehensive plan recommends residential development at less than one unit per acre, sewers and water which were not available at the time of land use recommendations now serve the area, therefore a residential development of two to five units per acre may be appropriate, if compatible with surrounding development".

After an analysis of the Comprehensive Plan is completed, an assessment of the compatibility of the proposed development with surrounding land use must be conducted. A compatibility assessment should, at a minimum, take into consideration the density, size and style of development existing on adjoining parcels. If the proposed development is to include smaller lots, smaller homes or homes with fewer architectural features or embellishments than that which exists on the adjoining parcels, the proposed development should incorporate elements taken from the adjoining parcels and incorporate those elements into the proposal for a minimum of one or two tiers of lots into the proposed development. Such incorporation of elements may include minimum lot size, minimum house size, building material selection, number of stories, and architectural elements such as the number of architectural plains, roof line changes, and the like.

B. Infill Development.

Infill development generally takes one of two primary forms: infill tract development; or, infill lot development.

1. Infill Tracts – The appropriate development pattern for infill tracts, unless specifically identified with a unique recommendation from the comprehensive plan, is most appropriately determined by compatibility with surrounding development.

   The proposed development of an infill tract should take into consideration the density, size and style of development existing on adjoining parcels. If the proposed development is to include smaller lots, smaller homes or homes with fewer architectural features or embellishments than that which exists on the adjoining parcels, the proposed development should incorporate elements taken from the adjoining parcels and incorporate those elements into the proposal for a minimum of one or two tiers of lots into the proposed development. Such incorporation of elements may include minimum lot size, minimum house size, building material selection, number of stories, and architectural elements such as the number of architectural plains, roof line changes, and the like.

   If the land uses in the immediate area of an infill tract are mixed (i.e., a mixture of single family, two family, multifamily and/or commercial uses), the appropriate land use for an infill tract may be more dependent on the design of the proposed development and compatibility with the predominant land use of the area, rather than on the specific land use proposed or the land use of the abutting parcels.

2. Infill Lot Development – The proposed development of an infill lot should be sensitive to the style of development which was prevalent during the period when the majority of the existing homes on the block were constructed and should incorporate as many architectural features as practical into the exterior design of the proposed infill development. Such architectural features as covered front porches, two story homes, roof pitch, window style, alley access garages, and siding materials should be considered.

Section 7 Building Materials and Craftsmanship.

While it is recognized that the Building Codes applicable to single family, two family and multifamily construction establishes the minimum requirements for the selection of building materials in order to provide for safe housing, it is also recognized that such Building Codes are not intended to represent standards which are architecturally pleasing. Therefore, the Town of Monrovia encourages developers to use quality roofing and siding materials which will last with a minimal amount of perceptible wear over the years to assist in the establishment of an image of quality for all residential developments within the Town of Monrovia.

From a design perspective, the Town of Monrovia strongly encourages the use of textured or dimensional roof shingles. The Town of Monrovia also strongly encourages the use of primary siding materials of brick, fieldstone, limestone or concrete composite. Other siding materials such as wood clapboard siding, wood beaded siding, or stucco / dryvit / EFIS are also encouraged. Aluminum siding or vinyl siding may also be used, but builders are encouraged to use upgraded levels of such aluminum or vinyl siding materials.

In addition, the Town of Monrovia strongly encourages the use of best materials, workmanship and techniques available within the market segment served and which will keep the dwelling free from defects, including but not limited to: cracked or warped siding; waives in siding; seam gaps in siding; susceptibility to dents or holes from hail; and, the like.

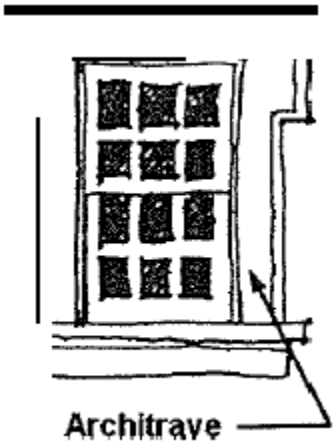
Recommended Minimum Standards for Roofing and Siding

Roof Coverings	Class A or Class B fire Resistance Rating
Aluminum Siding	Minimum 0.024 thickness applied over 1/2" or greater plywood or OSB Board
Vinyl Siding	Minimum 0.048 thickness applied over 1/2" or greater plywood or OSB Board

Section 8 Definitions.

Achitrave: The molded from or ornament surrounding a window, door or other rectrangular opening.

Bay Window: A window that projects out from the surface of an exterior wall and extends to the ground. See also: Oriel.

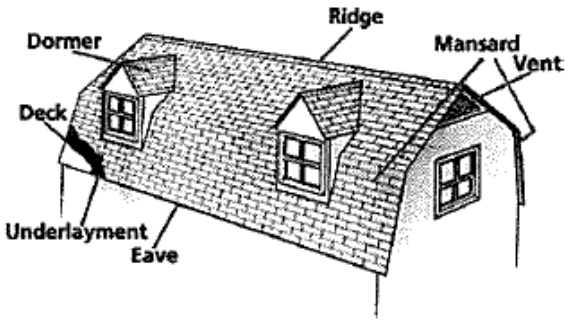


Bay Window

Bay Door

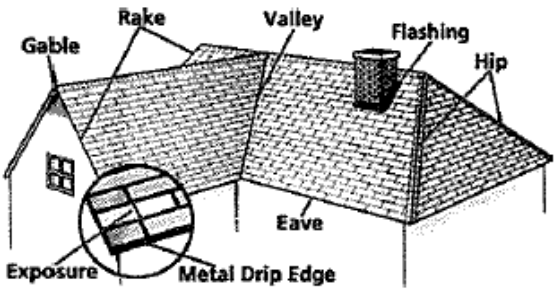
BAY DOOR: A door that projects out from the surface of an exterior wall.

BOW WINDOW: A rounded Bay Window which projects in a semi-circle from the surface of an exterior wall.



CAP: A decorative cornice covering the lintel of a window. See also: Hood.

CLASS "A": The highest fire-resistance rating for roofing as per ASTM E-108. Indicates roofing is able to withstand severe exposure to fire originating from sources outside the building.



CLASS "B": Fire-resistance rating that indicates roofing materials are able to withstand moderate exposure to fire originating from sources outside the building.

CLASS "C": Fire-resistance rating that indicates roofing materials are able to withstand light exposure to fire originating from sources outside the building.

CORNICE: A decorative projection commonly found at the top of a window, wall or roof perimeter.

DECK (re: a root): The surface installed over the supporting framing members to which the roofing is applied.

DECK (re: a residential accessory structure): A level surfaced, accessory structure located directly adjacent to a principal building, at or within three (3) feet of the finished grade, not covered by a permanent roof, and typically used for outdoor recreation or relaxation purposes.

DECORATIVE FRONT DOOR: A front door to a dwelling unit which contains a minimum of 25% glazing area.

DORMER: A vertically set, framed window unit projecting through the sloping plane of a roof. Common types of dormers include: shed dormers, if the roof of the dormer slopes downward; doghouse dormers, if the roof of the dormer is flat; or, a gabled dormer, if the roof of the dormer is pointed.

DRIP EDGE: A non-corrosive, non-staining material used along the eaves and rakes to allow water run-off to drip clear of underlying construction.

EAVES: The horizontal, lower edge of a sloped roof, including any fascia, soffit or other trim.

EXPOSURE I GRADE PLYWOOD: Type of plywood approved by the American Plywood Association for exterior use.

EYEBROW DORMER: A low dormer having no sides, with the roofing smoothly curving upward over the dormer window.

Eyebrow Dormer

FACADE: Any face of a building.

FINISHED SPACE "POP-OUT": A minor portion of the living area within a dwelling unit which projects beyond the plain of the main façade.

FLASHING: Pieces of metal or roll roofing used to prevent seepage of water into a building around any intersection or project ibn a roof such as vent pipes, chimneys, adjoining walls, dormers and valleys. Galvanized metal flashing should be minimum 26-gauge.

FRIEZE: Any sculptured or ornamental band in a building. Also the horizontal member of a cornice set vertically against the wall.

GABLE: The upper portion of a sidewall that comes to a triangular point at the ridge of a sloping roof.

GABLE ROOF: A type of roof containing sloping planes of the same pitch on each side of the ridge. Contains a gable at each end.

GAMBREL ROOF: A type of roof containing two sloping planes of different pitch on each side of the ridge. The lower plane has a steeper slope than the upper. Contains a gable at each end.

HIP: The inclined external angle formed by the intersection of two sloping roof planes. Runs from the ridge to the eaves.

HIP ROOF: A type of roof containing sloping planes of the same pitch on each of four sides. Contains no gables.

HOOD: An ornamental cover placed over a door or window as shelter for the door or window. See also: Cap.

INTEGRATED COVERED STORAGE AREA: A storage room, with exterior access, typically located on a rear façade. Such area may or may not be accessed internally from the primary building or an attached garage. Such area shall not qualify as a "Side Garage Bump-Out".

LINTEL: A piece of wood, stone or steel placed horizontally across the top of a window or door opening to support the walls immediately above the window or door.

MANSARD ROOF: A type of roof containing two sloping planes of different pitch on each of four sides. The lower plane has a much steeper pitch than the upper, often approaching vertical. Contains no gables.

MUNTINS: The wood strips that separate the panes of glass in a window sash.

ORIEL: A window projecting from the wall and carried on brackets, corbels or a cantilever. Unlike a bay window, the projection of an Oriel does not extend to the ground.

OVERHANG: That portion of the roof structure that extends beyond the exterior walls of a building.

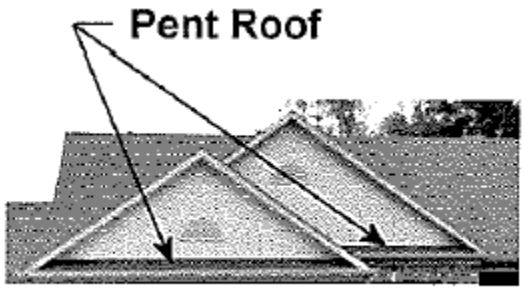
PEDIMENT: A triangle shaped crowning ornament. May be used as caps or hoods on windows.

PENT ROOF: A short, hood-like roof section between the first and second floor or between the second floor and attic at the gable end of a building.

PENT ROOF RETURN: A small, roof section inserted on the gable end of a building where a gable roof line meets an eave.

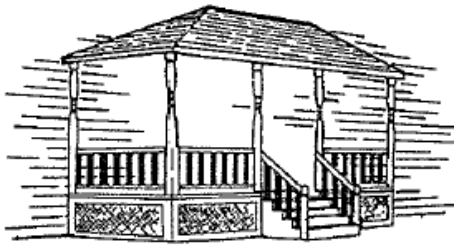
Oriel

Pediment



PORCH: A roofed space outside the main walls of a building, having: either a separate roof projecting from the wall, or an integral roof; and, extending across one or more sides of a house. See also: Verandah.

PORTICO: A roofed space, open on three sides, forming the entrance and centerpiece of the façade of a house, including columns and a pediment.



Porch

Porch with Integral Roof and Columns

Porch with Separate Roof, Columns, Handrail and Secondary Material

Portico

QUOINS: Pieces used in the outside corners of exterior walls (usually brick or stone) which are larger than those in the rest of the wall or which distinguish themselves through the use of color, texture, project, or beveling.

RAKE: The inclined edge of a sloped roof over a wall from the eave to the ridge.

RIDGE: The uppermost, horizontal external angle formed by the intersection of two sloping roof planes.

RIDGE SHINGLES: Shingles used to cover the horizontal external angle formed by the intersection of two sloping roof planes.

SHED ROOF: A roof containing only one sloping plane. Has no hips, ridges, valleys or gables.

