

A G E N D A
RUSH COUNTY AREA PLAN COMMISSION
TUESDAY, FEBRUARY 25, 2014
6:30 P.M.

ROLL CALL:

MINUTES: January 28th meeting

SUBDIVISIONS: Primary Plat Approval

1. MF Beyer LTD Partnership, 9125 W 700 N, Carthage, is requesting to subdivide 4 lots as part of one tract, for a total acreage of 39.407 acres from parent tracts totaling approximately 209 acres , Sections 26, 34 and 35, T15N, R8E, Ripley Twp., zoned A-3; Agricultural, Regulated Livestock.

SUBDIVISIONS: Secondary Plat Approval

1. Lords Posey Farm, LLC, 3530 N 800 W, Arlington, is requesting a single lot subdivision of 2.462 acres from a parent tract of approximately 90 acres, Section 13, T14N, R8E, Posey Twp., zoned A-3; Agricultural, Regulated Livestock.

REZONES:

1. Ron Cameron, 1001 W. 3rd Street, Rushville, is requesting to amend the zoning map for Rush County, parcel 70-11-06-102-003.000-011, from R-1; Single Family Residential to C-1; Neighborhood Business District.

AMENDMENT HEARING: None

OLD BUSINESS: Chicken Ordinance/Scorecard – Draft

NEW BUSINESS: Manure Storage Facilities

AUDIENCE PARTICIPATION:

REPORTS:

Plan Consultant:

Attorney:

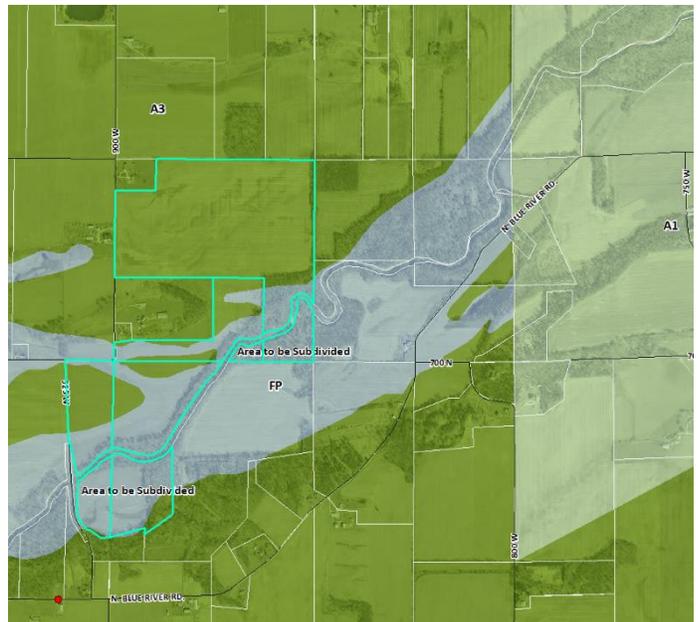
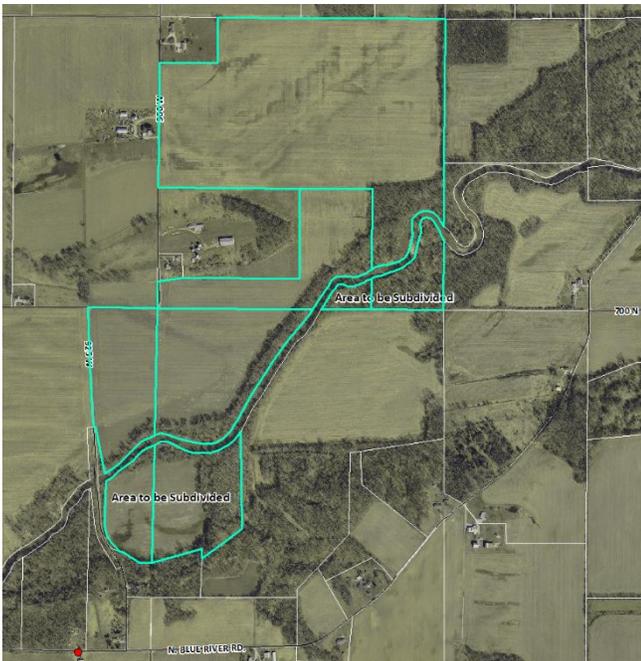
Director:

