



JOHNSON COUNTY

Department of Planning & Zoning
86 West Court Street
Franklin, Indiana 46131

Phone: (317) 346-4350
www.co.johnson.in.us

MEETING AGENDA

Johnson County Advisory Plan Commission
November 23, 6:00 PM
Public Auditorium, West Annex Building
86 West Court Street, Franklin, Indiana

CALL TO ORDER

ROLL CALL

APPROVAL of MINUTES

Approval of minutes from the October 19, 2020 meeting.

PUBLIC HEARINGS

-CONTINUED HEARINGS

Z-2-20. Benham & Edwards LLC. NE corner of 100 E & 300 S, Franklin. Page 4
REZONING of 67 acres from the A-1 (Agricultural) zoning district to the
R-R (Rural Residential) zoning district to allow for the development of no more than
three minor residential subdivisions and no more than 12 buildable lots in total.

W-11-20. Wampler Waiver. 5397 Travis Road, Greenwood. Page 12
WAIVER of the Johnson County Subdivision Control Ordinance to provide for a two-lot
Minor Subdivision with one of the lots having zero feet of road frontage (minimum 50
feet of road frontage required per lot).

M-5-20. Wampler Minor Subdivision. 5397 Travis Road, Greenwood. Page 20

WAIVER of the Johnson County Subdivision Control Ordinance to provide for a two-lot Minor Subdivision with one of the lots having zero feet of road frontage (minimum 50 feet of road frontage required per lot).

-NEW HEARINGS

W-12-20. Bartlett Waiver. Parcel west of 5858 Watson Rd, Greenwood. Page 30

WAIVERS of the Johnson County Subdivision Control Ordinance to provide for a two-lot Roadside Subdivision where:

- a) the subdivision is of a 9-acre Agriculturally-zoned lot (must be at least 12 acres in area to be subdivided via the Roadside Subdivision process), and
- b) two lots will have areas of five acres and 4.09 acres, respectively (the Subdivision Control Ordinance requires any lot newly-created via Roadside Subdivision to be exactly two acres in area).

W-13-20. Clark Waiver. 5612 S 325 E, Franklin. Page 36

WAIVERS of the Johnson County Subdivision Control Ordinance to provide for a four-lot Roadside Subdivision:

- a) where the subdivision is of a non-original lot of record, and
- b) with lot areas of 4.38, 4.38, 6.42, and 6.42 acres (any lot newly-created via Roadside Subdivision must be exactly two acres in area).

W-14-20. Grant Waiver. 6221 W. Horseshoe Rd, Morgantown.....Page 44

WAIVER of the Johnson County Subdivision Control Ordinance to provide for a two-lot Roadside Subdivision where one lot will be 4.5 acres (new lots created via the Roadside Subdivision process must have an area of exactly two acres).

W-15-20. Johnson Waiver. 1025 W 100 N, Franklin.....Page 50

WAIVERS of the Johnson County Subdivision Control Ordinance to provide for a three-lot Roadside Subdivision where:

- a) the parent tract is 10.28 acres (parent tract must be at least 12 acres in area to be subdivided via the Roadside Subdivision process),
- b) one lot will have 145 feet of road frontage (any lot newly-created via Roadside Subdivision must have at least 200 feet of road frontage), and
- c) two lots will have an area of 3.2 and 2.8 acres (any lot newly-created via Roadside Subdivision must be exactly two acres in area).

OLD BUSINESS

None.

NEW BUSINESS

Proposed Amendments to the Johnson County Zoning Ordinance:

I. Residential Design Standards.	Page 65
II. Accessory Dwelling Units.	Page 80

REPORTS and RECOMMENDATIONS

None.

ADJOURNMENT

The next meeting of the Johnson County Advisory Plan Commission is scheduled for December 28, 2020 at 6:00 PM in the public auditorium of the Courthouse West Annex Building.

- - -

Staff Report

CASE NUMBER: Z-2-20
ADDRESS: Northeast corner of 100 E (South Nineveh Road) & 300 S, Franklin
Parcel #s: 41-08-33-044-015.000-011 & 41-08-34-032-009.000-011
Section 34, Township 12, Range 4
PETITIONER: Benham & Edwards, LLC, by Stephen Huddleston

ADDENDUM FOR NOVEMBER 23RD 2020 PLAN COMMISSION MEETING

This matter was continued from the October 19, 2020 meeting to the November 23, 2020 meeting due to an indecisive vote from the Plan Commission. Three motions were made but none received the five or more votes required for a decision.

No additional information has been submitted, and staff's recommendation remains as indicated below.

REQUEST

REZONING of 67 acres from the A-1 (Agricultural) zoning district to the R-R (Rural Residential) zoning district to allow for the development of no more than three minor residential subdivisions and no more than 12 buildable lots in total.

STAFF RECOMMENDATION

Staff recommends **approval** of this request, subject to the following commitments:

1. A "right to farm" declaration shall be signed and attached to the plat.
2. The property may be subdivided into a maximum of three minor subdivisions that will allow a maximum of four (4) lots each.

PROPERTY DESCRIPTION

This 67-acre site is located at the intersection of South Nineveh Road and 300 South. It is zoned A-1 (Agricultural), is unimproved and is used agriculturally. It is one-and-a-half miles southwest of the City of Franklin.

The site is surrounded on all sides by agricultural fields and occasional single-family dwellings at a very low-density, all zoned A-1.

REZONING REQUEST

This request, if approved, would rezone the subject site to the R-R, Rural Residential zoning district. This will allow to petitioner to subdivide the land into smaller lots for residential development.

The petitioner is proposing to create three individual minor subdivisions, where each minor subdivision will create four individual lots for residential homes. The Subdivision Control Ordinance allows exempt divisions of land where each resulting parcel is greater than twenty (20) acres for large tracts of land. The parent tract of 67 acres could be divided into three parcels

that are each 20 acres or more. Exempt divisions are not required to be approved by staff or the Plan Commission. Each new 20+ acre tract of land would then be eligible to be divided into smaller lots through the minor subdivision platting process. The platting process includes Technical Review Committee review, Drainage Board approval, and Plan Commission approval, all of which would occur following approval of the rezoning. Per the regulations of the Subdivision Control Ordinance, a maximum of 12 residential lots overall will be available with the rezoning request.

Though this request is consistent with the land use recommendation of the Comprehensive Plan, concerns arise with any proposal which would locate multiple septic systems in a concentrated area. For that reason, staff recommends a commitment limiting the 67-acre subject site to development of no more than twelve single-family dwellings.

In accordance with IC 36-7-4-603, when considering a rezoning request the Plan Commission shall pay reasonable regard to:

1. The Comprehensive Plan
2. Current conditions and the character of current structures and uses in each district
3. The most desirable use for which the land in each district is adapted
4. The conservation of property values throughout the jurisdiction
5. Responsible development and growth

The Johnson County Comprehensive Plan Future Land Use Map recommends rural residential for this area. The plan states:

The rural residential designation is intended primarily to provide appropriate locations for a "country" lifestyle, to protect significant natural features, and to retain the rural character and open spaces that many Johnson County residents seek. While they may also contain farms, these areas may be less conducive to long-term agriculture due to soil conditions, encroaching development, or other factors. Single-family residences should be permitted at a low density no greater than one unit per acre since these lands typically will not be served by municipal utilities and preservation of open spaces is desired. While most development is generally not in subdivisions, shared driveways and frontage roads should be used to limit driveway cuts onto county collectors and arterials where possible. Small farms and keeping of horses or similar animals would be appropriate, along with a range of other uses (golf courses, airstrips, etc.) that require large tracts of land and/or more rural settings.

Therefore, staff recommends a favorable recommendation to the County Board of Commissioners with the following commitments:

1. A "right to farm" declaration shall be signed and attached to the plat.
2. The property may be subdivided into a maximum of three minor subdivisions that will allow a maximum of four (4) lots each.

GENERAL INFORMATION

Applicant: Benham & Edwards, LLC
2838 South 25 West

Franklin, IN 46131

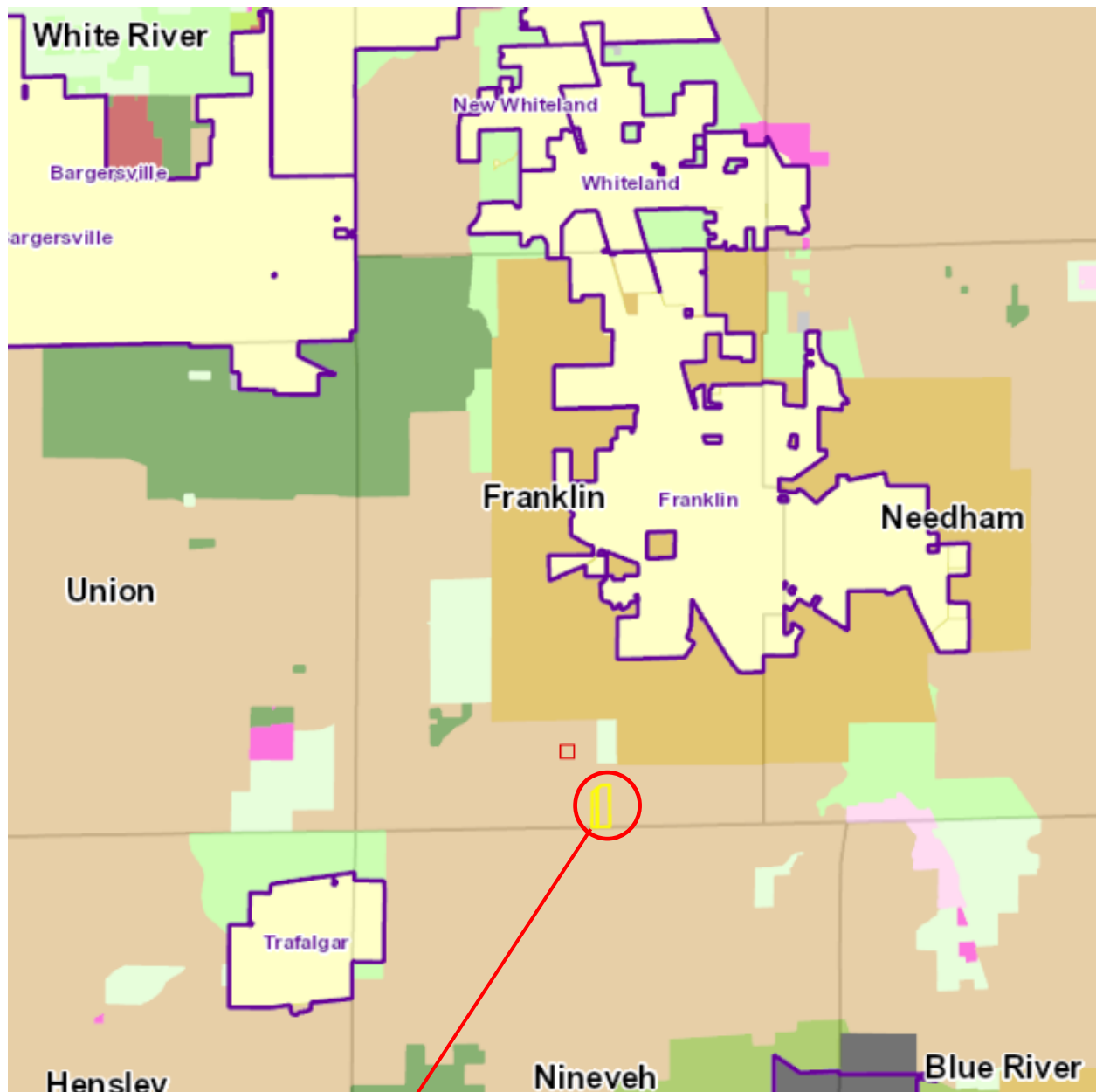
Representative: Steve Huddleston
Huddleston and Huddleston
98 West Jefferson St.
Franklin, IN 46131

Owners: Linda Herr (1/6)
Paul Tharp (1/6)
Alan B. Krebs (1/12)
Philip L. Krebs (1/12)
Ellen B. Krebs Testamentary Trust (1/2)

Zoning: A-1
Land Use: Agricultural
Future Land Use: Rural Residential

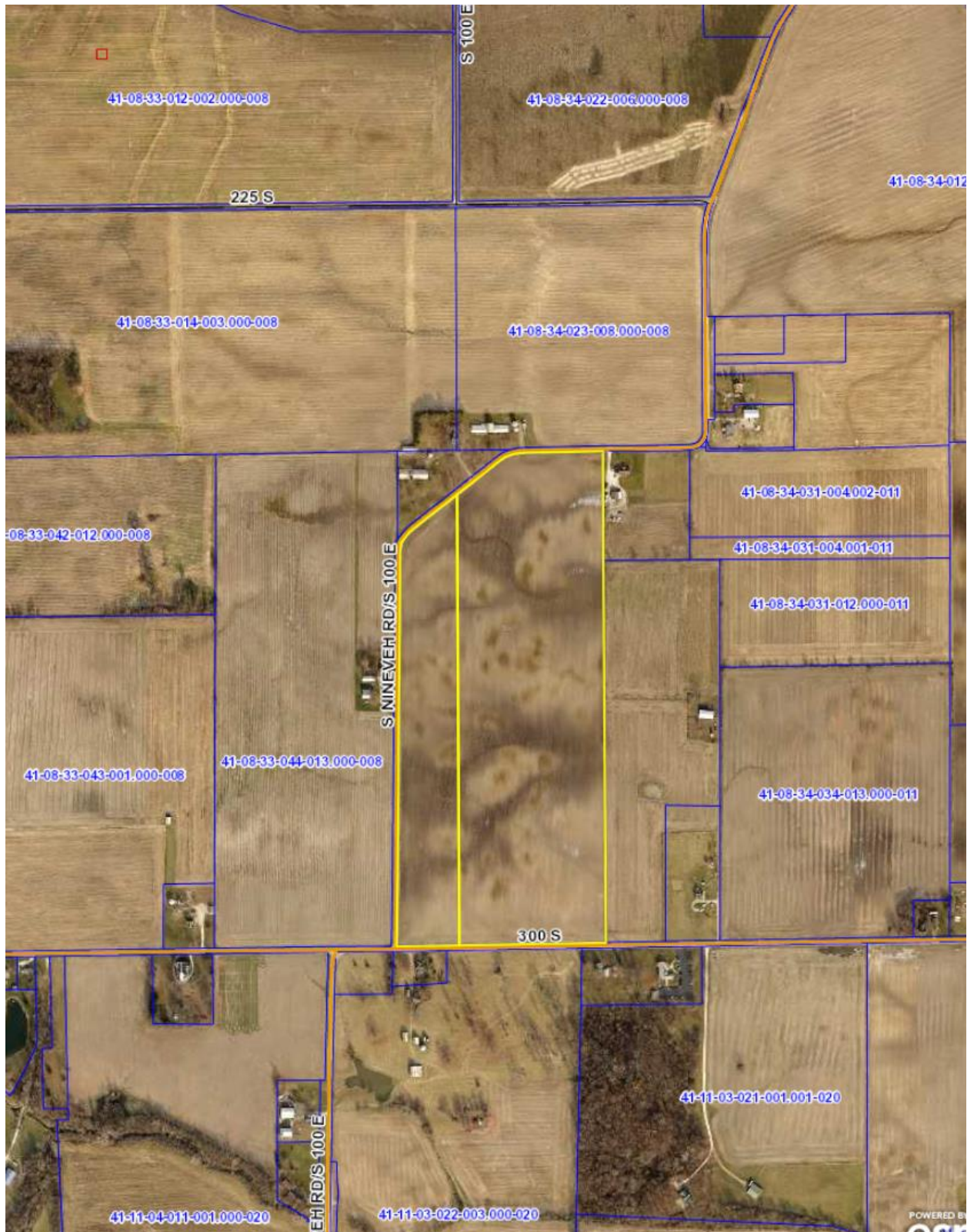
-MNH

Z-2-20 Base Map I

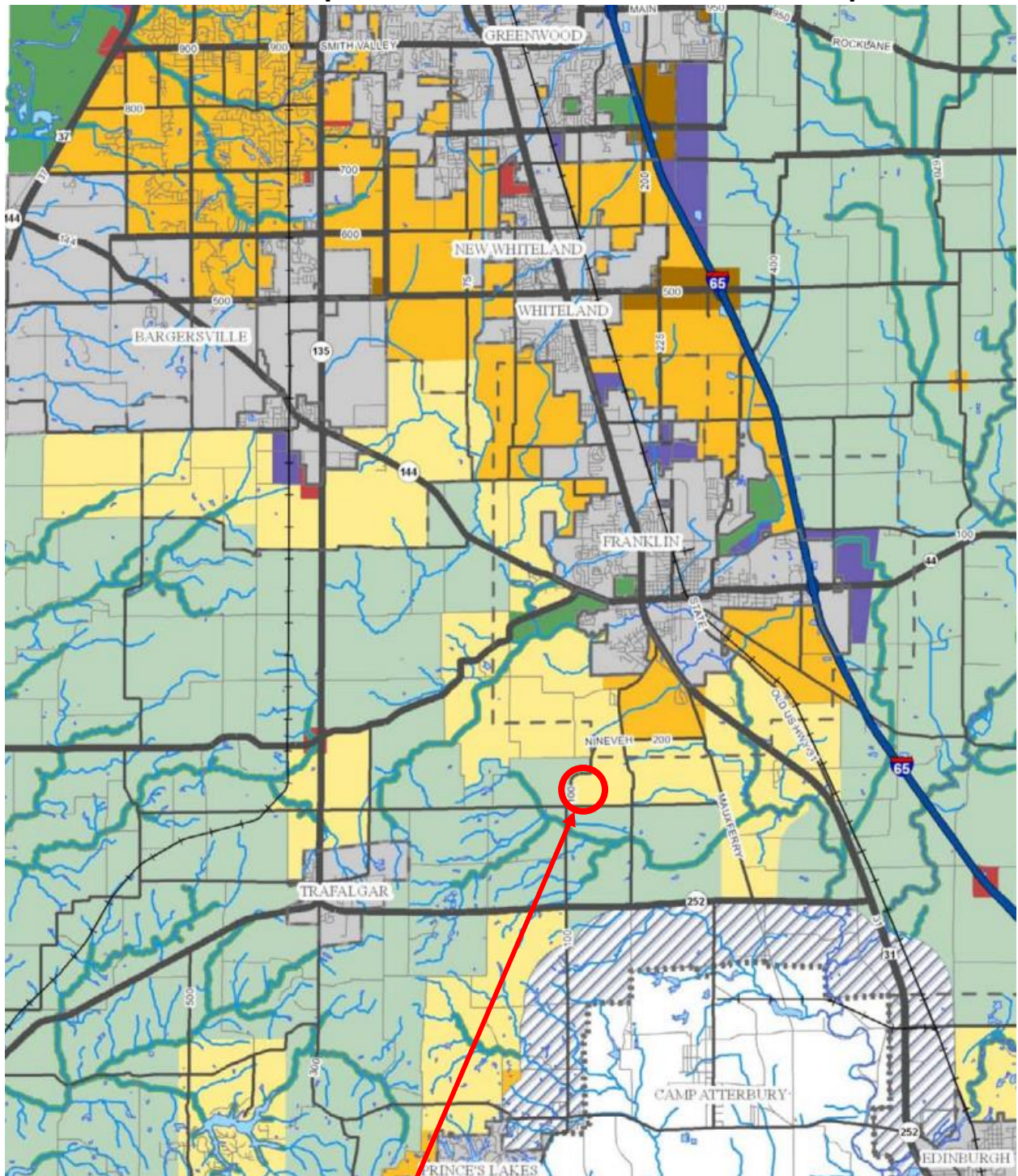


subject site

Z-2-20 Base Map II

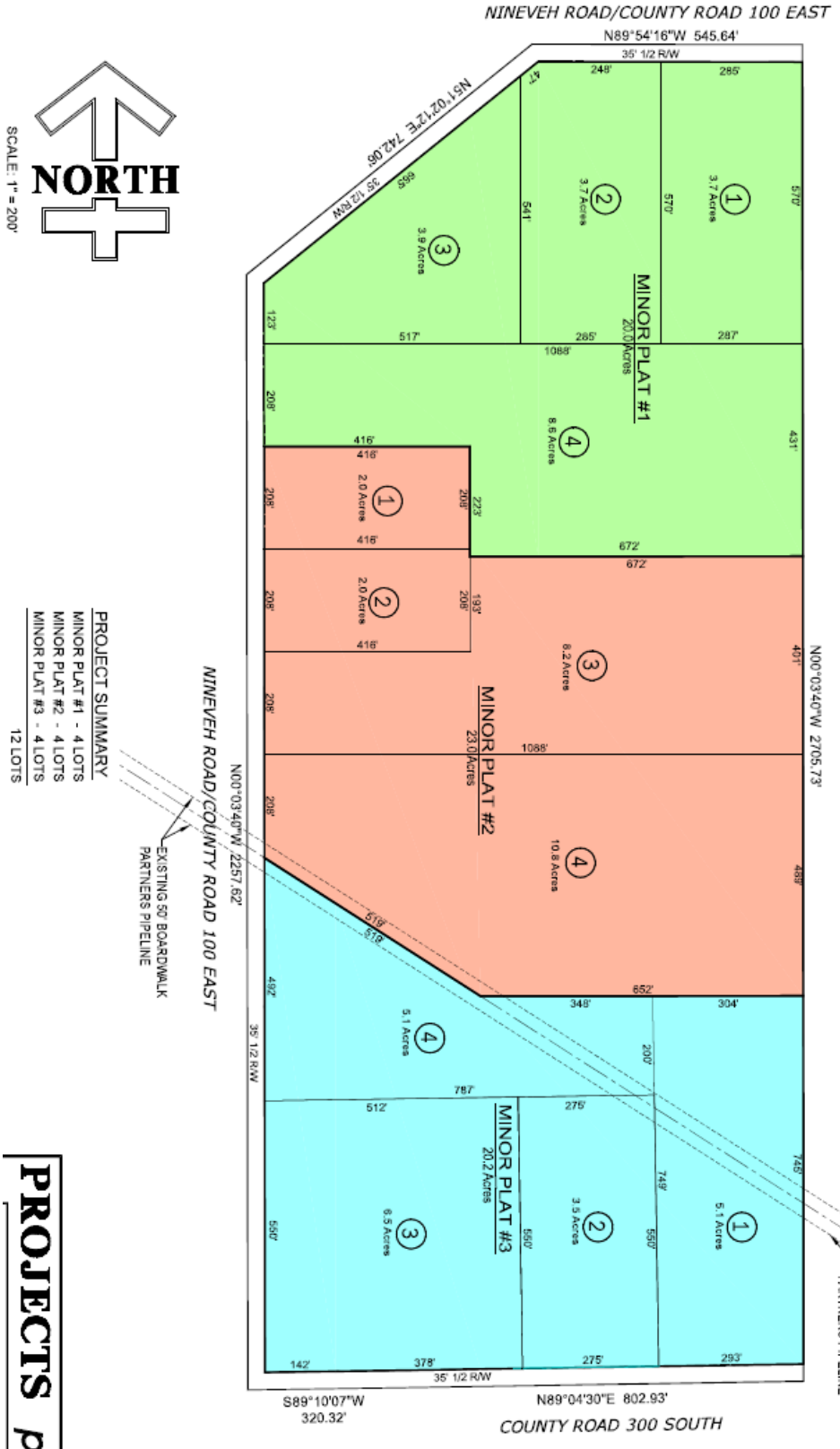


Z-2-20 Comprehensive Plan Future Land Use Map



subject site

Z-2-20 Proposed master layout of minor subdivisions



Z-2-20 RIGHT TO FARM DEED RESTRICTIONS

RIGHT TO FARM DEED RESTRICTION

The owner of the herein described real estate, for himself, and for all future owners and occupants of said real estate, or any parcel or division thereof, for and in consideration of the right to develop the real estate for other than agricultural uses, hereby:

(1) Acknowledges and agrees that the real estate is adjacent to an area zoned or used for agricultural purposes, which uses include but are not limited to:

- (a) Production of crops;
- (b) Animal husbandry;
- (c) Land application of animal waste;
- (d) Raising, breeding and sale of livestock and poultry, including confinement feeding

operations;

- (e) Use of farm machinery; and/or
- (f) The sale of farm products.