SIDE GARAGE BUMP-OUT: An area within a garage, typically used as/for storage area or a work bench area, which extended the width of the front façade elevation and provides a variation in roof line. The variation in roof line does not qualify as a “Change in Elevation of Roof Ridge”. The area of the Side Garage Bump-Out does not qualify as part of the minimum area for a garage.

SOFFIT: The underside of an architectural el4ement such as a cornice, roof overhang, arch or stairway.

TRANSOM: Any small window over a door or another window.

UNDERLAYMENT: A layer of asphalt saturated (sometimes referred to as tar paper) which is laid down on a bare deck before shingles are installed to provide additional protection for the deck.

VALLEY: The internal angle formed by the intersection of two sloping roof planes to provide water runoff.

VENT: Any outlet for air that protrudes through the roof deck such as a pipe or stack. Any device installed on the roof, gable or soffit for the purpose of ventilating the underside of the roof deck.

VERANDAH: An open, porch-like gallery with a roof carried on across two or more sides of a building. See also: Porch.

WINDOW GRIDS: Strips that separate panes of glass in a window sash or accent strips added to a window to give the appearance of separating one window into separate panes of glass. See also: Muntins.

Certification of Compliance of Front Elevation
with Residential Design Guidelines

Petition#:_____ Subdivision Name:_____ Address:

Builder:_____ Lot#:_____ Home

Model:_____ GROUP I -Minimum of four (4) items required.

(Check all that apply	'''
Change in Elevation of Roof Ridge.	
Change in Direction of Roof Ridge	
Roof with Dormers (minimum of two (2) dormers, unless Eyebrow Dormer)	
Bay or Oriel Window	
Porch or Verandah (covering a minimum of 40% of the overall width of the front facade of the primary building containing a dwelling unit)	
Portico or Shed Roof Accent over Front Entry (minimum covered area- 4' X 10',	
Facade Modulation (Other than items listed herein; minimum 12 inches in depth)	
Facade Contains No Garage Doors	
Roof Overhangs (minimum 12" on all elevations)	
100% brick or stone on all elevations (i.e., all wall surface below the eave line or a trimmed gable). (Note: This item qualifies as three (3) design features selected from any Group)	
Minimum 50% brick or stone on front facade*	
Other: (Specify)	
GROUP 2 – Minimum of three (3) items required. *(Check all that apply)*	'''
Multiple Building Materials (secondary material must comprise at least 20% of front facade.	
Crawl Space or Basement	
Hip Roof	
Gable Accent	
Side-by-Side Windows	
Door Sidelight(s)	
Door Transom	
Window Transom	
Side Garage Bump out (minimum size 3' X 10'. exclusive of garage area)	
Other: (Specify)	
GROUP 3 – Minimum of four (4) items required. *(Check all that apply)*	'''
Decorative Door Architrave	
Decorative Window Architrave	
Decorative Window Cornice	
Decorative Trim Molding (including, at a minimum, fascia, soffit & corner trim) Architectural	
Elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.) Pent Roof or	
Pent Roof Return	
Accent Siding	
Shutters (all sides)	
Window Grids (permanent)	
Decorative Front Door (minimum 25% glazing)	
Decorative Gable Vents	
Keystone (over all first floor, front facade windows and doors)	
Windows in Garage Door	
Foundation Landscape Package (minimum: 2 trees; 1 tree and 4 shrubs; or, 8 shrubs)	
Other: (Specify)	

The undersigned, does hereby certify that, to the best of his/her knowledge, the information contained on this Certification of Compliance is true and represents compliance with all conditions of or commitments made before the Plainfield Plan Commission regarding Residential Design Guidelines for the subject subdivision.

_____ _____

Signature of Applicant Date

_____ _____

Printed Name Phone# / Fax#

RESIDENTIAL DESIGN GUIDELINES
Front Elevation Evaluation Sheet

	Home!	Home2	Home3	Home4	Home5	Home6
GROUP!						
Roof Line Elevation						
Roof Line Direction						
Dormers						
Bay or Oriel Window						
40% Porch or Verandah						
Portico or Shed Roof Accent						
Facade Modulation						
Facade Contains No Garage Doors						
Roof Overhang (minimum 12 inches)						
100% Brick or Stone (counts as three (3) items)						
50% Brick or Stone						
Other: (Specify)						
GROUP2						
Multiple Materials						
Crawl Space or Basement						
Hip Roof						
Gable Accent						
Side-by Side Windows						
Door Sidelight(s)						
Door Transom						
Window Transom						
Side Garage Bump-out						
Other: (Specify)						
GROUP3						
Decorative Door Architrave						
Decorative Window Architrave						
Decorative Window Cornice						
Decorative Trim Molding						
Architectural Elements						
Pent Roof or Pent Roof Return						
Accent Siding						
Shutters						
Window Grids						
Decorative Front Door						
Decorative Gable Vents						
Keystone						
Windows in Garage Door						
Foundation Landscape						
Other: (Specify)						

Certification of Compliance of Side or Rear Elevations with Residential Design Guidelines

Petition#:_____ Subdivision Name:

Address:_____ Builder:_____

Lot#:_____ Home Model:_____

Street Orientation:_____**(Minimum of5 items required, with at least3 from Group 1)**

Rear Elevation: **(Minimum of 4 items required, with at least 2 from Group 1)**

Side Elevation:_____**(Minimum of2 items required, with at least2 from Group I)**

GROUP 1 – *(Check all that apply*	X
Roof Line Elevation	
Roof Line Direction	
Finished Space Pop-out	
Open or Screened In Porch	
Bay or Oriel Window	
Bay Door	
Side-by-Side Windows	
Exterior Chase Fireplace	
Fa9ade Modulation	
Dormers	
Roof Overhang (minimum 12 inches; all elevations)	
100% Brick or Stone (all elevations, counts as three (3) design features selected from any Group)	
50% Brick or Stone	
Other: (Specify)	

GROUP 2 – *(Check all that apply*	X
Multiple Building Materials	
Hip Roof	
Roof Overhang (subject elevation only)	
Decorative Door Architrave	
Decorative Window Architrave	
Decorative Window Cornice	
Decorative Trim Molding	
Architectural Elements	
Accent Siding	
Door Transom	
Window Transom	
Elevated Deck with Rail	
Integrated Covered Storage	
Foundation Landscape	
Shutters	
Window Grids	
Patio Doors (double width, not sliding glass doors)	
Other: (Specify)	

The undersigned, does hereby certify that, to the best of his/her knowledge, the information contained on this Certification of Compliance is true and represents compliance with all conditions of or commitments made before the Plainfield Plan Commission regarding Residential Design Guidelines for the subject subdivision.

Signature of Applicant _____ Date _____

Printed Name _____ Phone# / Fax# _____

RESIDENTIAL DESIGN GUIDELINES
Side or Rear Elevation Evaluation Sheet

	Home!	Home2	Home3	Home4	Home5	Home6
GROUP!						
Roof Line Elevation						
Roof Line Direction						
Finished Space Pop-out						
Open or Screened In Porch						
Bay or Oriel Window						
Bay Door						
Side-by-Side Windows						
Exterior Chase Fireplace						
Facade Modulation						
Dormers						
Roof Overhang (minimum 12 inches; all elevations)						
100% Brick or Stone (all elevations, counts as three (3) design features)						
50% Brick or Stone						
Other: (Specify)						
GROUP2						
Multiple Building Materials						
Hip Roof						
Roof Overhang (subject elevation only)						
Decorative Door Architrave						
Decorative Window Architrave						
Decorative Window Cornice						
Decorative Trim Molding						
Architectural Elements						
Accent Siding						
Door Transom						
Window Transom						
Elevated Deck with Rail						
Integrated Covered Storage						
Foundation Landscape						
Shutters						
Window Grids						
Patio Doors (double width, not sliding glass doors)						
Other: (Specify)						

MONROVIA
ZONING ORDINANCE

EXHIBITS
APPLICATION PROCEDURES
AND
FEE SCHEDULE

SECTION 2. That the effective date of the Proposal and this Ordinance shall be the fourteenth (14th) day after the later of

a) The date on which notice of adoption of this Ordinance is published by the Morgan County Plan Commission as provided for in Section 3, below and
b) The date on which two (2) copies of the book or pamphlet containing the text of this Ordinance is filed in the Office of the Clerk of the Board of Commissioners of the County of Morgan, Indiana, as provided for in Section 4, below.

SECTION 3. That the Morgan County Plan Commission is instructed to publish a notice of adoption of this Ordinance in accordance with I.e. 36-7-4-610 (a).

SECTION 4. That the Morgan County Plan Commission is instructed to print the text of this Ordinance (exclusive of zone maps) in book or pamphlet form in accordance with I.E. 36-07-4-610 (b) and file two (2) copies of the book or pamphlet containing the text of this Ordinance (exclusive of zone maps) in the Office of the Clerk of the Board of Commissioners of the County of Morgan, Indiana, in accordance with I.e. 36.7-4-610(f).

The foregoing is adopted by the Board of Commissioner of the County of Morgan, Indiana on this 19th date of February, 1996.

BOARD OF COMMISSIONERS OF THE
COUNTY OF MORGAN, INDIANA

Tommy Dee Goss

Printed, Bin Crav

Printed: Roger Davee

(SEAL)
ATTEST:

Auditor
of Morgan County, Indiana

EXHIBIT "A"

NOTE: The Morgan County Zoning Ordinance for Morgan County, Indiana, requires the use of this form in recording commitments made with respect to Development Plan Approvals in accordance with I.C. 36-7-4-613.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL REQURIED BY THE MORGAN COUNTY ZONING ORDINANCE.

In accordance with I.e. 36-7-4-613, the owner of the real estate located in Morgan County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

Legal Description:

Statement of COMMITMENTS:

1. _____
   _____
   _____

2. _____
   _____
   _____

3. _____
   _____
   _____

4. _____
   _____
   _____

These COMMITMENTS shall run with the land, be binding on the owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Morgan County Plan Commission made at a public hearing after proper notice has been given.

(Individual Acknowledgment)

STATE OF: _____

SS:

COUNTY OF: _____

Before me, a Notary Public in and for said County and State, personally appeared _____, owner(s) of the real estate described above, who acknowledge execution of the foregoing instrument and who, having been duly sworn, stated that any representation therein contained are true.

Witness my hand and Notarial Seal this _____ date of _____, _____.

Signature: _____

Printed: _____

County of Residence: _____

My Commission Expires:

_____

(Organization Acknowledgment)

STATE OF: _____

SS:

COUNTY OF: _____

Before me, a Notary Public in and for said County and State, personally appeared _____, the _____ of Owner(s) of the real estate described above, who acknowledge the execution of the foregoing instrument in such capacity and how, having been duly sworn, stated that any representation therein contained are true.

Witness my hand and Notarial Seal this _____ date of _____, _____.

Signature: _____

Printed: _____

County of Residence: _____

My Commission Expires:

_____

This instrument was prepared by:

_____

EXHIBIT "B"

NOTE: The Morgan County Zoning Ordinance, Morgan County, Indiana, requires the use of this form in recording commitment modification(s) or termination(s) with respect to Development Plan Approval in accordance with I.e. 36-7-4-613.

COMMITMENTS MODIFYING OR TERMINATING EXISTING COMMITMENTS CONCERNING THE USE OR DEVELOPMDENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL.

In accordance with I.e. 36-7-4-613, the owner of the real estate located in Morgan County, Indiana, which is described below, makes the following modification(s) or termination(s) of commitment(s) concerning the use and development of the following described parcel of real estate:

Legal Description:

Statement of Modification or Termination of Commitments:

1. _____
   _____
   _____

2. _____
   _____
   _____

3. _____
   _____
   _____

4. _____
   _____
   _____

These MODIFICATION OR TERMINATION OF COMMITMENTS shall run with the land, be binding on the owner of the above-referenced real estate, subsequent owners of the above-referenced real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Morgan County Plan Commission made at a public hearing after proper notice has been given.

