

A G E N D A
RUSH COUNTY AREA PLAN COMMISSION
TUESDAY, SEPTEMBER 24, 2013
7:30 P.M.

ROLL CALL:

MINUTES: August 27th meeting

SUBDIVISIONS: Primary Plat Approval

1. William & Vicki Kuhn, 6713 S 900 W, Manilla, are requesting a single lot subdivision of 6.2 acres from a parent tract of 46.72 acres, Section 11, T12N, R8E, Orange Twp, zoned A-3.
2. George & Susan Kinder, 3654 E 1100 N, Lewisville, are requesting a single lot subdivision of 5.71 acres from a parent tract of 78.03 acres, Section 2, T15N, R10E, Washington Twp, zoned A-3.

SUBDIVISIONS: Secondary Plat Approval

1. Lucile Waggoner, 1621 E Gings Rd, Rushville, Gary & Karla Ralston, agents, are requesting a single lot subdivision of 3.353 acres from a parent tract of 41.9461 acres, Section 9, T14N, R10E, Union Twp, zoned A-1.
2. John & Sarah Springman, 5236 W 900 N, Carthage, are requesting a two lot subdivision of 58.55 acres from a parent tract of 58.55 acres, Section 17, T15N, R9E, Ripley Twp., zoned A-3.

REZONES:

1. Crop Production Services, 7044 W SR 44, Manilla, is requesting to amend the zoning map for Rush County, parcels 70-09-13-251-002.000-014, 70-09-13-252-001.000-014, 70-09-13-252-002.000-014, 70-09-13-252-003.000-014, 70-09-13-252-004.000-014, and 70-09-13-252-005.000-014, from MH; Mobile Home District and A-3; Agricultural, Regulated Livestock to C; Commercial.

AMENDMENT HEARING: None

OLD BUSINESS: Poultry Regulations – Draft Ordinance

NEW BUSINESS: None

AUDIENCE PARTICIPATION:

REPORTS:

Plan Consultant:

Attorney:

Director: Rushville building code update

ADJOURN:

CPS Rezone Petition – Staff Report

Comes now Crop Production Services (CPS) and petitions the Rush County Area Plan Commission to amend the zoning maps of Rush County and change the following property from the current zone classifications of MH; Mobile Home District and A-3; Agricultural, Regulated Livestock to C; Commercial.

The property is located at 7440 W SR 44, Homer and further described as parcels # 70-09-13-251-002.000-014, 70-09-13-252-001.000-014, 70-09-13-252-002.000-014, 70-09-13-252-003.000-014, 70-09-13-252-004.000-014, and 70-09-13-252-005.000-014, consisting of 4.3 acres, more or less.

The owner wishes to rebuild a storage building on the currently commercially used property.

CPS requests that the Rush County Area Plan Commission grant a favorable recommendation to his request and forward the petition to the Rush County Commissioners for further action.

CPS further requests that the Rush County Commissioners act favorably on his request to amend the zoning maps of Rush County and change the zoning of the aforementioned parcel from residential to commercial.

This petition is filed with the Rush County Area Plan Commission on the 30th day of August, 2013.

Rezone Facts

1. The parcels are currently used for the Crop Production Services facility located at 7440 W. SR 44, and are all owned by Crop Production Services (CPS).
2. The CPS facility has been located at this address for a number of years and records show that a number of structures on the site were built in 1964.
3. Our office has found no record of any previous attempts to rezone the property, however, until all of our records have been catalogued, it cannot be confirmed.
4. The current zoning of MH; Mobile Home District and A-3; Agricultural, Regulated Livestock do not allow for agricultural retail type activities, which are currently conducted on the property.
5. The use would be considered a legal, non-conforming use and would be allowed to continue as is, but would not allow for any construction or significant repair of structures.
6. The applicant is requesting the rezoning in order to rebuild a storage structure on site which requires that the existing use be permitted by the zoning district.
7. The proposed rezone to Commercial would allow for agricultural retail as a permitted use.
8. The applicant will also be asking for a variance from the Board of Zoning Appeals at the upcoming October meeting to request for a reduced side setback in order to rebuild the structure in the same approximate location as the current structure.

Surrounding Zoning Districts & Uses



Zoning District	Property Use
North: A-1; Agricultural, Rural Residential	Agricultural
South: CM; Commercial	Mobile Home/Cemetery
East: A-3; Agricultural, Regulated Livestock	Floodway/Mud Creek
West: MH; Mobile Home	Agricultural

Staff Recommendation

Upon review of the associated facts with this petition, Staff recommends that the request for rezone from MH; Mobile Home District and A-3; Agricultural, Regulated Livestock to C; Commercial be sent to County Council with a favorable recommendation. The current zoning district of MH would only serve to allow a lesser use of the property in the future, and with commercial zoning already in place directly to the south, it would seem natural for these parcels to retain their commercial nature. Additionally, the A-3 zoning on the northeast parcel is too small to permit most uses that would be allowed in the A-3 district.