(2) Waives any and all objections to any agricultural uses within two miles of any boundary of the real estate.

(3) Agrees that agricultural uses do not constitute a nuisance so long as they are not negligently maintained, do not cause bodily injury to third parties, or directly endanger human health.

(4) Agrees that this covenant is for the benefit of Johnson County, Indiana, and for all persons engaged in agricultural uses within two miles of any boundary of the real estate and is enforceable by any of the foregoing.

Staff Report

CASE NUMBER: W-11-20, Wampler Waiver
ADDRESS: 5397 Travis Road, Greenwood
PETITIONER: Ryan Wampler, by Maurer Surveying

ADDENDUM FOR NOVEMBER 23RD 2020 PLAN COMMISSION MEETING

This matter was continued from the October 19, 2020 meeting to the November 23, 2020 meeting due to an indecisive vote from the Plan Commission. Three motions were made but none received the five or more votes required for a decision.

Subsequently, the petitioner submitted a timely automatic continuance request, which will continue this matter from the November 23, 2020 Plan Commission meeting to the December 28, 2020 Plan Commission meeting, without need for additional notice.

REQUEST

WAIVER of the Johnson County Subdivision Control Ordinance to provide for a two-lot Minor Subdivision with one of the lots having zero feet of road frontage (minimum 50 feet of road frontage required per lot).

STAFF RECOMMENDATION

Staff recommends **denial** of this request.

PROPERTY DESCRIPTION

This 10.32-acre site in White River Township is zoned R-1, Single Family Residential. The site is improved with a single-family dwelling and several accessory structures.

The site is surrounded to the east and west by similar-sized parcels with single-family dwellings. To the north and south are major subdivision housing developments.

WAIVER REQUEST

The petitioner is requesting to divide the 10.32-acre parcel into two lots. The division will result in Lot 1 with 6.76 acres and Lot 2 with 3.34 acres. Lot 2 will be situated behind lot 1 with zero feet of road frontage, with Lot 1 having 335 feet of road frontage. The lot standards for a parcel zoned R-1 require a minimum of 50 feet of road frontage. The petitioner is proposing to plat a 50-foot easement across Lot 1 in lieu of providing a 50-foot strip of land to the road. The easement will follow the existing driveway.

Here, the parent parcel could be divided into two lots in a way that both would meet street frontage requirements. So, there is no condition unique to this property that prevents the minimum road frontage requirement from being met. Two subdivisions to the east and land to the west are similar to this property, with each lot providing the required 50 feet of road frontage.

Creating a parcel with no individual lot frontage is problematic for several reasons. First, a landlocked parcel has no means of establishing its own road access. If a dispute over a shared easement occurs (tomorrow, in ten years, or in 50 years) with no viable or easy solution, a property owner will lack the ability to alleviate the problem and create their own access. Also, such waivers could result in compromised emergency services access, as the de facto “private roads” created by lot-dependent access easements inevitably evolve over time in a way that make wayfinding more difficult. Further, grant of this waiver could encourage future requests for additional, similar splits. Waivers like these, especially in White River Township, encourage owners of similarly-sized properties to follow suit and sell off the rear portions of lots which should be, in time, aggregated and developed properly as major subdivisions. This results in inefficient use of land and encourages additional illogical divisions of land.

Approval of this waiver request would allow the petitioner to subsequently seek approval of a minor subdivision.

Staff recommends denial of this waiver request.

FINDINGS OF FACT, STAFF ANALYSIS

The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property;

Staff Analysis: Grant of the waiver would not impact, and therefore would not be detrimental to, public safety, health or welfare, and would not be injurious to nearby property.

The conditions upon which the request for a waiver are based are not unique to the property for which the waiver is sought and are not applicable generally to other properties

Staff Analysis: Nothing unique to the property itself to validate no road frontage for a proposed lot. A 50-foot road frontage can be achieved. Similar surrounding properties could accommodate the development desired by the petitioner without waivers of ordinance requirements.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to;

Staff Analysis: This parcel does not present any particular physical condition that prevents the parcel to adhere to the ordinance. This is a mere inconvenience to the petitioner.

The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

Staff Analysis: The Comprehensive Plan designates the future land use of the property as rural residential. Grant of this waiver would not ensure the orderly and efficient development of Johnson County.

GENERAL INFORMATION

Subdivider: Ryan Wampler
5326 Travis Road
Greenwood, IN 46143

Owner: Same

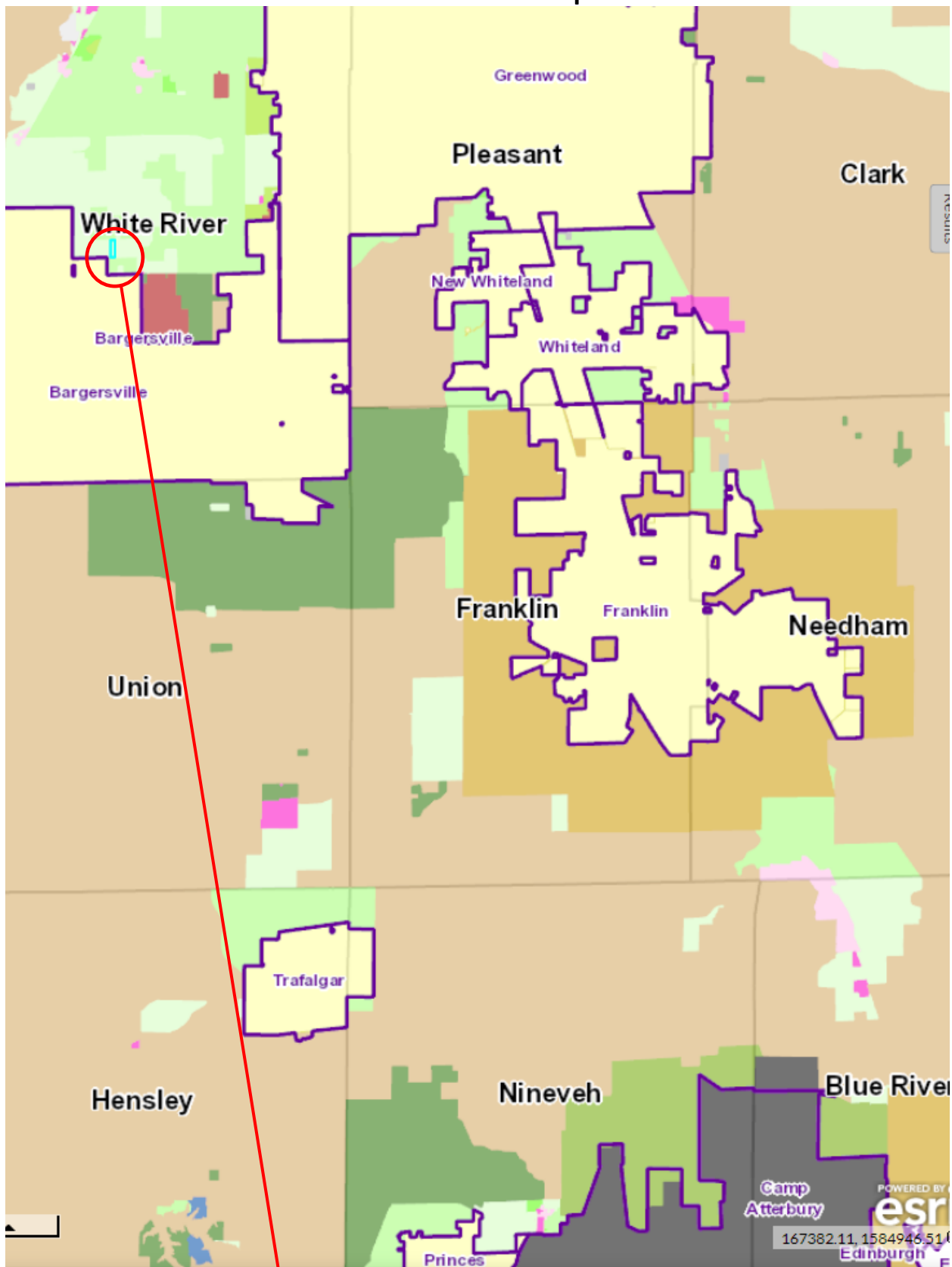
Current Zoning: R-1, Single Family Residential

Existing Land Use: Single-family residential

Future Land Use: Rural Residential

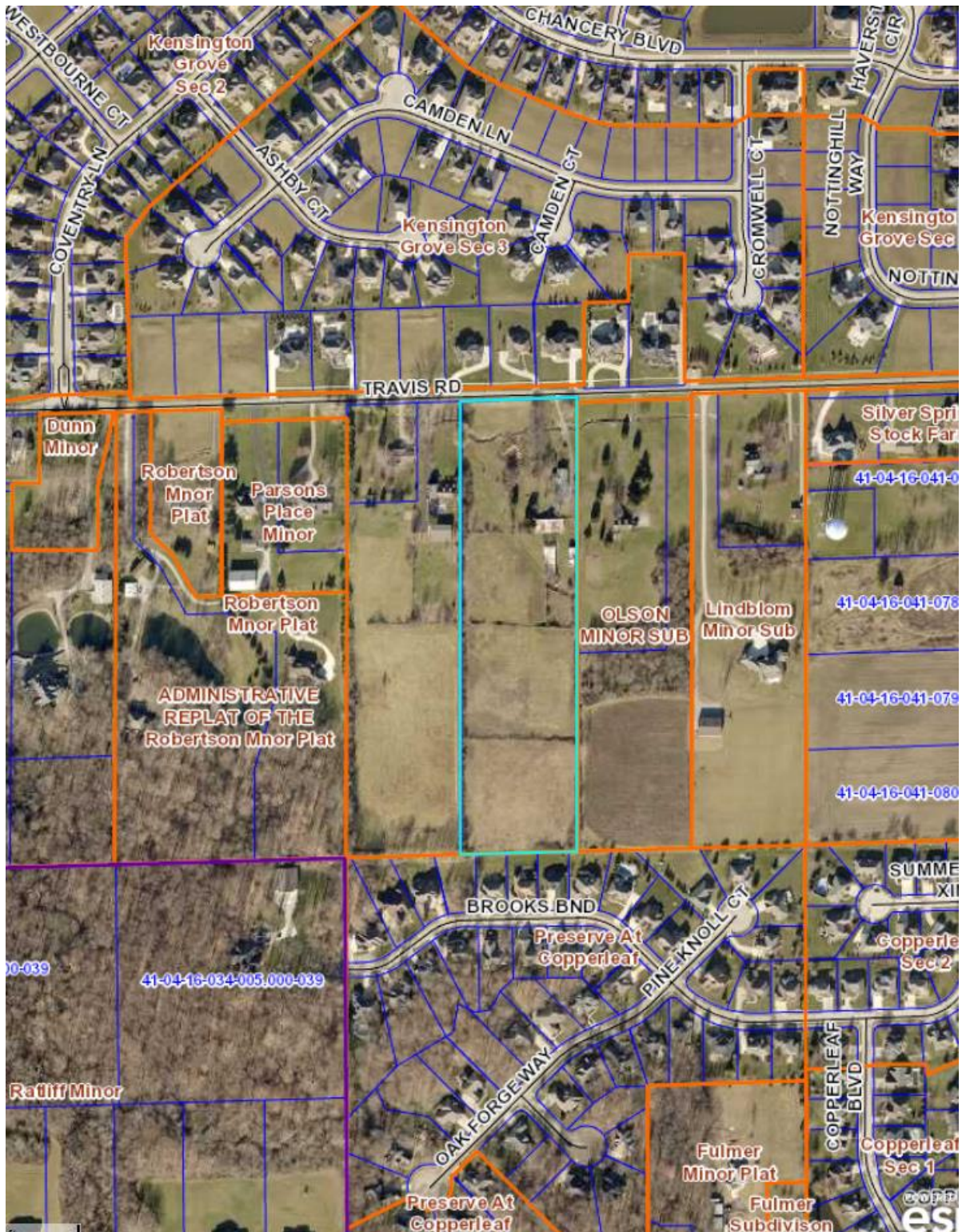
-MNH

W-11-20 Base Map



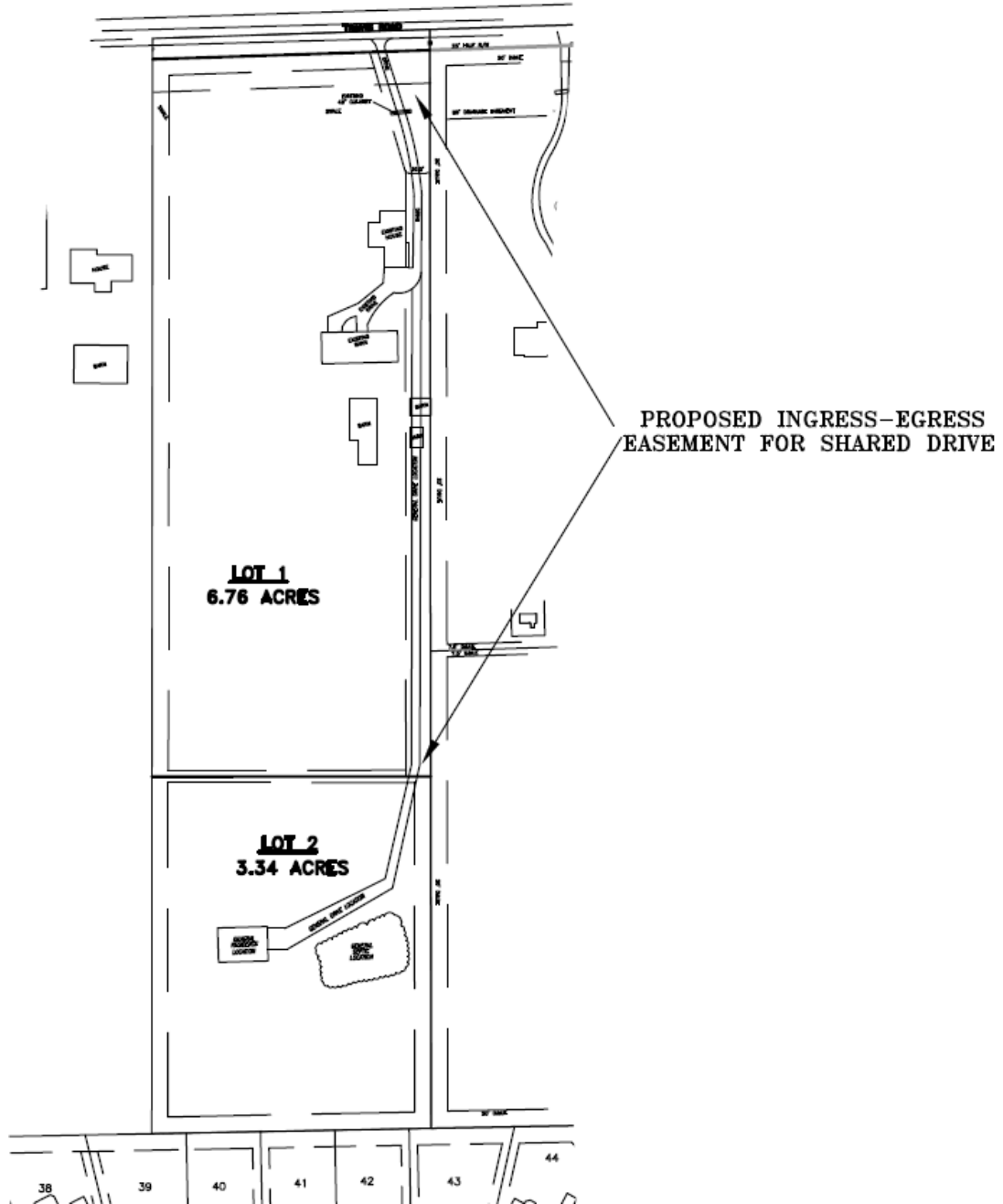
Subject Site

W-11-20 Base Map II

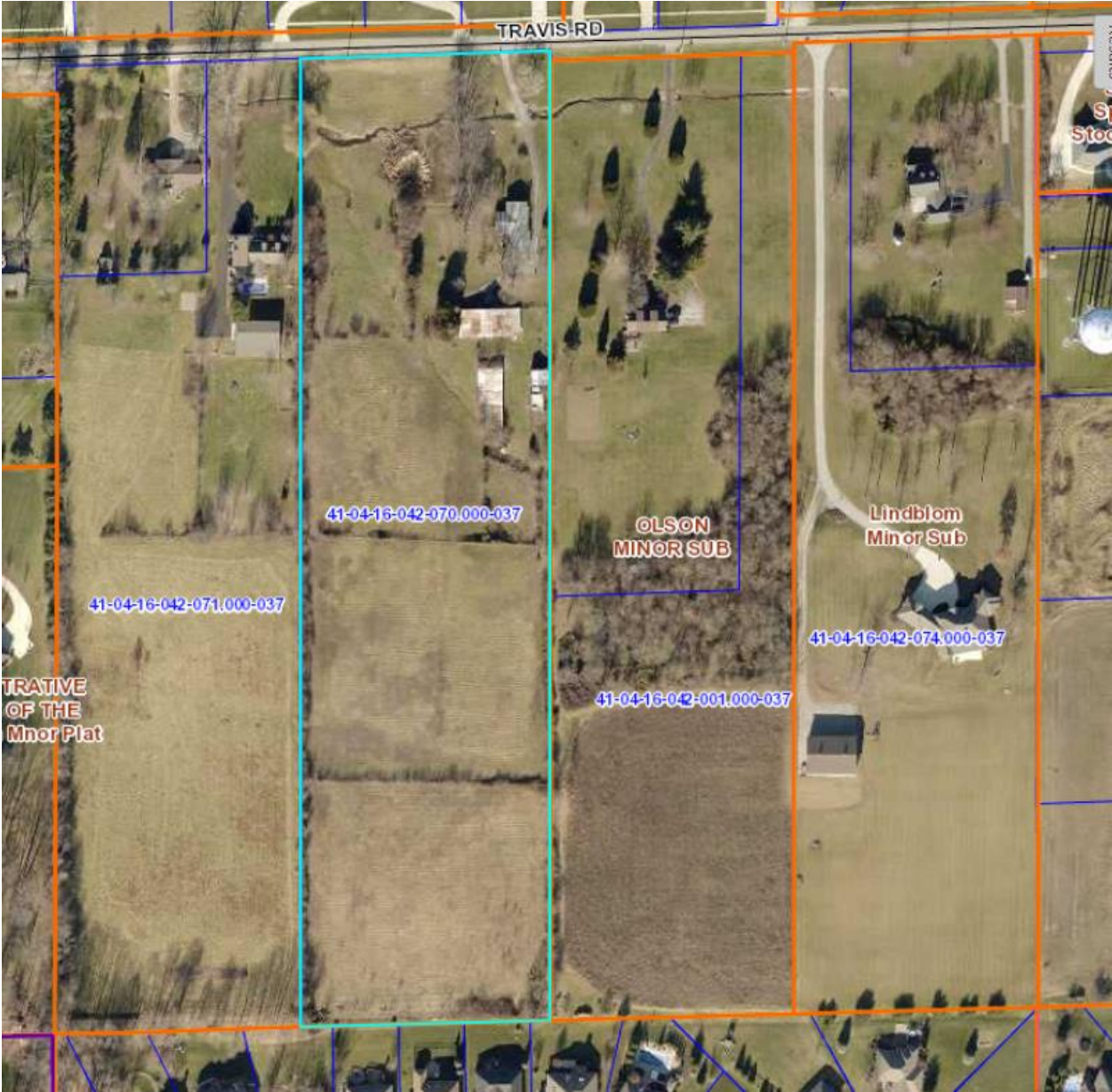


W-11-20 SITE PLAN

WAMPLER MINOR PLAT WAIVER FOR NO ROAD FRONTAGE



W-11-20 Surrounding Properties



W-11-20 Petitioner's Findings of Facts

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.
Granting of the waiver for no road frontage will not be detrimental to the public safety, health, or welfare or be injurious to nearby property because it will only be to allow one lot not to have road frontage and for the lot to have access to Travis Road on a shared drive. The shared drive will actually be more safe than having 2 driveways with reducing the number of access points onto Travis Road.
2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.
The condition that causes this waiver is the large swale along Travis Road that makes it difficult for another driveway to have access to Travis Road. With there only being 1 driveway, the granting of the waiver would allow for clear, clean lines of occupancy. Instead of the Rear lot owning a 50'x880' strip around the shared drive to maintain, there will be a straight line between the 2 lots so the front lot will own the front and the rear lot will own the rear.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.
The large swale along Travis Road creates a unique hardship for not allowing another drive for access and creates a situation that requires a shared drive for the proposed Minor Plat. To keep the property lines square and easy to determine, a no frontage lot would be the best situation for the minor plat and would eliminate the creation of a 'flag' shaped lot.
4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.
This waiver will not contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map as the resulting Minor Plat will be comprised of large Residential Lots similar to the surrounding lots.

Staff Report

CASE NUMBER: M-5-20, Wampler Residential Subdivision
ADDRESS: 5326 Travis Road, Greenwood
Section 16, Township 13, Range 3
PETITIONER: Ryan Wampler, by Maurer Surveying

ADDENDUM FOR NOVEMBER 23RD 2020 PLAN COMMISSION MEETING

This matter was continued from the October 19, 2020 meeting to the November 23, 2020 meeting, at the request of the petitioner, as a continuance for cause.