(Individual Acknowledgment)

STATE OF: _____

SS:

COUNTY OF: _____

Before me, a Notary Public in and for said County and State, personally appeared _____, owner(s) of the real estate described above, who acknowledge execution of the foregoing instrument and who, having been duly sworn, stated that any representation therein contained are true.

Witness my hand and Notarial Seal this _____ date of _____, _____.

Signature: _____

Printed: _____

County of Residence: _____

My Commission Expires:

_____

(Organization Acknowledgment)

STATE OF: _____

SS:

COUNTY OF: _____

Before me, a Notary Public in and for said County and State, personally appeared _____, the _____ of Owner(s) of the real estate described above, who acknowledge the execution of the foregoing instrument in such capacity and how, having been duly sworn, stated that any representation therein contained are true.

Witness my hand and Notarial Seal this _____ date of _____, _____.

Signature: _____

Printed: _____

County of Residence: _____

My Commission Expires:

_____

This instrument was prepared by:

_____

EXHIBIT "C"

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A SPECIAL EXCEPTION, SPECIAL USE, CONTINGENT USE OR CONDITIONAL USE APPROVAL OR A VARIANCE GRANT.

In accordance with I.C. 36-7-4-921, the owner of the real estate located in Morgan County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

STATEMENT OF COMMITMENTS:

1. _____
   _____
   _____

2. _____
   _____
   _____

3. _____
   _____
   _____

4. _____
   _____
   _____

These COMMITMENTS shall be binding on the owner, subsequent owners of the above-described real estate, and other persons acquiring an interest in the above-referenced real estate. The COMMITMENTS may be modified or terminated by a decision of the Board of Zoning Appeals of Morgan County made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of petition # _____ by the Board of Zoning Appeals of Morgan County.

(Individual Acknowledgment)

STATE OF: _____

SS:

COUNTY OF: _____

Before me, a Notary Public in and for said County and State, personally appeared _____, owner(s) of the real estate described above, who acknowledge execution of the foregoing instrument and who, having been duly sworn, stated that any representation therein contained are true.

Witness my hand and Notarial Seal this _____ date of _____, _____.

Signature: _____

Printed: _____

County of Residence: _____

My Commission Expires:

_____

(Organization Acknowledgment)

STATE OF: _____

SS:

COUNTY OF: _____

Before me, a Notary Public in and for said County and State, personally appeared _____, the _____ of Owner(s) of the real estate described above, who acknowledge the execution of the foregoing instrument in such capacity and how, having been duly sworn, stated that any representation therein contained are true.

Witness my hand and Notarial Seal this _____ date of _____, _____.

Signature: _____

Printed: _____

County of Residence: _____

My Commission Expires:

_____

This instrument was prepared by:

_____

EXHIBIT "D"

COMMITMENTS MODIFYING OR TERMINATING EXISTING COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A SPECIAL EXCEPTION SPECIAL USE, CONTINGENT USE OR CONDITIONAL USE APPROVAL OR A VARIANCE GRANT.

In accordance with I.e. 36-7-4-921, the owner of the real estate located in Morgan County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

Statement of Modification or Termination of COMMITMENTS existing in Instrument Number_____ as recorded in the Office of the Recorder of Morgan County, Indiana, as made in connection with petition number _____

1. _____
   _____
   _____

2. _____
   _____
   _____

3. _____
   _____
   _____

These modified COMMITMENTS shall be binding on the owner of the above-described real estate, subsequent owners of the above-described real estate, and other persons acquiring an interest in the above-described real estate. These modified COMMITMENTS may be further modified or terminated by a decision of the Board of Zoning Appeals of Morgan County made at a public hearing after proper notice has been given.

Modified COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Board of Zoning Appeals of Morgan County in petition # _____.

(Individual Acknowledgment)

STATE OF: _____

SS:

COUNTY OF: _____

Before me, a Notary Public in and for said County and State, personally appeared _____, owner(s) of the real estate described above, who acknowledge execution of the foregoing instrument and who, having been duly sworn, stated that any representation therein contained are true.

Witness my hand and Notarial Seal this _____ date of _____, _____.

Signature: _____

Printed: _____

County of Residence: _____

My Commission Expires:

_____

(Organization Acknowledgment)

STATE OF: _____

SS:

COUNTY OF: _____

Before me, a Notary Public in and for said County and State, personally appeared _____, the _____ of Owner(s) of the real estate described above, who acknowledge the execution of the foregoing instrument in such capacity and how, having been duly sworn, stated that any representation therein contained are true.

Witness my hand and Notarial Seal this _____ date of _____, _____.

Signature: _____

Printed: _____

County of Residence: _____

My Commission Expires:

_____

This instrument was prepared by:

_____

These COMMITMENTS may be enforced jointly or severally by:

1. The Morgan County Plan Commission;

2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners. Owners of real estate entirely located outside Morgan County are not included, however; and

3. _____

   _____

The undersigned hereby authorizes the Executive Secretary of the Plan Commission of Morgan County to record this Commitment in the office of the Recorder of Morgan County, Indiana, upon final approval of modification and/or termination of commitment(s) by the Board of Zoning Appeals of Morgan County of petition Number _____.

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, _____.

(Individual Owner)

Signature: _____ (Seal) Signature: _____ (Seal)

Printed: _____ Printed: _____

(Organization Owner)

_____

By: _____

Printed: _____

Title: _____

MODIFICATION OR TERMINATION OF COMMITMENTS contained in this instrument shall be effective upon adoption of modification or termination approved by the Morgan County Plan Commission in petition number _____.

These COMMITMENTS may be enforced jointly or severally by:

1. The Morgan County Plan Commission;

2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval, however; and

3. _____

   _____

The undersigned hereby authorizes the Staff of the Morgan County Plan Commission of Morgan County, Indiana to record this MODIFICATION OR TERMINATION OF COMMITMENTS in the office of the Recorder of Morgan County, Indiana, upon final approval petition number _____ by the Morgan County Plan Commission.

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, _____.

(Individual Owner)

Signature: _____ (Seal) Signature: _____ (Seal)

Printed: _____ Printed: _____

(Organization Owner)

_____

By: _____

Printed: _____

Title: _____

COMMITMENTS contained in this instrument shall be effective upon the approval of petition number _____ pursuant to the Morgan County Zoning ordinance, and shall continue in effect until modified or terminated by the Morgan County Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The Morgan County Plan Commission;

2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval, however; and

3. _____

   _____

The undersigned hereby authorizes the Staff of the Morgan County Plan Commission of Morgan County, Indiana to record this Commitment in the Office of the Recorder of Morgan County, Indiana upon final approval of petition number _____.

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, _____.

(Individual Owner)

Signature: _____ (Seal) Signature: _____ (Seal)

Printed: _____ Printed: _____

(Organization Owner)

_____

By: _____

Printed: _____

Title: _____

EXHIBIT "E"
NOTICE AND PUBLIC OPINION SURVEY

A petition for Special Exception, _____, has been filed by
(Docket Number)
_____ on property owned by _____
(Name of Petitioner, Address of Petitioner) (Name of Owner)

_____ , for operation of a _____ to be
(Description of Proposed Special Exception Use)

located at _____ in Morgan County, Indiana. (Address or other identifiable location of geographic characteristic)

INSERT AREA MAP

The petition and file, including the legal description of the subject property, may be examined in the offices of the Monrovia Plan Commission.

Legal notice of the date, time and place of a public hearing on the petition shall be published at least ten (10) days prior to a public hearing before the Monrovia Board of Zoning Appeals. The petitioner is required to conduct this Public Opinion survey prior to the docketing of the Special Exception for hearing by the Monrovia Board of Zoning Appeals. Anyone wishing to respond to the Notice and Public Opinion Survey may do so within ten (10) business days of publication of the Notice and Public Opinion Survey by sending the response to Public Opinion Survey to the Monrovia Board of Zoning Appeals at the address below. The results of the Notice and Public Opinion Survey shall be made available to the Monrovia Board of Zoning Appeals by Staff during the public hearing.

Cut here to mail response

RESPONSE TO PUBLIC OPINION SURVEY:

"Shall (The Special Exception on Use in question) be permitted in Morgan County, Indiana, on the following described real estate: _____?"
(Address of real estate in question)

_____ YES _____ NO

Name of Respondent: _____

Address of Property Within Morgan
County Owned by Respondent: _____

CUT ALONG DOTTED LINE AND RETURN RESPONSE TO PUBLIC OPINION SURVEY WITHIN TEN (10) DAYS

TO: Monrovia Board of Zoning Appeals
Monrovia Plan Commission
140 E. Main Street
P.O. Box 400
Monrovia, IN 46157

Cut here to mail response

APPLICATION PROCEDURES FOR SITE PLAN REVIEW

MONROVIA PLAN COMMISSION

TOWN OF MONROVIA, INDIANA

DEFINITION: A process through which all multifamily, commercial and industrial development (new, substantial additi9ons, and adaptive reuses) are reviewed by the Plan Commission to determine how a site will be developed or altered.

PRELIMINARY CONSULTATION: Prior to submitting an application for a site plan review, the applicant is encouraged to schedule an appointment with Plan Commission Staff for an on-site or in house preliminary consultation to discuss the proposed site plan. There is no fee for this meeting. A written summary of this preliminary consultation will be provided upon request.

APPLICATION: The application will not be filed until all information is received. All applications will be reviewed for completeness and accuracy prior to acceptance. The following information must be submitted with the application:

1. A **notarized application** filed at least thirty (30) days before the date of the Plan Commission's Public Hearing.

2. A **legal description** of the property;

3. A site map (aerial photograph or a Morgan County property map) showing property lines, dimensions, streets, and all proposed improvements to the property;

4. A **list of adjacent property owners** within six hundred sixty (660) feet but no more than two (2) property owners in depth.

5. **A Letter of Intent** identifying the scope and nature of the proposed project; and

6. An **application fee** payable by check to the Town of Monrovia.

All applications must be submitted by appointment with the Plan Commission Staff.

FEES: The following fees apply to the site plan review:

1. Application: Preliminary - $600.00
   Final - $600.00 plus $10.00 / Acre

2. Engineering Fee: Primary/Preliminary –
   (1) Residential $500.00 plus $10.00 / Lot
   (2) Commercial/Industrial - $500.00 plus $10.00 / Acre

   Final/Secondary –
   (1) Residential $750.00 plus $25.00 / Lot
   (2) Commercial/Industrial $700.00 plus $25.00 / Acre

3. Construction Management Review: $130.00 per hour

PUBLIC NOTIFICATION: The following notification is required:

1. NEWSPAPER NOTIFICATION: Submit legal notices in the Mooresville Times/Martinsville Reporter and/or The Indianapolis Star newspapers for publication at least ten (10) days prior to the date of the Plan Commission's Public Hearing.
   Email: lgideon@reporter-times.com

   Email: jvarnell@reporter-times.com

   Email: gphillips@reporter-times.com

   Email: mooresvilletimeslegals@gannett.com

2. WRITTEN NOTIFICATION: The applicant must mail certified letters with return receipts requested to adjacent property owners post marked at least ten (10) days prior to the date of the Plan Commission's Public Hearing. An adjacent property owner is defined as all property owners two (2) deep or within six hundred sixty (660) feet, whichever is less, of the applicant's property. The applicant must follow the sample written notification letter. (See Attached Copy).

3. POSTING OF PROPERTY: Ten (10) days prior to the date of the Plan Commission's Public Hearing, the applicant must submit an affidavit stating that the applicant has placed posters on the property stating a brief description of the site plan and the date, time, and place of the public hearing. (See Attached Affidavit).

STAFF REVIEW: The Plan Commission Staff is available for additional consultation, scheduled by appointment, prior to the Plan Commission meeting.

PLAN COMMISSION REVIEW: The Plan Commission must hold a public hearing to consider the request for the site plan review. The Plan Commission meetings are held on the 2nd and 4th Tuesdays of each month in the Monrovia Municipal Center located at 140 East Main Street, Monrovia, IN 46157 at 6:30 P.M.

