

March 6, 2003

The Ellettsville, Indiana Plan Commission met in regular session at 7:00 p.m., Thursday, March 6th, 2003. Frank Buczolic called the meeting to order and lead everyone in the Pledge of Allegiance. Members present were Frank Buczolic, President; David Drake, Vice-President; Terry Baker, Sandra Hash and Don Calvert. Geraldine McIntyre arrived at 7:14 p. m. William Evans, Secretary was not present.

APPROVAL OF THE MINUTES:

David Drake made a motion to approve the minutes of the regular meeting of February 6th, 2003. Terry Baker seconded. Motion carried 4-0.

NEW BUSINESS: Public Hearing for Zoning Ordinance Chapter 805-840 of the Ellettsville Town Code

Bill Land gave a brief presentation. He wanted to make a few punctuation, word and paragraph changes that are not substantial on the Ordinance document to help clarify prior to doing a proofread and the final document. He read the prologue to the document titled "Town of Ellettsville Zoning Ordinance 2003" and requested it be recorded in the permanent minutes. It reads as follows:

The review of the existing Zoning Ordinance took place immediately upon the adoption of the Comprehensive Plan of Ellettsville in February of 2002. A steering committee was formed to study the existing zoning code and planning materials supplied by the Ellettsville Town Planner, Bill Land, AICP.

It was an early decision to completely replace the existing code with a new document reflecting the changing land uses in Ellettsville, the need to reflect current trends in planning, and to implement land use policies found in the new Comprehensive Plan.

The committee met for 5 long meetings and working as a team with the consultant preparing a draft which was reviewed by the Ellettsville Plan Commission in 3 Plan Commission workshops.

The new code evolved with a realization that the quality of life of the community depended in part on creating a document which would reflect community goals. The code must promote local control, protection of private property rights and protection of the value of property investments.

Several other zoning codes were accessed for technical text and definitions: the Cities of Columbus, Franklin, Huntingburg and Ferdinand as well as Monroe and Brown Counties were used for guidance. These communities and counties were very familiar to the consultant.

The existing zoning map showing various zoning districts will not be changed at this time.

It is strongly suggested that a formal 2 year review of the Zoning Ordinance take place to keep the ordinance up to date and to change what may not be working well for the citizens of Ellettsville.

Bill discussed the ordinance. He pointed out this did not affect the zoning map. He encouraged a formal review of the ordinance every two years to keep it up to date and working well. This will allow changes if things are not working well. It can also be amended as problems or changes arise. This document will pertain to future growth. It does not affect current land uses. The ordinance is prepared to meet the challenge of the Clean Water Act most of the way. The State has not clarified all of its mandate yet but we are ahead of curve with this ordinance. Chapter 811-25 (7) demands adequate on site storm water erosion control be addressed. Chapter 812 is a modernized version of erosion control with state of the art numbers, definitions and procedures. This will get us through most of the test related to erosion control. We will be able to quote it in court if necessary. Chapter 813 addresses storm water control. He discussed the ordinance will comply with Rule 13.

Bill requested a work shop on the subdivision control ordinance at the next Plan Commission meeting.

Jim Davis questioned who the Zoning Administrator would be. The current code states the Building Inspector is the enforcer of the Planning and Zoning Chapter. Jim does not think the Building Inspector should be the Zoning Administrator since that position will deal with flood control and erosion problems. Bill answered after the subdivision ordinance and zoning map are complete he would be willing to attend the Plan Commission meetings and make inspections serving as the zoning administrator. He would report his findings in writing.

Jim also brought up that mobile homes were not mentioned in the ordinance. Bill responded there were no provisions for mobile homes parks. A mobile home park would have to be introduced as a planned unit development which would require more detailed planning specific to the use. A manufactured home has an Indiana seal. There is a minimum square footage requirement. It is difficult to restrict a doublewide for example if it meets the square footage requirement. A permanent foundation is also required.

Jim also requested the definition for one and two family dwelling code reference be changed from the 97 addition to the state reference for the building code allowing our code to be automatically updated as the State Code is updated. The State Code recently adopted the International Building Code.

Jim's last concern was on fences and parking in front yards. Fence heights are questioned quite often. The current code recognized a 3 foot height in front of the front building line and to higher than 7 feet from the front to the rear. Bill suggested fences were not a topic of discussion in the eight planning meeting. We are trying to take as many regulations back off the back of peoples as possible. We want to protect our community and the value of our home, but stop the little cutting regulations on property. Maybe fences didn't get the attention they should and this is something we could look into further.

The new ordinance states driveways should be a sealed surface for 10 feet off the road. Beyond the ten feet gravel is allowed. Jim stated the parking in yards is a constant complaint and there are several citizens who are hoping the new ordinance will address this problem. Driveways were discussed and again Bill stated a higher standard could be put in place for new subdivisions in the subdivision ordinance. This will allow a little more flexibility in existing lots. Jim said some people just pour gravel in their yards which is unsightly and this does not regulate that. Bill said it get into personal property rights.