The petitioner subsequently submitted a written request for a continuance for cause, to allow additional time to consider alternative lot configurations, and to keep this matter scheduled for the same hearing date as its companioned Waiver petition. If approved, the continuance would continue the matter from the November 23, 2020 meeting to the December 28, 2020 meeting.

Staff has no objection to the continuance request.

STAFF RECOMMENDATION

Staff recommends **denial** of this Minor Plat request because its realization requires approval of a Waiver, W-11-20, which staff opposes.

If, however, the Plan Commission approves Waiver W-11-20, it should also approve this Minor Plat subject to satisfaction of all amendments requested by the Technical Review Committee, Drainage Board, and checkpoint agencies. Further detail will be provided verbally at the hearing.

PROPERTY DESCRIPTION

This 10.32-acre site in White River Township is zoned R-1, Single Family Residential. The site is improved with a single-family dwelling and several accessory structures.

The site is surrounded to the east and west by similar-sized parcels with single-family dwellings. To the north and south are major subdivision housing developments.

PROPOSED MINOR PLAT

The petitioner is requesting to divide the 10.32-acre parcel into two lots. The division will result in Lot 1 with 6.76 acres and Lot 2 with 3.34 acres. It is proposed that both lots will share one, existing access point from Travis Road. Per the petitioner, most of the existing structure on Lot 1 will be removed.

The existing lot is served by an existing well, but Bargersville Utilities (water) is available at this location. Each proposed lot would have sanitary septic systems.

WAIVER

This proposed minor subdivision requires grant of Waiver W-11-20. The waiver request is separate from the minor subdivision approval request because, should the waiver be denied, the petitioner will seek a continuance of the minor subdivision plat to modify the plat.

GENERAL TERMS AND CONDITIONS

Technical Review Committee

The Technical Review Committee reviewed the Wampler Minor Plat on September 23, 2020 and its aggregate comments are included in the attached Technical Review Committee Letter. Approval from each Technical Review Committee member agency is required before the final plat may be approved for recording.

Johnson County Drainage Board

The Johnson County Drainage Board reviewed and approved the drainage plan for the Wampler Minor Plat at its October 6, 2020. The approval is subject to the inclusion of language on the final plat which requires conversion of a certain amount of cultivated field to grass or its natural equivalent.

Johnson County Planning Engineer, Johnson County GIS Department, Johnson County REMC

Each of the above entities has reviewed this petition and has indicated no objections.

Johnson County Health Department, Johnson County Highway Department, White River Township Fire Department,

Each of the above entities has reviewed this petition but has not provided approval or objections. A follow-up will be provided verbally at the Planning Commission Meeting. Indianapolis Power & Light has a transmission line easement on the southeast corner of the property.

GENERAL INFORMATION

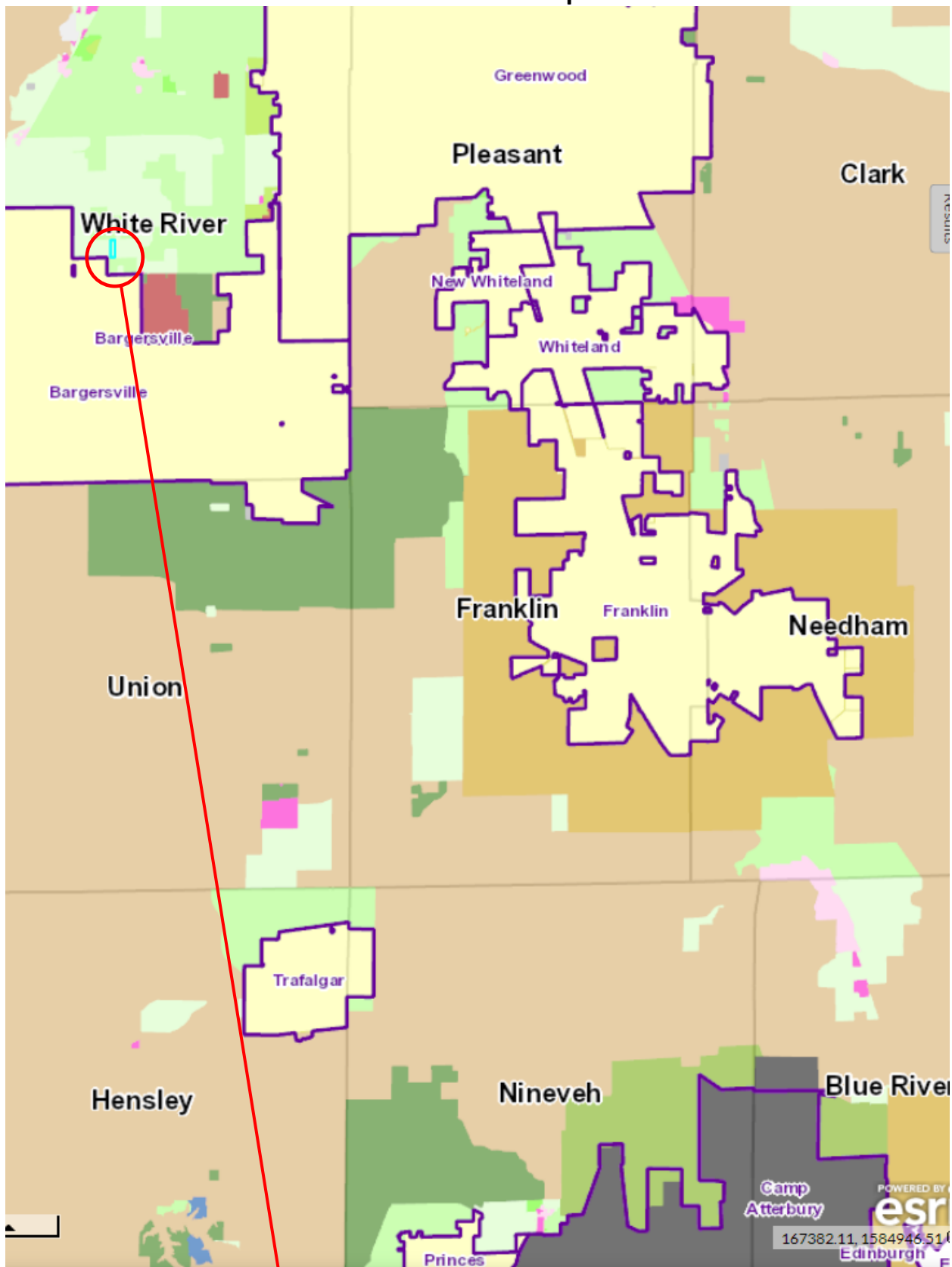
Subdivider: Maurer Surveying, Inc.
4800 West Smith Valley Road, Suite P
Greenwood, Indiana 46142

Owner: Ryan Wampler
5397 Travis Road
Greenwood, IN 46143

Current Zoning: R-1, Single Family Residential
Existing Land Use: Single-family residential
Future Land Use: Rural Residential

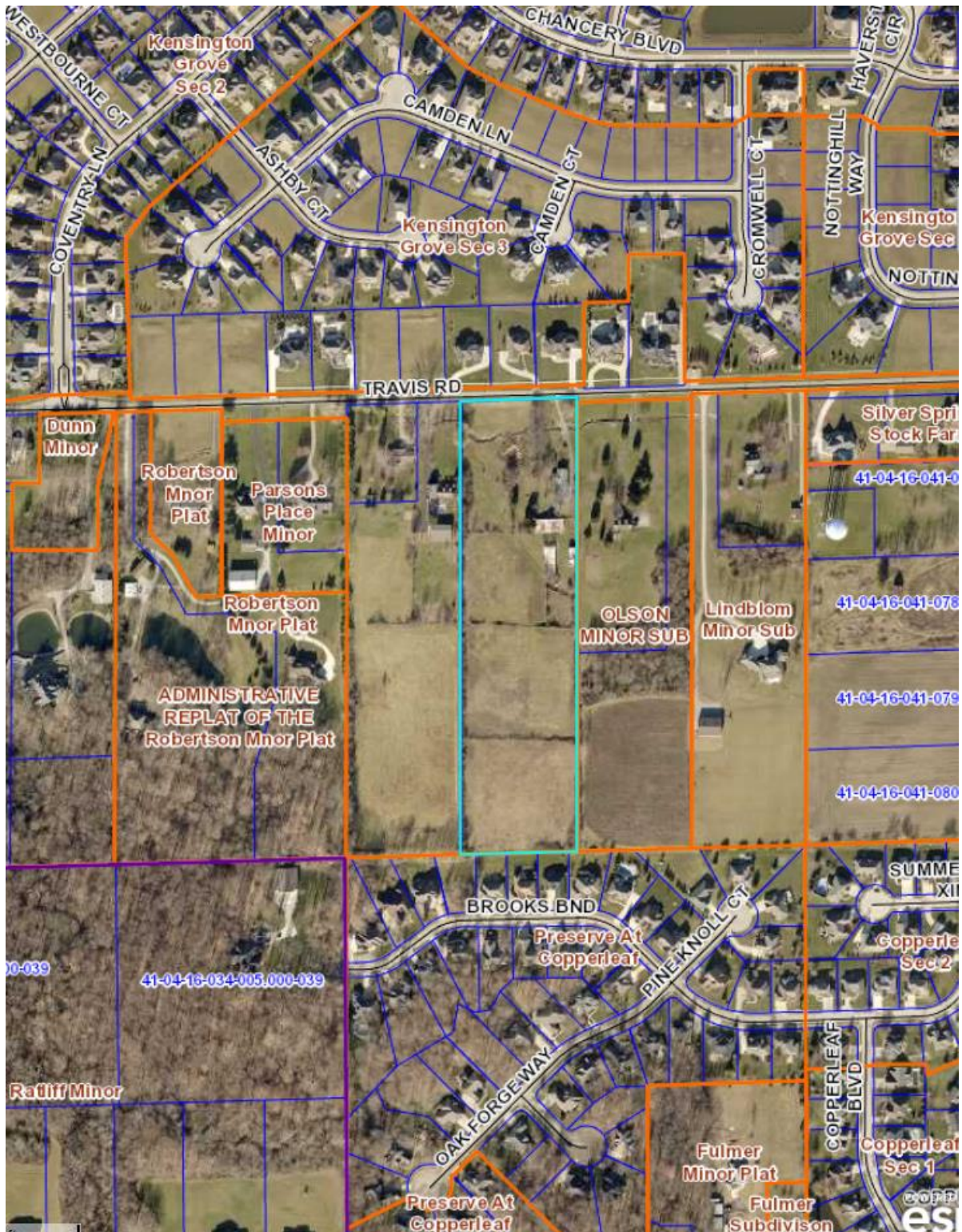
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M-5-20 Base Map

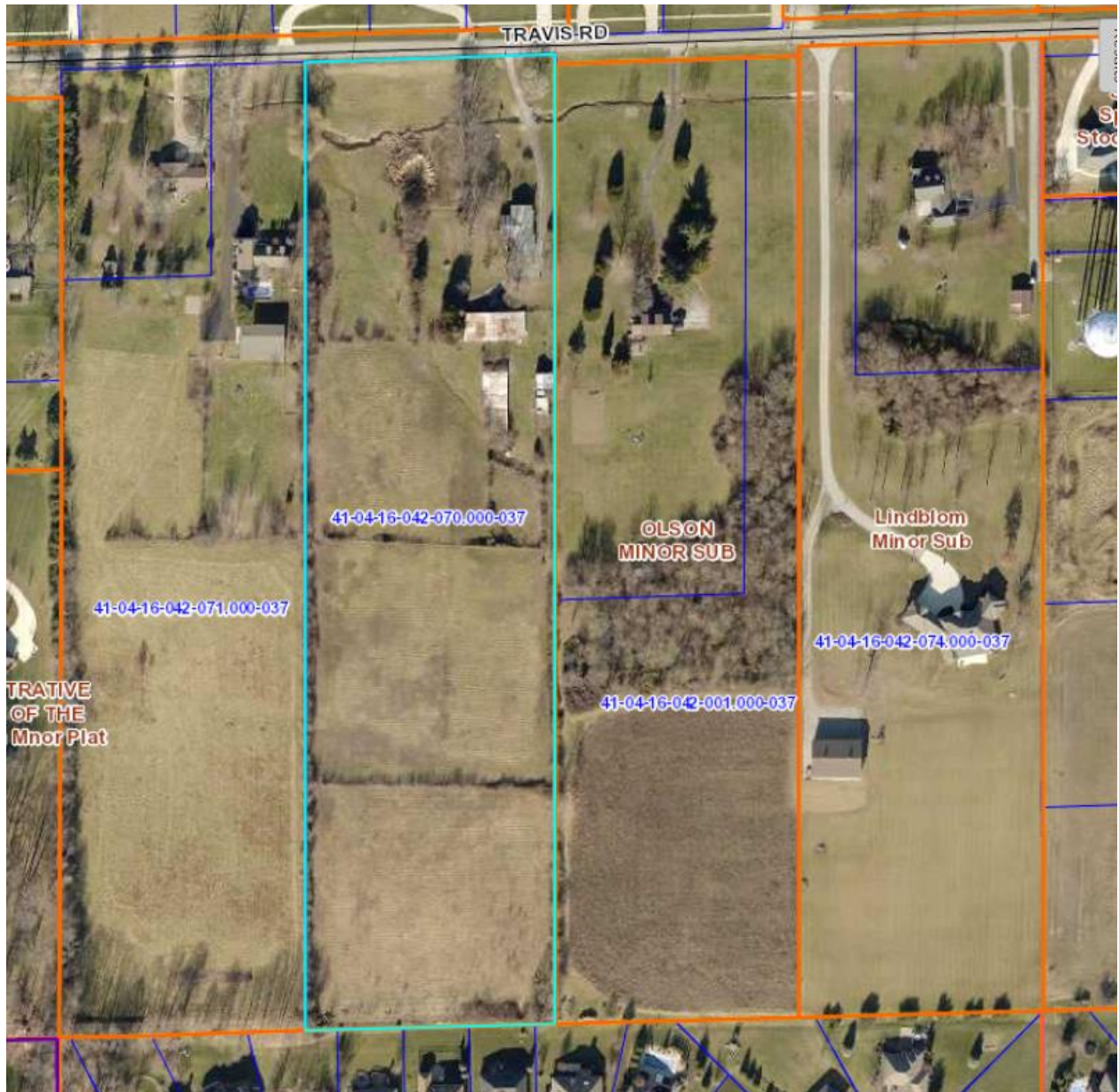


Subject Site

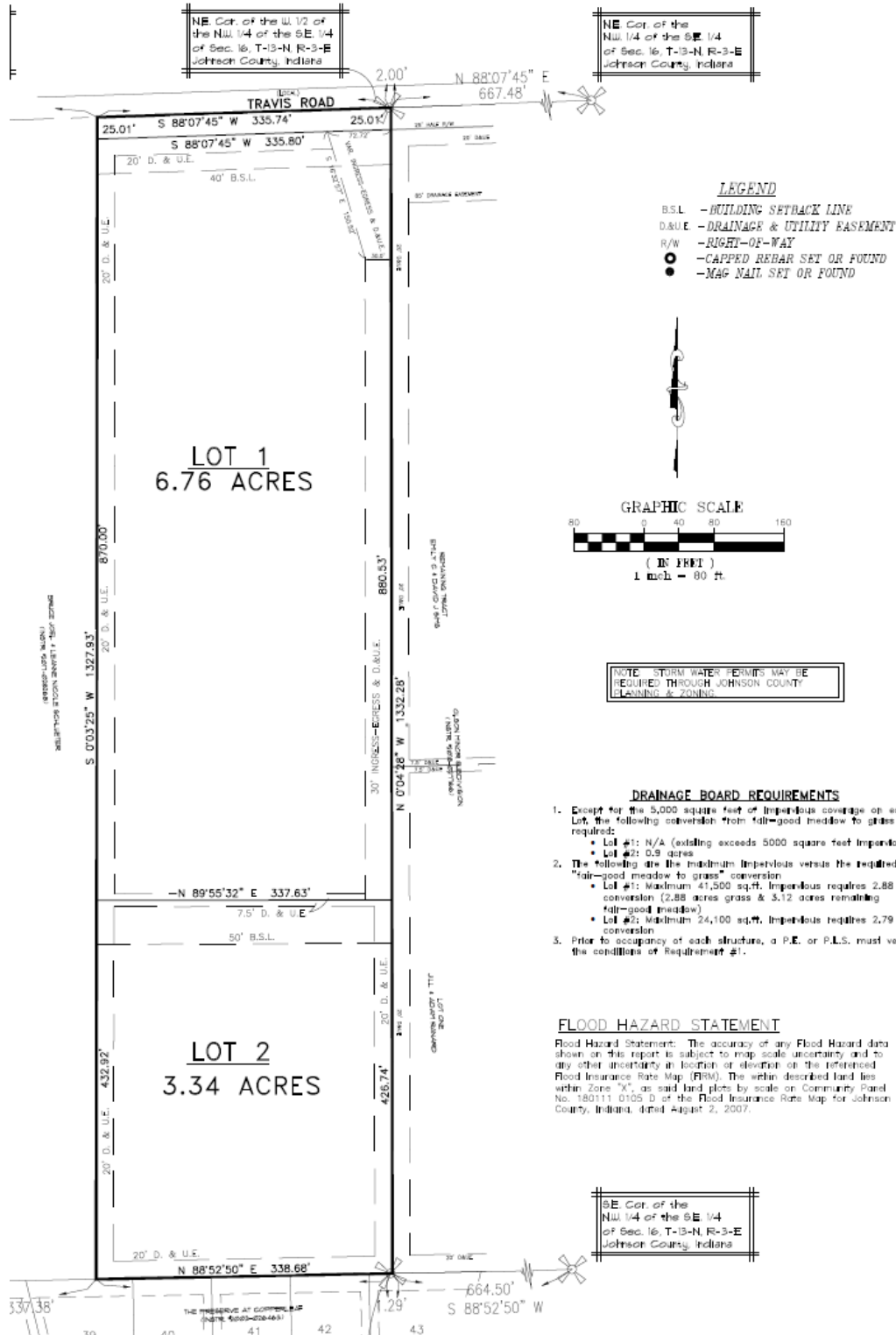
M-5-20 Base Map II



M-5-20 AERIAL MAP



M-5-20 Proposed Subdivision Plat
WAMPLER MINOR PLAT
 RESIDENTIAL SUBDIVISION
 WHITE RIVER TOWNSHIP, JOHNSON COUNTY, INDIANA



M-5-20 Technical Review Comments Page 1 of 3



JOHNSON COUNTY

Department of Planning and Zoning
86 West Court Street
Courthouse Annex
Franklin, Indiana 46131

Phone: (317) 346-4350
Website: www.co.johnson.in.us

September 23, 2020

Andrew Barkocy, P.L.S.
Maurer Surveying
4800 West Smith Valley Road, Suite P
Greenwood, Indiana 46142

RE: M-5-20 Wampler Minor Plat
Sketch Plan Review

Dear Mr. Barkocy:

On September 23, 2020, the Johnson County Technical Review Committee electronically provided comments for a sketch plan/preliminary plat review for the above referenced project. Comments from Planning and Zoning include:

1. Follow the Subdivision Control Ordinance, Section 6-102-7 A. "Sketch Plan for All Subdivisions" for required guidelines for Sketch Plan submittal, including but not limited to existing features (structures, roads, ponds, etc.), utilities, topography, vicinity map, and area map.
2. Follow the Subdivision Control Ordinance, Section 6-102-7 E., "Plat and Supporting Data for Minor Subdivisions" for required guidelines for Plat and Supporting Data submission.
3. Follow the Subdivision Control Ordinance, Section 6-102-3E.7, submit the Plat and Supporting Data a minimum of 20 days prior to the Plan Commission Meeting.
4. Per Comment #1, above, provide the following items on the Supporting Data plat:
 - a. Locations of proposed/existing wells and septic systems.
 - b. Include Road Classification of "Local" next to Travis Road.
5. Lot #2 does not meet the minimum road frontage requirement. A waiver has been submitted.
 - a. If the waiver is approved, indicate the Building Setback Line (BSL) on Lot #2.
 - b. If the waiver is approved, existing buildings in the proposed easement will need to be removed.
6. Final Plat: Include language required for sight visibility. That language can be found in the Subdivision Control Ordinance 6-102-4B.8 (page 37). Not all sub categories will apply to

M-5-20 Technical Review Comments Page 2 of 3

this plat.

7. Final Plat: Add note "Storm Water Permits may be required through Johnson County Planning and Zoning".
8. Final Plat: Plan Commission Approval Statement is needed with a signature block.
9. Final Plat: Place signature lines in the following order: Assessor, Auditor, Recorder.
10. Final Plat: Include "Duly Entered for Taxation - Subject to Final Acceptance" above the Auditor's signature.
11. Final Plat: Under the title, indicate the type of subdivision: Residential; Commercial; or Industrial.
12. Final Plat: When submitted, the plat will require the following specific language for right of way dedication: "We the undersigned, owners of real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the plat herein. The right-of-way is hereby dedicated, fee simple absolute, and is to be owned and maintained by the jurisdiction in which it lies."
13. Final Plat: Provide a mylar copy and digital copy of the approved and recorded plat.
14. Planning Engineer comments:
 - a. Please provide a Drainage Report showing how the Sketch Plan/Minor Plat will meet the standards for release rates (developed 100-year = pre-developed 100-year and 10-year developed = 10-year pre-developed).
 - b. It is suggested that the site utilize the standard farmland/bare ground conversion for the lots. Please contact the Planning Engineer for additional information.
15. Johnson County Surveyor comments:
 - a. The following should be added to the plat notes:
 - i. **No construction or improvements shall impair or negatively impact any Private Drain Tile (IC 36-9-27-2), or Natural Surface Watercourse (IC 36-9-27.4-3). When encountered said tile or watercourse will be re-routed so as not to impair or negatively impact surface or subsurface water flow.**
 - b. Drainage Board approval (preliminary & final) is required.
 - c. Drainage Board approval is required prior to presentation before the Johnson County Plan Commission. Please submit an application to the Office of the Johnson County Surveyor to be placed on the November 5, 2020 Drainage Board Public Hearing for the Minor Plat Preliminary and Final approvals. If the approvals are granted at the November meeting, this plat could appear before the November Plan Commission Public Hearing.
16. Johnson County Highway Department approval is required. See attached comment letter.
17. Johnson County Health Department approval for septic is required. Comments:

M-5-20 Technical Review Comments Page 3 of 3

- a. The soil reports for both the north and south parcels were received. Both reports show a high water table.
- b. The south lot requires drainage improvements. The drain will have to go into an existing tile that is deep enough and in good condition, or a stream, or pond. If none of the above are on this parcel, then an off-lot easement may be required.
- c. An on-site meeting with Mr. Wampler has been scheduled for Friday, September 25, 2020.
- d. Drainage improvements would be required up front by the developer. One common drain is most favorable.

