

ORDINANCE # 2017-10

**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 to add a new Section 3.5; 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 zone map change 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. The following is added as a new Section 3.5:

Section 3.5 “IO-AGR” Interim Overlay-Agricultural Residential District

The purpose of this section is to establish an overlay district to maintain the existing land uses of certain areas of Whitley County while the Plan Commission undertakes a detailed planning effort that is expected to result in changes to the Zoning Code. The 2011 Comprehensive Plan for the County makes recommendations for the locations and uses of “Agricultural”, “Transitional Agricultural”, and “Rural Residential” development; however, the Zoning Map and districts do not generally reflect these recommendations. Without further planning and establishment of revised regulations, these areas have potential for incongruous land uses to be developed in close proximity to each other without regard to the long-term implications.

The intent of this Interim Overlay-Agricultural Residential District (“IO-AGR”) is to restrict temporarily certain types of development in the areas most susceptible to adverse effects of incongruous development while revisions to the Zoning Code and Zoning Map are planned and implemented.

A. Location

The IO-AGR district shall apply to the following:

1. Any property zoned “AG” Agricultural or “AGP” Agricultural Production.

B. Uses

The permitted and special exception uses of the underlying zoning districts shall apply, with the following exceptions:

1. Residential subdivision primary plats exceeding a total of five (5) lots from one (1) parent tract shall be not be approved.
2. Residential subdivision primary plats that are proposed to include the construction of new public streets shall not be approved.

C. Development Standards

The development standards of the underlying zoning districts shall apply, with the following exceptions:

1. A minimum of 100 feet of public road frontage on the parent tract shall be maintained for any strip of three (3) new parcels that have frontage on existing public roads.
2. Platted subdivisions shall be located no less than 1,320 feet from an existing Confined Feeding Operation (“CFO”).
3. CFOs shall have a minimum setback of 2,640 feet from the shoreline of a lake that exceeds 40 acres in surface area.
4. CFOs shall have the following minimum setbacks from these areas:
 - a. 1,320 feet from the area bounded by the rights-of-way of County Roads 700 South, 800 East, 600 East, U.S. 24, and State Road 114.
 - b. 1,320 feet from the area bounded by the rights-of-way of State Roads 109 and 9, the Columbia City planning jurisdiction, and the north county boundary.
 - c. 1,320 feet on each side of the centerline of State Road 9 between County Roads 200 South and 500 South.
5. Setbacks from or to CFOs as described in this subsection shall be measured to the wall of the nearest barn of the Confined Feeding Operation.

D. Duration

This overlay district shall be in effect only as long as it may take Whitley County to undertake a detailed planning effort that results in changes to the Zoning Code text, not to exceed twelve (12) months after the adoption of this ordinance. If not yet repealed, this district shall expire on September 17, 2018.

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 _____ DAY _____, 2017.

ATTEST:

George Schrumpf

Jana Schinbeckler, Auditor

Don Amber

Tom Western