APPLICATION FOR SITE PLAN REVIEW (PRELIMINARY)
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

APPLICATION NO: _____
FEE PAID: _____
RECEIVED BY: _____

Applicant (s): _____ Telephone: _____
Address: _____ Fax: _____
Owner (s): _____ Telephone: _____
Address: _____

Applicant's Attorney

Name: _____
Address: _____
Telephone: _____

Applicant's Registered Land Surveyor

Name: _____
Address: _____
Telephone: _____

Project Name: _____

Property Information

Street Address: _____
Section: _____ Township: _____ Range: _____ Nearest Street Intersection: _____
Key Number (s): _____
Area: _____ acres Number of Lots/Parcels: _____
Existing Zoning: _____ Existing Land Use: _____

Previous Planning / Zoning Approvals: _____
_____

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

I (We) also understand that the application fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town at rates set out by various agreements and/or Ordinances of the Town, for the services, inspections, reports and the like required by the Town.

_____ _____
Date Signature of Owner(s) or Agent

_____
Printed

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

APPLICATION FOR SITE PLAN REVIEW (FINAL)
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

APPLICATION NO: _____
FEE PAID: _____
RECEIVED BY: _____

Applicant (s): _____ Telephone: _____
Address: _____ Fax: _____
Owner (s): _____ Telephone: _____
Address: _____

Applicant's Attorney

Name: _____
Address: _____
Telephone: _____

Applicant's Registered Land Surveyor

Name: _____
Address: _____
Telephone: _____

Project Name: _____

Property Information

Street Address: _____
Section: _____ Township: _____ Range: _____ Nearest Street Intersection: _____
Key Number (s): _____
Area: _____ acres Number of Lots/Parcels: _____
Existing Zoning: _____ Existing Land Use: _____

Previous Planning / Zoning Approvals: _____
_____

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

I (We) also understand that the application fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town at rates set out by various agreements and/or Ordinances of the Town, for the services, inspections, reports and the like required by the Town.

_____ _____
Date Signature of Owner(s) or Agent

_____
Printed

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

AFFIDAVIT OF SIGN POSTING
FOR SITE PLAN REVIEW
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

STATE OF INDIANA)
) SS:
COUNTY OF MORGAN)

RE: Request for Site Plan Review before the Monrovia Plan Commission

_____
(Name of Project)

_____
(Location of Project)

I, _____, after being first duly sworn states:
(Name of Person Posting Sign)

1. That the Monrovia Zoning Ordinance which requires the posting of a sign on the property being considered for site plan review, as adopted by the Monrovia Plan Commission, has been fully complied with in connection with the above referenced request; and

2. That said sign(s) was (were) duly erected on the _____ day of _____, 20 _____, in full compliance with the requirements of the Monrovia Zoning Ordinance and the sign(s) remain(s) on said property to this date.

Dated this _____ day of _____, 20 _____.

_____
(Signature of Person Posting Sign)

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
FOR SITE PLAN REVIEW
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

STATE OF INDIANA)
) SS:
COUNTY OF MORGAN)

_____
(Name of Project)

I, _____, do hereby certify that notice to
(Name of Person Mailing Letters)

interested parties of the date, time, and place of the public hearing on the application for:

_____
(Name of Person on Application)

Located at: _____
_____ was certified and mailed to the last known address of each of the following interested persons owning property affected by this petition as defined in the Monrovia Subdivision Ordinance (attach additional sheets, if necessary):

	OWNER	ADDRESS
1.		
2.		
3.		
4.		
5.		

And, that said notices were sent by certified mail on or before the _____ day of _____, 20 _____, being at least ten (10) days prior to the date of the public hearing.

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

NOTICE OF
PUBLIC HEARING

The Monrovia Plan Commission will consider:

_____

_____

This case will be heard on: _____

_____in the Monrovia Municipal Center, 140 East Main Street, Monrovia, Indiana 46157.

For additional information call: (317) 996-6116.

APPLICATION PROCEDURES FOR ZONING AMENDMENT REVIEW

MONROVIA PLAN COMMISSION

TOWN OF MONROVIA, INDIANA

DEFINITION: To amend or change the zoning district classification of a particular lot (s) or parcel (s) of land to another zoning district classification.

PRELIMINARY CONSULTATION: Prior to submitting an application for a zoning amendment, the applicant is encouraged to schedule an appointment with Plan Commission Staff for an on-site or in house preliminary consultation to discuss the proposed amendment. The applicant should provide a sketch showing the preliminary details of the zoning change. There is no fee for this meeting. A written summary of this preliminary consultation will be provided upon request.

APPLICATION: The application will not be filed until all information is received. All applications will be reviewed for completeness and accuracy prior to acceptance. The following information must be submitted with the application:

1. A **notarized application** filed at least thirty (30) days before the date of the Plan Commission's Public Hearing;

2. A **legal description** of the property;

3. A **site map** (aerial photograph or a Morgan County property map) showing property lines, dimensions, streets, and existing zoning and land use of the property to be amended;

4. A **list of adjacent property owners** within six hundred sixty (660) feet but no more than two (2) property owners in depth.

5. A **written statement** of how the proposed amendment relates to the Monrovia Comprehensive Plan; and

6. An **application fee** payable by check to the Town of Monrovia.

All applications must be submitted by appointment with the Plan Commission Staff.

FEES: The following fees apply to the Zoning Amendment:

1. Application: $400.00
2. Applicant responsible for Legal Advertisement

PUBLIC NOTIFICATION: The following notification is required:

NEWSPAPER NOTIFICATION: Submit legal notices in the Mooresville Times/Martinsville Reporter and/or The Indianapolis Star newspapers for publication at least ten (10) days prior to the date of the Plan Commissions' Public Hearing.
Email: lgideon@reporter-times.com
Email: jvarnell@reporter-times.com
Email: gphillips@reporter-times.com
Email: mooresvilletimeslegals@gannett.com

WRITTEN NOTIFICATION: The applicant must mail certified letters with return receipt requested to adjacent property owners post marked at least ten (10) days prior to the date of the Plan Commission's Public Hearing. An adjacent property owner is defined as all property owners two (2) deep or within six hundred and sixty (660) feet, whichever is less, of the applicant's property. The applicant must follow the sample written notification letter. (See attached copy).

1. POSTING OF PROPERTY: Ten (10) days prior to the date of the Plan Commissions' Public Hearing, the applicant must submit an affidavit stating a brief description of the zoning amendment and the date, time, and location of the public hearing. (See attached affidavit).

STAFF REVIEW: The Plan Commission Staff is available for additional consultation, scheduled by appointment, prior to the Plan Commission meeting. Staff comments will be provided to the applicant prior to the Plan Commission meeting.

PLAN COMMISSION REVIEW: The Plan Commission must hold a public hearing to consider the request for the zoning amendment. The Plan Commission will forward to the Monrovia Town Council their recommendation on the proposed amendment: favorable, unfavorable, or no recommendation. The Plan Commission meetings are held on the second and fourth Tuesday of every month in the Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 at 6:30 P.M.

TOWN COUNCIL REVIEW: The Town Council must consider the Plan Commission's recommendation at their next regularly scheduled meeting.

APPLICATION FOR ZONING AMENDMENT
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

APPLICATION NO: _____
FEE PAID: _____
RECEIVED BY: _____

Applicant (s): _____ Telephone: _____
Address: _____ Fax: _____
Owner (s): _____ Telephone: _____
Address: _____

Applicant's Attorney

Name: _____
Address: _____
Telephone: _____

Applicant's Registered Land Surveyor

Name: _____
Address: _____
Telephone: _____

Project Name: _____

Property Information

Street Address: _____
Section: _____ Township: _____ Range: _____ Nearest Street Intersection: _____
Key Number (s): _____
Area: _____ acres Number of Lots/Parcels: _____

Existing Zoning: _____ Existing Land Use: _____
Proposed Zoning: _____ Proposed Land Use: _____

This application must include the following supporting documentation: a legal description of the property; a map showing the property lines, streets, and existing zoning and land use of the property; a list of adjacent property owners with current mailing addresses; a sample property owner notification letter; a written statement of how the proposed zoning amendment relates to the Monrovia Comprehensive Plan; a letter if applicable, authorizing an agent as applicant; and a filing fee as established by the Town of Monrovia's Fee Ordinance.

The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

The applicant fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town at rates set out by various agreements and/or Ordinances of the town, for services, inspections, reports, and the like required by the Town.

_____ _____
Date Signature of Owner(s) or Agent

_____
Printed

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

SAMPLE PUBLIC NOTIFICATION LETTER
FOR A ZONING AMENDMENT
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

Date **(Date the letter is mailed)**

Name **(Name and address of the adjacent Property Owners)**
Address
City, State and Zip

Dear, **(Name of Adjacent Property Owner)**

Please be advised that the undersigned property owner or agent for the property owner has made application to the Monrovia Commission requesting a zoning amendment for:

_____ **(State Requested Zoning Amendment).**

_____

_____

This proposed zoning amendment is located at _____ **(Street Address)_____**, in the Town of Monrovia, Indiana planning area, Section _____, Township _____, Range _____ located near **(Give the location of the property in relationship to the nearest street intersection).** A copy of this application, legal description, and all plans pertaining to this proposed use are on file and available for examination prior to the public hearing in the office of The Plan Commission at the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 during the posted hours. Written objections to a proposal may be filed with the Plan Administrator within ten (10) days after the receipt of this letter at the above address and such objections will be considered.

The Monrovia Plan Commission will hold a public hearing on this proposed Zoning Amendment in the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 on **(Date of the Public Hearing)** at 6:30 P.M.

Very truly yours,

Name and Signature of Applicant or
Agent of Applicant

AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
FOR ZONING AMENDMENT
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

STATE OF INDIANA)
) SS:
COUNTY OF MORGAN)

_____
(Name of Project)

I, _____, do hereby certify that notice
(Name of Person Mailing Letters)

to interested parties of the date, time, and place of the public hearing on the application for:

_____
(Name of Person on Application)

Located at: _____

_____ was certified and mailed to the last known address of each of the following interested persons owning property affected by this petition as defined in the Monrovia Zoning Ordinance (attach additional sheets, if necessary):

	OWNER	ADDRESS
1.		
2.		
3.		
4.		
5.		

And, that said notices were sent by certified mail on or before the _____ day of _____, 20 _____, being at least ten (10) days prior to the date of the public hearing.

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

AFFIDAVIT OF SIGN POSTING
FOR ZONING AMENDMENT
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

STATE OF INDIANA)
) SS:
COUNTY OF MORGAN)

RE: Request for a Zoning Amendment before the Monrovia Plan Commission

I, _____, after being first duly sworn states:
(Name of Person Posting Sign)

1. That the Monrovia Zoning Ordinance which requires the posting of a sign on the property being considered for a zoning amendment by the Monrovia Plan Commission, has been fully complied with in connection with the above referenced request; and

2. That said sign(s) was (were) duly erected on the _____ day of _____, 20 _____, in full compliance with the requirements of the Monrovia Zoning Ordinance and the sign(s) remain(s) on said property to this date.

Dated this _____ day of _____, 20 _____.

_____
(Signature of Person Posting Sign)

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

NOTICE OF
PUBLIC HEARING

The Monrovia Plan Commission will consider:

_____

_____

This case will be heard on: _____

_____in the Monrovia Municipal Center, 140 East Main Street, Monrovia, Indiana 46157.

For additional information call: (317) 996-6116.

APPLICATION PROCEDURES FOR A SPECIAL EXCEPTION

MONROVIA BOARD OF ZONING APPEALS

TOWN OF MONROVIA, INDIANA

DEFINITION: A use permitted in a particular zoning district only upon showing that the use in a specific location will comply with all the conditions and standards for the location or operation of the use as specified in the Monrovia Zoning Ordinance and approved by the Monrovia Board of Zoning Appeals.