18. White River Township Fire Department approval is required.

19. Johnson County REMC approval is required. Comments:

- a. There is a variable and a defined access-egress DU&E on the east side where our facilities are currently in place.
- b. This was converted to underground in May of this year.
- c. The poles remained in place for a few more months and were recently removed.
- d. The old pole line still shows on the sketch provided.
- e. The underground facilities in place are within the easements in a., above.
- f. Pdf of site attached, need to rotate view (180°).

Please call me at 317-346-4350 if you have any questions.

Very truly yours,



Richard R. Hoover, P.E.
Planning Engineer

cc: Project File/Office File

attachment

M-5-20 Highway Department's Comments

Johnson County Highway Department

1051 Hospital Road | Franklin, Indiana 46131 | Phone: (317) 346-4630 | Fax: (317) 738-5378

Lucas M. Mastin
Director

Neil B. VanTrees, P.E.
Highway Engineer

Date: September 24, 2020
From: Neil VanTrees, P.E.
Nathanial Annis, Engineer Technician
cc: Michelle Hansard, AICP, Senior Planner
Subject: **Wampler Minor Plat**

Johnson County Highway Department has reviewed the September 8, 2020 Wampler Minor Plat and has provided the following comments.

1. Travis Road is a local road. It requires 25' half right of way. It is shown correctly.
2. The existing driveway will serve both lots. A ingress/egress easement along with maintenance requirements shall be prepared and recorded on both lots. Additional driveway(s) on the frontage will not be permitted.
3. The existing fence and posts shall either be removed or relocated outside the proposed right of way. Any trees/shrubs/vegetation shall be removed in the right of way.

Staff Report

CASE NUMBER: W-12-20
ADDRESS: 9-acre vacant parcel west and north of 5858 Watson Road,
Greenwood Section 29, Township 14, Range 5
PETITIONER: Melissa Bartlett

REQUEST

WAIVERS of the Johnson County Subdivision Control Ordinance to provide for a two-lot Roadside Subdivision where:

- a) the subdivision is of a 9-acre Agriculturally-zoned lot (must be at least 12 acres in area to be subdivided via the Roadside Subdivision process), and
- b) two lots will have areas of five acres and 4.09 acres, respectively (the Subdivision Control Ordinance requires any lot newly-created via Roadside Subdivision to be exactly two acres in area).

STAFF RECOMMENDATION

Staff recommends the **approval** of these requests.

PROPERTY DESCRIPTION

This 9-acre site is an unimproved agricultural field zoned A-1 (Agricultural). The single-family dwelling on the 1.4-acre lot at 5858 Watson Road, southeast of this subject site, was previously owned by the subject property owner of the 9-acre tract, but has been a separate parcel since 1978.

The site is surrounded by smaller parcels to the west and east, most of which are improved with single-family dwellings. To the north are similar sized parcels used agriculturally, and to the south are large parcels used agriculturally, all of which are zoned A-1.

WAIVER REQUEST

These waiver requests, if approved, would allow for the subsequent split, via the Roadside Subdivision process, of the subject 9-acre parent lot into two parcels.

WAIVER REQUEST: PARENT PARCEL AREA

To be eligible for subdivision via the Roadside Subdivision process, the original parent parcel must have a minimum area of 12 acres. This requirement is intended to preserve agricultural land and open space and to discourage the piecemeal encroachment of significant residential density into agricultural areas. This parcel, at 9 acres, falls short of that 12-acre requirement.

The proposed subdivision will create two buildable lots which will be less than the allowed four lots in a Roadside Subdivision. The developmental characteristics of the area are more rural residential than agricultural, so the objective to preserve agricultural area would not be particularly applicable here. The low-density residential development proposed here would be

appropriate as part of a transitional low-density area giving way to the wholly agricultural areas further east. Staff asserts that the proposed split would be contextually appropriate with the surrounding area.

WAIVER REQUEST: SPLIT LOT AREA

The Roadside Subdivision process requires newly-created lots to be exactly two acres in area. The two-acre *minimum* ensures that a new lot has enough area - but no more than is necessary - to accommodate a septic system. The two-acre *maximum*, implemented county-wide over time, is intended to preserve the amount of land available for agricultural use within the county and to limit residential encroachment into agricultural areas.

This request, if approved, would allow the subdivision of the 9-acre parent parcel into two lots of five acres and 4.09 acres, respectively. The established development pattern to the west and east consists predominantly of parcels averaging 5 acres in size. Staff asserts that the proposed split would be contextually appropriate with the surrounding area and recommends approval of this waiver request.

FINDINGS OF FACT, STAFF ANALYSIS

The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property;

Staff Analysis: Grant of the waiver would create one new buildable lot, which would not negatively impact public safety, health, or welfare.

The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties;

Staff Analysis: The subject lot is adjacent to another roadside subdivision and parcels of similar size. The proposed residential development will fit in with the characteristics of the area.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to;

Staff Analysis: The subject lot is adjacent to another roadside subdivision and parcels of similar size. The proposed residential development will fit in with the characteristics of the area.

The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

Staff Analysis: This area is more suited for rural residential use, as indicated by the several small parcels that are predominantly single family dwelling uses. These waivers will not go against the intent of the comprehensive plan of preserving agricultural land.

GENERAL INFORMATION

Applicant: Melissa Bartlett
448 E. King Street
Franklin, IN 46131

Owner: Jimmy Lee Kirby

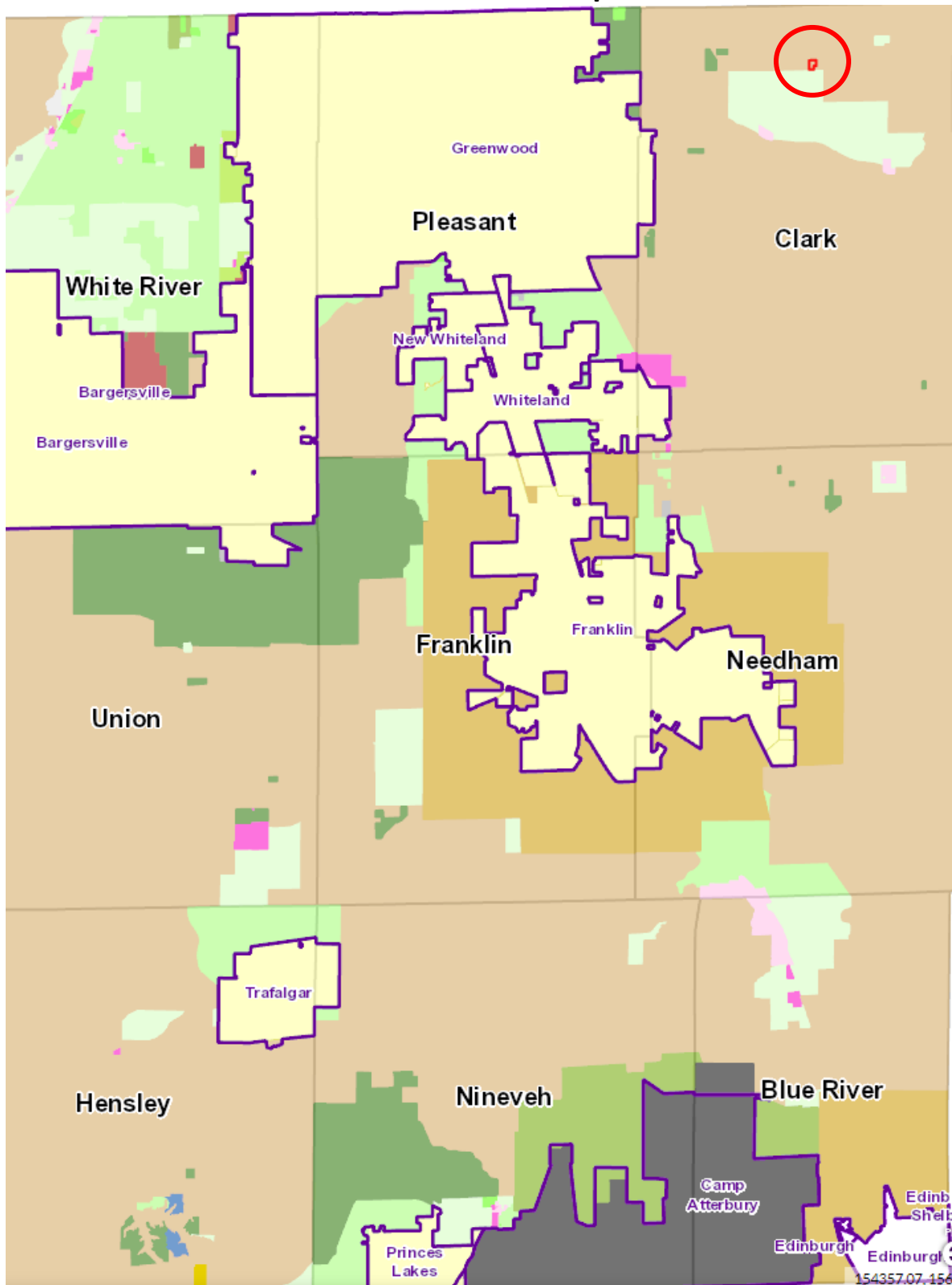
Current Zoning: A-1 (Agricultural)

Existing Land Use: Agricultural

Future Land Use: Agricultural

-MNH

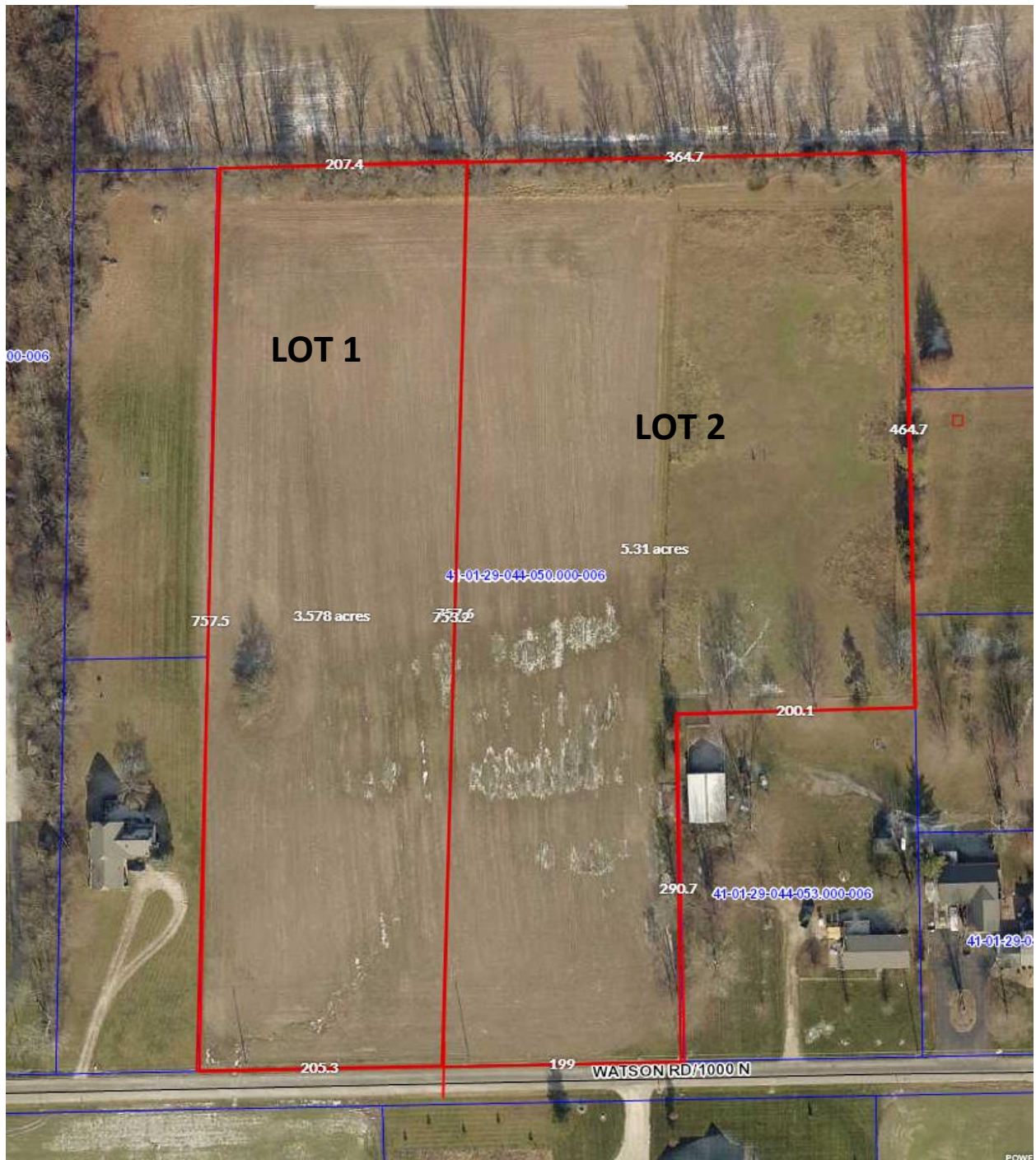
W-12-20 Base Map



W-12-20 Base Map II



W-12-20 Proposed Roadside Subdivision



W-12-20 PETITIONER FINDINGS OF FACTS

FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.

Granting of the waiver will not be detrimental to the public safety, health,
or welfare or be injurious to nearby properties.

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.

The neighboring properties have been split into smaller parcels:

5591 Watson is 3.58 acres, 5681 Watson is .80 acre, 5592 Watson is 5 acres,

5666 Watson is 5 acres, 5688 Watson is 5 acres, 5710 Watson is 5 acres

5742 Watson is 5.04 acres, and 5776 Watson is 1 acre.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.

If this ordinance is adhered to & the seller is not able to sell the land, a
hardship will apply. Mr. Kirby has died & his daughters are trying to sell the
land to pay for his debt. We have tried selling all of the acreage for several
months & no one wants this much land & has asked for it to be divided several times.

4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

The wavier will not contravene provisions of the zoning ordinance,
comprehenseive plan or official map as interpreted by the commission.

Staff Report

CASE NUMBER: W-13-20
ADDRESS: 5612 South 325 East, Franklin
Section 13, Township 11, Range 4
PETITIONER: Paul Clark

REQUEST

WAIVERS of the Johnson County Subdivision Control Ordinance to provide for a four-lot Roadside Subdivision:

- a) where the subdivision is of a non-original lot of record, and
- b) with lot areas of 4.38, 4.38, 6.42, and 6.42 acres (any lot newly-created via Roadside Subdivision must be exactly two acres in area).

STAFF RECOMMENDATION

Staff recommends the **approval** of this request subject to the consolidation of proposed Lots C and D.

PROPERTY DESCRIPTION

This 21-acre site is an agricultural field zoned A-1 (Agricultural). The single-family dwelling at 5612 South 325 East is on a separate five-acre parcel owned by the same property owner.

The site is surrounded on three sides by forested land owned by the State of Indiana, zoned SPARK (Park). To the north is a large tract of land used agriculturally, zoned A-1.

WAIVER REQUEST

The following two waiver requests, if approved, would allow for the subsequent split, via the Roadside Subdivision process, of the subject 21-acre parent lot into four lots.

WAIVER REQUEST – ORIGINAL LOT OF RECORD

Roadside Subdivisions allow for low-density residential development while conserving farmland. Farmland conservation protects the agricultural economy and preserves the rural character of Johnson County. The Subdivision Control Ordinance requires the parent lot to be an “original lot of record”, which it defines as a lot in place prior to the adoption of the Subdivision Control Ordinance in 2003. This requirement is intended to preserve agricultural land and open space and to discourage multiple piecemeal encroachments of significant residential density into agricultural areas. The subject 21-acre parent parcel was part of a 26-acre parcel that the owner split after February 19, 2003. The split was for a five-acre tract of land for the single-family dwelling in 2007. The five-acre split was allowed by the Subdivision Control Ordinance in place at that time. That split makes the remaining tract ineligible for a Roadside subdivision.

The current proposal would create four lots from the remaining tract of land from the original parcel. Five lots overall would be created from the original lot of record. Staff suggests that two of the proposed lots, Tract C and D, should be combined so overall only four lots will result from the original parent tract. Tract C does not have much buildable opportunities with the ditch and pond encompassing the majority of the 4 acres. This combination would suit the intent of the code better and create a better buildable parcel.

WAIVER REQUEST: SPLIT LOT AREA

The Roadside Subdivision process requires newly-created lots to be exactly two acres in area. The two-acre *minimum* ensures that a new lot has enough area - but no more than is necessary - to accommodate a septic system. The two-acre *maximum*, implemented county-wide over time, is intended to preserve the amount of land available for agricultural use within the county and to limit residential encroachment into agricultural areas.

This request, if approved, would allow for four lots with the area of with lot areas of 4.38, 4.38, 6.42, and 6.42 acres, respectively. If Tract C and D were to be combined, it would be an area of 8.76 acres.

The objective to preserve agricultural areas would not be particularly applicable here because this property is a small packet of tilled land. There are roughly ten acres currently being used agriculturally while a ditch runs through the property. If the bare minimum was divided, no more than 6 acres would be preserved.

Staff recommends the approval of all three waivers, subject to incorporation of the amendment detailed above.

STAFF ANALYSIS OF FINDINGS OF FACT

The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property;

Staff Analysis: The division of the property would not impact the general public. Any future development of the site would need to comply with building code and other applicable regulations.

The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties

Staff Analysis: The subject lot is an isolated parcel among a State Forrest. The proposed residential development will fit in with the characteristics of the area.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to; and

Staff Analysis: The subject lot is an isolated parcel among a State Forrest. The proposed residential development will fit in with the characteristics of the area.

The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

Staff Analysis: The Comprehensive Plan's Future Land Use map classifies this area as Military Buffer Area. This area is more suited for rural residential use. These waivers will not go against the intent of the comprehensive plan of preserving agricultural land.

GENERAL INFORMATION

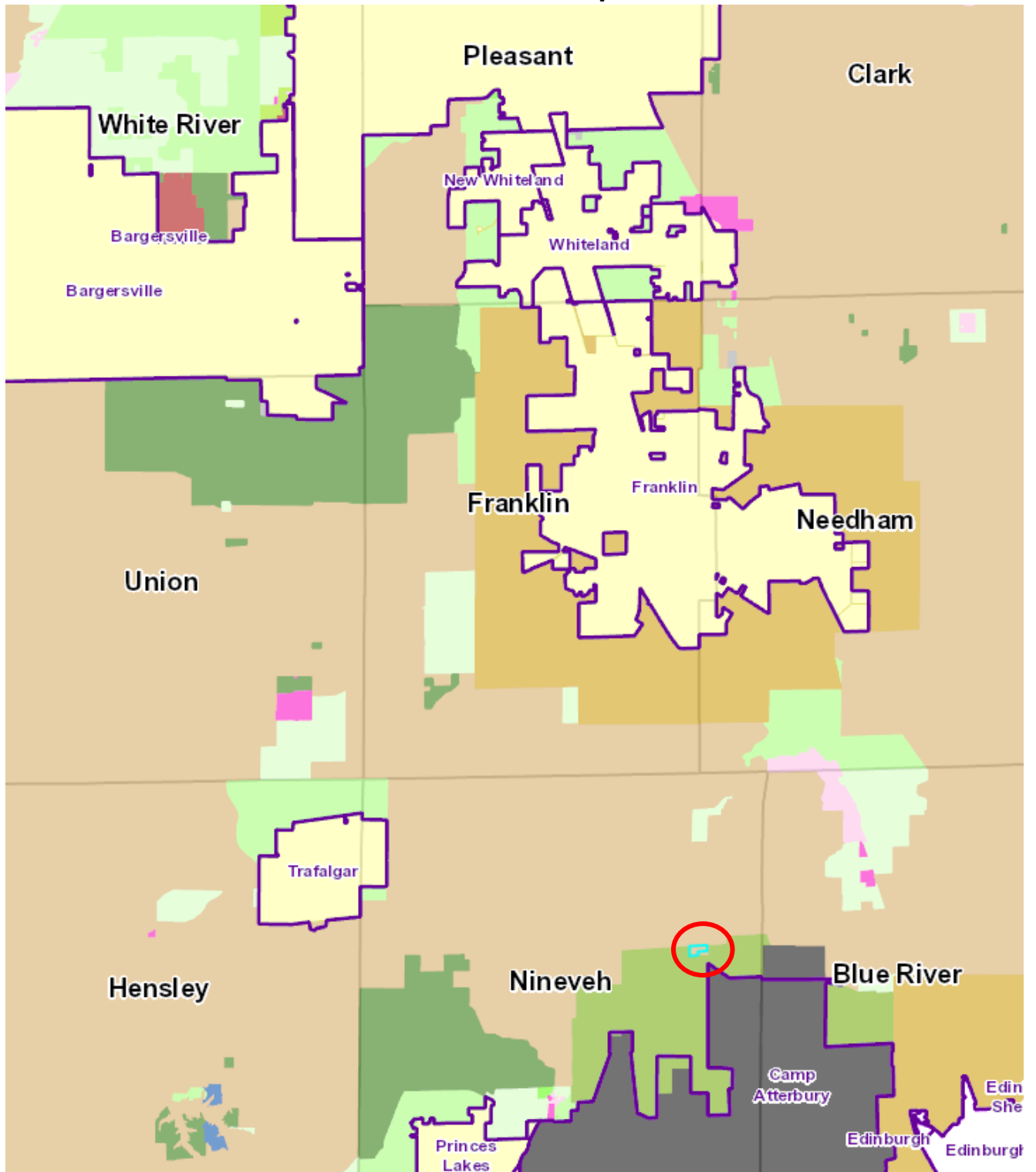
Applicant: Paul Clark
711 Cross Wind Dr.
Greenwood IN 46143

