

## DEARBORN COUNTY PLANNING COMMISSION MEETING

NOVEMBER 18, 2019

### A. ROLL CALL:

#### MEMBERS PRESENT:

Russell Beiersdorfer

Michael Lynch

Eric Lang

Dennis Kraus, Jr. – PRESIDENT

Bill Ullrich

Mark Lehmann – VICE PRESIDENT

Jake Hoog

Jim Thatcher

Mark McCormack – PLANNING DIRECTOR, SECRETARY

Andrew Baudendistel – ATTORNEY

#### MEMBERS ABSENT:

John Hawley

Andrew Beudendistel'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.*

### B. ACTION ON MINUTES:

1.28.2019 Minutes

**Mr. Ullrich made a motion to approve the minutes from January 28, 2019, as written. Motion seconded by Mr. Beiersdorfer. All in favor. None opposed.**

### **C. OLD BUSINESS:**

There were no old business or case items.

### **D. NEW BUSINESS:**

There were no new business and the only case item was withdrawn.

### **E. ADMINISTRATIVE - *Ordinances:***

#### *Article 27 Definitions (Zoning Ordinance)*

Mr. McCormack revisited the Manufactured and Mobile Home definitions in *Article 27* and the minimum home square footage requirements associated with these particular types of improvements. All proposed changes to *Article 27* were written by Mr. McCormack in conjunction with information exchanged with Andrew Baundendistel (County Attorney), William Shelton (County Building Commissioner), and Eric Lang (Plan Commission member and licensed land surveyor and engineer).

Mr. Shelton was present to explain the basis, as far as building codes / standards, for the minimum square footage of a residential structure to be 320 square feet—in contrast to an FHA / HUD-backed loan minimum square footage requirement of 400 square feet. Mr. Shelton explained that in the building code there are minimum requirements on bedroom, bathroom, and kitchen sizes to allow the space to be considered “habitable”. Mr. Shelton did state that 320 square feet is fairly compact; he recommended a minimum of 600 square feet of habitable space for residential units with more than 1 resident.

Mr. McCormack asked the board members (generally speaking) how often they would like to include building codes in the zoning ordinances. Dennis Kraus Jr., President, expressed his concern that if some codes were not intertwined between the two departments that people might be able to get around the intended rules and standards. For example, submitting plans to the Building Department that meet minimum building codes but that do not meet Planning & Zoning requirements. He mentioned that the Planning and Zoning Department does not always go out on inspections once the Improvement Location Permit is issued—unlike the Building Department, whose inspectors are stopping by job sites on a regular basis during construction.

Mr. Lang’s concerns are about how homeowners buy or sell manufactured and mobile homes. Mr. Lang is hopeful that the codes will ultimately align so that homeowners do not bear a \$4,000 to \$5,000 cost on corrections to obtain an FHA / HUD-backed loan. Right now, if a homeowner buys an existing house that doesn’t meet both FHA and HUD standards, they are made to meet the applicable (varying) standards before purchasing the manufactured and mobile home. By aligning our codes with FHA / HUD-backed loan standards, corrections can be made up-front and the overall cost to bring manufactured / mobile home structures into compliance can be reduced to a few hundred dollars vs. several thousand dollars. Mr. Shelton, Building

Commissioner, is willing to start mentioning these standards when inspecting and permitting mobile and manufactured homes—and to ultimately push for county building codes to align better with FHA / HUD-backed loan standards.

**Mr. Lehmann made a motion to approve the updates and corrections to Article 27, regarding Definitions, of the Dearborn County Zoning Ordinance. Mr. Lang seconded the motion. All in favor. None opposed. Motion carried.**

*Article 25, Section 2564 (Zoning Ordinance)*

Mr. McCormack proposed corrections to *Article 25, Section 2564* with two options.

*Option 1*; Mr. McCormack proposed changes to the introductory text, as well as *items 1-6*. In the introductory text, the proposed changes are to strike out the first sentence and add a referral to the appropriate, updated U.S.C. reference. In *item 1*, the proposed corrections are to strike 950 sq./ft. and change the square footage to 400 sq. ft. to align with both FHA and HUD standards. In *items 2, 3, 4, and 5*, the proposed corrections are to strike / remove these items. *Part 6* of Article 25, Section 2564 would be renumbered to 2. The only corrections to *item 2* (previously *item 6*), is to add ‘*and/or variance*’ and strike ‘*or when the home is to be located in an existing or approved mobile home park*’.

*Option 2*; Mr. McCormack proposed corrections to the introductory text and intends to strike all other limitations (*items 1, 2, 3, 4, 5, and 6*). In the introductory text, the proposed changes are identical to *option 1*. *Item 6a* would be proposed to remain as an unnumbered item (which deals with mobile and manufactured homes that exist prior to changes in the Ordinance).