PRELIMINARY CONSULTATION: Prior to submitting an application for a special exception, the applicant is encouraged to schedule an appointment with Plan Commission Staff for an on-site or in house preliminary consultation to discuss the proposed special exception. The applicant should provide a sketch showing the preliminary details of the special exception request. There is no fee for this meeting. A written summary of this preliminary consultation will provided upon request.

APPLICATION: The application will not be filed until all information is received. All applications will be reviewed for completeness and accuracy prior to acceptance. The following information must be submitted with the application:

1. A **notarized application** filed at least thirty (30) days before the date of the Board of Zoning Appeals Public Hearing.
2. A **legal description** of the property.
3. A **sketch plan** drawn to scale showing all existing and proposed improvements.
4. A **list of adjacent property owners** within six hundred sixty (660) feet but no more than two (2) property owners in depth.
5. A **Letter of Intent** which includes proof supporting the Findings of Fact.
6. A **sample letter** for the written notification requirements.
7. An **application fee** payable by check to the Town of Monrovia.

All applications must be submitted by appointment with the Plan Commission Staff.

FEES: The following fees apply to Special Exceptions:

1. Application:	Residential	$300.00
	Commercial & Industrial:	$450.00
	Mobile Home	$200.00
	Renewals	$200.00

Applicant is responsible for Legal Advertisements

PUBLIC NOTIFICATION: The following notification is required:

1. NEWSPAPER NOTIFICATION: The applicant may submit legal notices to the Mooresville/Decatur Times and the Martinsville Reporter for publication at least ten (10) days prior to the date of the Board of Zoning Appeals Public Hearing.

Email: lgideon@reporter-times.com
Email: jvarnell@reporter-times.com
Email: gphillips@reporter-times.com
Email: mooresvilletimeslegals@gannett.com

2. WRITTEN NOTIFICATION: The applicant must mail certified letters with return receipts requested to adjacent property owners post marked at least ten (10) days prior to the date of the Board of Zoning Appeals Public Hearing. An adjacent property owner is defined as all property owners two (2) deep or within six hundred and sixty (660) feet, whichever is less, of the applicant's property. The applicant must follow the sample written notification letter (See attached copy).

3. POSTING OF PROPERTY: Ten (10) days prior to the date of the Board of Zoning Appeals Public Hearing, the applicant must submit an affidavit stating a brief description of the proposed variance and the date, time, and location of the public hearing. (See attached affidavit.)

STAFF REVIEW: The Plan Commission Staff is available for additional consultation, scheduled by appointment, prior to the Board of Zoning Appeals meeting. Technical review will be completed by the town's consulting engineering firm approximately two (2) weeks prior to the date of the Board of Zoning Appeals Public Hearing. Copies of the technical review and Staff comments will be made available to the applicant prior to the public hearing.

BOARD OF ZONING APPEALS MEETING: The Board of Zoning Appeals meetings are held on the third Monday of every month in the Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 at 6:30 P.M.

ACTION BY THE BOARD OF ZONING APPEALS: Any person aggrieved by a decision of the Board of Zoning Appeals may present to the Circuit or Superior Court of Morgan County a verified petition setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. All appeals must be filed within thirty (30) days from the date of the Board of Zoning Appeals decision.

APPLICATION FOR SPECIAL EXCEPTION
MONROVIA BOARD OF ZONING APPEALS
TOWN OF MONROVIA, INDIANA

APPLICATION NO: _____
FEE PAID: _____
RECEIVED BY: _____

Applicant (s): _____ Telephone: _____
Address: _____ Fax: _____
Owner (s): _____ Telephone: _____
Address: _____

Applicant's Attorney

Name: _____
Address: _____
Telephone: _____

Applicant's Registered Land Surveyor

Name: _____
Address: _____
Telephone: _____

Project Name: _____

Property Information

Street Address: _____
Section: _____ Township: _____ Range: _____ Nearest Street Intersection: _____
Key Number (s): _____ _____
Subdivision Name: _____ Section No: _____ Lot No: _____
Existing Zoning Classification: _____ Existing Land Use: _____
Area: _____ acres Number of Lots/Parcels: _____ Lot Dimensions: _____ x _____ ft.

Legal Description of the property must be attached to the application.
Applicable Monrovia Zoning Ordinance Section Number(s): _____
Requested Action from the Monrovia Board of Zoning Appeals: _____

_____

The undersigned, having been duly sworn on oath states the above information is true and correct as he/she is informed and believes.

I (We) also understand that the application fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town at rates set out by various agreements and/or ordinances of the town, for services, inspections, reports, and the like required by the Town.

_____ _____
Date Signature of Applicant (s)

_____
Printed

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

SAMPLE – LETTER OF INTENT

Monrovia Board of Zoning Appeals
Monrovia, Indiana 46157

I intend to construct a house of approximately 3,500 square feet on this property. This will not be injurious to the community in any way. This should increase the value of the surrounding property. I clearly will not be able to construct a house without any road frontage so I must be able to get to my property on the easement.

SAMPLE PUBLIC NOTIFICATION LETTER
FOR A SPECIAL EXCEPTION

Date **(Date the letter is mailed)**

Name **(Name and address of adjacent Property Owner)**
Address
City, State and Zip

Dear, **(Name of Adjacent Property Owner)**

Please be advised that the undersigned property owner or agent for the property owner has made application to the Monrovia Board of Zoning Appeals requesting a Special Exception for:

_____
_____**(State Requested Special Exception).**

This proposed Special Exception is located at _____ **(Street Address)**, in the Town of Monrovia, Indiana planning area, Section _____, Township _____, Range _____ located near _____ **(Give the location of the property in relationship to the nearest street intersection.)** A copy of this application, legal description, and all plans pertaining to this proposed Special Exception, are on file and available for examination prior to the public hearing in the office of the Plan Commission at the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 Monday, Tuesday, Wednesday, and Thursday between 8:00 a.m. and 1:00 p.m.

Written objections to a proposal may be filed with the Plan Administrator within ten (10) days after the receipt of this letter at the above address and such objections will be considered.

The Monrovia Board of Zoning Appeals will hold a public hearing on this proposed Special Exception in the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 36157 on _____ _____ **(Date of the Public Hearing)** at 6:30 p.m.

Very truly yours,

Name and Signature of Applicant
Or Agent for the Applicant

SAMPLE OF NEWSPAPER AD

Note: Needs to be approved before publish

Notice of Public Hearing

Notice is hereby given that a public hearing will be held by the Monrovia Board of Zoning Appeals, at the Monrovia Municipal Center, 140 East Main Street, Monrovia, Indiana, on Monday, _____ at 6:30 p.m. in the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 to consider the application of _____, for a _____ Located at: _____. Section _____, Township _____, Range _____. Interested parties may appear and be heard at this public hearing.

A copy of this application, legal description, and all plans pertaining to this proposed use are on file and available for examination prior to the public hearing in the Office of the Plan Commission at the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 during the hours of 8:00 a.m. to 1:00 p.m. Monday, Tuesday, Wednesday, and Thursday.

Written objections to a proposal may be filed with the Plan Administrator within ten (10) days after the receipt of this letter at the above address and such objections will be considered.

The Monrovia Board of Zoning Appeals will hold a public hearing on this Variance in the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 on the _____ day of _____ at 6:30 p.m.

Special Accommodations

For special accommodations needed by handicapped individuals planning to attend this hearing, please call (317) 996-6116 or call (317) 996-6114 at least 48 hours in advance of meeting.

Note: Newspaper Legal Ad: Contact

Email: lgideon@reporter-times.com

Email: jvarnell@reporter-times.com

Email: gphillips@reporter-times.com

Email: mooresvilletimeslegals@gannett.com

EXAMPLE OF NEWSPAPER AD /

PROOF OF PUBLICATION

Newspaper Ad
Example
PC Public Hearing

Miscellaneous Legals
Michael L & Peggy L Richhart

NOTICE OF PUBLIC HEARING
Notice is hereby given that a public hearing will be held by the Monrovia Plan Commission, at the Monrovia Municipal Center, 140 E. Main St, Monrovia, Indiana on Tuesday, May 12, 2015 at 7:00 pm, upon the application of Michael L & Peggy L Richhart for the purpose of a two lot minor plat, located at 10462 N Gasburg Rd, Mooresville, IN in the Town of Monrovia, Indiana planning area. Section 8, Township 12N, Range 1E located at the Southwest Corner of Gasburg Rd and Gordon Rd, Mooresville, IN.
Information on this matter will be available for public inspection ten days prior to the said meeting during working hours from 8am-4pm Monday, Tuesday, Wednesday and Thursday, off on Friday at the Monrovia Municipal Center, Planning & Building Office, located at 140 E Main St, Monrovia, Indiana. Interested persons appearing in favor of or in opposition to the petition will be heard thereon by the board.
Michael & Peggy Richhart
Applicants
10158 N Gasburg Rd
Mooresville, IN 46158
hspaxlp

MOORESVILLE-TIMES
MOORESVILLE, INDIANA

PROOF OF PUBLICATION

State of Indiana

County of Morgan

The undersigned, being duly sworn on oath, says that he/she is Public Notice Clerk of Mooresville-Times a public newspaper of general circulation, printed in the town of Mooresville, in said county and state; that the notice, of which the annexed is a true copy, was published in regular edition of said paper, issued upon the following dates, to wit:

04/25/15

Subscribed and sworn to before me
April 29, 2015

Notary Public or Clerk

My Commission expires: _____

Publication Fee: $35.00

Pamela S Bird
Notary Public Seal State of Indiana
Morgan County
My Commission Expires 07/02/2015

AFFIDAVIT OF SIGN POSTING
FOR A SPECIAL EXCEPTION
MONROVIA BOARD OF ZONING APPEALS
TOWN OF MONROVIA, INDIANA

STATE OF INDIANA)
) SS:
COUNTY OF MORGAN)

RE: Request for a Zoning Amendment before the Monrovia Plan Commission

I, _____, after being first duly sworn states:
(Name of Person Posting Sign)

1. That the Monrovia Zoning Ordinance which requires the posting of a sign on the property being considered for a zoning amendment by the Monrovia Plan Commission, has been fully complied with in connection with the above referenced request; and

2. That said sign(s) was (were) duly erected on the _____ day of _____, 20 _____, in full compliance with the requirements of the Monrovia Zoning Ordinance and the sign(s) remain(s) on said property to this date.

Dated this _____ day of _____, 20 _____.

_____
(Signature of Person Posting Sign)

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
FOR SPECIAL EXCEPTION
MONROVIA BOARD OF ZONING AND APPEALS
TOWN OF MONROVIA, INDIANA

STATE OF INDIANA)
) SS:
COUNTY OF MORGAN)

I, _____, do hereby certify that notice
(Name of Person Mailing Letters)

to interested parties of the date, time, and place of the public hearing on the application for:
_____
(Name of Person on Application)

Located at: _____

_____ was certified and mailed to the last known address of each of the following interested persons owning property affected by this petition as defined in the Monrovia Zoning Ordinance (attach additional sheets, if necessary):

	OWNER	ADDRESS
1.		
2.		
3.		
4.		
5.		

And, that said notices were sent by certified mail on or before the _____ day of _____, 20 _____, being at least ten (10) days prior to the date of the public hearing.

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

NOTICE OF
PUBLIC HEARING

The Monrovia Board of Zoning & Appeals will consider:

_____

_____

This case will be heard on: _____

_____in the Monrovia Municipal Center, 140 East Main Street, Monrovia, Indiana 46157.

For additional information call: (317) 996-6116.

APPLICATION PROCEDURES
FOR VARIANCE FROM THE DEVELOPMENT STANDARDS
MONROVIA BOARD OF ZONING APPEALS
TOWN OF MONROVIA, INDIANA

DEFINITION: A modification of the strict terms of the relevant regulations where the modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not a result of the action of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship.

