



# Dearborn County Plan Commission

165 Mary Street      Lawrenceburg, IN 47025  
Phone: (812) 537-8821      Fax: (812) 532-2029  
[www.dearborncounty.org/planning](http://www.dearborncounty.org/planning)

## PLAN COMMISSION AGENDA

**Monday, September 26<sup>th</sup>, 2022**

**7:00 P.M.**

**\*Location:** *Henry Dearborn Meeting Room; Dearborn County Government Center*

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**C. ACTION ON MINUTES—July 25, 2022, August 29, 2022, September 13, 2022**

**D. OLD BUSINESS – NONE TO BE RE-OPENED**

**E. NEW BUSINESS – NONE**

**F. ADMINISTRATIVE**

- Review and discuss proposed ordinance amendments to Article 3, Advisory Board of Zoning Appeals
- Review and discuss proposed ordinance amendments and updates to the Dearborn County Zoning Ordinance, specifically with respect to the draft Zoning Map alternatives and the draft text(s) of: *Articles 9 and 10, regarding Agricultural and Residential Zoning Districts; Article 25, regarding General Standards; Article 27, regarding Definitions*

# DEARBORN COUNTY PLAN COMMISSION MEETING

September 26, 2022

7:00 PM

**Andrew Baudendistel's reading of the Voluntary Title VI Public Involvement Survey** - *As a recipient of federal funds, and in support of Dearborn County's efforts to ensure nondiscrimination and equal access to all citizens, the County gathers statistical data regarding participants in county activities. Therefore, we have provided a Voluntary Title VI public Involvement Survey at this meeting. You are not required to complete this survey. However, the form is anonymous and will be used solely for the purpose of monitoring our compliance with Title VI and ADA*

## **A. PLEDGE OF ALLEGIANCE**

## **B. ROLL CALL**

### **MEMBERS PRESENT:**

Dennis Kraus Jr—President

Mark Lehmann—Vice President

Jake Hoog

Jim Thatcher

Russell Beiersdorfer

Eric Lang

Joe Vogel

Dan Lansing

Jeff Hermes

Nicole Daily - Planning Director, Secretary

Andrew Baudendistel - Attorney

**MEMBERS ABSENT—NONE**

## **C. ACTION ON MINUTES—July 25, 2022, August 29, 2022 and September 13, 2022**

**Mr. Beiersdorfer made a motion to approve the July 25, 2022 meeting minutes as written.**

**Mr. Lang seconded the motion to approve. All in favor. None opposed. Motion carried.**

**Mr. Lehmann made a motion to approve the August 29, 2022 meeting minutes as written.**

**Mr. Hoog seconded the motion to approve. Mr. Beiersdorfer abstained. All in favor.**

**None opposed. Motion carried.**

**Mr. Beiersdorfer made a motion to approve the September 13, 2022 meeting minutes with the correction Mr. Lang was not present and Mr. Beiersdorfer was present. Mr. Lehmann seconded the motion to approve. All in favor. None opposed. Motion carried.**

**D. OLD BUSINESS – NONE**

**E. NEW BUSINESS – NONE**

**F. ADMINISTRATIVE**

Ms. Daily presented the proposed changes to Article 3—Board of Zoning Appeals, of the Dearborn County Zoning Ordinance.

Mr. Kraus asking if this was sent to the Commissioners.

Ms. Daily stated it had not as the Plan Commission was waiting for the Board of Zoning Appeals to review the changes before taking a vote on the changes.

**Mr. Beiersdorfer made a motion to forward a favorable recommendation to the County Commissioners on the proposed changes to Article 3 of the Dearborn County Zoning Ordinances as presented. Mr. Lehmann seconded the motion. All in favor. Mr. Thatcher abstains. None opposed. Motion carried.**

Mr. Baudendistal stated that it appears that the prior article of proposed changes, Article 2—Plan Commission, hasn't been presented to the Commissioners. Need to double check the Article hasn't had a motion on it. Suggests making a motion for Article 2 so that it can be before the County Commissioners at the same time as Article 3.

Mr. Beiersdorfer made a motion to forward a favorable recommendation to the County Commissioners on the proposed changes to Article 2 of the Dearborn County Zoning Ordinances, as presented in a prior meeting. Mr. Lehmann seconded the motion. All in favor. Mr. Thatcher abstains. None opposed. Motion carried.

**To review and discuss proposed ordinance amendments and updates to the Dearborn County Zoning Ordinance, specifically with respect to the draft Zoning Map and the draft text(s) or: Articles 9 and 10, regarding Agricultural and Residential Zoning Districts; Article 25, regarding General Standards; Article 27, regarding Definitions.**

Ms. Nicole Daily presented to the Board, the revised text for the Keeping of Animals portion of Article 25 proposed changes. Stating the following:

To keep undomesticated, non-household animals on contiguous property^ that is zoned Agricultural or Agricultural Homestead (AH), except as noted otherwise below, or in the next subsection\*\*. For properties located in any agricultural or agricultural homestead zoned districts that are greater than 1 acre but less than 10 acres, may have a combination of 2 animal unit per acre (1 animal unit being from the large animals and 1 animal unit being from the small animals per acre) of the following animals:

#### Large Animals

- 2 head of cattle = 1 animal unit
- 3 horses = 1 animal unit
- 5 sheep = 1 animal unit
- 5 swine = 1 animal unit
- 5 goats = 1 animal unit
- 5 llamas = 1 animal unit
- 5 alpacas = 1 animal unit

#### Small Animals

- 50 Rabbits = 1 animal unit
- 32 Chickens = 1 animal unit
- 16 ducks = 1 animal unit
- 8 turkeys = 1 animal unit
- 8 geese = 1 animal unit
- 50 Pigeons/Raising Game Birds = 1 animal unit

For properties in Agricultural Homestead (AH) and Low-Density Residential (R-1) zoning districts with less than one (1) acre, 10 laying hens, no roosters, may be permitted but no other livestock.

