

15<sup>th</sup> Resolution  
Received  
7<sup>th</sup> Sept 6

~~ORDINANCE TO AMEND THE LAPORTE COUNTY~~  
~~ZONING SUBDIVISION CONTROL MASTERPLAN~~

WHEREAS, LaPorte County Plan Commission has recommended various amendments to the zoning, subdivision and manufactured home ordinances, and

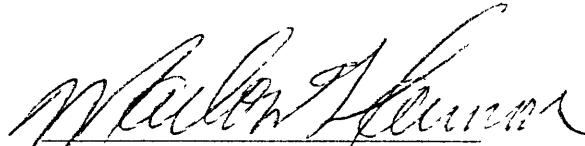
WHEREAS, public hearings have taken place and input considered, and

WHEREAS, changes have been made to the original proposals for amendments to the zoning ordinance.

NOW THEREFORE, be it ordained by the Board of Commissioners of LaPorte County that:

1. The LaPorte County Zoning Ordinance, Manufactured Home Ordinance and Subdivision Control Ordinance are hereby amended pursuant to Exhibit "A".
2. That this ordinance shall take effect after its publication and passage as prescribed by law as applicable.

ADOPTED on this 6<sup>th</sup> day of ~~July~~ <sup>September</sup>, 2005.

  
MALOW HARMON, President

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BILL HAGER, Vice President

  
BARBARA HUSTON, Member

ATTEST

  
TERESA SHUTER, Auditor

PROPOSED CHANGES AND AMENDMENTS

ARTICLE III. RULES AND DEFINITIONS

ADDITIONS/CORRECTIONS. Add or correct the following definitions

DWELLING A permanent building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multiple-family dwellings but not including hotels or lodging houses. Such building must be at least twenty three (23) feet wide and have Nine Hundred Fifty (950) square feet of living space excluding basements, breezeways, porches and garages.

FARM/HOBBY A parcel of land less than fifty (50) acres in size used primarily as a residential lot whereas some crops or animals may be raised or kept for pleasure and not used as a primary source for income.

RESIDENTIAL PARCEL/LOT A parcel or tract ten (10) acres or less in size on which there is or will be a residential dwelling.

SUBDIVISION The division of a parcel or tract of land into two (2) or more parcels regardless of size.

SUBDIVISION, MAJOR A division of a parcel or tract of land into two (2) or more parcels that involves the creation of additional streets.

SUBDIVISION, MINOR The subdividing of a parcel or tract of land to create contiguous parcels for residential purposes on frontage lots without creating additional streets or easements of access.

SUBDIVISION, RESIDENTIAL A division of a parcel or tract of land into two  
~~(2) or more parcels with or without the creation of additional streets or easement access~~  
for residential use and not commercial agricultural usage

SUBDIVISION, STRIP A division of land which creates two (2) or more  
contiguous residential parcels on frontage lots

#### ARTICLE IV. DISTRICTS, USES AND MAPS

##### AMENDMENTS.

Amend Section 8-7, Use Requirement to read as follows

- a Residential use requirements The following use requirements pertain to all residential uses
- 1 Minimum lot size A lot on which a dwelling is erected or changed may not be smaller in area than that prescribed for it by Table II.
  - 2 The minimum lot size described in Section 8-8-A Table II pertains to land which has been subdivided in accordance to the standards of the current LaPorte County Subdivision Control Ordinance No dwelling or structure shall be erected on a parcel of land less than one (1) acre unless said parcel has been subdivided or a variance granted for a smaller parcel
  - 3 Lots of record as of 1964 may be smaller in area than the figure described in Section 8-7-B provided however that such lot may not be smaller than 10,000 buildable square feet
  - 4 The minimum frontage requirements for lots and parcels not otherwise subdivided shall not be less than Two Hundred (200) feet and a depth to width ratio shall not be greater than 3 to 1
- b Development of residential parcels A parcel or tract of land may be divided to create more than one residential parcel A strip subdivision however is not permissible except in conformity with this Ordinance Spacing between residential parcels is based on the minimum spacing required for residential parcels as far as frontage
- c Residential parcels requirements All newly created residential parcels must have a limited topographical survey showing a drainage plan and site plan for buildings and driveways

d Frontage limitations The dominant tract or parcel from which any newly created residential parcel has been created must have at least 200 contiguous feet of frontage remaining.

e Residential parcel placement limitations Residential parcels may not be developed on county roads that are not part of the County Road inventory