PRELIMINARY CONSULTATION: Prior to submitting an application for a variance from the development standards, the applicant is encouraged to schedule an appointment with Plan Commission Staff for an on-site or in house preliminary consultation to discuss the proposed variance. The applicant should provide a sketch showing the preliminary details of the variance request. There is no fee for this meeting. A written summary of this preliminary consultation will be provided upon request.

APPLICATION: The application will not be filed until all information is received. All applications will be reviewed for completeness and accuracy prior to acceptance. The following information must be submitted with the application:

1. A **notarized application** filed at least thirty (30) days before the date of the Board of Zoning Appeals Public Hearing.
2. A **legal description** of the property.
3. A **sketch plan** drawn to scale showing all existing and proposed improvements.
4. A **list of adjacent property owners** within six hundred sixty (660) feet but no more than two (2) property owners in depth.
5. A **Letter of Intent** which includes proof supporting the Findings of Fact.
6. A **sample letter** for the written notification requirements.
7. An **application fee** payable by check to the Town of Monrovia.

All applications must be submitted by appointment with the Plan Commission Staff.

FEES: The following fees apply to a variance from the development standards:

1.	Application:	$300.00 plus $50.00 for each additional variance of the development standards. Applicant is responsible for Legal Advertisement.

PUBLIC NOTIFICATION: The following notification is required:

1. NEWSPAPER NOTIFICATION: The applicant will submit legal notices in the Mooresville/Decatur Times and the Martinsville Reporter Times newspapers for publication at least ten (10) days prior to the date of the Board of Zoning Appeals Public Hearing.

Email: lgideon@reporter-times.com

Email: jvarnell@reporter-times.com

Email: gphillips@reporter-times.com

Email: mooresvilletimeslegals@gannett.com

2. WRITTEN NOTIFICATION: The applicant must mail certified letters with return receipts requested to adjacent property owners post marked at least ten (10) days prior to the date of the Board of Zoning Appeals Public Hearing. An adjacent property owner is defined at all property owners two (2) deep or within six hundred sixty (660) feet, whichever is less, of the applicant's property. The applicant must follow the sample written notification letter. (See attached copy.)

3. POSTING OF PROPERTY: Ten (10) days prior to the date of the Board of Zoning Appeals Public Hearing, the applicant must submit an affidavit stating a brief d4escription of the proposed variance and the date, time, and location of the public hearing. (See attached affidavit.)

STAFF REVIEW: The Plan Commission Staff is available for additional consultation, scheduled by appointment, prior to the Board of Zoning Appeals meeting. Technical review will be completed by the town's consulting engineering firm approximately two (2) weeks prior to the date of the Board of Zoning Appeals Public Hearing. Copies of the technical review and Staff comments will be made available to the applicant prior to the public hearing.

BOARD OF ZONING APPEALS MEETING: The Board of Zoning Appeals meetings are held on the third Monday of every month in the Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 at 6:30 p.m.

ACTION BY THE BOARD OF ZONING APPEALS: Any person aggrieved by a decision of the Board of Zoning Appeals may present to the Circuit or Superior Court of Morgan County a verified petition setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. All appeals must be filed within thirty (30) days from the date of the Board of Zoning Appeals decision.

APPLICATION FOR VARIANCE FROM THE DEVELOPMENT STANDARDS MONROVIA BOARD OF ZONING APPEALS TOWN OF MONROVIA, INDIANA

APPLICATION NO: _____
FEE PAID: _____
RECEIVED BY: _____

Applicant (s): _____ Telephone: _____
Address: _____ Fax: _____
Owner (s): _____ Telephone: _____
Address: _____

Applicant's Attorney

Name: _____
Address: _____
Telephone: _____

Applicant's Registered Land Surveyor

Name: _____
Address: _____
Telephone: _____

Property Information

Street Address: _____
Section: _____ Township: _____ Range: _____ Nearest Street Intersection: _____
Key Number (s): _____
Subdivision Name: _____ Section No: _____ Lot No: _____
Existing Zoning Classification: _____ Existing Land Use: _____
Area: _____ acres Number of Lots/Parcels: _____ Lot Dimensions: _____ x _____ ft.

Legal Description of the property must be attached to the application.
Applicable Monrovia Zoning Ordinance Section Number(s): _____
Requested Action from the Monrovia Board of Zoning Appeals: _____

_____

The undersigned, having been duly sworn on oath states the above information is true and correct as he/she is informed and believes.

I (We) also understand that the application fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town at rates set out by various agreements and/or ordinances of the town, for services, inspections, reports, and the like required by the Town.

_____ _____
Date Signature of Applicant (s)

_____
Printed

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

SAMPLE – LETTER OF INTENT

Monrovia Board of Zoning Appeals
Monrovia, Indiana 46157

I intend to construct a house of approximately 3,500 square feet on this property. This will not be injurious to the community in any way. This should increase the value of the surrounding property. I clearly will not be able to construct a house without any road frontage so I must be able to get to my property on the easement.

SAMPLE PUBLIC NOTIFICATION LETTER
FOR A VARIANCE FROM THE DEVELOPMENT STANDARDS
MONROVIA BOARD OF ZONING & APPEALS
TOWN OF MONROVIA, INDIANA

Date **(Date the letter is mailed)**

Name **(Name and address of adjacent Property Owner)**
Address
City, State and Zip

Dear, **(Name of Adjacent Property Owner)**

Please be advised that the undersigned property owner or agent for the property owner has made application to the Monrovia Board of Zoning Appeals requesting a Variance of the Development Standards for:
(State Requested Variance of Development Standards) _____
_____
This proposed variance is located at _____ **(Street Address)**, in the Town of Monrovia, Indiana planning area, Section _____, Township _____, Range _____ located near _____ **(Give the location of the property in relationship to the nearest street intersection.)**

A copy of this application, legal description, and all plans pertaining to this proposed Special Exception, are on file and available for examination prior to the public hearing in the office of the Plan Commission at the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 Monday, Tuesday, Wednesday, and Thursday between 8:00 a.m. and 1:00 p.m.

Written objections to a proposal may be filed with the Plan Administrator within ten (10) days after the receipt of this letter at the above address and such objections will be considered.

The Monrovia Board of Zoning Appeals will hold a public hearing on this proposed Variance in the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 36157 on _____ _____ **(Date of the Public Hearing)** at 6:30 p.m.

SPECIAL ACCOMMODATIONS

For special accommodations needed by handicapped individuals planning to attend this Meeting, please call (317) 996-6116 or (317) 996-6114 at least 48 hours in advance of meeting.

Very truly yours,

Name and Signature of Applicant
Or Agent for the Applicant

SAMPLE OF NEWSPAPER AD

Note: Needs to be approved before publish

Notice of Public Hearing

Notice is hereby given that a public hearing will be held by the Monrovia Board of Zoning Appeals, at the Monrovia Municipal Center, 140 East Main Street, Monrovia, Indiana, on Monday, _____ at 6:30 p.m. in the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 to consider the application of _____, for a _____ Located at: _____. Section _____, Township _____, Range _____. Interested parties may appear and be heard at this public hearing.

A copy of this application, legal description, and all plans pertaining to this proposed use are on file and available for examination prior to the public hearing in the Office of the Plan Commission at the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 during the hours of 8:00 a.m. to 1:00 p.m. Monday, Tuesday, Wednesday, and Thursday.

Written objections to a proposal may be filed with the Plan Administrator within ten (10) days after the receipt of this letter at the above address and such objections will be considered.

The Monrovia Board of Zoning Appeals will hold a public hearing on this Variance in the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 on the _____ day of _____ at 6:30 p.m.

Special Accommodations

For special accommodations needed by handicapped individuals planning to attend this hearing, please call (317) 996-6116 or call (317) 996-6114 at least 48 hours in advance of meeting.

Newspaper Contacts:

Email: lgideon@reporter-times.com

Email: jvarnell@reporter-times.com

Email: gphillips@reporter-times.com

Email: mooresvilletimeslegals@gannett.com

EXAMPLE OF NEWSPAPER AD /

PROOF OF PUBLICATION

Newspaper Ad
Example
PC Public Hearing

Miscellaneous Legals
Michael L & Peggy L Richhart

NOTICE OF PUBLIC HEARING
Notice is hereby given that a public hearing will be held by the Monrovia Plan Commission, at the Monrovia Municipal Center, 140 E. Main St, Monrovia, Indiana on Tuesday, May 12, 2015 at 7:00 pm, upon the application of Michael L & Peggy L Richhart for the purpose of a two lot minor plat, located at 10462 N Gasburg Rd, Mooresville, IN in the Town of Monrovia, Indiana planning area. Section 8, Township 12N, Range 1E located at the Southwest Corner of Gasburg Rd and Gordon Rd, Mooresville, IN.
Information on this matter will be available for public inspection ten days prior to the said meeting during working hours from 8am-4pm Monday, Tuesday, Wednesday and Thursday, off on Friday at the Monrovia Municipal Center, Planning & Building Office, located at 140 E Main St, Monrovia, Indiana. Interested persons appearing in favor of or in opposition to the petition will be heard thereon by the board.
Michael & Peggy Richhart
Applicants
10158 N Gasburg Rd
Mooresville, IN 46158
hspaxlp

MOORESVILLE-TIMES
MOORESVILLE, INDIANA

PROOF OF PUBLICATION

State of Indiana

County of Morgan

The undersigned, being duly sworn on oath, says that he/she is Public Notice Clerk of Mooresville-Times a public newspaper of general circulation, printed in the town of Mooresville, in said county and state; that the notice, of which the annexed is a true copy, was published in regular edition of said paper, issued upon the following dates, to wit:

04/25/15

Subscribed and sworn to before me
April 29, 2015

Notary Public or Clerk

My Commission expires: _____

Publication Fee: $35.00

Pamela S Bird
Notary Public Seal State of Indiana
Morgan County
My Commission Expires 07/02/2015

AFFIDAVIT OF SIGN POSTING
FOR VARIANCE FROM THE DEVELOPMENT STANDARDS
MONROVIA BOARD OF ZONING APPEALS
TOWN OF MONROVIA, INDIANA

STATE OF INDIANA)
) SS:
COUNTY OF MORGAN)

RE: Request for a Variance from the Development Standards before the Monrovia Board of Zoning Appeals.

I, _____, after being first duly sworn states:
(Name of Person Posting Sign)

1. That the Monrovia Zoning Ordinance which requires the posting of a sign on the property being considered for a variance by the Monrovia Board of Zoning Appeals, has been fully complied with in connection with the above referenced request; and

2. That said sign(s) was (were) duly erected on the _____ day of _____, 20 _____, in full compliance with the requirements of the Monrovia Zoning Ordinance and the sign(s) remain(s) on said property to this date.

Dated this _____ day of _____, 20 _____.

_____
(Signature of Person Posting Sign)

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
FOR VARIANCE FROM THE DEVELOPMENT STANDARDS
MONROVIA BOARD OF ZONING AND APPEALS
TOWN OF MONROVIA, INDIANA

STATE OF INDIANA)
) SS:
COUNTY OF MORGAN)

I, _____, do hereby certify that notice
(Name of Person Mailing Letters)

to interested parties of the date, time, and place of the public hearing on the application for:
_____
(Name of Person on Application)

Located at: _____

_____ was certified and mailed to the last known address of each of the following interested persons owning property affected by this petition as defined in the Monrovia Zoning Ordinance (attach additional sheets, if necessary):

	OWNER	ADDRESS
1.		
2.		
3.		
4.		
5.		

And, that said notices were sent by certified mail on or before the _____ day of _____, 20 _____, being at least ten (10) days prior to the date of the public hearing.

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

NOTICE OF
PUBLIC HEARING

The Monrovia Board of Zoning & Appeals will consider:

_____

_____

This case will be heard on: _____

_____in the Monrovia Municipal Center, 140 East Main Street, Monrovia, Indiana 46157.

For additional information call: (317) 996-6116.