She continued with this as an option from comments over the last several meetings and the complaints that staff receive for animals are concentrated to small lots even in agriculture districts.

Mr. Beiersdorfer stated he liked the animal units as written.

Mr. Lang asked if we are defining the area for the animals, is there a defined area the animals are to be kept.

Ms. Daily reads that no area with improvements is included in the area for the keeping of the animals.

Mr. Lang do you have an idea what size of property is that we generally have problems with. He sees that these restrictions applied to 10 acres and it be perceived by the public thinking we are controlling them. Can we bracket the size we want to control? He suggests we shrink it to 1-to-5-acre range.

Ms. Daily states she sees how the 5 acres will work as well to protect the land and animals.

Mr. Kraus agrees with the 5 acres.

Mr. Beiersdorfer has no problem with that.

The board agrees to change the 1-to-10 acres should be changed to 1-to-5 acres for the standards of keeping of animals as presented.

**Mr. Lehmann made a motion to open public discussion. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.**

Mr. Ken Kilholz, 863 Wedgewood Lane West Harrison, states this is perfect time for him as he has problems. He lives on 1 acre, and shares a driveway easement that he shares with his neighbor. His neighbor has 8 plus dogs, and feels harassed by the dogs. The dogs bark constant. Feels that the ordinance deals with outbuildings not homes. When the animals are kept in their home the ordinance doesn't apply to the number of animals. Animal control showed up and didn't remove the dogs. Asking about kennel licenses, for people who want to go over the number allowed.

Mr. Baudendistal reads the kennel license ordinance.

Ms. Daily shows the area talked about is agricultural, and explains we cannot by code do anything to help this person out. If we need to add something to our ordinance, and make it not specific to any zoning district.

Planning and Zoning staff will work together with Animal Control to make sure both Ordinances are inline with one another to help certain situations.

There were no other comments related to the changes for the keeping of animals.

**Mr. Beiersdorfer made a motion to close public discussion. Seconded by Mr. Lehmann. All in favor. None opposed. Motion carried.**

### **Continued onto the Zoning Maps**

Ms. Daily presents the Caesar Creek township zone map change. The only change is changing residential to agricultural homestead. Asks board if there is anything she might have missed.

Mr. Lang asks about minimal lot size with it being agricultural?

Ms. Daily states not for those smaller lots, it is more of a septic issue, flood plain issues, land that can't be developed. Septic is what will affect these smaller lots.

Mr. Kraus asks the board if they are in agreement with the way the map for Caesar Creek has been presented.

The board agrees with the Caesar Creek zone map change.

Ms. Daily presents the Clay township zone map change. The change is residential, agricultural homestead, have checked growth potential along US 50. Asks board if there is anything she might have missed.

Mr. Thatcher knows of plans on the way to connect Lake Dill Dear to Dillsboro and connect to city sewage. Hopes to have sanitary sewer in the next 3 years.

Ms. Daily asked if there were any other comments or suggestions for changes to this township.

There were no additional comments and the Board agreed with the zone map change for this township.

Ms. Daily presents Washington Twp zone map change. The change will be residential to agricultural homestead, these are the areas that do not have sanitary sewer.

Mr. Kraus asks if the 200-foot buffer from B2 and residential since we know have buffer in our ordinances? That some of the development came in after 2000.

Mr. Lehmann states that if we didn't have a buffer zone requirement, we could change the 200-foot area B2.

Ms. Daily states that she will look into that for the next meeting.

There were no other comments from the Board regarding the proposed zone map changes to this township.

There were no public comments regarding the three maps that were presented tonight.

#### **Another Administrative Item**

Ms. Daily stated that it has been brought to her attention that there may be some interest in starting the meetings at 6:00pm instead of 7:00pm. She is checking with all the Board members to get their opinion. If this is something that the Board wants to do, we would enact this at the beginning of the year.

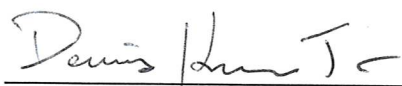
Mr. Kraus asks the board if they couldn't make it by 6 P.M.

Mr. Lehmann will have a hard time making it by 6, but stated he could make it by 6:30.

Ms. Daily suggests the Board to think about it, because the time change wouldn't take effect until January 2023. We will discuss at the next meeting to take a vote.

**Mr. Beiersdorfer made a motion to adjourn the meeting. Seconded by Mr. Lehmann. All in favor. None opposed. Motion carried.**

Meeting adjourned at 8:32 pm



**Dennis Kraus – President**



**Nicole Daily—Planning Director, Secretary**