OFFICIAL SCHEDULE OF USES (Table I)

AMENDMENT/ADDITIONS

- Item 9 Planned Unit Developments permitted uses are R1, R2, R3, LB, GB
- Item 9-A Major Subdivision; R1, R2, R3, LB.
- Item 9-B Minor Subdivision, R1, R2, R3, LB, AG
- Item 26. Bottled gas storage and distribution, liquid fertilizer storage and distribution (commercial) permitted as listed.
- Item 33 Concrete, gravel crushing Special exception, I or IR
- Item 35. Mineral Extraction, Borrow Pit, Top Soil Removal and Storage Areas permitted in AG, special exception in I and IR
- Item 42. Truck Freight Terminal, Truck Maintenance Storage area/Truck Stop permitted in I, special exception in IR
- Item 52 Public Park (delete recreational facility, permitted as listed)
- Item 68 Farm, Industrial, Utility and Lawn and Garden Equipment Sales and Services change to special exception in AG
- Item 91 Delete 91 in its entirety (private recreational development) (Covered by Item 88 and 90)
- Item 93 Riding Stable, add as permitted use in AG
- Item 125 Kennel, change to add permitted use in AG
- Item 129. Mobile Home Park, special exception in R3 and in general business
- Item 138. Veterinary Hospital for small animals permitted in AG

Amend Table III, Maximum Building Height by changing 25 to 45 and 35 to 55

Section 8-18 Variances and Special Exceptions.

a Variance of use or use herein shall be characterized as a variance which authorizes a use of land other than permitted in a particular district by ordinance or a variance that changes the character of the zoned district by permitting an otherwise prohibited use. Use variances if granted are personal in nature and do not run with the land.

b Add 8-18 (C) (7) (H) Special Exception of use shall be personal in nature and non-transferable. Special Exceptions regarding developmental standards will run with the land and are transferable.

8-18(D) TIME LIMITS Once granted, any variance whether use or developmental standards or special exception must be implemented or acted upon within one (1) year from the time the Board of Zoning Appeals grants such variance or special exception. Failure to implement or act upon such special exception within the one (1) year will automatically create a vacation of such variance or special exception.

ARTICLE V. MANUFACTURED/MOBILE HOMES DIVISION I

At Section 8-36 Standards, delete A-E Items 1 and 2. Add new Section 8-36 Standards F, additional mobile home restrictions.

- 1 Mobile homes shall be used for residential purposes only.
- 2 No rental of mobile homes except in mobile home parks.
- 3 Mobile homes may not be used as storage units on residential parcels as well as any vans, truck boxes, semi trailers or railroad cars.

ARTICLE V. MOBILE HOME PARK DISTRICT DIVISION II.

Delete this article in its entirety from Section 8-41 through 8-69. The reason for deletion is that mobile home parks are controlled by State Statute which forbids the County from utilizing any control other than for zoning. Mobile home parks are controlled by the State Department of Health.

ARTICLE VI. SUBDIVISION CONTROL

ADDITION Amend Section 8-103, Minor Subdivisions, to read as follows:

A minor subdivision may be created from any tract or parcel subject to the restrictions as provided in Section 8-7. Minor subdivisions must meet the following requirements:

- A Residential Minor Subdivision

1. No less than one (1) acre parcels and 200' of frontage
- ~~2. No block may be longer than 1,250'~~
3. Each block must be separated by a 50' strip
4. There will be no creation of additional streets or easements of access to other residential parcels
5. All plans must conform to the subdivision plans as stated in Article 6, Subdivision Control Ordinance with the exception of any road requirements. Further, all plans must be submitted with the modification of Section 8-87-A-7.
6. The Plat must be submitted to the Building Commissioner.
7. The Building Commissioner after review of the plan for conformity with this ordinance will schedule a meeting with the building developer and the Plat Committee for review of such plans
8. After the Plat Committee review, the Building Commissioner will submit such subdivision plat to the Plan Commission. Further plans will be pursuant to the subdivision control ordinance regarding major subdivisions

#### ADD SECTION 8-104 SUBDIVISION, TIME LINES, MISCELLANEOUS

All subdivisions must meet the following time lines and miscellaneous requirements as appropriate.

