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Jana K Gray
Morgan County Recorder IN
Recorded as Presented

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ORDINANCE NO. 2024- 09

AN ORDINANCE REZONING LAND WITHIN
THE JURISDICTION OF MORGAN COUNTY, INDIANA

WHEREAS, the Morgan County Commissioners have adopted a Unified Development Ordinance (UDO) for the County that includes a map showing the zoning classifications assigned to land within the County's jurisdiction; and

WHEREAS, a petition has been filed by Ralph K. Ennis requesting the County to rezone certain real estate located in a part of the Southeast Quarter of the Northeast Quarter of Section 31, Township 12 North, Range 2 East, Morgan County, Indiana. This real estate is fully described in the attached legal description Exhibit A and illustrated in attached Exhibit B; and

WHEREAS, the petitioner requested approximately 2.7 acres to be rezoned from Agriculture (AG) to Residential 1 (R-1); and


WHEREAS, the Morgan County Plan Commission conducted a public hearing on April 16, 2024 for the petitioner's proposed zone classification and the Plan Commission has certified the proposal with a **favorable recommendation** to the Morgan County Commissioners; and

WHEREAS, the Morgan County Commissioners have reviewed and considered the Plan Commission's recommendation.

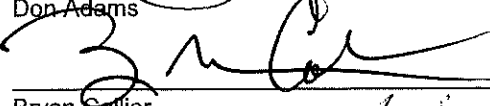
NOW THEREFORE BE IT ORDAINED BY THE MORGAN COUNTY COMMISSIONERS THAT: the real estate described in the attached legal description shall have the zoning classification of **Residential 1 (R-1)**.

This ordinance is hereby passed and adopted this 6th day of May 2024 and shall be effective as of the execution of this ordinance.

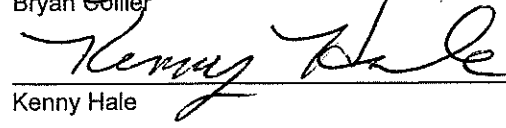
MORGAN COUNTY COMMISSIONERS



Don Adams



Bryan Collier



Kenny Hale

ATTEST:



Linda Pruitt, Morgan County Auditor

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Exhibit A

Legal Description – 4355 SR 44

Part of the Southeast Quarter of the Northeast Quarter of Section 31, Township 12 North, Range 2 East, Morgan County, Indiana, described as follows:

Commencing at an iron pin found in State Road Number 44, which marks the accepted northeast corner of the above captioned quarter-quarter (for reference, the stone which formerly marked the locally accepted northeast corner of said quarter-quarter was South 52 degrees 36 minutes 55 seconds West, 15.39 feet and has been removed during highway construction activity); thence South 89 degrees no minutes 34 seconds West (bearing of the north line of the Southeast Quarter of the Northeast Quarter based upon Indiana State Plane, West Zone, Coordinate System – NAD 1983), with said north line and in said State Road Number 44, a distance of 247.63 feet to an iron survey nail with washer engraved "Holloway Engr.- Firm 46" and the POINT OF BEGINNING of the parcel herein described: thence South 03 degrees 16 minutes 54 seconds East, 504.02 feet to an iron pin with cap engraved "Holloway Engr.– Firm 46"; thence South 89 degrees 22 minutes 54 seconds West, 241.46 feet to an iron pin with cap engraved "Holloway Engr. – Firm 46"; thence North 03 degrees 14 minutes 19 seconds West, 502.44 feet to an iron survey nail with washer engraved "Holloway Engr.- Firm 46" on the north line of the quarter-quarter and in State Road Number 44 (for reference, the iron pipe which marks the northwest corner of the parcel described as "Parcel A" in Instrument Number 201609566 is South 03 degrees 14 minutes 19 seconds East 6.0'); thence North 89 degrees no minutes 34 seconds East, with said north line and in State Road Number 44, a distance of 271.13 feet to the Point of Beginning.

Containing 2.784 acres, more or less, and subject to the right-of-way for State Road Number 44 on the north side of the parcel, and to any other rights-of-way, easements or restrictions of record or observable.

EXHIBIT B
4355 SR 44





MORGAN COUNTY PLAN COMMISSION
180 South Main Street
Martinsville, IN 46151
765.342.1060

PLAN DIRECTOR
Laura Parker

PLAN COMMISSION
Terry Brock
Melanie DePoy
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Gerard McGrath
Bill Rumbaugh

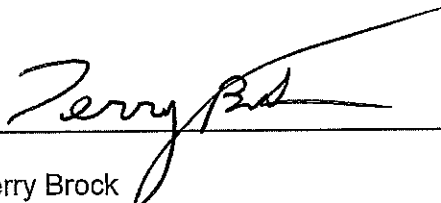
CERTIFICATION OF ZONING PROPOSAL

To: Morgan County Commissioners
From: Morgan County Plan Commission
Date: April 16, 2024
Re: Rezoning Recommendation

On April 16, 2024, the Morgan County Plan Commission conducted a public hearing on Petition Z-24-01, submitted by Ralph K. Ennis, to rezone a 2.7 acre parcel from Agriculture (AG) to Residential 1 (R-1). The subject parcel is located at 4355 SR 44, in Green Township, Morgan County, Indiana.

After the public hearing, the Plan Commission voted 7-0 to forward a **favorable recommendation** to the Morgan County Commissioners to rezone the above-referenced property to **Residential 1 (R-1)**.

Having complied with the applicable statutory requirements, the Plan Commission hereby certifies this proposal and its recommendation to the County Commissioners.



Terry Brock
Plan Commission President



MORGAN COUNTY PLAN COMMISSION
180 South Main Street
Martinsville, IN 46151
765.342.1060

MORGAN COUNTY PLAN COMMISSION

Staff Report

April 16, 2024

Rezone Request: Z-24-01

GENERAL INFORMATION

Petitioner/Owner: Ralph Kurt Ennis
4377 SR 44
Martinsville IN 46151

Tax ID / Parcel #: 55-10-31-285-013.000-009

Request: Rezone property from AG to R-1

SITE INFORMATION

Location: 4355 SR 44 in Green Township

Acreage: 2.7 acres

Existing Land Use: Residential

Current Zoning District: AG (Agriculture)

Surrounding Zoning: The surrounding zoning is AG, RR, and R-1

DESCRIPTION OF THE PETITION

The petitioner is seeking to rezone this property to Residential 1 (R-1) in preparation of a future exempt split. R-1 only requires one acre minimum compared to AG which requires two acres.

CHARACTER OF THE SITE AND SURROUNDING AREA

The immediate area would be characterized as a combination of agriculture and rural residential.

BACKGROUND AND HISTORY

This property has been in the Ennis family for decades. The petitioner, who lives on the property directly behind the subject property, wants to split off one acre around the existing house, but to do that, the zoning needs to be changed from AG to R-1 where the minimum lot size is only one (1) acre.

As shown on the zoning map handout, Rural Residential (RR) and R-1 are immediately adjacent to the subject property. The existing land use will continue to be residential.

STAFF RECOMMENDATION

Because the rezone request is consistent with its existing land use, the surrounding zoning of the neighborhood, and the projected Future Land Use Map, staff supports a *favorable* recommendation of this rezoning request from AG to R-1.

Plan Commission Action on Z-24-01:

Forward a Favorable Recommendation for the R-1 Zoning Request

or

Forward a Favorable Recommendation with Commitments for the R-1 Zoning Request

or

Forward an Unfavorable Recommendation for the R-1 Zoning Request