ADJOURN:

**SUBDIVISION FACT SHEET
RUSH COUNTY AREA PLAN COMMISSION
TUESDAY, FEBRUARY 25, 2014
6:30 P.M.**

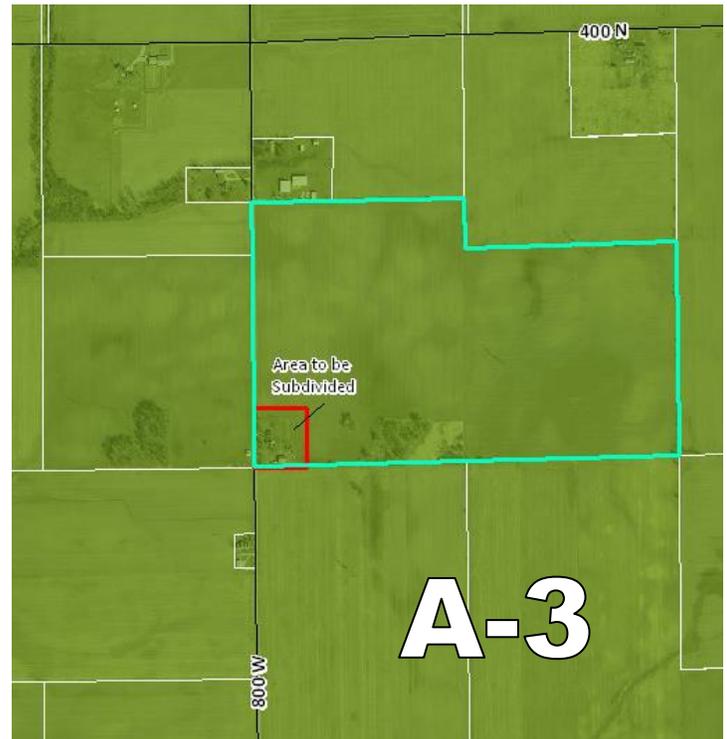
Primary Plat Approval

1. MF Beyer LTD Partnership, 9125 W 700 N, Carthage, is requesting to subdivide 4 lots as part of one tract, for a total acreage of 39.407 acres from parent tracts totaling approximately 209 acres , Sections 26, 34 and 35, T15N, R8E, Ripley Twp., zoned A-3; Agricultural, Regulated Livestock.
 - 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 sent to consultant for review, revised surveys should be available at the APC meeting;
 - e. Zoning and aerial maps are attached;
 - f. There are four parcels in total that are going to be subdivided, the parcels are now each currently divided by the Big Blue River;
 - g. Parcels that are located within the same section will be combined administratively with existing parcels in the same parcel under the same owner.



Secondary Plat Approval

1. Lords Posey Farm, LLC, 3530 N 800 W, Arlington, is requesting a single lot subdivision of 2.462 acres from a parent tract of approximately 90 acres, Section 13, T14N, R8E, Posey Twp, zoned A-3; Agricultural, Regulated Livestock.
 - 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 sent to consultant for review, no corrections necessary;
 - e. Zoning and aerial maps are attached;
 - f. Secondary plat approval has been received;
 - g. Monuments and markers have been installed according to received information; verification has not been completed (weather permitting);
 - h. The 2.462 acres to be split contain an existing home that will be separated from the surrounding agricultural land.



ZB 2014-01 – Rezone Petition Staff Report

Comes now Ron Cameron 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 classification of R-1; Single Family Residential to C-1; Neighborhood Business District.

The property is located at 1001 W. 3rd Street, Rushville and further described as parcel # 70-11-06-102-003.000-011, consisting of 0.5 acres, more or less.

The applicant wishes to remove the existing residential structure and use the property to expand the business located directly to the east at 963 W. 3rd Street.

Mr. Cameron requests that the Rush County Area Plan Commission grant a favorable recommendation to his request and forward the petition to the Rushville City Council for further action.