Submitted by Kevin Tolloty, AICP
Executive Director, Rush County APC

Site Pictures



Subdivision Fact Sheet

APC – 9-24-13

Primary Plat Approvals

1. William & Vicki Kuhn, 6713 S 900 W, Manilla, are requesting a single lot subdivision of 6.2 acres from a parent tract of 46.72 acres, Section 11, T12N, R8E, Orange Twp, zoned A-3.
 - a. All legal notification requirements have been met;
 - b. Deed of dedication has been signed;
 - c. No drainage or septic approval required;
 - d. Survey has been reviewed by consultant and returned for corrections;
 - e. Only minor corrections were required, corrected survey has not yet been received;
 - f. Zoning and aerial maps are attached;
 - g. The area to be subdivided is vacant land that will be combined with the adjoining property to the east.

2. George & Susan Kinder, 3654 E 1100 N, Lewisville, are requesting a single lot subdivision of 5.71 acres from a parent tract of 78.03 acres, Section 2, T15N, R10E, Washington Twp, zoned A-3.
 - a. All legal notification requirements have been met;
 - b. Deed of dedication has been signed;
 - c. No drainage or septic approval required;
 - d. Survey was conducted by consultant – no further review required;
 - e. Zoning and aerial maps are attached;
 - f. The area to be subdivided is vacant land that will be combined with the adjoining property to the west.

Secondary Plat Approvals

1. Lucile Waggoner, 1621 E Gings Rd, Rushville, Gary & Karla Ralston, agents, are requesting a single lot subdivision of 3.353 acres from a parent tract of 41.9461 acres, Section 9, T14N, R10E, Union Twp, zoned A-1.
 - a. Primary plat approval was given at the August 27th APC meeting;
 - b. All legal notification requirements have been met;
 - c. Deed of dedication has been signed;
 - d. No drainage or septic approval required;
 - e. Secondary plat approval form has been received;
 - f. Monuments and markers have been installed;
 - g. Zoning and aerial maps and monument/marker pictures are attached.

2. John & Sarah Springman, 5236 W 900 N, Carthage, are requesting a two lot subdivision of 58.55 acres from a parent tract of 58.55 acres, Section 17, T15N, R9E, Ripley Twp., zoned A-3.
 - a. Primary plat approval was given at the August 27th APC meeting;
 - b. All legal notification requirements have been met;
 - c. Deed of dedication has been signed;
 - d. No drainage or septic approval required;
 - e. Secondary plat approval form has been received;
 - f. Zoning and aerial maps are attached;
 - g. Monuments and markers have not yet been installed, but are planned to be finished before the APC meeting;
 - h. Pictures of the monuments and markers will be available at the APC meeting.

Monument/Marker Pictures – Waggoner Subdivision



6713 S 900 W



W 900

A3

Area to be Subdivided

ANGLING RD.