Jim Davis also gave Bill a copy of the ordinance with remarks from Rick Coppock.

Mark Peters inquired if there were plans to rezone Main Street to commercial with the new road construction. Sandra Hash answered the Comprehensive Plan might answer his questions. It is available in the Clerk-Treasurer's office.

Ray Lady with Hoosier Outdoor Advertising requested the Town consider the idea of allowing larger signs in the code to accommodate their signs. The Town Code currently only allows for smaller signs. Their signs are 300 square feet. He said with one line of traffic going east and one line going west the Town businesses would need more key point signs informing passersby of the local businesses in the area so that both eastbound and westbound traffic would patronize these businesses. His other issue was about the sign that was in the field by Hartstraight Road near the Fire Station. The State had initially taken that sign down early because they thought it was an illegal sign but it wasn't. Therefore, they would like to be grandfathered with the sign since it has been there for a long time and be allowed to relocate it, even though it is larger than the Code allows for.

Bill Land said the Comprehensive Plan mentions signs in chapter 832, section 35.

Sandra Hash expressed that she didn't feel outdoor signs added to the beautification of the sky-scape but she does understand the need for advertising. However, with the Utilities department working so diligently to put all of the utilities underground and the plans to have decorative street lighting it would take away from these projects to beautify the two-way pair highway and downtown area if these signs were allowed. In fact, she would vote to be more restrictive with signs.

Ray said he had spoken with David Sorokoty and David said the Plan Commission may be willing to allow the larger billboard signs they weren't in the downtown area. Hoosier Outdoor would be okay with the outskirts of town since the downtown area has historical value.

Geraldine McIntyre stated that in the plan they adopted for the east they had reduced the signs all of the way to the town limits and she would like to keep it that way.

Bill said off premise signs are for the county to decide and Monroe County has a maximum of up to 400 square feet. Off premise sign means that the sign is not located at the same place as the business it is advertising. Brown County and the Town of Nashville for example has sign codes for the smaller size but as soon as you leave the area there are larger billboards.

Jim Davis said several months in a meeting or discussion among the Council it was the general consensus of the Board that businesses that had to remove their signs due to road construction were to be grandfathered to put their signs back. He wasn't sure if this was officially voted on or not. The property that Hoosier's sign was located on was annexed into the Town in a 1956 ordinance. Jim said if the Council has allowed all of the other businesses to put their signs back then to be fair, Hoosier Outdoor Advertising should be given the same right and shouldn't be treated different just because this sign is bigger than the others. In fact, Hoosier's sign would have been prior to the sign ordinance the Town had previously adopted. This was discussed more and The Plan Commission suggested Mr. Lady speak to someone about the legal issues and get more clarification of whether the sign was put up and taken down illegally and recommended he go before the Board of Zoning Appeals.

Bill Land said fences and driveways were two issues that needed to be looked into further. This will be a working document that will be open for periodic review. Once it is adopted by the Council, then amendments needed would have to originate from the Plan Commission Board and any changes will be a process of review. It would then be an ordinance and would go to two meetings with the Town Council before it would be changed.

David Drake made a motion to forward the zoning ordinance to the Town Council with a positive recommendation. Geraldine McIntyre seconded. Motion carried 5-0.

Public Hearing to Annex Chester and Betty Martin property at 5323 N. Union Valley Road

- Chester Martin addressed the Board explaining the location of his property. He has notified the property owners adjacent to him and has received an okay on the driveway. He handed out copies of a diagram of the layout when finished to each member. David Drake explained that the purpose of this was for the Plan Commission to recommend to the Town Council that if the property is annexed what it should be zoned as. Sandra said they are requesting a Residential-1 (R-1) and have the fiscal plan written. It will be on the Town Council Agenda and the ordinance will be introduced.

Ian Hall, adjacent property owner, requested clarification on the zoning of R-1. David Drake explained that this was strictly residential for single family residences and a more restrictive zoning rate. He also inquired about setbacks and Sandra commented informational packets were available in the office. Additional questions should be directed to Jim Davis. David Drake explained the purpose was to address the question of whether to annex this property into the Town and to give a recommendation of what it should be zoned. Then it will have to come back to the Plan Commission for a more detailed analysis of the development and layout itself. They are not approving the site plan tonight they are only giving their recommendation to zone the property as R-1 if it is annexed into the Town. Another petition to approve these layouts will come before the Plan Commission. The proposed name of the subdivision is Union Valley Homestead.

Sandra Hash made a motion to forward the 5323 N. Union Valley Road annexation request to the Town Council with a Residential-1 zone. Geraldine McIntyre seconded. Motion carried 5-0.

ADJOURNMENT:

- David Drake made a motion to adjourn the meeting. Geraldine McIntyre seconded. Motion carried.

Frank Buczolich, President

David Drake, Vice President

Geraldine McIntyre

Terry Baker

Don Calvert

Sandra Hash

William Evans, Secretary