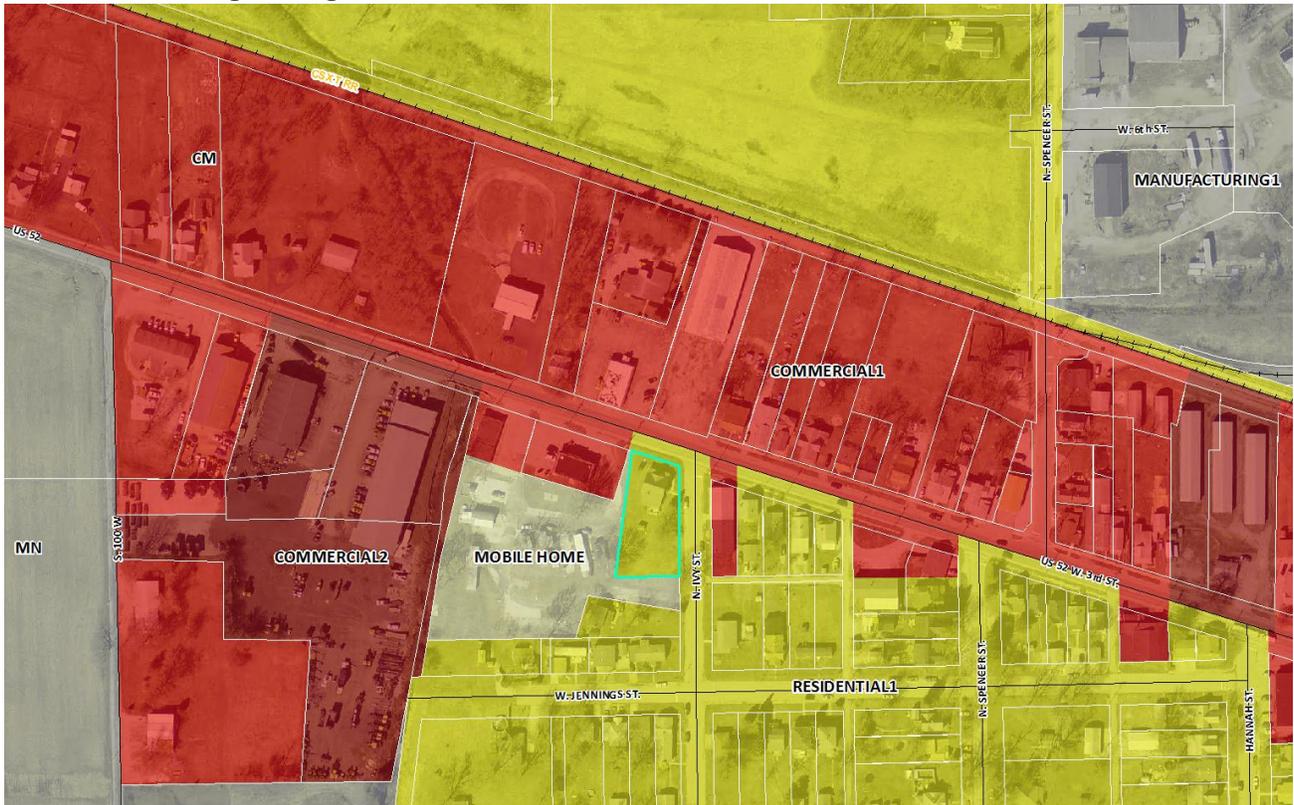
Mr. Cameron further requests that the Rushville City Council act favorably on his request to amend the zoning maps of Rush County and change the zoning of the aforementioned parcel from residential to commercial.

This petition is filed with the Rush County Area Plan Commission on the 22nd day of January, 2014.

Rezone Facts

1. The parcel currently contains a vacant single family home.
2. The owner of the property wishes to sell the property to Ron Cameron, who operates a trailer sales business directly to the east.
3. If rezoned, the existing house would be torn down and the property used to expand the trailer sales business.
4. The property is currently surrounded by commercial zones on the north, east and west.
5. The property fronts on U.S. 52, which is an almost entirely commercially zoned corridor inside Rushville city limits.
6. The U.S. 52 corridor currently contains a mix of commercial and residential uses, but future plans and zoning indicate the future of this corridor is commercial.
7. The proposed rezone to commercial would allow for the existing home to remain as a legal non-conforming use, and in the future, residential uses would be allowed with a special exception.
8. The development of the lot to any commercial use will be required to meet all applicable zoning requirements.