Owner: Bud and Janice Clark Rev. Trust.
5612 South 325 East
Franklin IN 46131

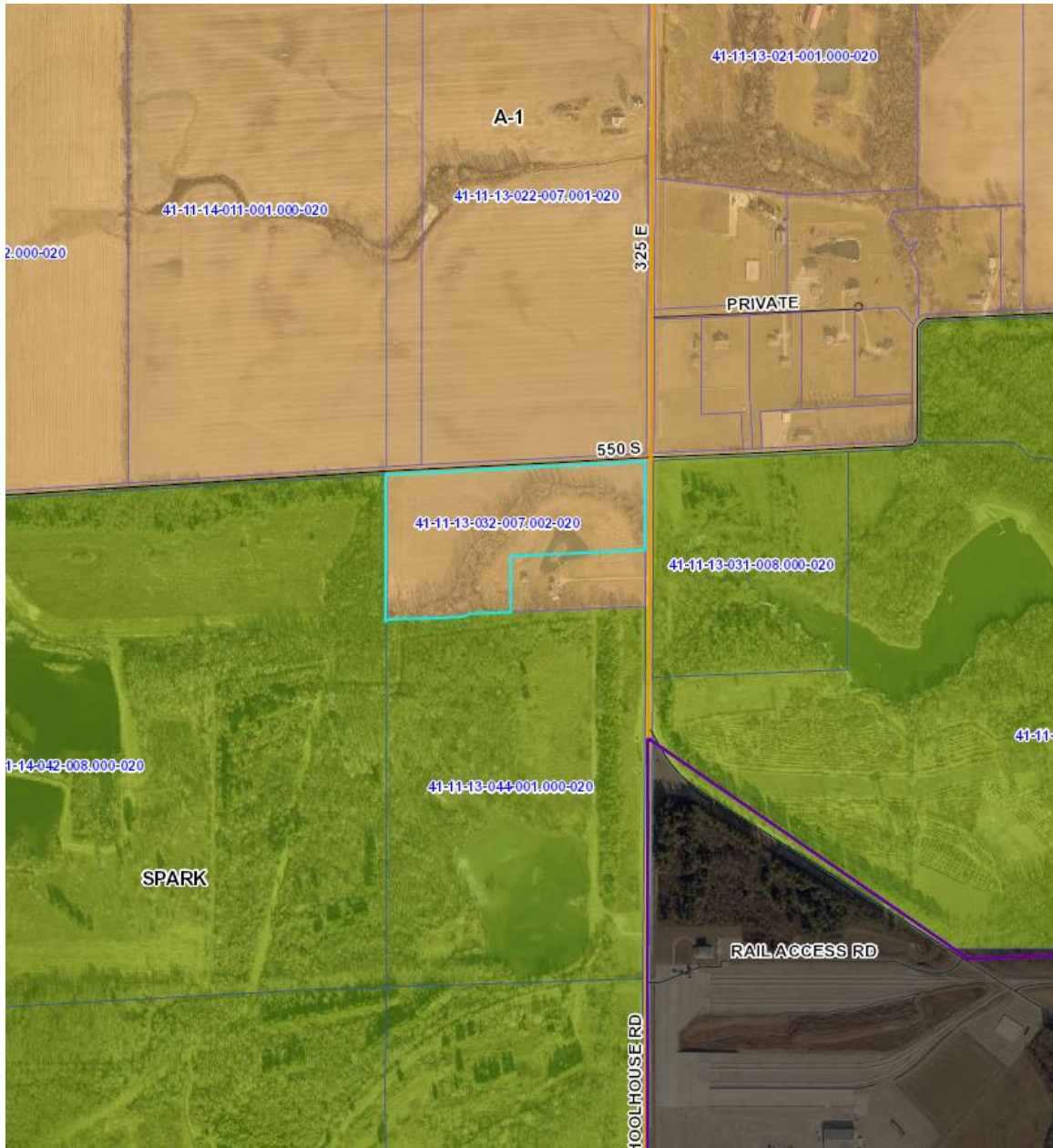
Current Zoning: A-1 (Agricultural)
Existing Land Use: Single Family Dwelling
Future Land Use: Camp Atterbury Buffer

-MNH

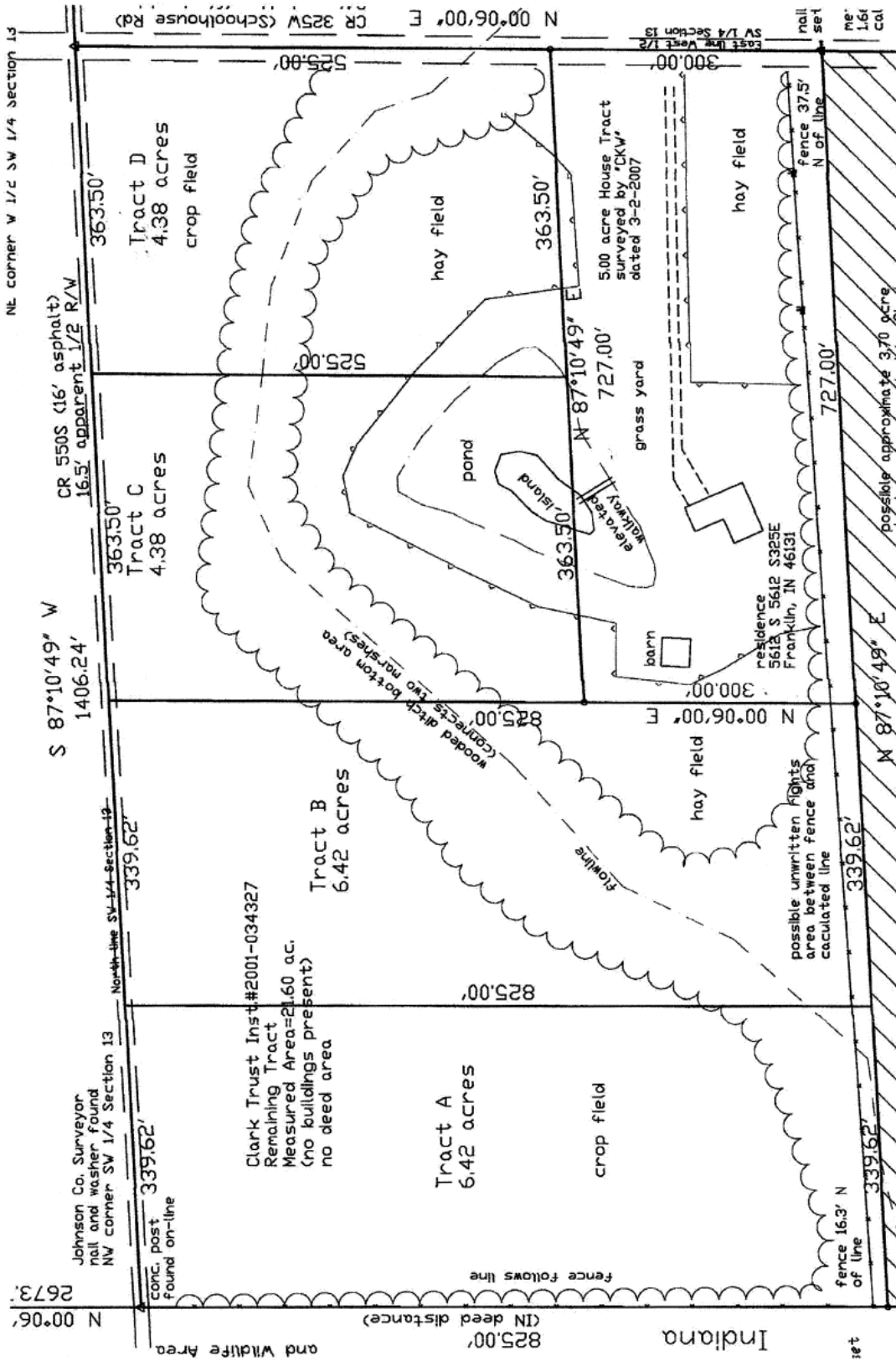
W-13-20 Base Map



W-13-20 Base Map II



W-13-20 Proposed Roadside Subdivision



W-13-20 PETITIONER FINDINGS OF FACT

FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.
This was part of a larger parcel as family farm. It is bordered on the north and east by county roads and on south and west by property owned by the state of Indiana
2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.
The property is zoned agricultural and will continue to be used as such for the foreseeable future. There topographical nature restricts farming to about 10 of the total 21.60 acres. Dividing this property for homesteads will not have a detrimental affect.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.
The owner would like the opportunity to provide a place for the relocation possibly of the owners children if building is in the future for them.
4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.
The division of the parcel does not harm or affect anyone else.
The division of the parcel is for the owner and the owners heirs personal satisfaction.

Staff Report

CASE NUMBER: W-14-20
ADDRESS: 6221 West Horseshoe Road, Morgantown
Section 32, Township 11, Range 3
PETITIONER: Keith and Kathleen Grant, by Maurer Surveying, Inc.

REQUEST

WAIVER of the Johnson County Subdivision Control Ordinance to provide for a two-lot Roadside Subdivision where one lot will be 4.5 acres (new lots created via the Roadside Subdivision process must have an area of exactly two acres).

STAFF RECOMMENDATION

Staff recommends **approval** of this request.

PROPERTY DESCRIPTION

This 51.9-acre site is zoned A-1 (Agricultural) and is improved with a single-family home and two accessory structures. Over 50% of the property is wooded.

The site is surrounded by parcels of similar size with single-family dwellings and heavily wooded areas. All surrounding properties are zoned A-1.

WAIVER REQUEST

This waiver request, if approved, would allow for the subsequent split, via the Roadside Subdivision process, of the subject 51.9-acre parent lot into two lots. The newly-created lot would be 4.5 acres in size and the remaining parent tract would be 47.4 acres in size. The existing house would be contained within the newly-created 4.5-acre lot.

The Roadside Subdivision process requires newly-created lots to be exactly two acres in area. The two-acre *minimum* ensures that a new lot has enough area - but no more than is necessary - to accommodate a septic system. The petitioner is wishing to encompass the existing house and buildings into one parcel. The 4.5 acres will allow the parcel to extend to the southern property line to encompass the additional 2 acres that would remain if the ordinance was followed. The additional land is a field which is not used agriculturally and is separated from the agricultural field by woods.

The petitioner does plan on selling both proposed tracts of land. The 47-acre remainder tract will be eligible for one single-family dwelling.

The staff recommends **approval** of this waiver request.

FINDINGS OF FACT, STAFF ANALYSIS

The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property;

Staff Analysis: Grant of the waiver would create one new buildable lot, which would not negatively impact public safety, health, or welfare.

The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties;

Staff Analysis: The homestead site is located with a field to the south that would be isolated from the remaining 47-acre tract if the parcel created was only 2 acres in size.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to;

Staff Analysis: The homestead site is located with a field to the south that would be isolated from the remaining 47-acre tract if the parcel created was only 2 acres in size.

The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

Staff Analysis: The Future Land Use Map of the Comprehensive Plan identifies the future land use of the property as agricultural. The proposed subdivision would provide for a residential density consistent with the Plan recommendation. The proposal complies with all development standards identified in the Zoning Ordinance.

GENERAL INFORMATION

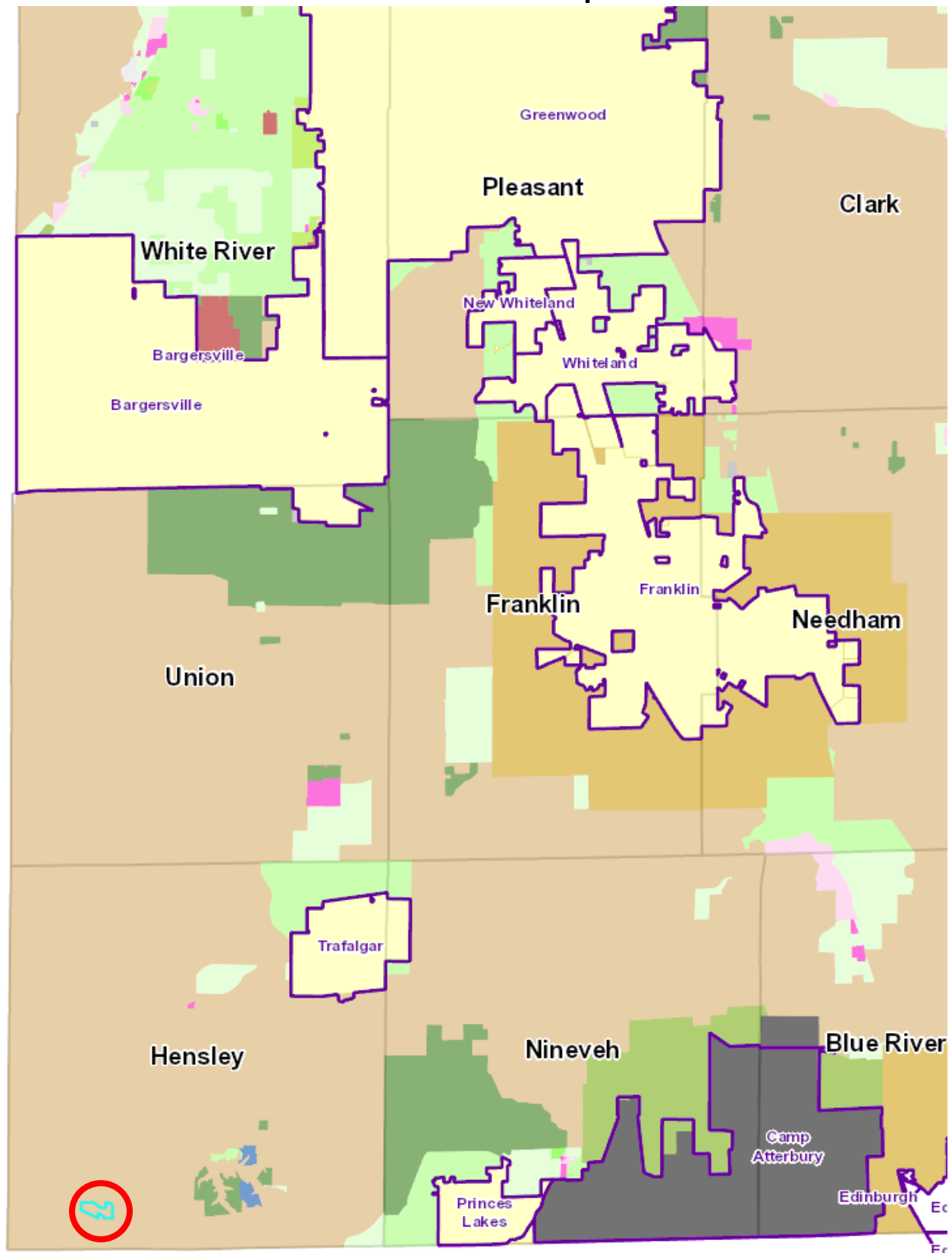
Applicant: Andrew Barkocy with Maurer Surveying, Inc.
4800 W. Smith Valley Road, Ste. P
Greenwood, IN 46143

Owner: Keith and Kathleen Grant Revocable Living Trust

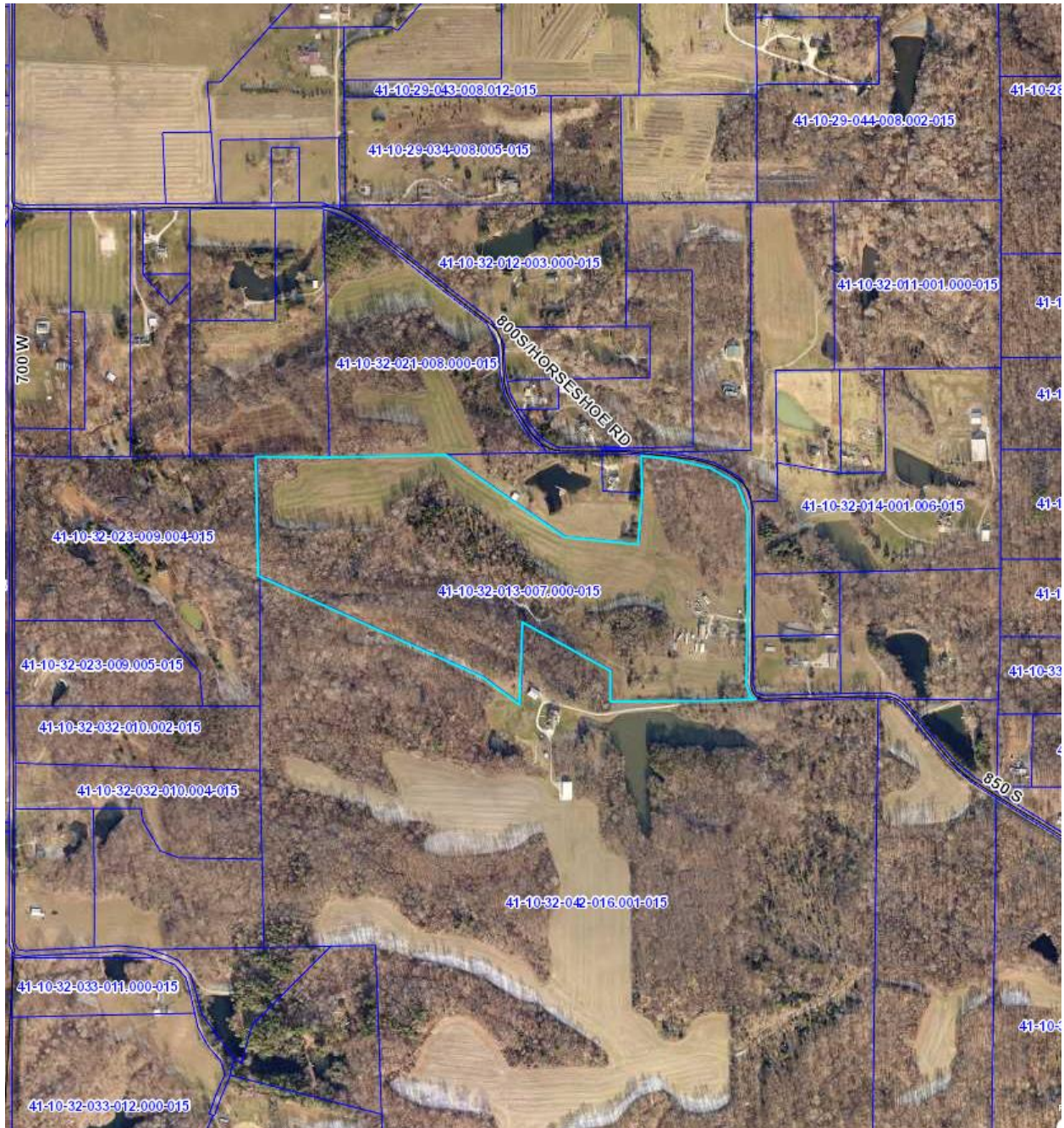
Current Zoning: A-1 (Agricultural)
Existing Land Use: Agricultural
Future Land Use: Agricultural

-MNH

W-14-20 Base Map



W-14-20 Base Map II

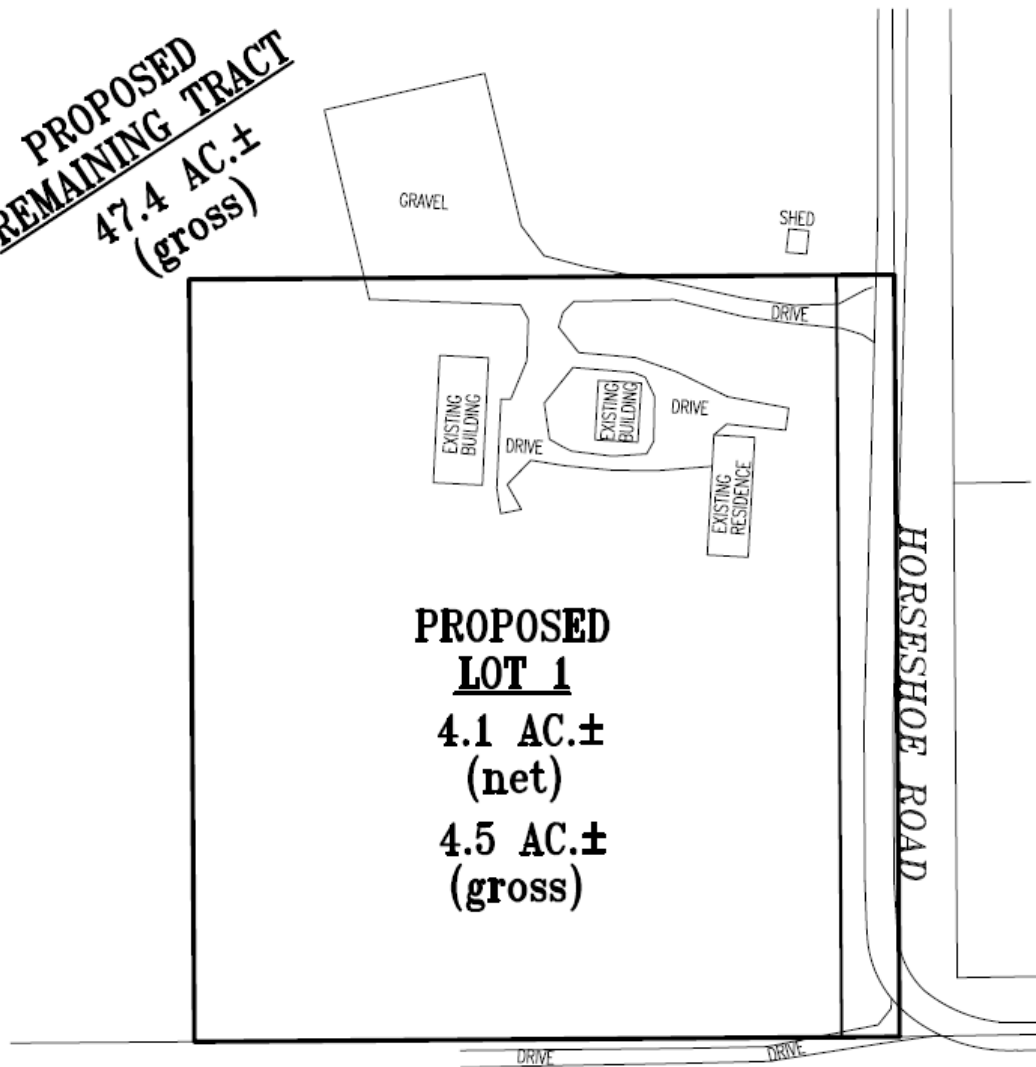


W-14-20 Proposed Roadside Subdivision



W-14-20 Proposed Roadside Subdivision – Lot 1 Detail

**PROPOSED
REMAINING TRACT
47.4 AC.±
(gross)**



N
SCALE : 1"=100'

W-14-20 Petitioner's Findings of Facts

FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.
Granting of the waiver for one lot being larger than 2 acres will not be
detrimental to the public safety, health, or welfare or be injurious to nearby property
because the request is to only have a 4.5 acre lot which will have no affect on the public
safety, health or welfare. There is already a house on the proposed lot as well.

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.
The condition that causes this waiver to be requested is the location of the existing
residence on the large parent parcel and the subdivider wanting to keep the land similar
to the agricultural low density area and to create 1 new parcel around the existing residence.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.
The unique location of the existing residence on the parent parcel causes a hardship in creating
the new lot without creating a strip of frontage for the large tract around the proposed parcel. The 4.5
acre size parcel is also more common with the area and to keep that similar feel, the 1 proposed
parcel with the requested size of 4 acres is necessary.

4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.
This waiver will not contravene provisions of the Zoning Ordinance,
Comprehensive Plan, or Official Map as the resulting Roadside Subdivision
will be comprised of low-density residential lot in an Agricultural District

Staff Report

CASE NUMBER: W-15-20
ADDRESS: 1025 West 100 North, Franklin
Section 18, Township 12, Range 4
PETITIONER: Terry Johnson and Brian Johnson, by Maurer Surveying, Inc.

