

DEARBORN COUNTY PLAN COMMISSION MEETING

OCTOBER 28, 2019 7:00 PM

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 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

B. ACTION ON MINUTES:

1.28.2019 Minutes (Draft)

**Mr. Lang made a motion to approve the minutes from January 28, 2019 as written.
Seconded by Mr. Ullrich. Abstained by Mr. Beiersdorfer.**

8.26.2019 Minutes (Draft)

Mr. Beiersdorfer made a motion to approve the minutes from August 26, 2019 as written. Seconded by Mr. Lynch. Abstained by Mr. Lang.

C. OLD BUSINESS:

No old business or case items.

D. NEW BUSINESS:

No new case items.

E. ADMINISTRATIVE - *Ordinances:*

Article 27 (Zoning Ordinance)

Mr. McCormack proposed a change to the definitions of Manufactured and Mobile Homes in Article 27. Mr. McCormack also proposed that the minimum square footage for Mobile and Manufactured Homes to be 320 sq./ft. in conjunction, with HUD's (Department of Housing and Development) standards—and after discussing this issue with Dearborn County Building Commissioner, William Shelton. According to HUD's website, 400 sq./ft. is the minimum square footage for a house to be financed through HUD for an FHA loan. Mr. McCormack stated that the proposed ordinance definition is almost identical to HUD's definition.

Mr. McCormack's proposed ordinance for Article 27 definitions has a correction in the second sentence. He plans to remove the portion that reads 'in this chapter'.

Article 25, Section 2564 (Zoning Ordinance)

Mr. McCormack proposed corrections to Article 25, Section 2564 in the introduction and in items 1, 2, 3, and 6. The changes to the introduction to Section 2564 is to have the text be more compliant with federal construction standards associated with Mobile and Manufactured homes—using HUD's construction standards.

In *item 1* of Section 2564, Mr. McCormack intends to strike 950 square feet of occupied space and replace it with HUD's minimum allowed square footage of occupied space (for FHA loan purposes)—which is 400 square feet. *This information was also pulled from HUD's website.*

The proposed amendment to *item 2* is to change the terminology from necessary to applicable and insert standards and codes before permits. This proposed change will allow the Planning and Zoning department to enforce not only improvement location permits, but also the standards and codes associated with zoning, building, and occupancy.

Item 3 was a combined effort from the Dearborn County Building Commissioner, William Shelton, and Nicole Daily of Dearborn County Planning and Zoning department, as well as from Mr. McCormack. Item 3 of Section 2564 deals with the anchoring of Mobile and Manufactured Homes. According to the proposed correction, the new requirement would be 24 inches to the top of the footing would be required, as opposed to 30 inches (to get at or below the frost line). This aligns with building codes enforced in Dearborn County.

Mr. Lang disagreed with Mr. McCormack's changes to item 3, which he stated contradicts previous standards that were corrected in the section. Mr. Lang believes that if the section previously states to align with HUD's standards in the introduction, that the standards should be uniform with HUD's in order to maintain a pattern. Mr. Beiersdorfer agreed with Mr. Lang's opinion on uniformly aligning the ordinances with HUD standards. Mr. Ullrich also agrees with Mr. Lang.

Mr. Lang will be sending Mr. McCormack documents to correct the proposed amendments to this section. The board believes the ordinances should not only be created for enforcement, but for guidance. This was brought to the attention of the board by Mr. Lang, whom was supported by Mr. Beiersdorfer.

Mr. McCormack questioned the enforcement responsibilities from a Planning and Zoning perspective, with respect to the building-related items in this section of the zoning code. Should Planning and Zoning also enforce building codes? What is the basis for what Planning and Zoning can and should enforce? If building codes are to be left out of the Planning and Zoning ordinances entirely, Mr. McCormack believes that only items 1, 2, and 6 would be appropriate for the department to enforce. Item 3 then would only be applicable in a floodplain and flood-prone areas—which are adequately covered by Article 8 of the Zoning Ordinance.