W 850

IN 244

IN 244

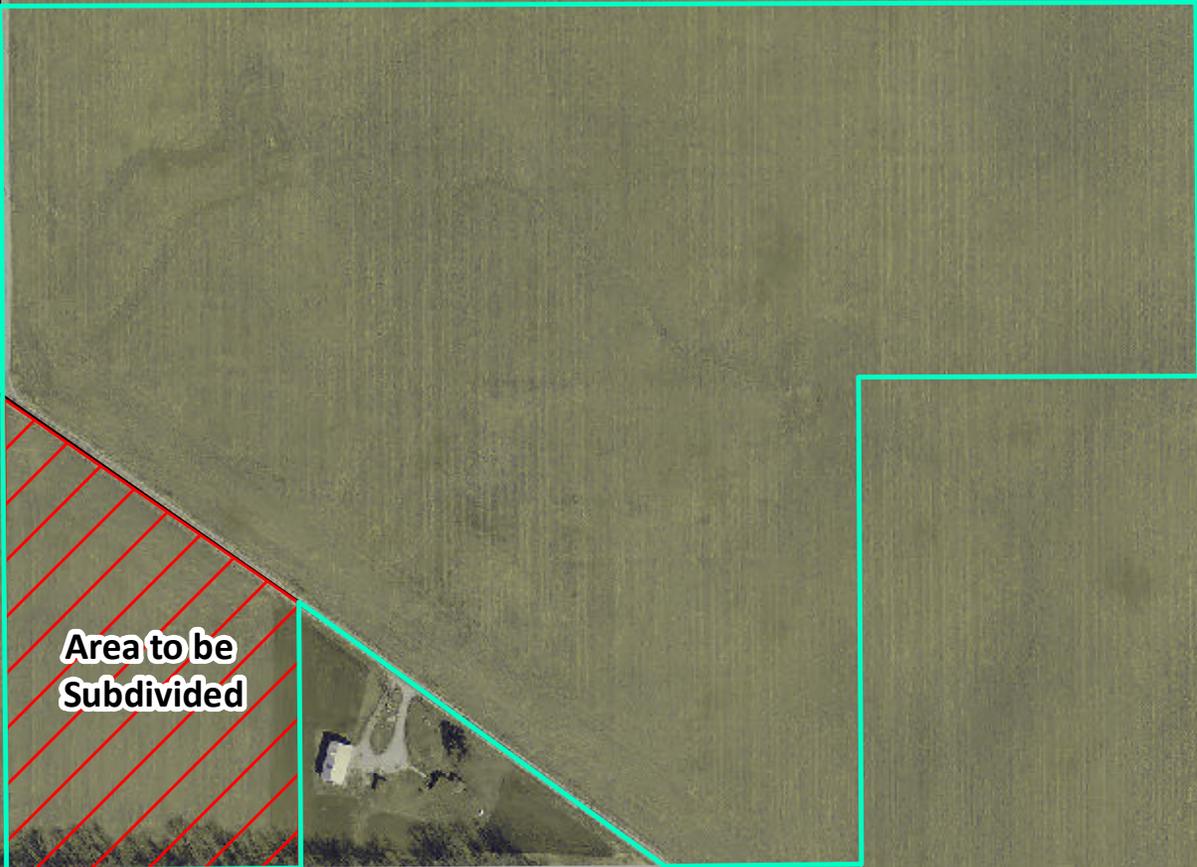
1 inch = 700 feet

Map prepared by K. Tolloty
Rush County APC 9/13



6713 S 900 W

900 W

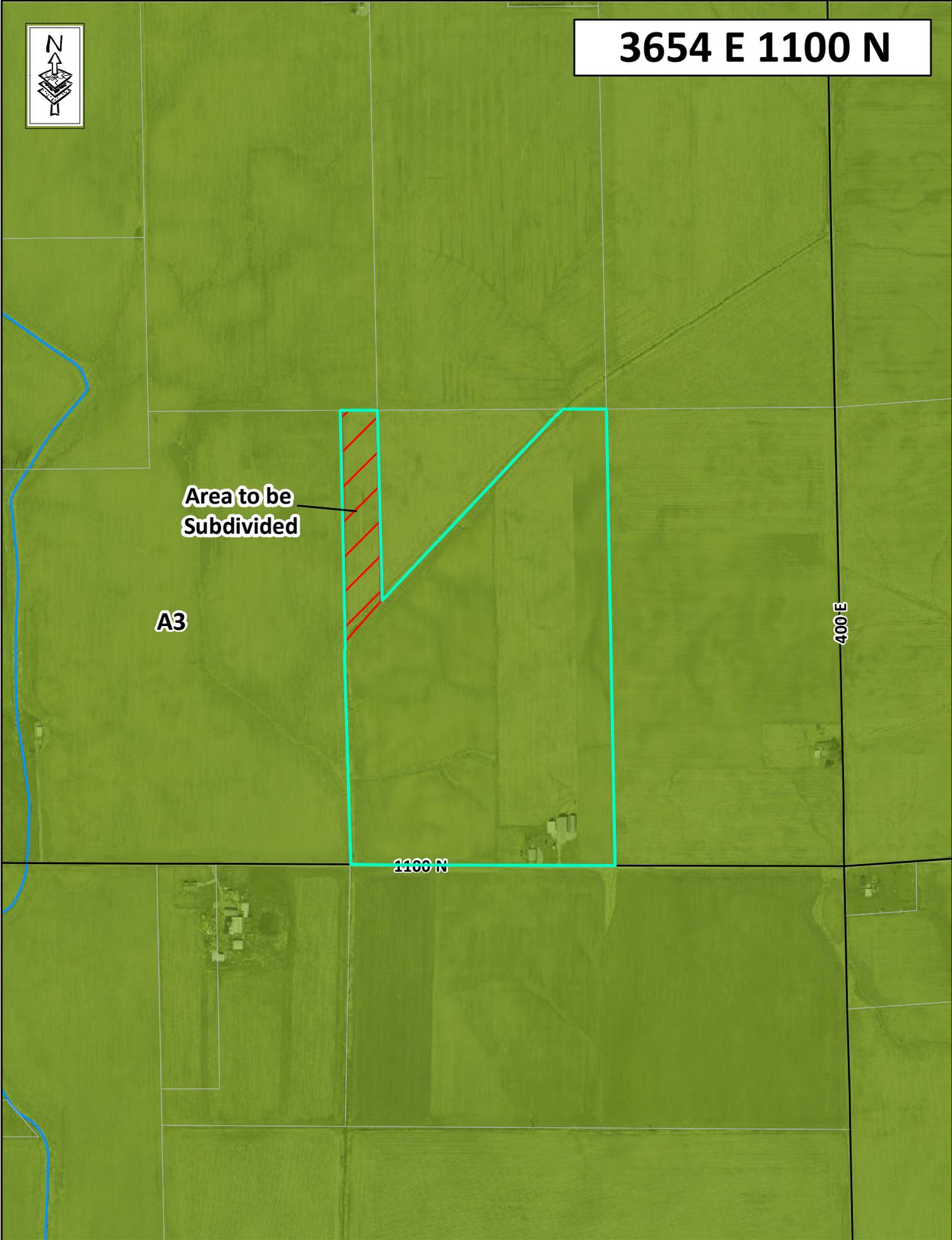


**Area to be
Subdivided**

ANGLING RD.



