

ORDINANCE # 2024- 01

AN ORDINANCE AMENDING THE
WHITLEY COUNTY ZONING CODE

WHEREAS, pursuant to the requirements of Indiana Code 36-7-4-600 et seq., the Whitley County Advisory Plan Commission (the "Plan Commission") initiated an amendment to the Whitley County Zoning Code; and

WHEREAS, the Plan Commission held a public hearing, as prescribed by law, and have certified to the Board of Commissioners of Whitley County its findings and recommendations in writing concerning the proposed amendment; and

WHEREAS, the Board of Commissioners, upon certification by the Plan Commission of its favorable recommendation, considered and examined the proposed amendment giving regard to the Comprehensive Plan, the current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout the jurisdiction, and the responsible development and growth of Whitley County; and

WHEREAS, the Board of Commissioners of Whitley County deems it in the best interest of the community that such amendment to the zoning code be enacted;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF WHITLEY COUNTY, INDIANA, that the Code of Ordinances, Title XV, Chapter 153, be amended as follows:

Section 1. Amend and replace various sections of said Chapter as follows:

See attached Exhibit A.

Section 2. This Ordinance shall be in full force and effect from and after its passage and after the occurrence of all other actions required by law.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF WHITLEY COUNTY, INDIANA, ON THIS 16 DAY January, 2024.

ATTEST:

Tiffany Deakins
Tiffany Deakins, Auditor

Chad Banks
Chad Banks

Theresa Baysinger
Theresa Baysinger

Robert Schuman
Robert Schuman

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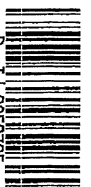


Exhibit A

The following sections of the Whitley County Zoning Code are to be amended as described.

Section 3.1, "AG" District Intent, Permitted Uses, and Special Exception Uses

The following shall be added to the list of Special Exception Uses:

Residential

Dwelling, two-family

Agricultural Uses

Hunting preserve

Business: General Business

Camping

Recreational vehicle park

Section 3.2, "AG" District Standards

The Minimum Main Floor Area shall be amended to read:

There is no minimum floor area requirement for residences in the AG district.

Section 3.13, "PR" District Intent, Permitted Uses, and Special Exception Uses

The following shall be added to the list of Special Exception Uses:

Residential

Dwelling, single-family

Section 3.15, "VC" District Intent, Permitted Uses, and Special Exception Uses

The following shall be added to the list of Special Exception Uses:

Residential

Dwelling, single-family

Section 3.17, "GC" District Intent, Permitted Uses, and Special Exception Uses

The following shall be added to the list of Special Exception Uses:

Business: General Business

Camping

Recreational Vehicle Park

Section 5.3, Lot/Yard Standards

Amend subsection (D) to remove the second paragraph.

Add a new subsection (E) to read as follows:

Front Setback Averaging: In any Zoning District, where twenty-five (25) percent or more of the lots for a distance within three hundred fifty (350) feet of the proposed building on the same side of the road are occupied by existing buildings, the average setback of those buildings shall determine the front yard setback.

Section 5.12, Sight Triangle Clearance Standard (STC)

This section shall be replaced in its entirety to read as follows:

STC-01: The intent of the Sight Triangle Clearance Standard is to provide for visibility at intersections, driveways, curb cuts, and entrances for the safe movements of vehicles and pedestrians. Sight Triangle Clearance Standards apply to all intersections, drives, curb cuts, and entrances.

Development shall conform to the requirements of the Sight Triangle in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) feet and eight (8) feet above the adjacent road grade, within the Clear Sight Triangle defined by the edge of the road pavement, or its curbing when applicable, and a line connecting them at forty (40) feet from their point of intersection, or at equivalent points on private streets or driveways.

The Whitley County Highway Superintendent or the Whitley County Engineer may modify the dimensions of the Sight Triangle when deemed necessary for traffic safety.

Section 5.17, Miscellaneous Standards (MS)

Subsection MS-02 shall be amended to remove the existing standards for Turkey/Geese, Chickens, and Ducks and to replace them with the following:

Turkey/Geese	0.018
Layer chickens	0.012
Other chickens	0.008
Ducks	0.033

Chapter 14, Definitions

The following definition shall be added:

Hunting Preserve: An area of land defined by I.C. 15-17-14.7, as may be amended, for the hunting of certain animals.