

COUNTY OF LAGRANGE

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COUNTY OF LAGRANGE ORDINANCE NUMBER 2005-10-17A, COMMONLY KNOWN AS "THE LAGRANGE COUNTY ZONING ORDINANCE", AS AMENDED, TO ADD OR AMEND REGULATIONS REGARDING USE REGULATIONS IN AGRICULTURE AND RESIDENTIAL DISTRICTS, DIMENSIONAL STANDARDS, DEFINITIONS, AND GENERAL COMPLIANCE PROVISIONS.

WHEREAS, the LaGrange County Plan Commission is an advisory plan commission established pursuant to I.C. 36-7-4-202; and

WHEREAS, the LaGrange County Plan Commission has determined that in the interest of promoting the public health, safety and general welfare of the community, certain regulations and amendments to the LaGrange County Zoning Ordinance would be appropriate; and

WHEREAS, on May 17, 2011, the LaGrange County Plan Commission, after notice to all interested parties, did conduct a public hearing on said recommended amendments pursuant to I.C. 36-7-4-604, and thereafter certified to the LaGrange County Board of Commissioners a favorable recommendation for the consideration and adoption of said amendments; and

WHEREAS, on _____, 2011, the LaGrange County Board of Commissioners did conduct a regular meeting with regard to the certified proposed amendments pursuant to I.C. 36-7-4-607, after all notices of its intention to consider said amendments had been provided as required by law and in paying reasonable regard to the statutory criteria set forth in I.C. 36-7-4-603, the LaGrange County Board of Commissioners have determined that the adoption of the proposal of the LaGrange County Plan Commission is appropriate and in the best interests of the welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF LAGRANGE COUNTY, INDIANA, THAT THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF LAGRANGE COUNTY, INDIANA, ON THE 17th DAY OF NOVEMBER, 2005, AND AS AMENDED THEREAFTER, BE HEREBY AMENDED AS FOLLOWS:

ITEM I

That under Article 4: Dimensional Standards, Section (A)(3)(a), Agricultural Dimensional and Intensity Standards Table, Table 4-A-2 should be amended to read as follows:

(3) Agricultural Dimensional and Intensity Standards

(a) Agricultural Dimensional and Intensity Standards Table

Table 4-A-3

AGRICULTURAL DIMENSIONAL AND INTENSITY STANDARDS					
Minimum Lot Dimensions	Minimum Setbacks (feet)			Maximum Height (feet)	
	Front	Side	Rear		
Residential Uses					
1	Art. 4- Sec. (A)(2)	10	5	35	
AFO					
10	100 ft.	100	100	35	
New CFO					
30 90	200 500 ft	200 500	200 500	35	
New CAFO					
120	500 ft.	500	500	35	
Farm-based Business					
5	Art. 4- Sec. (A)(2)	25	25	35	

ITEM II

That under Article 4, Dimensional Standards, Section (A)- Dimensional Standards, (3) (b), Additional Agricultural Standards, (iii) and (iv) shall be amended as follows:

(iii) The livestock facilities of new CFOs shall be set back at least 4000-feet one-half (1/2) mile from any property zoned S-1, U-1, or L-1 and shall be set back at least one-half (1/2) mile from any shoreline or water line of a lake.

(iv) The livestock facilities of new CAFOs shall be set back at least one-half (1/2) mile from any property zoned S-1, U-1, or L-1 and shall be set back at least one-half (1/2) mile from any shoreline or water line of a lake.

ITEM III

That under Article 4, Dimensional Standards, Section A, Dimensional Standards, Subsection 1, (1) Water Bodies shall be amended to read as follows:

- (1) **Water Bodies**
 In all zoning districts, except L-1, the minimum setback from any river or lake shall be 75 feet.

ITEM IV

That under Article 3, Use Regulations, Section (A) Agricultural Use Table shall be amended to read as follows:

Article 3: Use Regulations

(3) Agricultural Use Table

Table 3-A-1

AGRICULTURAL USE TABLE			
P= Permitted by Right C=Conditional Use			
Use Category	Specific Use	Zoning District	Additional Regulations
Residential	1-family dwelling	P	Art. 3 – Sec.(C)(2)(a)
	2-family dwelling	P	Art. 3 – Sec. (C)(2)(a)
	Farm worker housing	P	Art. 3 – Sec. (C)(2)(b)
Crops	All crop raising (field crops, truck gardens, etc.)	P	
Livestock	Animal feeding operation	P	Art. 3 – Sec. (C)(1)
	Concentrated feeding operation	P	Art. 3 – Sec. (C)(1)
	Confined Animal Feeding Operation	P	Art. 3 – Sec. (C)(1)
	Pasturing	P	
	Agricultural building	P	
	Agribusiness	P	
	Auction	P	
	Bake Shop	P	
	Bed and breakfast use	P	Art. 3 – Sec. (C)(3)(a)
	Bicycle Shop	P	
	Blacksmith Shop	P	
	Butcher Shop	C	
	Campground or RV park	C	Art. 5 – Sec. (G)(5)
	Carriage; wagon; buggy manufacturing	P	
	Cider mills	P	
Business	Dry goods store	P	
	Dress Making	P	
	Farm-based Business	P	Art 3 – Sec. (C)(3)(C)
	Farm Market	P	
	Furniture and Cabinet shop	P	
	Greenhouse	P	
	Home-based business	P	Art 3 – Sec. (C)(3)(b)
	Kennel	P	Art 3 – Sec. (C)(3)(e)
	Mini-warehouse or RV storage	C	