REQUEST

WAIVERS of the Johnson County Subdivision Control Ordinance to provide for a three-lot Roadside Subdivision where:

- a) the parent tract is 10.28 acres (parent tract must be at least 12 acres in area to be subdivided via the Roadside Subdivision process),
- b) one lot will have 145 feet of road frontage (any lot newly-created via Roadside Subdivision must have at least 200 feet of road frontage), and
- c) two lots will have an area of 3.2 and 2.8 acres (any lot newly-created via Roadside Subdivision must be exactly two acres in area).

STAFF RECOMMENDATION

Staff recommends the **approval** of these requests.

PROPERTY DESCRIPTION

This 10.28-acre site is zoned A-1 (Agricultural) and is improved with one single-family dwelling and an accessory building.

The site is surrounded by smaller parcels, most of which are improved with single-family dwellings. To the southwest and northeast are larger parcels of land used agriculturally, all zoned A-1.

WAIVER REQUEST

These waiver requests, if approved, would allow for the subsequent split, via the Roadside Subdivision process, of the subject 10.28-acre parent lot into three parcels.

WAIVER REQUEST: PARENT PARCEL AREA

To be eligible for subdivision via the Roadside Subdivision process, the original parent parcel must have a minimum area of 12 acres. This requirement is intended to preserve agricultural land and open space and to discourage the piecemeal encroachment of significant residential density into agricultural areas. This parcel, at 10.28 acres, falls short of that 12-acre requirement.

The proposed subdivision will create two additional buildable lots, three tracts of land overall, which will be less than the allowed four lots in a Roadside Subdivision. The developmental characteristics of the area are more rural residential than agricultural, so the intent to preserve agricultural area would not be particularly applicable here. This property abuts four minor subdivisions, each containing 4 residential lots. Minor subdivisions were once permitted on

agriculturally zoned properties, but they are no longer allowed with the current Subdivision Control Ordinance.

The low-density residential development proposed here would be appropriate as part of a transitional low-density area giving way to the wholly agricultural areas further east and south. Staff asserts that the proposed split would be contextually appropriate with the surrounding area.

WAIVER REQUEST: SPLIT LOT AREA

The Roadside Subdivision process requires newly-created lots to be exactly two acres in area. The two-acre *minimum* ensures that a new lot has enough area - but no more than is necessary - to accommodate a septic system. The two-acre *maximum*, implemented county-wide over time, is intended to preserve the amount of land available for agricultural use within the county and to limit residential encroachment into agricultural areas.

This request, if approved, would allow the two newly-created lots to have an area of 3.2 and 2.8 acres, respectively. The house will be on the remaining tract of 3.4 acres. The petitioner has provided an exhibit with their application to demonstrate two parcels that would meet the two-acre requirement, page 58. Both parcels will be south of the house along 100 West. This will create a small strip of land to be situated behind the new lots. The property lines could be extended to the western property line, but the parcel is 2.8 acres in size. See page 59.

Staff asserts that the requested waiver represents a minor deviation from the two-acre requirement and allows more orderly parcel configurations.

WAIVER REQUEST 2: ROAD FRONTAGE

New lots created via the Roadside Subdivision process must have a minimum of 200 feet of road frontage. As proposed, Lot 3 will have approximately 145 feet of road frontage. Page 59 and Page 60 show two newly created lots that meet the minimum lot frontage requirement. Page 60 shows the proposed property line to go through the house. The petitioner has proposed the subdivision layout found on page 56 that they believe is the best layout of the three lots. This proposal takes into consideration the existing features of the land and what is already used as a residential yard for the existing dwelling. It also equally distributes the 10 acres among the three overall lots, making it a more orderly parcel configuration.

For the reasons outlined above, staff recommends approval of these three waiver requests.

FINDINGS OF FACT, STAFF ANALYSIS

The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property;

Staff Analysis: Grant of the waiver would create one new buildable lot, which would not negatively impact public safety, health, or welfare.

The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties;

Staff Analysis: The subject lot is adjacent to four minor subdivisions and parcels of similar size. The proposed residential development will fit in with the characteristics of the area.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to;

Staff Analysis: The subject lot is adjacent to four minor subdivisions and parcels of similar size. The proposed residential development will fit in with the characteristics of the area.

The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.

Staff Analysis: This area is more suited for rural residential use, as indicated by the several small parcels that are predominantly single-family dwelling uses. These waivers will not go against the intent of the comprehensive plan of preserving agricultural land.

GENERAL INFORMATION

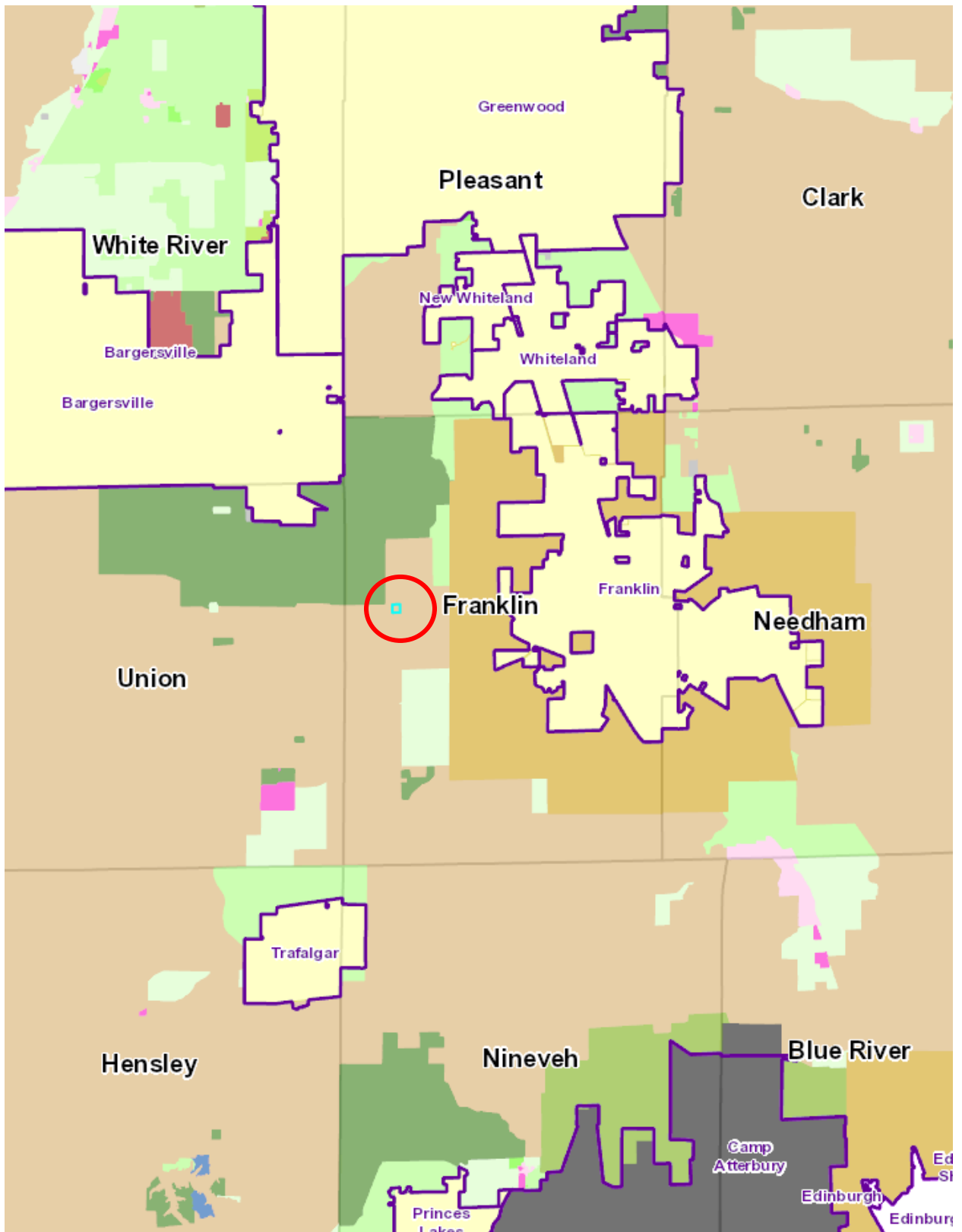
Applicant: Andrew Barkocy with Maurer Surveying, Inc.
4800 W. Smith Valley Road, Ste. P
Greenwood, IN 46143

Owner: Terry Johnson and Brian Johnson
506 North 100 West
Franklin IN 46131

Current Zoning: A-1 (Agricultural)
Existing Land Use: Agricultural
Future Land Use: Agricultural

-MNH

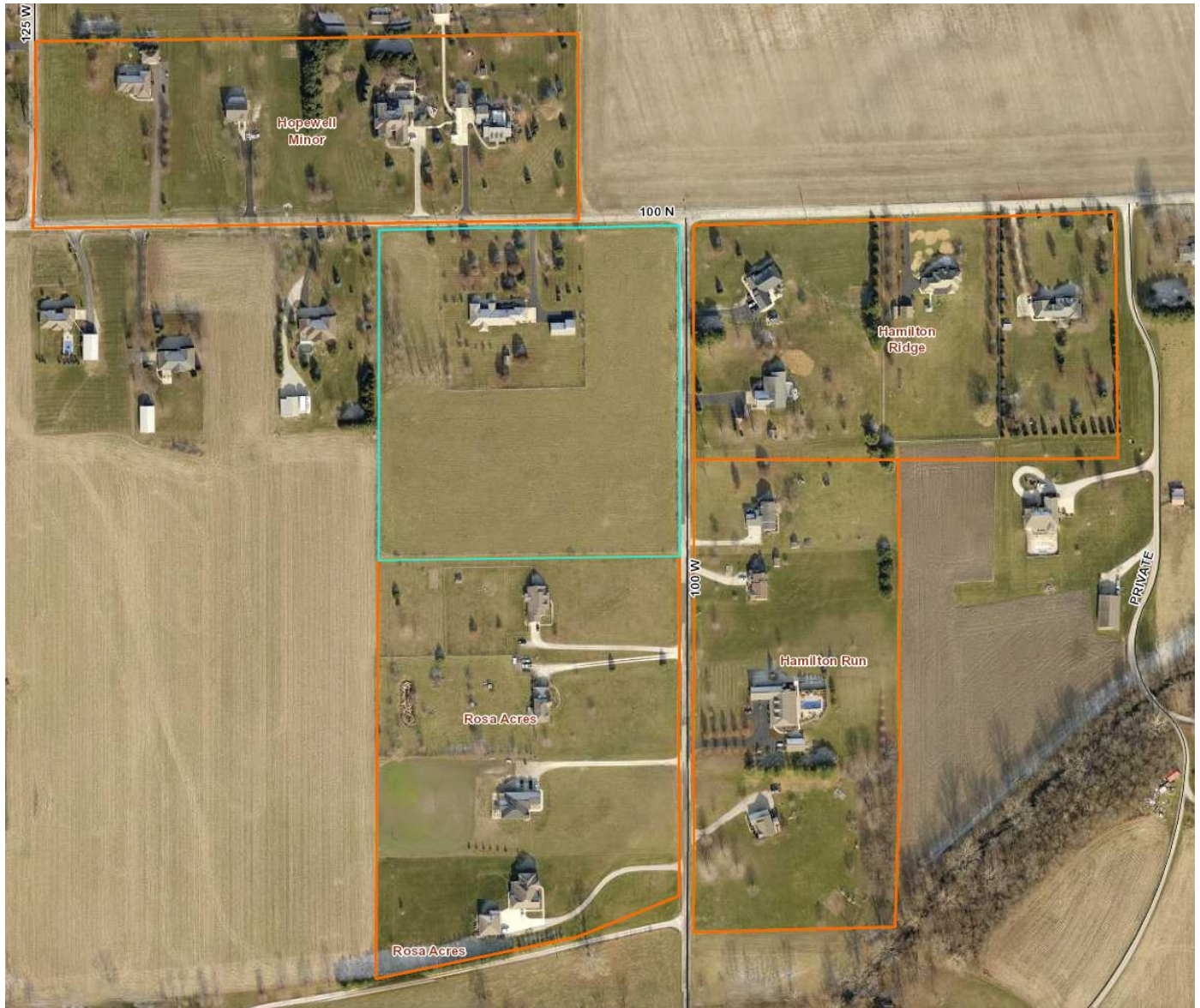
W-15-20 Base Map



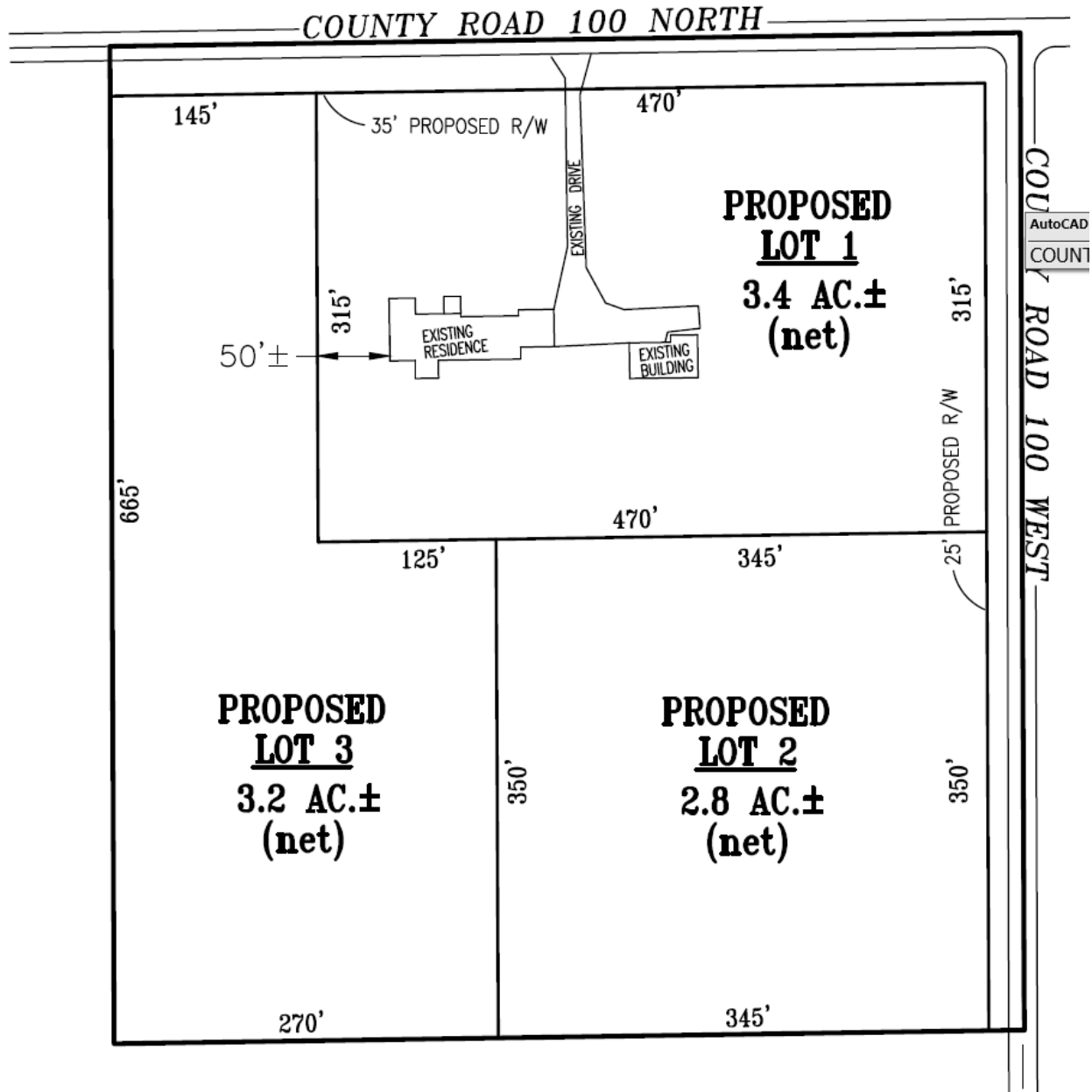
W-15-20 Base Map II



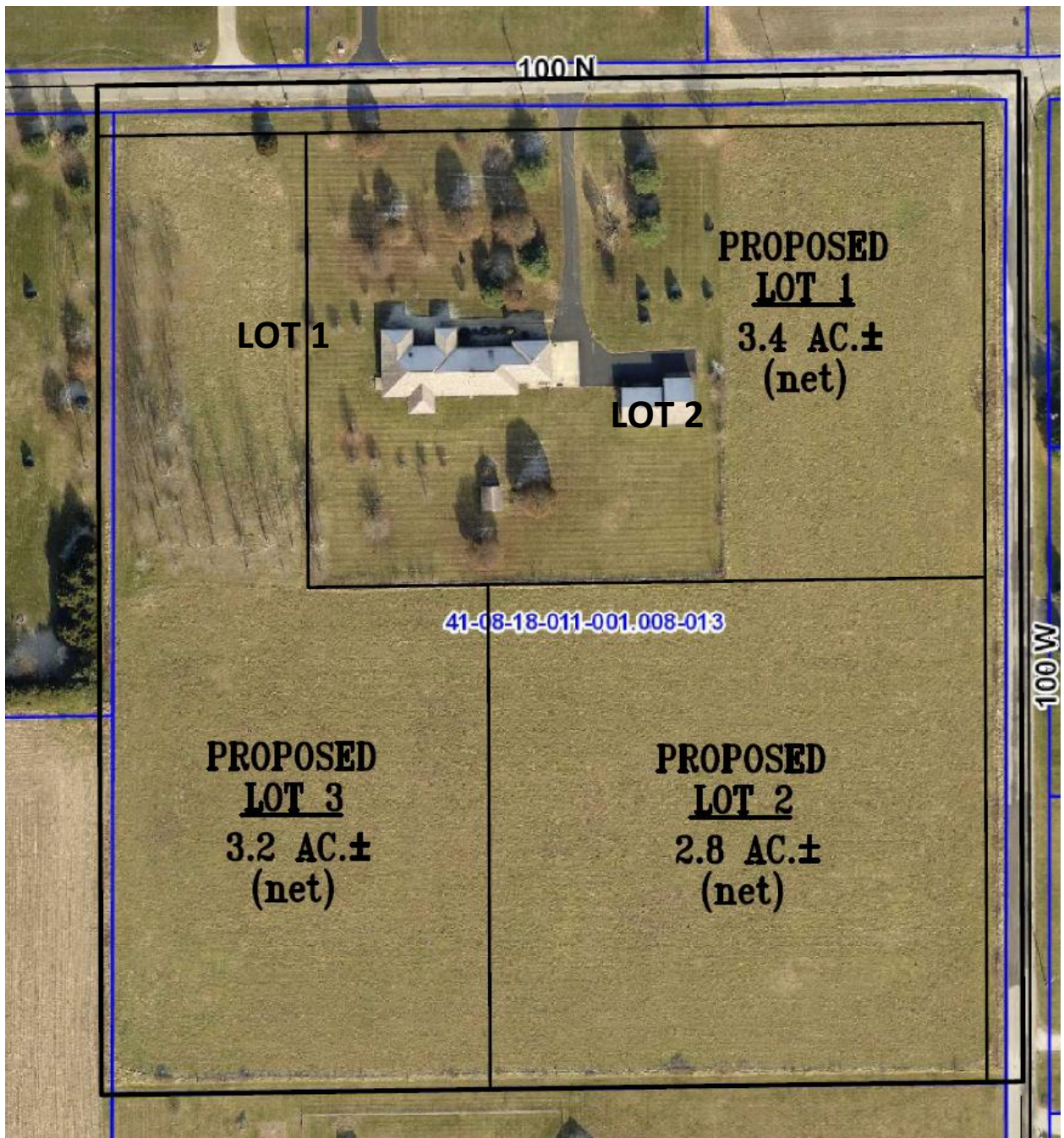
W-15-20 Surround Subdivisions



W-15-20 Proposed Roadside Subdivision



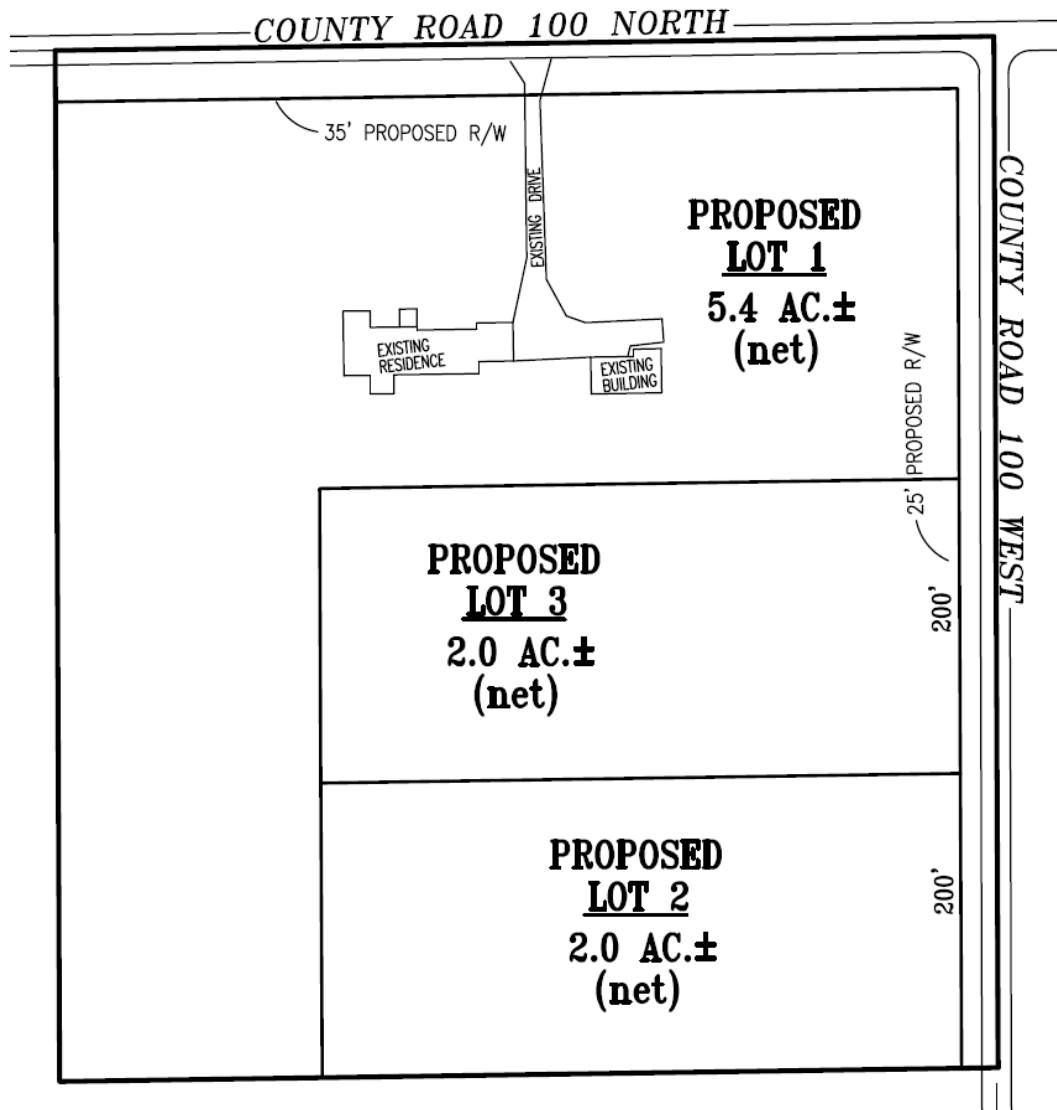
W-15-20 Proposed Roadside Subdivision – Aerial Overlay