Mr. Lang made a motion to table the proposed amendments to Sections 2564 and 2565 of the Zoning Ordinance until the next meeting (so that corrections can be made) on November 18, 2019. Mr. Ullrich seconded the motion. All in favor. None opposed. Motion carried.

Article 25, Table 25.1 (Zoning Ordinance)

The proposed amendment to the zoning ordinance for Article 25, Table 25.1, is to insert in the third column ‘^All single-family homes / types, stick-built onsite or built 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. Lang questioned the terminology ‘stick-built’ in the correction and questioned Mr. McCormack on the meaning of the phrase. The board proposed terminology to replace it. Stick-built could be replaced by another word (possibly structure or improvement) that more accurately describes what the correction is trying to accomplish.

Article 9, Section 910 (Zoning Ordinance)

Section 910 only applies to land zoned as Agricultural in Dearborn County. Proposed amendments were made to items 14, 18, and 18a, dealing with accessory structures and large animals.

Item 14 references veterinarians, animal clinics, grooming (or other animal related services), boarding, riding stables, and commercial kennels. The proposed amendments would require that all of these structures be located no less than 250 feet from lot lines. Mr. McCormack intends to highlight that commercial kennels as the target of this statement, rather than these other uses.

The board asked for clarification of the proposed amendments. Mr. Lehmann was the first to express his concern about the definition of kennel that was then echoed by the board. According to members, sometimes groomers, clinics, and veterinarians are located in population dense areas and hold animals overnight. Mr. McCormack assured the Dearborn County Plan Commission that businesses whose primary uses involve keeping animals for extended stays and which primarily operate as kennels or catteries are targeted by the correction. Noise and animal waste were among other aspects was Mr. McCormack's reasoning for the proposed changes. Mr. Thatcher mentioned a dog park's noise boundaries and questioned if these would be affected by this ordinance as well. Mr. McCormack mentioned that dog parks are of a different use and nature than a kennel or similar use.

Item 18's proposed amendment deals with structures being built to store equipment, materials, crops, or animals—and states that all of these be located out of the septic field determined by soil tests.

In the addition of *item 18a*, Mr. McCormack added this text to include domestic and undomesticated pets. Part 18a now indicates that domesticated animals must be kept no less than 10 feet from any lot line and if more than 4 household pets or undomesticated animals are housed, a structure must be at least 50 feet away from any lot line.

Mr. Baudendistel let the board know that Dearborn County has the authority to create their own ordinance on these structures or businesses (involving animals) without state or federal intervention, obviously within reason.

Article 10, Section 1010 (Zoning Ordinance)

Article 10, Section 1010 was corrected in items 3, 12, and 12a.

Item 3 of Section 1010, Mr. McCormack proposed the addition of phrase that includes the location requirements for domesticated animals from any lot line, which is 10 feet. He intended for this statement to align this Section with item #2.

Item 12 of Section 1010 was also corrected to strike ‘a minimum of 5 acres’ for storage of animals, crops, and materials for agricultural purposes. Instead, Mr. McCormack has intended to add that buildings of these types must be located out of soil test for primary and secondary septic systems.

Mr. McCormack’s last proposed correction in *item 12a*, aligns the Section again with item #2—stating that domesticated pets should be housed no less than 10 feet from any lot line. Then, in sentence two maintains that over 5 household, domesticated pets must be housed no less than 50 feet from any lot line. Mr. McCormack confirmed that any more than 4 household, domesticated pets could be considered a kennel at that point.

Kennel Definition (Zoning Ordinance)

Mr. McCormack then added that the definition in for kennel has a proposed change as well. This is that 5 or more animals housed (over four months old) and maintained would be considered a kennel, in alignment with the County Ordinances.

ADJOURNMENT

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

Meeting adjourned at 9:27 PM.

Dennis Kraus, Jr. – PRESIDENT

Mark McCormack – PLANNING DIRECTOR, Secretary