APPLICATION PROCEDURES
FOR MINOR SUBDIVISION REVIEW
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

DEFINITION: The subdivision of a tract of land into three (3) residential, commercial, or industrial parcels or less including the remainder of the original parcel fronting upon an existing street.

PRELIMINARY CONSULTATION: Prior to submitting an application for a minor subdivision, the applicant is encouraged to schedule an appointment with Plan Commission Staff for an on-site or in house preliminary consultation to discuss the proposed project. The applicant should provide a sketch showing the preliminary details of the project. The applicant's engineer is also encouraged to attend this meeting. There is no fee for this meeting. A written summary of this preliminary consultation will be provided upon request.

APPLICATION: The application will not be filed until all information is received. All applications will be reviewed for completeness and accuracy prior to acceptance. The following information must be submitted with the application:

1. A **notarized application** filed at least thirty (30) days before the date of the Board of Zoning Appeals Public Hearing.
2. A **legal description** of the property.
3. Two (2) copies of the **final plat and development plan** including the topographic overlay and area map.
4. A **list of adjacent property owners** within six hundred sixty (660) feet but no more than two (2) property owners in depth.
5. An **application fee** payable by check to the Town of Monrovia.

All applications must be submitted by appointment with the Plan Commission Staff.

FEES: The following fees apply to the minor subdivision review:

1. Application:	$500.00 + $10.00 / Lot
2. Applicant is responsible for Legal Advertisement	
3. Engineer Review	
a. Primary/Preliminary:	$600.00
b. Secondary/Final	$500 + $20.00 / ac.

PUBLIC NOTIFICATION: The following notification is required:

1. NEWSPAPER NOTIFICATION: The applicant responsibility to submit legal notices in the Mooresville Times and the Martinsville Reporter newspapers for publication at least ten (10) days prior to the date of the Plan Commission's Public Hearing.

Email: lgideon@reporter-times.com

Email: jvarnell@reporter-times.com

Email: gphillips@reporter-times.com

Email: mooresvilletimeslegals@gannett.com

WRITTEN NOTIFICATION: The applicant must mail certified letters with return receipts requested to adjacent property owners post marked at least ten (10) days prior to the date of the Plan Commission's Public Hearing. An adjacent property owner is defined as all property owners two (2) deep or within six hundred and sixty (660) feet, whichever is less, of the applicant's property. The applicant must follow the sample written notification letter. (See attached copy.)

STAFF REVIEW: The Plan Commission Staff is available for additional consultation, scheduled by appointment, prior to the Plan Commission meeting. Technical review will be completed by the town's consulting engineering firm approximately two (2) weeks prior to the date of the Plan Commission's Public Hearing. Copies of the technical review and staff comments will be made available to the applicant prior to the public hearing.

PLAN COMMISSION MEETING: The Monrovia Plan Commission meetings are held on the 2nd Tuesday of each month at the Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 at 6:30 p.m.

PLAT RECORDING: The applicant is responsible for recording the approved plat. The following procedures apply:

1. The applicant must submit three (3) copies of the Plat's to be signed and sealed by the president and plan administrator of the Plan Commission.

2. The applicant is responsible to file the plat with the Morgan County Recorder.

3. The final plat must be recorded prior to receiving a local building permit;

4. The applicant must submit one (1) recorded copy to the Town of Monrovia.

APPLICATION FOR MINOR SUBDIVISION
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

APPLICATION NO: _____
FEE PAID: _____
RECEIVED BY: _____

Applicant (s): _____ Telephone: _____
Address: _____ Fax: _____
Owner (s): _____ Telephone: _____
Address: _____

Applicant's Attorney

Name: _____
Address: _____
Telephone: _____

Applicant's Registered Land Surveyor

Name: _____
Address: _____
Telephone: _____

Property Information

Street Address: _____
Section: _____ Township: _____ Range: _____ Nearest Street Intersection: _____
Key Number (s): _____ _____
Subdivision Name: _____ Section No: _____ Lot No: _____
Existing Zoning Classification: _____ Existing Land Use: _____
Area: _____ acres Number of Lots/Parcels: _____ Lot Dimensions: _____ x _____ ft.

Legal Description of the property must be attached to the application.
Applicable Monrovia Zoning Ordinance Section Number(s): _____
Requested Action from the Monrovia Plan Commission: _____

_____

I do hereby apply for approval of the plat or replat for the proposed subdivision or resubdivision of land in accordance with the provisions of the Comprehensive Plan and Subdivision Control Ordinance of Monrovia, Indiana. I am the owner of the real estate included in the proposed subdivision.

The undersigned, having been duly sworn on oath states the above information is true and correct as he/she is informed and believes.

I (We) also understand that the application fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town at rates set out by various agreements and/or ordinances of the town, for services, inspections, reports, and the like required by the Town.

_____ _____
Date Signature of Applicant (s)

_____
Printed

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

NEWSPAPER AD

NOTE: Needs to be approved by Plan Commission Dept. before publication

Notice of Public Hearing

Notice is hereby given that a Public Hearing will be held by the Monrovia Plan Commission, at the Monrovia Municipal Center, 140 East Main Street, Monrovia, Indiana, on Tuesday, _____ at 6:30 p.m. in the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 to consider the application of: _____ for a _____ on a _____ acre parcel located at: _____, Section _____, Township_____, Range _____ parties may appear and be heard at this Public Hearing.

A copy of this application, legal description, and all plans pertaining to this proposed use are on file and available for examination prior to the public hearing in the Office of the Plan Commission at the Monrovia Municipal Center located at 140 E. Main Street, Monrovia, Indiana 46157 during hours 8:00 a.m. to 1:00 p.m. Monday, Tuesday, Wednesday and Thursday.

Written objections to a proposal may be filed with the Plan Administrator within ten (10) days after the receipt of this letter at the above address and such objections will be considered.

Special Accommodations

For special accommodations needed by handicapped individuals planning to attend this hearing, please call (317) 996-6116 or call (317) 996-6114 at least 48 hours in advance of meeting.

Newspaper Ad:

Email: lgideon@reporter-times.com

Email: jvarnell@reporter-times.com

Email: gphillips@reporter-times.com

Email: mooresvilletimeslegals@gannett.com

EXAMPLE OF NEWSPAPER AD /

PROOF OF PUBLICATION

Newspaper Ad
Example
PC Public Hearing

Miscellaneous Legals
Michael L & Peggy L Richhart

NOTICE OF PUBLIC HEARING
Notice is hereby given that a public hearing will be held by the Monrovia Plan Commission, at the Monrovia Municipal Center, 140 E. Main St, Monrovia, Indiana on Tuesday, May 12, 2015 at 7:00 pm, upon the application of Michael L & Peggy L Richhart for the purpose of a two lot minor plat, located at 10462 N Gasburg Rd, Mooresville, IN in the Town of Monrovia, Indiana planning area. Section 8, Township 12N, Range 1E located at the Southwest Corner of Gasburg Rd and Gordon Rd, Mooresville, IN.
Information on this matter will be available for public inspection ten days prior to the said meeting during working hours from 8am-4pm Monday, Tuesday, Wednesday and Thursday, off on Friday at the Monrovia Municipal Center, Planning & Building Office, located at 140 E Main St, Monrovia, Indiana. Interested persons appearing in favor of or in opposition to the petition will be heard thereon by the board.
Michael & Peggy Richhart
Applicants
10158 N Gasburg Rd
Mooresville, IN 46158
hspaxlp

MOORESVILLE-TIMES
MOORESVILLE, INDIANA

PROOF OF PUBLICATION

State of Indiana

County of Morgan

The undersigned, being duly sworn on oath, says that he/she is Public Notice Clerk of Mooresville-Times a public newspaper of general circulation, printed in the town of Mooresville, in said county and state; that the notice, of which the annexed is a true copy, was published in regular edition of said paper, issued upon the following dates, to wit:

04/25/15

Subscribed and sworn to before me
April 29, 2015

Notary Public or Clerk

My Commission expires: _____

Publication Fee: $35.00

Pamela S Bird
Notary Public Seal State of Indiana
Morgan County
My Commission Expires 07/02/2015

SAMPLE PUBLIC NOTIFICATION LETTER
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

Date **(Date the letter is mailed)**

Name
Address **(Name and Address of Adjacent Property Owner)**
City, State and Zip

Dear, **(Name of Adjacent Property Owner)**

Please be advised that the undersigned property owner or agent for the property owner has made application to the Monrovia Plan Commission requesting an approval for:

_____ **(State Proposed Subdivision).**
_____

This proposed Subdivision is located in the Town of Monrovia, Indiana planning area, at _____ **(Address),**
Section _____, Township _____, Range _____
Located near _____ **(Give the location of the property in relationship to the nearest street intersection).**
A copy of this application, legal description, and all plans pertaining to this proposed use are on file and available for examination prior to the public hearing in the office of the Plan Commission at the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 during hours 8:00 a.m. to 1:00 p.m. Monday, Tuesday, Wednesday and Thursday.

Written objections to a proposal may be filed with the Plan Administrator within ten (10) days after the receipt of this letter at the above address and such objections will be considered.

The Monrovia Plan Commission will hold a public hearing on this proposed Subdivision in the Monrovia Municipal Center located at 140 East Main Street, Monrovia, Indiana 46157 on _____ _____ at 6:30 p.m.

SPECIAL ACCOMMODATIONS
For special accommodations needed by handicapped individuals planning to attend this meeting, please call (317) 996-6116 or (317) 996-6114 at least 48 hours in advance of meeting.

Very truly yours,

Name and Signature of Applicant
Or Agent for the Applicant

AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

STATE OF INDIANA)
) SS:
COUNTY OF MORGAN)

I, _____ do hereby certify that notice
(Name of Person Mailing Letters)

to interested parties of the date, time, and place of the public hearing on the application for:
_____
(Name of Person on Application)

Located at: _____

_____ was certified and mailed to the last known address of each of the following interested persons owning property affected by this petition as defined in the Monrovia Zoning Ordinance (attach additional sheets, if necessary):

	OWNER	ADDRESS
1.		
2.		
3.		
4.		
5.		

And, that said notices were sent by certified mail on or before the _____ day of _____, 20 _____, being at least ten (10) days prior to the date of the public hearing.

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

AFFIDAVIT OF SIGN POSTING
MONROVIA PLAN COMMISSION
TOWN OF MONROVIA, INDIANA

STATE OF INDIANA)
) SS:
COUNTY OF MORGAN)

RE: Request for a Subdivision before the Monrovia Plan Commission.

I, _____, after being first duly sworn states:
(Name of Person Posting Sign)

1. That the Monrovia Zoning Ordinance which requires the posting of a sign on the property being considered for a subdivision, adopted by the Monrovia Plan Commission, has been fully complied with in connection with the above referenced request; and

2. That said sign(s) was (were) duly erected on the _____ day of _____, 20 _____, in full compliance with the requirements of the Monrovia Zoning Ordinance and the sign(s) remain(s) on said property to this date.

Dated this _____ day of _____, 20 _____.

_____
(Signature of Person Posting Sign)

State of Indiana)
SS:
County of Morgan)

Subscribed and sworn to before me this _____ day of _____, _____.

_____ _____
Notary Public: Signature Printed Name

My Commission Expires: _____ Residing in _____ County

NOTICE OF
PUBLIC HEARING

The Monrovia Plan Commission will consider:

_____

_____

This case will be heard on: _____

_____in the Monrovia Municipal Center, 140 East Main Street, Monrovia, Indiana 46157.

For additional information call: (317) 996-6116.