**Mr. Ullrich made a motion to approve option 1, with regard to the proposed changes to Article 25, Section 2564 of the Dearborn County Zoning Ordinance. Mr. Lehmann seconded the motion. All in favor. None opposed. Motion carried.**

*Article 25, Table 25.1 (Zoning Ordinance)*

The proposed change(s) to the ordinance text for *Article 25, Table 25.1* is to insert a new third column that states: ‘*^All single-family homes / types, built onsite or assembled in part or whole offsite, shall be a minimum of 400 sq. ft. in size (living space, not including a garage). All duplex residential units shall be a minimum of 800 sq. ft. in size (living space, not including a garage)*’. Mr. McCormack updated the previous proposal to ‘*built onsite or assembled in part or whole offsite...*’ as opposed to ‘stick-built’ per the board’s request from the last plan commission meeting on October 28, 2019.

**Mr. Lehmann made a motion to approve the proposed amendments to Article 25, Table 25 of the Dearborn County Zoning Ordinance. Mr. Lang seconded the motion. Mr. Thatcher abstained. All others in favor. None opposed. Motion carried.**

*Article 9, Section 910 (Zoning Ordinance)*

Mr. McCormack proposed changes to *Article 9, Section 910*, which involves *items 14, 18, and 18a*. These items of *Article 9, Section 910* apply to setbacks for animals and accessory structures. Mr. McCormack proposed to strike *‘the building housing the animals in kennels shall be a minimum of 250 feet away from property lines’* as the second sentence and replace the last sentence of *item 14*. These amendments were proposed to prevent potential problems that typically occur with kennels such as waste and noise.

In *item 18*, Mr. McCormack proposed to add text that acknowledges that buildings used for any agricultural or personal use *‘must be outside soil test sites for primary and secondary septic systems’*. The last sentence of *item 18* of the proposed amendment has also been struck—which states *‘not permitted in a subdivision before the principal use if located on less than two acres’*.

*Item 18a* was proposed to be amended to acknowledge and how/where domesticated, household pets can be kept. Less than 4 household or domesticated pets can be kept no less than 10 feet away from any lot line and 4 or more household or domesticated animals must be kept no less than 50 feet from any lot line.

**Mr. Lehmann made a motion to approve the proposed amendments to Article 9, Section 910 of the Dearborn County Zoning Ordinance. Mr. Lynch seconded the motion. All in favor. None opposed. Motion carried.**

*Article 10, Section 1010 (Zoning Ordinance)*

Mr. McCormack proposed changes to *Article 10, Section 1010*, which involves *items 3, 12, and 12a*. Mr. McCormack’s proposed text addition to *item 3* is to add *‘any building in which household or domesticated pets are kept shall be located not less than 10 feet from any lot line’*. Mr. Hoog questioned whether undomesticated pets should be included and Mr. McCormack reminded the board that larger, undomesticated animals are governed by other (more restrictive) ordinance standards.

In *item 12*, the proposed amendment is identical to *item 18* from *Article 9, Section 910*, which states that all proposed buildings *‘must be outside soil test sites for primary and secondary septic systems’*.

*Item 12a*, the proposed amendment is identical to *Article 9, Section 910 item 18a*. Less than 4 household or domesticated pets can be kept no less than 10 feet away from any lot line and 4 or more household or domesticated animals must be kept no less than 50 feet from any lot line.

**Mr. Ullrich made a motion to approve the proposed amendments to Article 10, Section 1010 (as amended) of the Dearborn County Zoning Ordinance. Mr. Beiersdorfer seconded the motion. All in favor. None opposed. Motion carried.**

*Article 10, Section 1030 (Zoning Ordinance)*

Mr. McCormack’s proposed amendment to *Article 10, Section 1030* is in *item 7*. The proposed text states that ‘*Any building involving kennels shall be located not less than two hundred and fifty feet from any lot line*’. Part 7 also involves veterinarians, animal hospitals, and other animal related services such as groomers so the proposed text clarifies where the 250-foot setback would be applicable.

**Mr. Ullrich made a motion to approve the proposed amendments to Article 10, Section 1030 (as presented) of the Dearborn County Zoning Ordinance. Mr. Beiersdorfer seconded the motion. All in favor. None opposed. Motion carried.**

*Article 27, Kennel Definition (Zoning Ordinance)*

The *Article 27, Kennel Definition* has proposed changes to go from 4 to 5 or more animals housed (over four months old) and maintained will now be considered a kennel.

Mr. McCormack went over a couple of administrative items that did not require any board action—for information purposes only.

**ADJOURNMENT**

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

Meeting adjourned at 8:42 PM.

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Dennis Kraus, Jr. – PRESIDENT

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Mark McCormack – PLANNING DIRECTOR, Secretary