Business	Plant Nursery	P		
	Roadside stand	P		
	Shoe shop	P		
	Shooting Range	C		
	Stable (commercial)	P		
	Stable (private)	P		
	Tailor Shop	P		
	Tool Sharpening	P		
	Woodworking	P		
	Winery	P		
	Institutional	Cemetery	P	
	Private School	P		
	Public School	P		
Public park or recreational facility	P	Art. 3 – Sec. (C)(4)(b)		
Prison	C			
Private park, recreational, or entertainment facility	C	Art. 3 – Sec. (C)(4)(b)		
Religious facility	P	Art. 3 – Sec. (C)(4)(a)		
Waste disposal facility	C			
Other institutional use	C			

ITEM V

That under Article 3, Use Regulations, Section (B) Residential Use Table shall be amended to read as follows:

(B) Residential Use Table

Table 3-B-1

RESIDENTIAL USE TABLE						
Use Category	Specific Use	Zoning District			Additional Regulations	
		S-1	U-1	L-1		
Residential	1-family dwelling	P	P	P	Art. 3 – Sec. (C)(2)(a)	
	2-family dwelling		P		Art. 3 – Sec. (C)(2)(a)	
	Boarding or rooming house		C		Art. 3 – Sec. (C)(2)(c)	
	Manufactured home subdivision	P	P		Art. 5 – Sec. (G)(3)	
	Manufactured home park	C	P	C	Art. 5 – Sec. (G)(4)	

Residential	Multifamily dwelling		P		Art. 3 – Sec. (C)(2)(a)
	Guest Quarters	C	C	C	
Business	Bed and breakfast use	C	P	C	Art. 3 – Sec. (C)(3)(a)
	Boat storage			C	
	Campground or RV park	C	C	C	Art. 5 – Sec. (G)(5)
	Home-based business	P	P	P	Art. 3 – Sec. (C)(3)(b)
	Marina	C	C	C	
Agriculture	Mini-warehouse or RV storage		C		
	Plant nursery	P			
	Stable (private)	P	P		
	Cemetery	P	P	P	
Institutional	Other institutional use	C	C	C	
	Public school	P	P	P	
	Private park or recreational facility	C	C	C	Art. 3 – Sec. (C)(4)(b)
	Private school	C	C	C	
	Public park or recreational facility	P	P	P	Art. 3 – Sec. (C)(4)(b)
	Religious facility	P	P	P	Art. 3 – Sec. (C)(4)(a)

ITEM VI

That under Article 3, Use Regulations, Section (M), Accessory Uses, Section (i) Agricultural and Residential Districts, Table 3-K-1, Permitted Accessory Uses Agricultural and Residential Districts shall be amended to read as follows:

(i) Agricultural and Residential Districts

Table 3-K-1

PERMITTED ACCESSORY USES		AGRICULTURAL AND RESIDENTIAL DISTRICTS			
Specific Use		Zoning Districts			
		P= Permitted			
Accessory apartment	A-1		S-1	U-1	L-1
2 nd dwelling unit	P		P	P	P
Garage, carport	P		P	P	P
Patio, canopy, deck, porch	P		P	P	P
Parking space for RV or commercial vehicle	P		P	P	P
Cabana, bathroom, playhouse, storage shed	P		P	P	P

Boat dock	P	P		P
Greenhouse	P	P	P	P
Guesthouse	P	P		
Play equipment, doghouse, gazebo, and similar	P	P	P	P
Swimming pool, tennis court	P	P	P	P
Amateur radio antenna	P	P	P	P
Stable (private)	P	P	P	
Stable (commercial)	P			
Kennel	P			
Apartment management office, laundry, exercise facility, and similar			P	
Sign	P	P	P	P
Small Wind Energy Conversion Systems (SWECS)	P	P	P	P

ITEM VII

That Article 9, Definitions and Rules of Interpretation, Section (M) Definitions shall be revised to add the definition of Lake, Stable (commercial), Stable (private) and to delete the previous definition of Stable as follows:

(80) Lake means a reasonably permanent body of water substantially at rest in a depression in the surface of the earth, if both the depression and the body of water are of natural origin or part of a watercourse. If part of a watercourse, a lake may be formed by damming a river or a stream. In determining the shoreline or water line of a lake, the following are included: (1) a bay or a cove, (2) a man-made channel connected to a public freshwater lake, (3) the mean high water line of the lake.

~~**(136) Stable** means a building in which domestic animals are sheltered and fed:~~

(137) Stable, commercial means a structure and/or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

(138) Stable, private means an accessory structure and/or land use that is designed, arranged, used, or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling, but in no event for hire, boarding, or other business use.

ITEM VIII

No part of this Ordinance shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable. All other terms and conditions of the LaGrange

County Zoning Ordinance which are not modified and amended herein, including all Sections and Subsections thereof that have not been amended or set forth within these amendments, shall remain in effect and shall be renumbered to account for the amendments set forth herein.

ITEM IX

The text amendments to the LaGrange County Zoning Ordinance which are set forth herein were given a positive recommendation to the LaGrange County Board of Commissioners by the LaGrange County Plan Commission following a public hearing on the ____ day of May, 2011.

ITEM X

This Ordinance shall be effective upon promulgation according to law.

LaGrange County Plan Commission

Lynn Bowen, President

Chris Godlewski, Zoning Administrator

BOARD OF COMMISSIONERS OF LAGRANGE COUNTY, INDIANA

George Bachman, President

Larry Miller, Vice President

Garry Heller, Member

ATTEST:

Kay Myers, Auditor