- a. Once primary approval is obtained from the plan commission, such plat must receive final approval from the Board of Commissioners within one (1) year of primary approval
  1. Any plat before the Board of Commissioners must have a certificate from the Building Commissioner that such plat is the same as approved by the plan commission
  2. Any plat that is not approved by the Board of Commissioners within the one (1) year period must be re-approved by the plan commission to include a public hearing
  3. Once approved by the Board of Commissioners, a subdivision plat must be recorded with the Recorder of LaPorte County within 60 days after such approval. If such plat is not recorded within such period of time, such plat must be reviewed by the Building Commissioner to determine if it still conforms with the current zoning ordinance. Building permits will not be issued for any subdivision lot that is not recorded in such timely fashion and a copy of such recorded subdivision must be provided to the Building Commission once recorded

- b. All subdivision's development including existing subdivisions which have been recorded at the time of the adoption of this Ordinance must be completed within ten (10) years from the recording of the initial plat. Development will include the completion of all streets, curbs and gutters, retention ponds, water and sewer as applicable and lot layouts. If completion is not completed within such period of time, the developer may request extensions for completion from the Plan Commission. Such extension shall be for a reasonable time frame. Failure to ask for an extension shall cause the denial of the issuance of any building permit until such extension has been approved.
- c. The existing subdivision plats which have already received approval from the Board of Commissioners prior to the 1<sup>st</sup> of February, 2004 but not yet recorded, such subdivision plat will have One Hundred Eighty 180 days from the date of the adoption of this Ordinance to be recertified by the Building Commissioner and to be recorded. Any plat which fails to conform to this requirement will not have building permits issues pending re-approval by the Plan Commissioner.
- d. All developers will provide road bonds to the LaPorte County Board of Commissioners as follows;
1. If a roadway or street is not fully completed (no final asphalt coating), the developer must provide a performance bond to the LaPorte County Commissioners to insure completion of the remaining portion of the roadway. Such performance bond shall be in the amount of One Hundred Twenty Five Percent (125%) of the cost of construction for the uncompleted portion of such roadway or street. Such bond shall be for a minimum of five (5) years and may be renewed accordingly based upon the recommendation of the County Engineer.
  2. A developer who completes paving such roadway or street but has not completed or begun building within such subdivision, a maintenance bond must be provided to the LaPorte County Commissioners in the amount of Twenty Percent (20%) of the total cost of such roadway or street for a minimum period of Five (5) years. Such bond is to insure against damage to such roadway or street during the building and construction phase within such subdivision. This bond must be in existence until such subdivision phase is complete or the County Engineer recommends that such roadway or street be accepted into the County Highway System.
  3. Developers should endeavor to insure that future subdivision phases are developed with other means of access for construction equipment in lieu of use of accepted roads. Otherwise, additional bonds

may be required during such continued development phases to protect the County regarding damage to such roadways subject to recommendation by the LaPorte County Highway Engineer.

4 All roadway bonds with a performance of maintenance will be issued on the recommendation of the LaPorte County Highway Engineer. Bonds may be extended for an additional period of time as deemed appropriate by the Board of Commissioner based upon the recommendation of the LaPorte County Highway Engineer. Release of any bond will further be based upon the recommendation of the LaPorte County Highway Engineer.

5 All road or street signs in such subdivision must be in place prior to the issuance of any building permits. It is the cost and responsibility of the developer to provide for all signage. All signage must be in conformity with the LaPorte County Highway Department requirements.

6 The acceptance of a subdivision plat by the LaPorte County Commissioners involves the acceptance and dedication of the streets and roadways contained therein as laid out. Final acceptance by the LaPorte County Commissioners of such streets or roadways into the County Highway systems is based upon the recommendation of the Highway Engineer so that such roadway meets all the requirements of the LaPorte County Subdivision Ordinance and that LaPorte County will be maintaining maintenance on such streets as a County responsibility subject to any further bonding conditions as provided herein.

e Cul-de-sac lots in a subdivision need not comply with the minimum lot frontage requirements. Such cul-de-sac lot, however, must have a building set back line at which the minimum lot width must be obtained.

f All subdivision lots must have minimum covenants to be recorded regarding the following.

- 1 Minimum building setback lines on front, rear and side
2. Regulation of accessory buildings regarding size and number.
3. Drainage along any county right-of-way
- 4 Shared entrances – if applicable.
- 5 Animal restrictions
- 6 Require at least a one (1) car attached garage
- 7 Minimum roof pitch requirement
- 8 Creation of homeowners associations for enforcement of covenants/association-guidelines
- 9 Enforcement of covenants provisions
- 10 Restrictions of outside storage
- 11 Unusable vehicle limitations



AMFND EXHIBIT B

Subdivision approval procedures to read as follows

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The following procedures are based on those contained in Sections 8-78 through 8-91. These sections shall be read in a manner consistent with the procedures as outlined in this exhibit. If the timeline as in all sections are in conflict with these procedures, these procedures shall apply and take precedence.