BUILDING PERMIT APPLICATION
TOWN OF MONROVIA, INDIANA

LOCATION OF IMPROVEMENT

Street Address: _____
(Street Number and Name, Post Office, and Zip Code)

Section: _____ Township: _____ Range: _____ Plat Book: Page_____ Block _____ Lot _____
Minor Subdivision Number: _____ Lot Number: _____
Major Subdivision Name: _____ Section: _____ Lot No: _____
Zoning Classification: _____ Lot Area: _____ sq. ft. Lot Dimensions: _____ x _____ ft.
Location to Nearest Intersection: _____

PROJECT CONTACTS (Name, Street Address, city, State, Zip Code, and Telephone Number)

Owner: _____
_____
_____

Engineer/Surveyor: _____
_____
_____

Builder/Contractor: _____
_____
_____

TYPE OF IMPROVEMENT

TYPE OF STRUCTURE	TYPE OF STRUCTURAL WORK	USE OF PROPOSED STRUCTURE
_____ Principle	_____ New	_____ Single Family
_____ Accessory	_____ Addition	_____ Two Family
_____ Garage	_____ Remodeling	_____ Multifamily
_____ Storage	_____ Relocation	_____ Commercial
_____ Other (Specify)	_____ Electrical	_____ Industrial
_____	_____ Other (Specify)	_____ Mobile Home
	_____	_____ Other (Specify)
		_____

CHARACTERISTICS OF THE STRUCTURE

Total Area: _____ sq. ft. Total Living Area: _____ sq. ft.
Numbers of: Floors _____ Room _____ Bedrooms_____ Height of Structure _____ ft.
Off Street Parking Spaces: Indoor _____ Outdoor _____ Total _____
Estimated Construction Cost of Structure: $_____

UTILITIES

Source of Water Supply: _____
Source of Sewage Disposal: _____
Source of Electrical Power: _____
Name of Plumbing Contractor: _____
Street Culvert to be installed by: _____

PERMITS / APPROVALS

_____ Indiana State Release of Plans
_____ Indiana IDEM
_____ Indiana IDNR
_____ Sanitary Sewer Tap-In Permit
_____ Zoning Variance
_____ Zoning Amendment

FLOODPLAIN DATA (Complete only if site is within the 100-year floodplain)

Elevation of the 100-year flood: _____ ft. First floor elevation above mean sea level: _____ ft.

AFFIDAVIT OF APPLICANT

1. Work cannot be started before a building permit has been posted and work cannot continue if the building permit has been destroyed, lost, or stolen. A new building permit must be posted.
2. The building permit must be posted on-site in a conspicuous location, visible from the street, and must remain in place during the entire period of construction.
3. The building permit becomes void if construction work has not started within twelve (12) months from the date the permit was issued.
4. If any changes or deviations are made from the original application, a new building permit must be obtained from the Planning and Building Department.
5. The undersigned is responsible for the scheduling of all building inspections. When scheduling building inspections, refer to the permit number.
6. The structure cannot be occupied until all inspections have been made and approved, and a Certificate of Occupancy has been issued by the Building Inspector.
7. The undersigned owner or agent understands that the approval of this application does not constitute a privilege to violate any applicable governmental ordinances, codes, or laws. In addition, any omission or misrepresentation of fact, with or without intention of the undersigned, or any alteration or change from this application without approval of the Building Inspector, shall constitute grounds for the revocation of any permit issued which was based on the approval of this application.
8. I (we) also understand that the application fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town of Monrovia at rates set out by various agreements and/or ordinances of the Town, for services, inspections, reports, and the like required by the Town.

_____
(Applicant's Name – Please Print)

_____ _____
(Applicant's Signature) (Date)

_____
(Mailing Address)

_____ _____
(City, State and Zip Code) (Telephone Number)

Permit Fee Collected: $_____
Receipt Number: _____ Date Received: _____
Permit Number: _____ Date Issued: _____
Issued By: _____ Date Denied: _____

TOWN OF MONROVIA
IMPROVEMENT PERMIT FEE SCHEDULE
ADOPTED JUNE 12TH, 2006

RESIDENTIAL STRUCTURE

One & Two Family Dwelling	$600.00		less than 1500 sq. ft.
	$600.00	+	.10 per sq. ft. over 1500
Multi-Family	$500.00		$100.00 per unit
Additions (3 rooms or less)	$200.00		less than 1000 sq. ft.
	$200.00	+	.10 per sq. ft. over 1000
Additions (greater than 3 rooms)	$250.00		les than 1000 sq. ft.
	$250.00	+	.10 per sq. ft. over 1000
Remodeling	$200.00		house less than 1500 sq. ft.
	$200.00	+	.10 per sq. ft. over 1500
	$200.00		Apt. less than 1000 sq. ft.
	$200.00	+	.10 per sq. ft. over 1000
Accessory Structures:			
(Attached/detached garages, etc. greater than 200 sq. ft. or on permanent foundation)	$200.00		less than 1000 sq. ft.
	$200.00	+	.10 per sq. ft. over 1000
Agricultural Buildings			
(No fees on 20 acres or more and used for agricultural purposes)	$100.00		
Manufactured Homes	$400.00		less than 1000 sq. ft.
	$400.00	+	.10 per sq. ft. over 1000
Swimming Pool			
(Greater than 24 inches in depth & diameter of 12 feet or greater)	$200.00		
Demolition - Houses not rebuilt	$100.00		per structure
Relocation - Houses being moved to new site	$400.00		less than 1500 sq. ft.
	$400.00	+	.10 per sq. ft. over 1500

TOWN OF MONROVIA
IMPROVEMENT PERMIT FEE SCHEDULE
ADOPTED JUNE 12TH, 2006

RESIDENTIAL STRUCTURE (continued)

Driveway (NEW)	$175.00		
Electrical	$75.00		
Plumbing	$75.00		
Heating Ventilation/Air Conditioning	$75.00		
Fence	$50.00		
Reinspection Fee (Work found incomplete or access not available)			

TOWN OF MONROVIA
IMPROVEMENT PERMIT FEE SCHEDULE
ADOPTED JUNE 12TH, 2006

COMMERCIAL RESIDENTIAL STRUCTURE

Fees listed include plan review and initial inspections.

*** New Construction**			
(Office, Retail,Schools, Churches, etc.)	$800.00	+	.10 per sq. ft.
*** Additions**	$350.00	+	.10 per sq. ft.
*** Remodeling**	$350.00	+	.10 per sq. ft.
			or remodeled area
Accessory Structure			
(Tanks, Storage, Etc)	$300.00	+	.10 per sq. ft.
Relocation	$215.00	+	.10 per sq. ft.
Demolition	$100.00		Per Structure
Swimming Pool	$250.00		
Electrical	$150.00		
Plumbing	$150.00		
Heating Ventilation/Air Conditioning	$150.00		
Re-Inspection Fee	$50.00		
(work found incomplete or access not available)			
Inspection Fees	$30.00		
*** Special circumstances may require additional inspection fee after review of their construction plan**			

TOWN OF MONROVIA
IMPROVEMENT PERMIT FEE SCHEDULE

PLANNING AND ZONING ADMINISTRATIVE FEES

I. PLANNING ADMINISTRATION FEES

A.	**SUBDIVISION REVIEWS**				
1	**Minor Subdivision**	$500.00	+	$10.00 / Lot	
2	**Major Subdivision**				
	a. Primary/Preliminary	$600.00	+	$10.00 / Lot	
	b. Secondary/Final	$500.00		$10.00 / Lot	
3	**Revision -** Change to an approved, unrecorded plat	$500.00			
4	**Amendment** - change to a recorded plat	$600.00	+	$10.00 / Lot	
5	**Extension of time for Plat Recording**	$200.00			
6	**Vacation of a Recorded Plat**	$500.00	+	$10.00 / Lot	
B.	**ZONING AMENDMENTS**				
1	**Text Amendment**	$450.00			
2	**Zoning Map Classification**	$450.00			
C.	**SITE PLAN REVIEWS**				
1	**Preliminary Site Plan**	$600.00			
2	**Final Site Plan**	$600.00	+	$10.00 / acre	
D.	**RESIDENTIAL DESIGN GUIDELINE REVIEW FEE**	$500.00	+	$50.00 / model	
	MONROVIA TOWN PLANNER	$130 / Hour			
E.	**PLAN UNIT DEVELOPMENT (PUD)**				
1	**Preliminary Development Plan**	$1000.00	+	$25.00 / acre	
2	**Final Development Plan**	$750.00	+	$10.00 / acre	
3	**Revision / Amendment**	$750.00			

F.	**ENGINEERING DESIGN REVIEW FEES**			
1	**Minor Subdivision**			
	a. Primary / Preliminary	$500.00		
	b. Secondary / Final	$750.00	+	$20.00 / acre
2	**Major Subdivision**			
	a. Primary / Preliminary			
	(1) Residential	$500.00	+	$10.00 / lot
	(2) Commercial/Industrial	$500.00	+	$10.00 / acre
	b. Secondary / Final			
	(1) Residential	$750.00	+	$25.00 / lot
	(2) Commercial/Industrial	$750.00	+	$25.00 / acre
3	**Revision / Amendment**	$750.00		
4	**Site Plan Review / Development Plans**			
	a. Primary / Preliminary			
	(1) Residential	$500.00	+	$10.00 / lot
	(2) Commercial / Industrial	$500.00	+	$10.00 / acre
	b. Secondary / Final			
	(1) Residential	$750.00	+	$25.00 / lot
	(2) Commercial / Industrial	$750.00	+	$25.00 / acre
G.	**TRAFFIC STUDY REVIEW**	$650.00		
	Waivers	$75.00		
1	**Miscellaneous**			
	a. Site Consultation	$130.00 / hour		
	b. "As Built" Plan Review	$130.00 / hour		
	c. Performance Bond Review	$130.00 / hour		
	d. Prerecording Review	$130.00 / hour		
	e. Board of Zoning Appeals Technical Review	$130.00 / hour		
H.	**CONSTRUCTION MANAGEMENT FEES**			
	All projects subject to construction management review	$150.00 / hour		
I.	**PUBLIC HEARING NOTIFICATIONS**			
	Newspaper Legal Advertisements	$70.00		
J.	**PUBLICATIONS**			
1	Comprehensive Plan	$5.00		
2	Zoning Ordinance	$10.00		

3	Subdivision Control Ordinance	$5.00		
4	Thoroughfare Plan	$5.00		
5	SDESCO	$5.00		
6	Rules of Procedure	$3.00		

II. ZONING ADMINISTRATION FEES

A.	**APPEALS**			
	Administrative Appeal	$200.00		
B.	**VARIANCES**			
1	Develoment Standard Variance	$300.00	+	$50.00 for each additional develoment standard
2	Use Variance	$450.00		
C.	**SPECIAL EXCEPTIONS**			
1	Residential Use	$300.00		
2	Commercial / Industrial	$450.00		
3	Mobile Home	$200.00		
4	Renewals	$200.00		
D.	**PUBLIC HEARING NOTIFICATIONS**			
	Newspaper Legal Advertisements	$70.00		
E.	**PUBLICATIONS**			
1	Zoning Ordinance	$10.00		
2	Rules of Procedure	$3.00		

III. PERMIT FEES

A.	**IMPROVEMENT LOCATION PERMITS**			
1	Improvement Location Permit Fees are included in the fee for the building permit fee.			
B.	**SIGN PERMITS**			
1	No Billboard Permitted			
2	Commercial / Industrial Signs			
	a. Freestanding	$150.00		
	b. Wall	$75.00		
	c. Small business without lights, maximum 8 sq. ft.	$75.00		
	d. Signs included in a review for a Site Plan	No Charge		

IV. MISCELLANEOUS PROVISIONS

A.	Applications and petitions shall be accompanied with the proper application / petition fee payment.
B.	Checks or money orders must be made payable to the Town of Monrovia.
C.	No application shall be processed until the applicable fees have been paid.
D.	All application / petition fees paid are nonrefundable.
E.	All applications / petition fees are doubled if construction is started before securing the proper improvement location permit / building permit.