**W-15-20 ALTERNATIVE ROADSIDE LAYOUT
DEMONSTRATING TWO-ACRE REQUIREMENT**

**PROPOSED
JOHNSON ROADSIDE SUBDIVISION
1025 W. 100 N.
FRANKLIN, IN 46131**

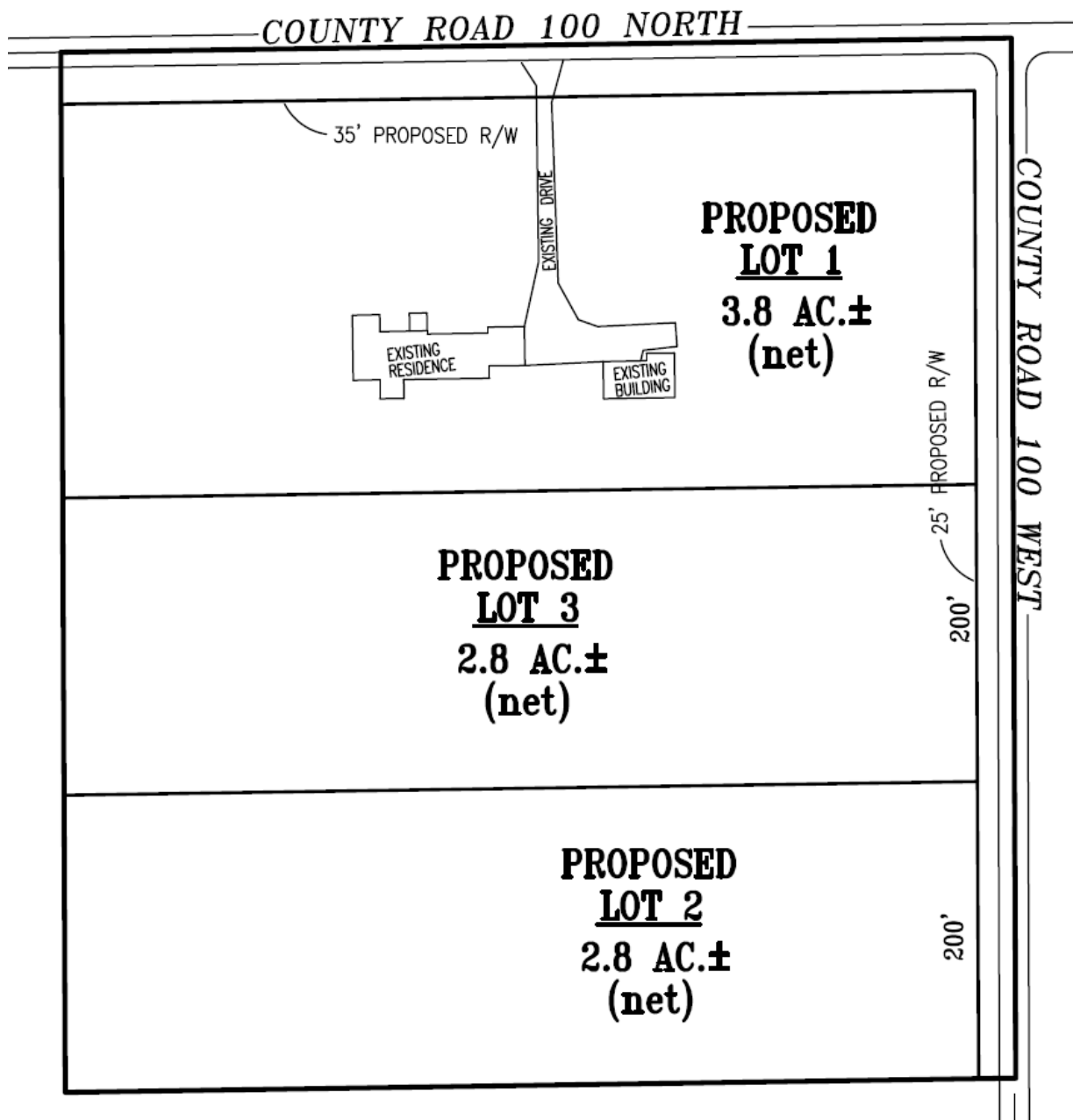
DRAWING SHOWS IF 2 ACRE LOTS WERE CREATED



**W-15-20 ALTERNATIVE ROADSIDE LAYOUT
DEMONSTRATING 200-FOOT REQUIREMENT - OPTION 1**

**PROPOSED
JOHNSON ROADSIDE SUBDIVISION
1025 W. 100 N.
FRANKLIN, IN 46131**

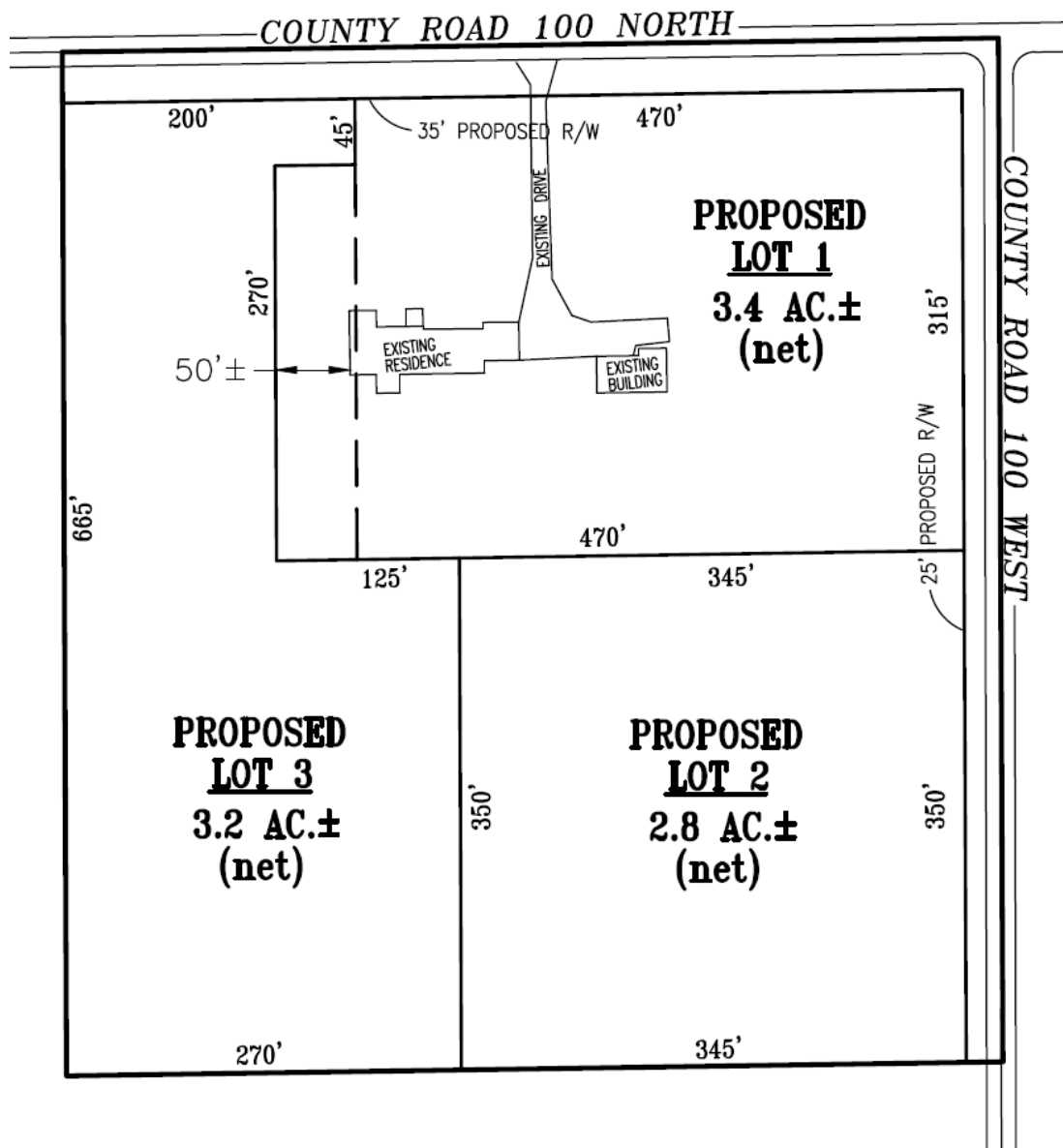
DRAWING SHOWS IF 200' FRONTAGE LOTS WERE CONTINUED BACK



**W-15-20 ALTERNATIVE ROADSIDE LAYOUT
DEMONSTRATING 200-FOOT REQUIREMENT - OPTION 2**

**PROPOSED
JOHNSON ROADSIDE SUBDIVISION
1025 W. 100 N.
FRANKLIN, IN 46131**

DRAWING SHOWS IF 200' FRONTAGE LOTS WERE GIVEN TO LOT 3



W-15-20 PETITIONER FINDINGS OF FACTS – ORIGINAL TRACT OF LAND

FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.
Granting of the waiver for subdividing a tract of land less than 12 acres would not be detrimental to the public safety, health, or welfare or be injurious to nearby property because the ratio of lots to land will be the same. We are only requesting to have 3 lots total whereas if you have 12 acres you can have 4 parcels 3 of which being 2 acres.
2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.
The condition that causes this waiver to be requested is that the parcel was originally created at 10.3 acres and therefore the 12 acre minimum can not be met. With a 12 acre tract, you can have three 2-acre parcels and 1 remaining tract. With this being 2 acres less than the minimum of 12 acres, we are proposing only 2 lots and 1 remaining tract.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.
As stated above, the original parcel was created at 10.3 acres, thus creating a hardship of not being 12 acres. The proposed Roadside is only for 3 new parcels instead of 4 new parcels that can be created with a 12 acre parcel.
4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.
This waiver will not contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map as the resulting Roadside Subdivision will be comprised of low-density residential lots in an Agricultural District

W-15-20 PETITIONER FINDINGS OF FACTS – TWO-ACRE RULE

FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.
Granting of the waiver for two lots being larger than 2 acres will not be
detrimental to the public safety, health, or welfare or be injurious to nearby property
because the size of the lot will not affect the public safety, health, or welfare.
2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties,
The condition that the causes this wavier to be requested is the shape and location of the existing residence
on the parent parcel. The existing residence is centered on the parcel on the north portion and therefore for the lots
to have the 200' of road frontage they both would need to face CR 100 W. If held at the 200' and 2 acres, the remaining tract would have
a small portion of land behind the proposed lots. If the new 200' wide lots were extended to the other lot line the lots would be 2.8 acres.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.
As stated above, the unique shape of the parent parcel and location of the existing residence causes a hardship in creating
the two new lots. If 2 acres were held there would be a portion of land of the remaining tract behind the parcels.
if the 200' minimum was held and the new lots were extend back, they would result in being 2.78 acres.
Therefore, we feel this is the "best" layout for 2 new building sites on this 10 acre parcel.
4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.
This waiver will not contravene provisions of the Zoning Ordinance,
Comprehensive Plan, or Official Map as the resulting Roadside Subdivision
will be comprised of low-density residential lots in an Agricultural District with lots
in similar size of the surrounding area.

W-15-20 PETITIONER FINDINGS OF FACTS, 200' ROAD FRONTAGE

FINDINGS OF FACT – SUBDIVISION CONTROL WAIVER

PLAN COMMISSION

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to nearby property.
Granting of the waiver for one lot to have less than 200' of road frontage will not be
detrimental to the public safety, health, or welfare or be injurious to nearby property
because the road frontage reduction is only for along the road and the parcel will widen to
270 feet where the proposed residence would be.
2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not applicable generally to other properties.
The condition that causes this waiver to be requested is the location of the existing residence
on the parent parcel. If this parcel has 200' road frontage, the parcel line would go through the existing
residence. The other option is to jog the parcel line to smaller than 200' at the setback, however
this creates an odd shaped parcel.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to.
As stated above, the location of the existing residence causes a hardship in creating 200' of road frontage
for 1 of the new lots. At 200' the new parcel line would extend through the existing residence.
4. The waiver will not, in any manner, contravene provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, as interpreted by the Commission.
This waiver will not contravene provisions of the Zoning Ordinance,
Comprehensive Plan, or Official Map as the resulting Roadside Subdivision
will be comprised of low-density residential lots in an Agricultural District

I. Proposed Zoning Ordinance Amendment: Residential Design Standards

These proposed design standards will apply to all single-family and two-family residential development in major subdivisions which are platted after these standards' date of adoption. They won't apply to property zoned A-1 (Agricultural) or RR (Rural Residential), to lots within minor subdivisions, or to unplatted lots.

These standards are intended to ensure that new residential development in major subdivisions:

- complements existing housing stock, while providing for versatility and diversity in new construction,
- contributes aesthetically, economically and functionally to the built environment of Johnson County, and
- supports healthy long-term housing and property values.

This proposed ordinance amendment would also increase minimum lot widths in zones R-1, R-2 and R-3, the primary single-family zoning districts.

As a proposed text amendment to the Johnson County Zoning Ordinance, the Plan Commission will send a recommendation of approval, conditional approval, or denial to the Board of Commissioners.

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F. R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

1. Purpose

The purpose of the R-1, Single-Family Residential District is to provide for residential development at an average density of two (2) dwelling units per acre. Development of major subdivisions in the R-1 District shall be limited to sites served by public sanitary sewer systems. Major subdivisions should be limited to sites which are located adjacent to major collectors, minor arterials, or major arterials, as defined in the Johnson County Comprehensive Plan Update; and are generally best located immediately adjacent to RR, R-1, or R-2 Residential Districts.

2. Lot and Yard Requirements

Use	Single-family residences	All other permitted uses and special exceptions identified in R-1 Single-Family Residential District
Minimum Lot Size	Not Applicable*	21,780 square feet*
Minimum Road Frontage	90 50 feet	90 50 feet
Minimum Lot Width	90 50 feet	90 50 feet
Maximum Lot Coverage	30 percent	40 percent
Minimum Front Yard Setback	See Table, Page 43	See Table, Page 43
Minimum Side Yard Setback	10 feet	10 feet
Minimum Rear Yard Setback	20 feet	20 feet
Maximum Building Height	35 feet	35 feet; or 50 feet for structures associated with agricultural uses
Minimum Ground Floor <u>Building</u> Area for Principal Use	1600 1200 square feet for single-story; 2400 900 square feet for two or more stories	1600 1200 square feet for single-story; 2400 900 square feet for two or more stories

* Minimum lot area shall be 87,120 square feet (two acres) if the lot is not served by a community sanitary sewer system approved by the State Board of Health.

G. R-2, SINGLE FAMILY RESIDENTIAL DISTRICT

1. Purpose

The purpose of the R-2, Single-Family Residential District is to provide for residential development at an average density of three and one-half (3.5) dwelling units per acre. Development of major subdivisions in the R-2 District shall be limited to sites served by public sanitary sewer systems. They should be limited to sites which are located adjacent to major collectors, minor arterials, or major arterials, as defined in the Johnson County Comprehensive Plan Update; and are generally best located immediately adjacent to R-1, R-2, or R-3 Residential Districts.

2. Lot and Yard Requirements

Use	Single-Family Dwellings	All other permitted uses and special exceptions identified in R-2 Single-Family Residential District
Minimum Lot Size	Not Applicable*	13,000 square feet*
Minimum Road Frontage	80 50 feet	80 50 feet
Minimum Lot Width	80 50 feet	80 50 feet
Maximum Lot Coverage	35 percent	40 percent
Minimum Front Yard Setback	See Table, Page 43	See Table, Page 43
Minimum Side Yard Setback	10 feet	10 feet
Minimum Rear Yard Setback	20 feet	20 feet
Maximum Building Height	35 feet	35 feet; or 50 feet for structures associated with agricultural uses
Minimum Floor <u>Building Ground</u> Area for Principal Use	1000 square feet for single-story; 2000 900 square feet for two or more stories	1000 square feet for single-story; 2000 900 square feet for two or more stories

* Minimum lot area shall be 87,120 square feet (two acres) if the lot is not served by a community sanitary sewer system approved by the State Board of Health.

H. R-3, ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT

1. Purpose

The purpose of the R-3, One- and Two-Family Residential District is to provide for residential development at a density of six (6) dwelling units per acre. Development of major subdivisions in the R-3 District shall be limited to sites served by public sanitary sewer systems. They should be limited to sites which are located adjacent to major collectors, minor arterials, or major arterials, as defined in the Johnson County Comprehensive Plan Update, and are generally best located immediately adjacent to R-2, R-3, or R-4 Residential Districts.

2. Lot and Yard Requirements

The following lot and yard requirements shall apply within the R-3, One- and Two-Family Residential District:

Use	Single-Family and Two-Family Dwellings	All other permitted uses and special exceptions within the R-3 One- and Two-Family Residential District
Minimum Lot Size	Not Applicable*	13,000 square feet*
Minimum Road Frontage	70 50 feet	70 50 feet
Minimum Lot Width	70 50 feet	70 50 feet
Maximum Lot Coverage	35 percent	40 percent
Minimum Front Yard Setback	See Table, Page 43	See Table, Page 43
Minimum Side Yard Setback	10 feet	10 feet
Minimum Rear Yard Setback	20 feet	20 feet
Maximum Building Height	35 feet	35 feet
Minimum Building Ground Floor Area for Principal Use	900 square feet for single-story 900 square feet	1800 square feet for two or more stories 900 square feet

* Minimum lot area shall be 87,120 square feet (two acres) if the lot is not served by a community sanitary sewer system approved by the State Board of Health.

Section 6-101-5. DEVELOPMENT STANDARDS

- A. Applicability
- B. One Principal Building Per Lot
- C. Accessory Uses and Structures
- D. Essential Services
- E. Outdoor Storage of Vehicles and other Materials
- F. Visual Clearance on Corner Lots
- G. Temporary Uses of Land and Structures
- H. Performance Standards
- I. Permitted Projections in Required Yards
- J. Front Setbacks for Developed Residential Areas
- K. Residential Design Standards

A. APPLICABILITY

All uses shall comply with the following development standards in the interest of protecting public health, safety and welfare, and lessening injury to property. No use in existence on the effective date of this Ordinance shall be so altered or modified as to conflict with these standards.

B. ONE PRINCIPAL BUILDING PER LOT

No more than one (1) single-family or two-family dwelling unit shall be constructed on any lot, tract, or parcel of land. Each distinct business use shall occupy a separate lot, excepting strip centers, malls, or buildings containing more than one business.

C. ACCESSORY USES AND STRUCTURES

Accessory uses and structures are permitted in all zoning districts in accordance with the provisions of this Section.

1. Accessory uses and structures shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the property.
2. Accessory uses and structures shall be operated and maintained under the same ownership and on the same property, or on adjoining property under the same ownership, as the principal use.
3. A primary dwelling or structure shall be constructed prior to the construction of an accessory structure, unless the accessory structure is solely for agricultural use in an A-1 or RR District.

4. Accessory Structure Area and Height Regulations

a. In the A-1 and RR Districts:

The total square footage of all accessory structures on a parcel less than or equal to two (2) acres and adjoining a parcel less than or equal to two (2) acres shall not exceed seventy-five (75) percent of the square footage of the footprint of the principal building.

The height of accessory structures on a parcel less than or equal to two (2) acres and adjoining a parcel less than or equal to two (2) acres shall not exceed twenty-five (25) feet; provided, however, such an accessory structure shall not exceed the height of the principal building.

There shall be no limit to the size of accessory structures on a parcel greater than two (2) acres or on a parcel less than or equal to two (2) acres that does not adjoin a parcel less than or equal to two (2) acres; provided, however, such accessory structures shall not exceed the maximum building height of the zoning district in which the parcel lies.

b. In the R-1, R-2, R-3, R-4, R-5, B-1, B-2, I-1, and I-2 Districts:

The total square footage of all accessory structures on a parcel less than or equal to ten (10) acres shall not exceed fifty (50) percent of the square footage of the footprint of the principal building.

The height of accessory structures on a parcel less than or equal to ten (10) acres shall not exceed twenty-five (25) feet; provided, however, such an accessory structure shall not exceed the height of the principal building.

There shall be no limit to the size of accessory structures on parcels greater than ten (10) acres; provided, however, such accessory structures shall not exceed the maximum building height of the zoning district in which the parcel lies.

5. Accessory structures exceeding eight thousand (8,000) square feet shall be set back at least twenty-five (25) feet from all property lines.

6. Accessory structures shall not encroach into any required buffer yard.
7. Accessory structures shall not be permitted in any front yard or in any drainage, utility, or other platted or recorded easement.
8. Accessory structures, including open-air game courts, shall adhere to front, side and rear setback requirements, except that detached accessory structures with a building area of 200 square feet or less shall provide minimum 5-foot rear setbacks.
9. Accessory structures shall not contain a dwelling unit, unless in accordance with Section 6-101-6.K of this Ordinance.
10. Fences, hedges, walls, driveways, curbs, retaining walls, lattice work, screens, trees, flowers, plants, mail boxes, nameplates, lamp posts, bird baths, benches, landscaping, and the like, are permitted in any required front, side, or rear yard, provided they do not violate the requirements of this Ordinance.

K. RESIDENTIAL DESIGN STANDARDS

These design standards shall apply to all single-family and two-family residential development in all major residential subdivisions platted after the regulations' date of adoption, except for such development zoned PUD.