Step 1: Application

The applicant shall.

- a. Make written application
- b. Pay the required fee
- c. Submit preliminary plat. This may include entire proposed subdivision and a preliminary proposed outline of the entire subdivision with specifics for the initial phase.
  1. The preliminary plat will show potential lots and potential streets
  2. The initial phase will have all the necessary technical data for complete review which will include actual plotted lots, streets, storm water and drainage references.
  3. The developer may include the entire plat of the entire subdivision or based on phase which is a general overview in the preliminary plat regarding the entire subdivision. Subsequent phases must show how the technical data regarding drainage, etc. will tie into the initial phase constructed for all previous stages.

Step 2: Staff Review

- a. Upon receipt of the application for subdivision approval, the staff shall review application within thirty (30) days for technical conformity and return marked copies to the applicant for corrections.
- b. After the correction of any application, the staff will refer the same to the Plat Committee for review.

### Step 3 Plat Committee Review

1. Review to be based on technical conformity requirements of the ordinance, drainage issues, septic and any other technical requirements

### Step 4: Staff Action

After a plat committee review, the staff will set this matter for public hearing. The applicant will publish notice of the public hearing and notify adjoining landowners. The applicant will further provide a copy of any plans in sufficient number for all members of the Plan Commission for review.

### Step 5: Plan Commission, Preliminary Review

1. Applicant will submit preliminary sketches of subdivision proposals
2. Plan Commission will review for drainage issues, ingress and egress issues.
3. Plan Commission will further review for appropriateness of subdivision in this location and generally any points to be concerned about for a subdivision development
4. Preliminary approval.

### Step 6: Plan Commission Action, Primary Approval

1. Prepare completed subdivision plans with copies to all plan commission members ten (10) days before such plan commission hearing. Such plans will also include constructions, drawings and topographical surveys as completed
2. The developer is to provide notice to adjoining landowners and of public hearing if applicable if at the hearing on the preliminary approval did not specify a continuation date
  - a. If the Plan Commission grants Primary Plat approval it shall
    1. Make written findings
    2. Sign the Commission decision
    3. Set the amounts for appropriate bond and the date for completion of improvements
  - b. If the Plan Commission disapproves the Primary Plat it shall
    1. Make written findings
    2. Sign the Commission decision

Step 7. County Commissioners Final Approval.

1. The plat must be submitted to the LaPorte County Commissioners within one (1) year from the primary approval from the plan commission
2. The applicant must have certification from the Building Commissioner that the plat is the same as approved by the plan commission
3. The LaPorte County Commissioners determine road bonds based on the recommendation of the LaPorte County Highway Engineer and action to be taken by the developer
4. The developer must provide notice of a public hearing before the Commissioners before the approval of such subdivision

Step 8. Recordation

1. The applicant must record such approval within sixty (60) days from final approval by the LaPorte County Board of Commissioners
2. The applicant must provide a recorded copy to the Building Commissioner.

AMEND ARTICLE X. PLAN UNIT DEVELOPMENT

SECTION 8-147, SECTION E, APPROVAL PROCEDURE to read as follows:

PUD approval procedure shall follow the same approval procedure as that of a major subdivision. The preliminary review shall consist of the conceptual PUD site development plan to determine suitability. The final phase before the plan commission will include a detailed PUD plan. Lastly, the final approval will be with the Board of Commissioners and recordation prior to the issuance of building permits

ADDITIONAL AMENDMENT Amend Section 8-21, Recreational vehicles/travel trailers

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Amend D to read as follows: Any person in violation of the provisions of this Section will have twenty-four (24) hours to remove such recreational vehicle/travel trailer once notified of the violation. Failure to do so will subject the individual to fines and penalties as specified by this Ordinance.

SECTION 8-23. GRANDFATHER PROVISION Add E Any parcels of land not in compliance with Section 8-7 at the time of adoption of this ordinance by the County Commissioners will have thirty (30) days after such adoption to be brought into compliance. Compliance is to have such parcel under separate title with individual sidwell and taxing key numbers.