3654 E 1100 N



**Area to be
Subdivided**

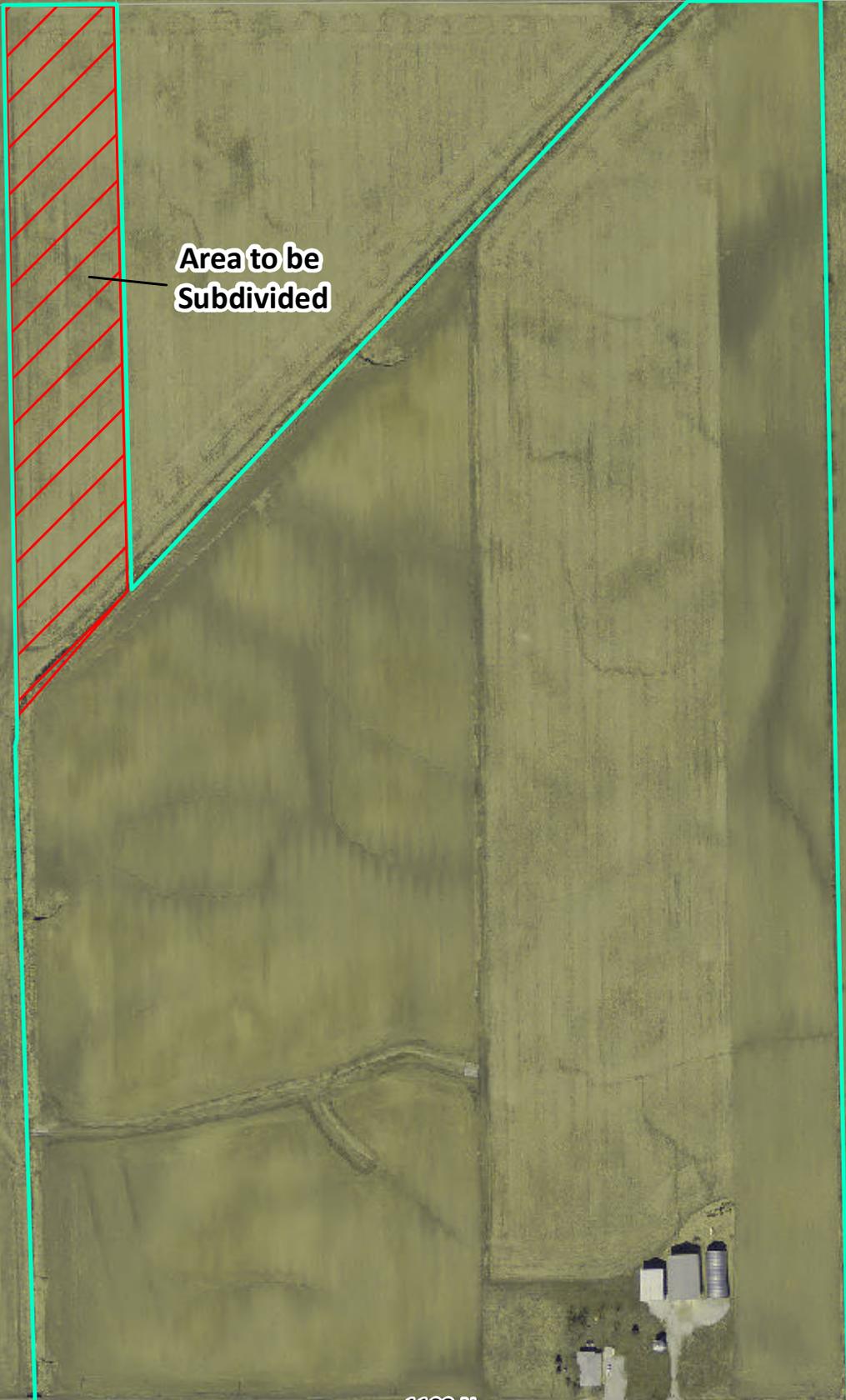
A3

1100 N

400 E



3654 E 1100 N



Area to be Subdivided

1100 N



A3

E. GINGS RD.

150 E

A1

Area to be Subdivided

FP

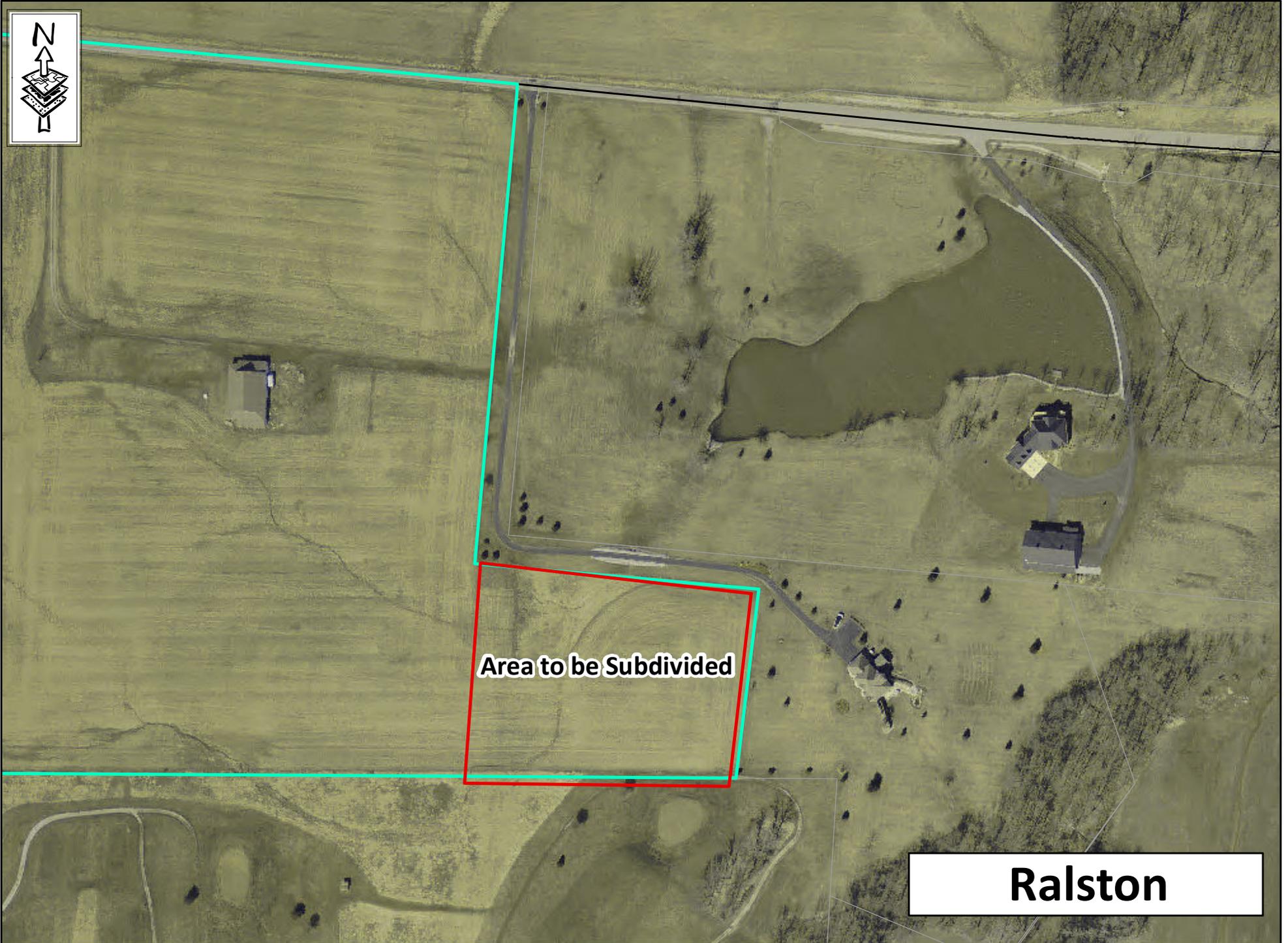
400 N

A1-R

Ralston

1 inch = 389 feet

Map prepared by K. Tolloty
Rush County APC 8/13

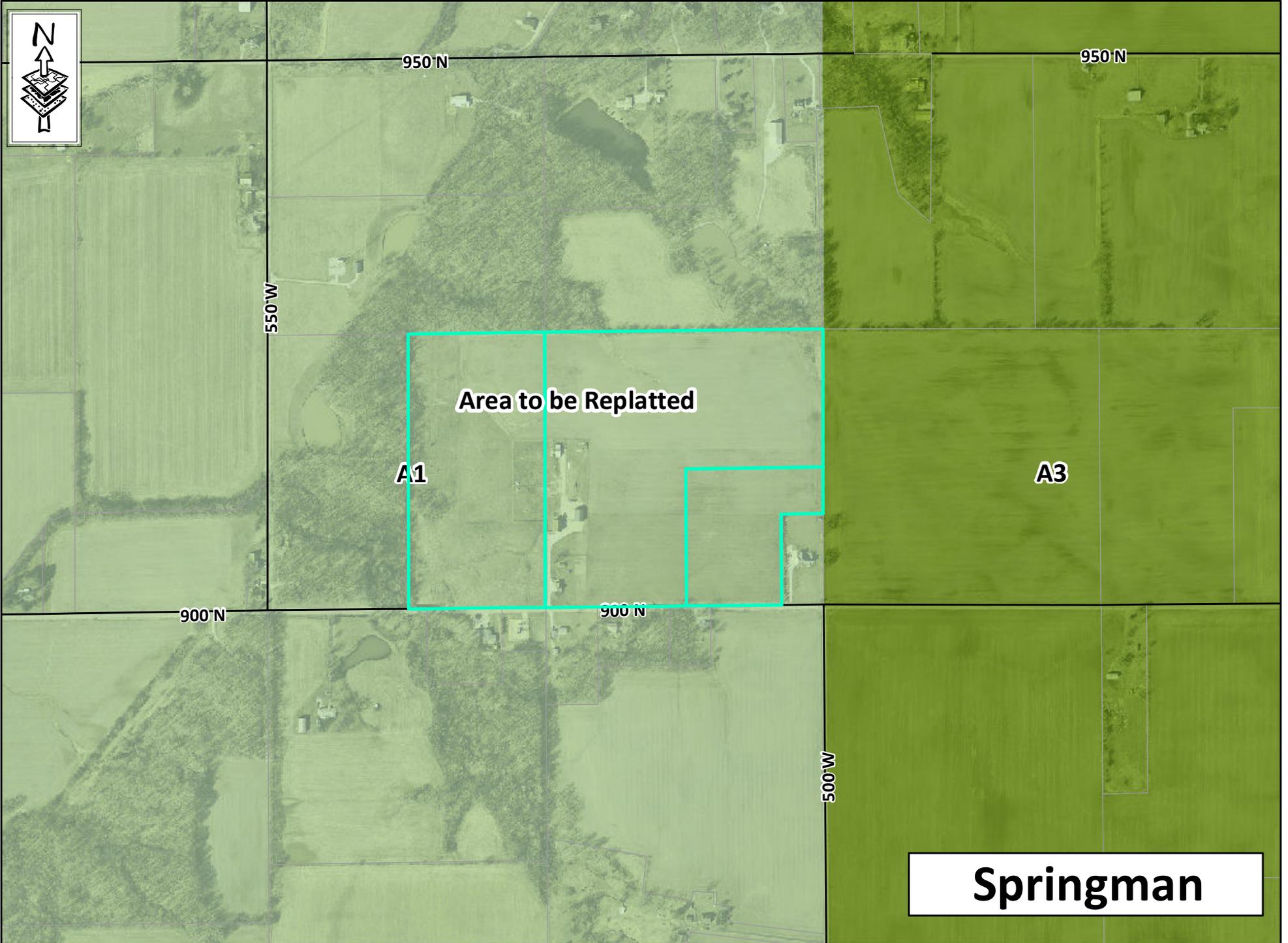


Area to be Subdivided

Ralston

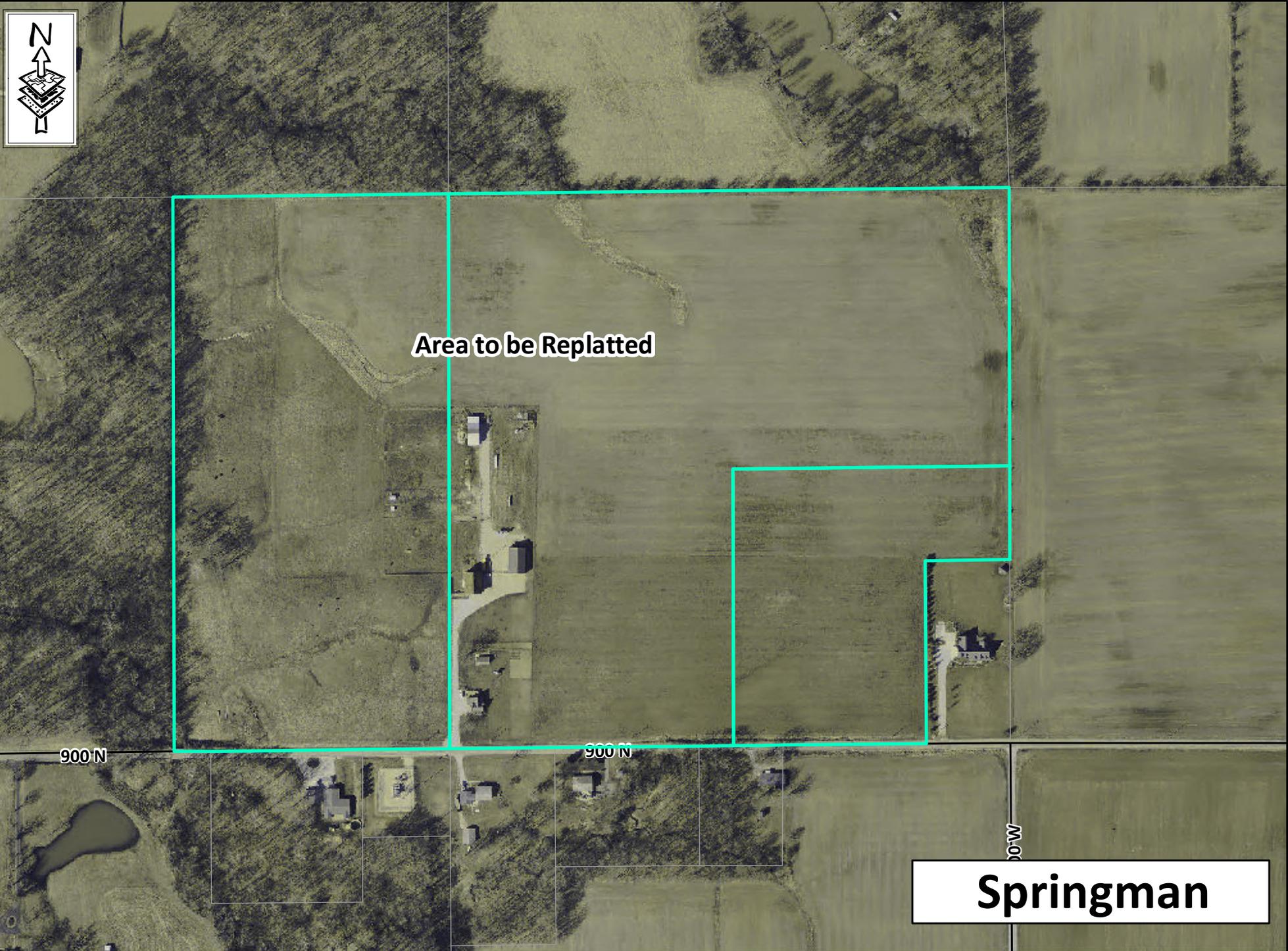
1 inch = 200 feet

Map prepared by K. Tolloty
Rush County APC 8/13



1 inch = 600 feet

Springman



Area to be Replatted

900 N

900 N

10 W

Springman

1 inch = 300 feet

Map prepared by K. Tolloty
Rush County APC 8/13

CHICKEN ORDINANCE

NOTE: This proposal was presented to the Area Plan Commission on July 23, 2013 by Marvin Rees and reviewed by the Board of Zoning Appeals on August 1, 2013. At the request of the APC, that proposal has been turned into Ordinance format, ready for an APC hearing and a subsequent recommendation to the three legislative bodies.

Certificate of Area Plan Commission