Surrounding Zoning Districts & Uses



	Zoning District	Property Use
North:	C-1; Neighborhood Business District	Stagg's Dairy
South:	MH; Mobile Home/R-1; Residential	Mobile Home/Residential
East:	C-1; Neighborhood Business District	Cameron Trailer Sales
West:	C-1; Neighborhood Business District	Village Pantry

Staff Recommendation

Upon review of the associated facts with this petition, Staff recommends that the request for rezone from R-1; Single Family Residential to C-1; Neighborhood Business District be sent to the Rushville City Council with a favorable recommendation. The current zoning district of R-1 fits the current use of the property, but being surrounded by commercial zones on three of four sides, continued use of this property as residential does not represent the best use of the property. The rezoning of this property to C-1 will promote a more uniform commercial corridor entering Rushville from the west which over the long run be beneficial to the community.

Submitted by Kevin Tolloty, AICP
 Executive Director, Rush County APC
 February 13, 2014

Site Pictures



View of existing house



Restrictions for Code 825 - Livestock on less than ten (10) acres of land:

Amend #2 - Limit of one quadruped per acre of land

Remove #3 - Limit of ten fowl per acre

Amend #4 - Limit of five domesticated pets per acre of land

Amended Code 825

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

2. The number of quadrupeds per acre will be based on Purdue recommendations.

*(I do not have the numbers yet, but will pass those along as soon as I do)

3. Five (5) or less domestic pets per acre are permitted by right in all zones.

4. More than five (5) domestic pets per acre are permitted only in agricultural zones by special exception.

Length of Permit/Special Exception

Same as for fowl

Restrictions for Code 826 (new code) - Fowl on less than ten (10) acres of land:

Applicant must complete scorecard located in Appendix E of the Rush County Zoning Ordinance.

Additional Restrictions - All Zones:

1. Food shall be stored in airtight containers.
2. Coops and bedding shall be kept clean.
3. Soiled bedding shall be properly disposed in a timely manner.
4. Notice of chickens shall be sent to all residential properties within 500 feet of proposed coop.
5. Birds shall be housed in appropriately sized housing.

Additional Restrictions - Non-Agricultural Zones:

1. Chickens only are permitted. Waterfowl, peafowl and other game birds not permitted.
2. Chickens may be kept for non-commercial use only.
3. Chickens may not be slaughtered on site.
4. Chickens are only permitted on the lot where the applicant resides or an adjoining lot.

Length of Permit

Automatic one (1) year review for compliance

If no verified complaints previous review period, then automatic three (3) year renewal

Permit may be continued perpetually provided applicant is in compliance

Chicken Ordinance - Scorecard

> 45 points - permitted

25 - 45 points- special exception required

< 24 points - not permitted

Lot Size:	Points	Zoning	Points	
< 0.50	2	Agricultural	10	
0.50 - 0.99	4	Non-Agricultural	0	
1 - 2.99	8			/10
3-6.99	14			
7-10	20			
				/20
Number of Chickens		Number of Roosters		
1-4	15	0	10	
5-9	10	1 (non-ag. zone)	-10	
10-19	6	1 (ag. zone)	0	
20-49	3	2+ (any zone)	-20	/10
50+	0			
				/15
Chicken/Acre Ratio		Type of Enclosure		
< 10 per acre	8	Opaque Fencing	5	
10-19 per acre	4	Non-opaque Fencing	2	
20-50 per acre	0	No fencing	-10	/10
>50 per acre	-10			
				/8
Section Density		Total Points:		/113
0-5	20			
6-10	12			
11-17	6			
18+	3			
				/20
Coop Setback (from nearest residential structure)				
<10	-10			
10-24 ft.	0			
25 - 49 ft.	5			
50 - 74 ft.	10			
75 - 100 ft.	15			
> 100 ft.	20			
Chicken Tractor/Mobile Coop	10			
				/20