1. **Exterior materials.** A primary dwelling's exterior materials, excluding windows, entry doors, overhead doors, and associated trim, shall include the following in any combination:
 - a. brick, stone, or other traditional masonry media laid individually and adhered by mortar;
 - b. wood siding, cement-based siding, resin-bound engineered wood siding, or an equivalent-quality siding material;
 - c. galvanized or galvalume metal panel or siding; glass, stucco, or pre-cast concrete panel; or
 - d. EIFS and heavy-grade vinyl siding (minimum 0.044-inch), which are permitted only on a dwelling's rear elevation, and may account for no more than 40 percent of that rear elevation's area. However, single-family dwellings in the R-3 and R-4 zoning districts may employ EIFS or heavy-grade vinyl siding on any of a dwelling's elevations, but on no more than 50 percent of a dwelling's total elevation area.
2. **Windows.** There shall be at least two windows per floor on building facades facing a street, a rear lot line, or common area, and at least one window per floor on building facades facing a side lot line. To count toward this requirement, a window must have an area of at least eight square feet.
3. **Eaves.** Primary dwellings shall provide minimum 12-inch eaves, measured from framing, along all facades.
4. **Roofs.**
 - a. Roofs shall be surfaced with asphalt shingle, industry-approved synthetic shingle, slate, shake, standing seam metal, or tile.
 - b. Sloped main roofs shall have a minimum pitch of 6/12. However, lower-pitched roofs historically associated with a clearly-established architectural idiom, such as Craftsman, Prairie, Italianate, Federal, Spanish and bungalow, shall be permitted at the Director's discretion.
 - c. Flat roofs shall require parapet screening, which shall completely obscure from ground view all rooftop mechanical equipment and facilities, and shall be constructed of the same material as the primary façade.

5. Attached Garages.

- a. No more than two car bays may share a common garage door.
- b. A dwelling's aggregate garage door width may not exceed 40 percent of the total width of the dwelling. However:
 - i. There is no aggregate garage door width limitation for side entry (45- to 90-degree) attached garages, for attached garages offset 20 feet or more behind the front façade of a dwelling, or for three-car attached garages.
 - ii. Aggregate garage door width may be up to 50 percent of the total width of the dwelling if at least two of the following architectural elements are provided: decorative garage door, garage door windows, embellishing masonry, or similar enhancing architectural elements.

6. Architectural Diversity.

- a. Adjoining lots shall not be developed with the same primary dwelling building model. Here, "primary dwelling building model" shall refer to the dwelling's architectural elevations, rather than its interior floor plan.
- b. No more than 30% of the lots on a block may be developed with the same primary dwelling building model.
- c. Variety in primary dwelling building models shall be based on architectural articulation, fenestration, use of exterior materials and colors, massing and silhouette, with regard to all four building elevations.
- d. The developer may propose an alternative method for meeting these architectural diversity regulations. Such method may be approved administratively by the Director if it is deemed to meet or exceed the purpose of the regulations. The Director's administrative decision may be formally appealed to a public hearing of the Board of Zoning Appeals by any party.

L. FENCES

Fences on lots zoned R-1, R-2, R-3 and R-4 must meet the following regulations:

- a. Fences in side or rear yards may be no taller than six feet.
- b. Fences in front yards may be no taller than 3.5 feet. However, on a corner lot, a front-yard fence may be up to six feet tall within one, but not both, of the required front yards.
- c. All fences must meet the clear sight requirements detailed in Section 6-101-

5-F.1 of this ordinance.

- d. Barbed wire, razor wire, electrified wire and similar materials are prohibited.
- e. Chain link fences must be vinyl-coated black or dark green, and may not be filled with slats.
- f. A fence may not be erected in any drainage and/or utility easement.

E. AREAS TO BE LANDSCAPED

1. Parking areas shall be screened according to subsection D of this Section, above.
2. Roadway rights-of-way shall be landscaped with grass and trees. No walls, fences, or signs shall be permitted in a right-of-way. Landscaping shall not impede visual clearance according to Section 6-101-5.F (Visual Clearance on Corner Lots) of this Ordinance.
3. All dumpsters shall be screened with an opaque wall or fence that is architecturally compatible with the primary facility on the property. Gates shall be provided if dumpsters are visible from the public right-of-way or an adjacent property.
4. Freestanding signs and off-premises signs, excluding billboards, shall be landscaped according to the provisions of Section 6-101-9 (Signs) of this Ordinance.
5. On property zoned R-1, R-2, or R-3, no more than 40 percent of the total front yard area may be covered by driveway, sidewalk, parking area, or any impervious surface. However, on corner lots, no more than 50 percent of the total front yard area may be covered by impervious surface. The remainder shall be planted with grass or other suitable landscaping materials.

~~H. FENCES AND WALLS~~

~~g. In a platted major residential subdivision, any fence or wall which is located in a required front yard, including both front yards of a corner lot, shall be subject to the traffic visibility requirements of Section 6-101-5.F (Visual Clearance on Corner Lots) of this Ordinance specifically or any other requirement of this Ordinance. For through lots, a maximum fence height of seven (7) feet shall be allowed in the yard, opposite the front of the house, which abuts a street from which no vehicular access to the lot is allowed.~~

II. Proposed Zoning Ordinance Amendment: Accessory Dwelling Units

This proposed amendment to the Johnson County Zoning Ordinance would allow, by right, for the development of accessory dwelling units (aka “granny flats”, “in-laws quarters”, or carriage houses) under certain conditions.

The Johnson County Board of Zoning Appeals very frequently hears variance requests to allow for development of accessory dwelling units, and very frequently approves such requests. This amendment would adjust the ordinance to meet community preferences and allow for accessory dwelling units, under certain circumstances, without need of approval of variances or other special permissions.

As a proposed text amendment to the Johnson County Zoning Ordinance, the Plan Commission will send a recommendation of approval, conditional approval, or denial to the Board of Commissioners.

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Section 6-101-3. DEFINITIONS

- A. Word Interpretations
 - B. Definitions
-

A. WORD INTERPRETATIONS

For purposes of this Ordinance, the following terms shall have the meaning indicated below:

1. Present tense shall also include the future tense.
2. A singular number shall include plural and plural shall include singular.
3. The word "shall" is mandatory; the word "may" is permissive.
4. The word "used" includes "designated" or "intended to be used."

B. DEFINITIONS

Certain words used in this Ordinance are defined below. Any words not defined as follows shall be construed in their generally accepted meanings.

ACCESSORY DWELLING UNIT: A secondary single-family dwelling unit with independent means of ingress and egress, attached to or detached from an associated primary single-family dwelling on the same parcel, that provides independent living facilities including provisions for sleeping, eating, cooking and sanitation.-An accessory dwelling unit must be a structure built on a permanent foundation, and may not be a mobile home or a recreational vehicle.

ACCESSORY APARTMENT: A subordinate dwelling, attached to the primary dwelling, that is designed and used specifically as a subordinate use to the primary dwelling unit on a residentially zoned lot. Such a use may be occupied only by a member of the extended family of the occupants of the primary dwelling, or by a bona fide servant; be of an area no greater than thirty percent (30%) of the gross area of the primary residence; be equipped with separate sleeping, bathroom, and kitchen facilities; and include an additional parking space in addition to those required by the primary residence.

ACCESSORY USE OR STRUCTURE: A structure which (1) is subordinate to and serves a principal building or use; (2) is subordinate in area, extent or purpose to the principal building to be served; (3) contributes to the comfort, convenience or necessity of occupants of the principal building or use served; and (4) is located on the same lot with the building or use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere. A structure that is located on the same parcel of property as

C. A-1, AGRICULTURAL DISTRICT

1. Purpose

The purpose of the A-1, Agricultural District is to accommodate agricultural operations and practices. In addition, the A-1, Agricultural District preserves and protects agricultural land, the rural character of Johnson County, and the agricultural tradition of the county. The intent of this district is to allow agricultural development by reason of location and the availability of natural resources and infrastructure system.

2. Lot and Yard Requirements

- a. The following development standards shall apply within the A-1, Agricultural District:

Uses where applicable	All permitted uses and special exceptions identified in A-1, Agricultural District.
Minimum Lot Size	Two (2) acres or the minimum acreage needed as determined by the Johnson County Health Department to accommodate a drain field for a septic system, tested and approved replacement septic system, and adequate separation between septic wastes and well water.
Minimum Road Frontage	100 feet
Minimum Lot Width	208 feet
Maximum Lot Coverage	25 percent
Minimum Front Yard Setback	See Table, Page 43
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	20 feet
Maximum Building Height	50 feet
Minimum Ground Floor Area for Principal Use	1000 square feet for single-story structures, 900 square feet for two or more stories.

- b. Minimum Lot Density

All original lots within the A-1, Agricultural District may be split (by Minor Roadside Subdivision) provided that the resulting parcels, including the lot of record, shall not average a lot density of greater than one (1) lot per ten (10) acres.

c. Minimum Lot Size

Provided that the minimum lot density does not exceed one (1) lot per ten (10) acres (see above), the minimum lot size within the A-1, Agricultural District shall be two (2) acres or the minimum acreage needed as determined by the Johnson County Health Department to accommodate a drain field for a septic system, tested and approved replacement septic system, and adequate separation between septic wastes and well water.

3. Permitted uses

The following uses are permitted within the A-1, Agricultural District:

- a. Agricultural operations, including confined feeding lots
- b. One-family dwellings
- c. Public parks and playgrounds
- d. Cemeteries
- e. Essential services
- f. Accessory uses
- g. Roadside agricultural produce stands
- h. Home occupations
- i. Feed mills and fertilizer sales
- j. Grain elevators
- k. Child care services for 5 or fewer children
- l. Dairies
- m. Public and parochial schools
- n. Religious institutions
- o. Federal, State, County, or municipal buildings
- p. Accessory dwelling unit

4. Special Exceptions

The following special exceptions shall be permitted within the A-1, Agricultural District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 6-101-2.G (Administration and Enforcement, Special Exceptions) of this Ordinance:

- ~~a. Accessory apartments~~
- a. Child care homes
- b. Child care centers
- c. Bed & breakfast homes
- d. Public or private utility structures
- e. Public swimming pools
- f. Nursing homes

- g. Mobile homes required by farmers
- h. Private clubs
- i. Private camps
- j. Mineral excavation
- k. Sanitary landfills
- l. Veterinary hospitals
- m. Private air strips
- n. Kennels
- o. Cellular communications facilities

5. Rezoning Incentive

For a period of one (1) year after the adoption of this Ordinance, a property owner may apply for rezoning of land from any zoning classification to A-1 (Agricultural) without paying the rezoning application fee.

E. RR, RURAL RESIDENTIAL DISTRICT

1. Purpose

The purpose of the RR, Rural Residential District is to provide for low density, one-family residential development while maintaining the existing rural character of Johnson County. The maximum overall density of residential development in the Rural Residential District shall be one (1) residential dwelling unit per acre.

2. Lot and Yard Requirements

- a. The following development standards shall apply within the Rural Residential District.

Use	All permitted uses and special exceptions identified in RR, Rural Residential District
Minimum Lot Size	43,560 square feet (one (1) acre), or additional acreage as required for the development of a septic system as required by the Johnson County Health Department, including a required set-aside area reserved for a tested and approved replacement septic system.
Minimum Road Frontage	100 feet
Minimum Lot Width	208 feet
Maximum Lot Coverage	25 percent
Minimum Front Yard Setback	See Table, Page 43
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	20 feet
Maximum Building Height	35 feet; except for structures associated with agricultural uses, where the maximum building height is 50 feet.
Minimum Ground Floor Area for Principal Use	900 square feet

3. Permitted Uses

The following uses are permitted within the RR, Rural Residential District:

- a. One-family dwellings
- b. Public parks and playgrounds
- c. Cemeteries
- d. Essential services
- e. Accessory uses
- f. Agriculture, except confined feeding operations
- g. Home occupations
- h. Child care services for 5 or fewer children
- i. Public and parochial schools
- j. Religious institutions
- k. Bed & breakfast homes
- l. Golf courses
- m. Federal, State, County,
or municipal buildings
- n. Accessory dwelling unit

4. Special Exceptions

The following special exceptions shall be permitted within the RR, Rural Residential District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 6-101-2.G (Administration and Enforcement, Special Exceptions) of this Ordinance:

- ~~a. Accessory apartments~~
- a. Child care homes
- b. Child care centers
- c. Hospitals
- d. Public or private utility structures
- e. Public swimming pools
- f. Private clubs
- g. Private camps
- h. Nursing homes
- i. Cellular communications facilities
- j. Assisted living centers

F. R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

1. Purpose

The purpose of the R-1, Single-Family Residential District is to provide for residential development at an average density of two (2) dwelling units per acre. Development of major subdivisions in the R-1 District shall be limited to sites served by public sanitary sewer systems. Major subdivisions should be limited to sites which are located adjacent to major collectors, minor arterials, or major arterials, as defined in the Johnson County Comprehensive Plan Update; and are generally best located immediately adjacent to RR, R-1, or R-2 Residential Districts.

2. Lot and Yard Requirements

Use	Single-family residences	All other permitted uses and special exceptions identified in R-1 Single-Family Residential District
Minimum Lot Size	Not Applicable*	21,780 square feet*
Minimum Road Frontage	50 feet	50 feet
Minimum Lot Width	50 feet	50 feet
Maximum Lot Coverage	30 percent	40 percent
Minimum Front Yard Setback	See Table, Page 43	See Table, Page 43
Minimum Side Yard Setback	10 feet	10 feet
Minimum Rear Yard Setback	20 feet	20 feet
Maximum Building Height	35 feet	35 feet; or 50 feet for structures associated with agricultural uses
Minimum Ground Floor Area for Principal Use	1200 square feet for single-story; 900 square feet for two or more stories.	1200 square feet for single-story; 900 square feet for two or more stories

* Minimum lot area shall be 87,120 square feet (two acres) if the lot is not served by a community sanitary sewer system approved by the State Board of Health.

3. Permitted Uses

The following uses are permitted within the R-1, Single-Family Residential District:

- a. One-family dwellings
- b. Public parks and playgrounds
- c. Cemeteries
- d. Essential services
- e. Accessory uses
- f. Agriculture, except confined feeding operations
- g. Home occupations
- h. Child care services for 5 or fewer children
- i. Public and parochial schools
- j. Religious institutions
- k. Federal, State, County, or municipal buildings
- l. Accessory dwelling unit, if:
 - i. not in a recorded major or minor subdivision, or
 - ii. explicitly allowed per recorded subdivision plat

4. Special Exceptions

The following special exceptions shall be permitted within the R-1, Single-Family Residential District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 6-101-2.G (Administration and Enforcement, Special Exceptions) of this Ordinance:

- a. Accessory dwelling unit-apartments
- b. Child care homes
- c. Child care centers
- d. Hospitals
- e. Public or private utility structures
- f. Public swimming pools
- g. Private clubs
- h. Private camps
- i. Golf courses
- j. Nursing homes
- k. Cellular communications facilities
- l. Assisted living centers

G. ~~C~~-R-2, SINGLE FAMILY RESIDENTIAL DISTRICT

1. Purpose

The purpose of the R-2, Single-Family Residential District is to provide for residential development at an average density of three and one-half (3.5) dwelling units per acre. Development of major subdivisions in the R-2 District shall be limited to sites served by public sanitary sewer systems. They should be limited to sites which are located adjacent to major collectors, minor arterials, or major arterials, as defined in the Johnson County Comprehensive Plan Update; and are generally best located immediately adjacent to R-1, R-2, or R-3 Residential Districts.

2. Lot and Yard Requirements

Use	Single-Family Dwellings	All other permitted uses and special exceptions identified in R-2 Single-Family Residential District
Minimum Lot Size	Not Applicable*	13,000 square feet*
Minimum Road Frontage	50 feet	50 feet
Minimum Lot Width	50 feet	50 feet
Maximum Lot Coverage	35 percent	40 percent
Minimum Front Yard Setback	See Table, Page 43	See Table, Page 43
Minimum Side Yard Setback	10 feet	10 feet
Minimum Rear Yard Setback	20 feet	20 feet
Maximum Building Height	35 feet	35 feet; or 50 feet for structures associated with agricultural uses
Minimum Ground Floor Area for Principal Use	1000 square feet for single-story; 900 square feet for two or more stories.	1000 square feet for single-story; 900 square feet for two or more stories

* Minimum lot area shall be 87,120 square feet (two acres) if the lot is not served by a community sanitary sewer system approved by the State Board of Health.

3. Permitted Uses

The following uses are permitted within the R-2, Single-Family Residential District:

- a. One-family dwellings
- b. Public parks and playgrounds
- c. Cemeteries
- d. Essential services
- e. Accessory uses
- f. Agriculture, except confined feeding operations
- g. Home occupations
- h. Child care services for 5 or fewer children
- i. Public and parochial schools
- j. Religious institutions
- k. Federal, State, County, or municipal buildings
- l. Accessory dwelling unit, if:
 - i. not in a recorded major or minor subdivision, or
 - ii. explicitly allowed per recorded subdivision plat

4. Special Exception

The following special exceptions shall be permitted within the R-2, Single-Family Residential District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 6-101-2.G (Administration and Enforcement, Special Exceptions) of this Ordinance:

- a. Accessory dwelling unit~~apartments~~
- b. Child care homes
- c. Child care centers
- d. Hospitals
- e. Public or private utility structures
- f. Public swimming pools
- g. Private clubs
- h. Private camps
- i. Golf courses
- j. Nursing homes
- k. Funeral homes
- l. Cellular communications facilities
- m. Assisted living centers

H. R-3, ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT

1. Purpose

The purpose of the R-3, One- and Two-Family Residential District is to provide for residential development at a density of six (6) dwelling units per acre. Development of major subdivisions in the R-3 District shall be limited to sites served by public sanitary sewer systems. They should be limited to sites which are located adjacent to major collectors, minor arterials, or major arterials, as defined in the Johnson County Comprehensive Plan Update, and are generally best located immediately adjacent to R-2, R-3, or R-4 Residential Districts.

2. Lot and Yard Requirements

The following lot and yard requirements shall apply within the R-3, One- and Two-Family Residential District:

Use	Single-Family and Two-Family Dwellings	All other permitted uses and special exceptions within the R-3 One- and Two-Family Residential District
Minimum Lot Size	Not Applicable*	13,000 square feet*
Minimum Road Frontage	50 feet	50 feet
Minimum Lot Width	50 feet	50 feet
Maximum Lot Coverage	35 percent	40 percent
Minimum Front Yard Setback	See Table, Page 43	See Table, Page 43
Minimum Side Yard Setback	10 feet	10 feet
Minimum Rear Yard Setback	20 feet	20 feet
Maximum Building Height	35 feet	35 feet
Minimum Ground Floor Area for Principal Use	900 square feet	900 square feet

* Minimum lot area shall be 87,120 square feet (two acres) if the lot is not served by a community sanitary sewer system approved by the State Board of Health.

3. Permitted Uses

The following uses are permitted within the R-3, One- and Two-Family Residential District:

- a. One-family dwellings
- b. Two-family dwellings
- c. Public parks and playgrounds
- d. Essential services
- e. Accessory uses
- f. Home occupations
- g. Child care services for 5 or fewer children
- h. Public and parochial schools
- i. Religious institutions
- j. Federal, State, County, and municipal buildings

l. Accessory dwelling unit, if:

- i. not in a recorded major or minor subdivision, or
- ii. explicitly allowed per recorded subdivision plat

4. Special Exceptions

The following special exceptions shall be permitted within the R-3, One- and Two-Family Residential District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 6-101-2.G (Administration and Enforcement, Special Exceptions) of this Ordinance:

- a. Accessory ~~dwelling unit~~ ~~apartments~~
- b. Child care homes
- c. Child care centers
- d. Hospitals
- e. Public or private utility structures
- f. Public swimming pools
- g. Private clubs
- h. Private camps
- i. Golf courses
- j. Nursing homes
- k. Funeral homes
- l. Assisted living centers

7. Accessory structures shall not be permitted in any front yard and shall adhere to front, side, and rear setback requirements.
8. Accessory structures shall not contain a dwelling unit, unless in accordance with Section 6-101-6.K of this Ordinance.
9. Fences, hedges, walls, driveways, curbs, retaining walls, lattice work, screens, trees, flowers, plants, mail boxes, nameplates, lamp posts, bird baths, benches, landscaping, and the like, are permitted in any required front, side, or rear yard, provided they do not violate the requirements of this Ordinance.

D. ESSENTIAL SERVICES

Essential services shall be allowed in any district insofar as permitted, authorized, or regulated by law or other ordinance. Buildings required in conjunction with an essential service may be permitted in any district when approved by the Director. In granting such permission, the Director shall take into consideration the location, size, use, and effect such building will have on adjacent land and buildings, and may require review by the Technical Review Committee.

E. OUTDOOR STORAGE OF VEHICLES AND OTHER MATERIALS

1. No more than one (1) unlicensed, inoperable, or partially dismantled vehicle may be stored on a property in an agricultural, residential, or industrial zoning district.
2. No person shall dump or allow the accumulation of solid waste on his/her property with the exception of compost piles and materials defined as inert solid waste to be used during fill operations and not for long-term storage.
3. No person shall dump any solid waste or inert solid waste along County roadways or within County property except in an approved and properly permitted solid waste disposal facility.
4. In platted major residential subdivisions, one (1) trailer or recreational vehicle may be stored in the side or rear yard on a hardsurfaced drive. Such vehicles, parked or stored, shall not be connected to water, gas, or sanitary sewer facilities, and shall not be used for living or housekeeping purposes.
5. Parking or outdoor storage of trucks and/or trailers over one (1) ton rated capacity, step vans, cargo vans, buses, mobile homes, or manufactured units, except temporary parking for the delivery of goods and/or services, shall not

Section 6-101-6. REGULATIONS APPLICABLE TO SPECIFIC USES

- A. Swimming Pools
- B. Home Occupations
- C. Bed and Breakfast Homes
- D. Adult Entertainment Facilities
- E. Confined Feeding Lots
- F. Recreational Vehicles
- G. Recreational Vehicle Park
- H. Amateur Radio Support Structures
- I. Communications Facilities
- J. Wind Energy Conversion Systems
- K. Accessory Dwelling Units

A. SWIMMING POOLS

Swimming pools and hot tubs, as defined by this Ordinance, shall be permitted as accessory structures subject to the following provisions:

1. The structure, or the yard in which it is located, or any part thereof, shall be enclosed with a fence or protective barrier of a minimum of five (5) feet in height, measured on the exterior of the fence. All gates within such fence shall be self-closing and self-locking. In lieu of such an enclosure, the structure may be protected with a secured pool cover meeting ASTM requirements.
2. Construction and operation shall meet all appropriate municipal, County or State requirements.

B. HOME OCCUPATIONS

A home occupation shall comply with the following:

1. The home occupation shall be carried on by a member of the family residing in the dwelling unit with not more than one (1) employee who is not a part of the family.
2. The home occupation shall be carried on wholly within the principal structure and shall be clearly incidental and subordinate to its use for residential purposes by its occupants. No more than twenty-five (25) percent of the gross floor area of any dwelling unit shall be used for a home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. Signage shall be prohibited.

K. ACCESSORY DWELLING UNITS

1. There may be no more than one accessory dwelling unit per lot.
2. An accessory dwelling unit's building area shall be no greater than 75% of the building area of the associated primary dwelling, and no greater than 1,000 square feet. The accessory dwelling unit's building area shall not count toward the accessory building area restrictions of Section 6-101-5-C.4.
3. The property owner's principle residence must be the property's primary or accessory dwelling.