A petition to Amend the Rush County Zoning Ordinance by adding new zoning categories of use was presented to the Rush County Area Plan Commission. The request is to revise the text of Code 825 and to add a New category of use titled "Chickens on less than 10 acres"; with a new code use number assigned to this use of 826.

That the amendment contains the following text:

Code 825 Add to "Schedule of Uses" Special Exception in the A2 and A4 Zone District.

Revise 7.11.3.5 h. 3. **(Code 825)(which currently reads 3. Limit of ten fowl per acre of land)**

to read 7.11.3.5 h.3. Code 825

- "(a).Birds shall be housed in a chicken coop which has a minimum size of 16 square feet for up to 8 birds and an additional 2 square feet for each additional bird over 8 birds.
- (b). All fences and coops shall comply with side and rear yard setbacks for the applicable Zone District.
- (c). The maximum number of birds shall be 50 birds per acre.
- (d). An outdoor chicken run with twelve square feet per chicken and with an eight foot high fence and a fenced roof is required for predator protection and to maintain the birds within the enclosure.
- (e). The chicken coup and chicken run shall be kept free from trash and accumulated droppings and odor. To absorb droppings, the chicken run shall have straw bedding which shall be removed once a week and disposed of in a compost bin or trash container.
- (f). An initial one year Temporary Special Exception may be granted by the Board of Zoning Appeals."

"Add a new category to 7.11.3.5 i. Restrictions for Code 826: Chickens on less than 10 acres.

Special Exception in the R1, R2, MH and PUD Zone Districts.

1. Classified as an Accessory Use (refer to Section 5.1.2 of the Rush County Zoning Ordinance).
2. Consumption of chicken eggs and chicken meat shall be only for the occupants of the dwelling unit.
3. In accord with the Rules of Procedure of the Board of Zoning Appeals, owners of adjoining property shall be notified of the hearing by Certified Mail.
4. Birds shall be housed in a chicken coop which has a minimum size of 16 square feet for up to 8 birds and an additional 2 square feet for each additional bird over 8 birds.
5. The outdoor chicken run shall be a component of the chicken coop with four square feet per chicken and with an attached fence and, a fenced roof shall be required for predator protection and to maintain the birds within the enclosure. The chicken coop shall be a commercially prefabricated unit; OR, it may be constructed according to plans filed with the Board of Zoning Appeals by the Contractor; OR, it may be a do-it-yourself project constructed according to plans filed with the Board of Zoning Appeals.
6. There shall be a maximum of five hens and a rooster per platted lot; if there are two adjoining lots owned by the petitioner, there shall be a maximum of ten hens and one rooster; if the lot is larger than one acre, there shall be a maximum of twenty-five hens and two roosters.
7. The chicken coup and chicken run shall be kept free from trash and accumulated droppings and odor. To absorb droppings, the chicken run shall have straw bedding which shall be removed once a week and disposed of in a compost bin or trash container.
8. An initial one year Temporary Special Exception may be granted by the Board of Zoning Appeals."

Effective Date: This Ordinance shall become effective when all three legislative bodies (Rush County, Carthage, Glenwood) have passed this Ordinance; with therefore a common effective date of _____.

I hereby certify that after proper legal notice as required, this petition was heard by the Rush County Area Plan Commission on _____, 2013. After public hearing, the Area Plan Commission voted to forward this petition to the Rush County Commissioners, the Carthage Town Board, and the Glenwood Town Board with:

Choose one: A favorable recommendation, A unfavorable recommendation, No recommendation

Mike Holzback, Chairman

Kevin Tolloty, Secretary

sides with a solid wall, compact evergreen screen or uniformly painted fence not less than 7 feet in height.

4. All Restrictions of 6.3.5 apply.

b. Restrictions for 470

Refer to Section 6.2.9 Wireless Telecommunication Facilities

c. Restrictions for 480

Refer to Section 6.2.10 Wind Energy Conversion Systems

d. Restrictions for 481-484: Utilities Substations and 491: Other Pipeline Stations.

1. See Section 6.3.1.14: Residential District Special Exceptions, Restrictions for 481-484.

e. Restrictions for 485: Solid Waste Disposal and 486: Major Utilities, Stations and Plants.

1. See Section 6.3.5.12: Commercial District Special Exceptions, Restrictions for 485 and 486.

f. Restrictions for 623: Beauty and Barber Services.

1. See Section 6.3.5: Commercial District Restrictions. All restrictions set forth in that section apply here also.

g. Restrictions for Code 637 Warehousing and Storage Services

1. All activities shall be carried out within a totally enclosed building, except off-street loading facilities, which shall be visually screened from public thoroughfares and pedestrian sidewalks.

**h. Restrictions for Code 824: Agriculture use on less than 10 acres
825: Livestock on less than 10 acres.**

1. If there is a dwelling unit on the lot, one acre shall be allocated to the dwelling unit.

2. Limit of one quadruped per acre of land.

3. Limit of ten fowl per acre of land.

4. Limit of five domesticated pets per acre of land.

i. Restrictions for 851: Mining and Quarrying of Nonmetallic Minerals,

855: Mining Services

890: Other Resource Production and Extraction.

CATEGORY		PERMITTED ZONES												
CODE #		R	R-2	MH	C	B	M	PUD	A-1	A-1R	A-2	A-3	A-4	O
812	Farms (predominately crop - Cash Grain)	x	x				p		p	p	p	p	p	p
813	Farms (Field Crops other than fiber or cash grain crops)	x	x				p		p	p	p	p	p	p
814	Farms (predominately crop - Fruits, Tree Nuts, or Vegetables)						p		p	p	p	p	p	p
815	Farms (predominately Dairy Products)						p							p
816	Farms & Ranches (Livestock other than Dairy)						p							p
817	Farms (predominately Poultry)						p							p
818	Farms (General - no predominance)						p		p	p	p	p	p	p
819	Other Agriculture & Related Activities						p		p	p	p	p	p	p
821	Agriculture Processing						x							p
822	Animal Husbandry Services				p		p							p
823	Confinement Feeding						x							
824	Agriculture Use, Less Than 10 Acres (other than confinement feeding)						x		p	p	p	x	x	x
825	Livestock on less than 10 acres (other than CAFO & CFO)								x	x	x	x	x	
829	Other Agricultural Related Activities						x		p	p	p	p	p	
831	Commercial Forestry Production						p		p	p	p	p	p	p
832	Forestry Service						x		p	p	p	p	p	x
839	Other Forestry Activities						x		p	p	p	p	p	x
841	Fisheries & Marine Products						x			p	p	p	p	x
849	Other Fishery Activities & Related Services						x			p	p	p	p	x
851	Metal Ore Mining						x					x		x
852	Coal Mining											x		
853	Crude Petroleum & Natural Gas											x		
854	Mining & Quarrying of Nonmetallic Minerals (except fuels)											x		
855	Mining Services											x		
890	Other Resource Production & Extraction											x		
921	Forest Reserves								p	p	p	p	p	p
931	Flood Plains													p
941	Sanitary Landfill											x		
945	Ethanol Production												p	
946	Bio-diesel Production												p	
948	Manure Digesters												p	
949	Waste-To-Energy Converters												p	
950	Any New Technology Using Agriculture By-Products												p	
826	chickens on less than 10 acres	x	x	x				x						