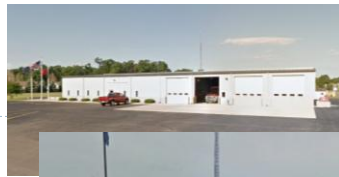


# ZONING ORDINANCE REWRITE Open Houses

October 2014

## Open House Schedule

- ▶ Wednesday, October 8, 2014
  - Baugo Township Fire Hall
- ▶ Thursday, October 9, 2014
  - Wakarusa Town Hall
- ▶ Monday, October 13, 2014
  - Middlebury Town Hall
- ▶ Wednesday, October 15, 2014
  - Millersburg Town Hall
- ▶ TBA
  - County Farm Bureau



## Agenda

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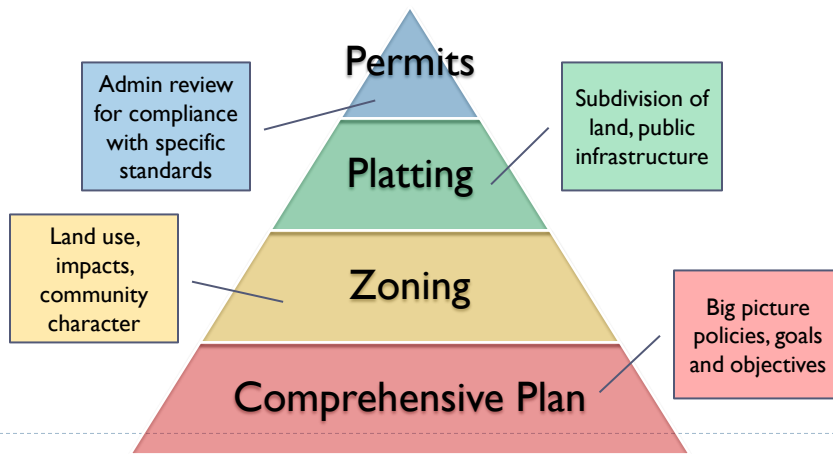
- ▶ Overview
  - ▶ Whom does this affect?
  - ▶ Process
  - ▶ Goals
    - ▶ Reformat
    - ▶ Reorganize
    - ▶ Streamline
  - ▶ Conclusion
  - ▶ Discussion/Questions
- 



## Overview – Regulatory Pyramid

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- ▶ **Laws** that **implement** the **policies** of the Comprehensive Plan



## Overview – Zoning Basics

- ▶ Zoning regulates:
  - ▶ The private use of land
    - ▶ Permitted, Limited, Special, Prohibited
    - ▶ Specific Use Standards
    - ▶ Rules for nonconforming uses
  - ▶ The impacts of land use on other private and public properties
    - ▶ Setbacks, Height, Lot Coverage, Bulk
    - ▶ Buffers and Screening
    - ▶ Driveways
  - ▶ Community character
    - ▶ Landscaping
    - ▶ Signs
    - ▶ Parking
    - ▶ Residential Density
    - ▶ Exterior Building Materials
- ▶ County zoning since 1960 but no update

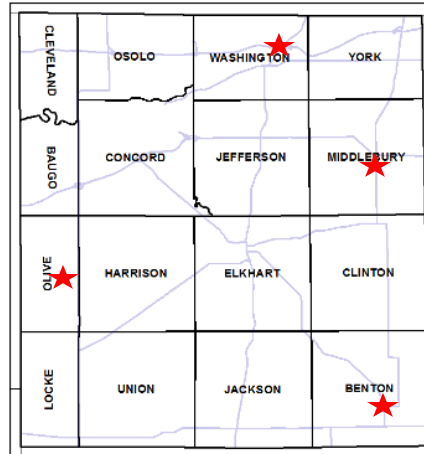


## Overview – Zoning Basics

- ▶ A Zoning Ordinance is not...
  - ▶ Subdivision Regulations. Standards related to streets, utilities, sidewalks, and subdivision of land are in the Subdivision Control Ordinance.
  - ▶ Property Tax Policy. It will not raise or lower the County's property tax rate.
  - ▶ Annexation Policy. Annexation of land is more closely related to a City's comprehensive plan.
  - ▶ Capital Improvements Program. It does not set policy for the extension or improvement of public infrastructure.
  - ▶ Building Code. A building code regulates how structures are built to ensure their future structural soundness and safety.

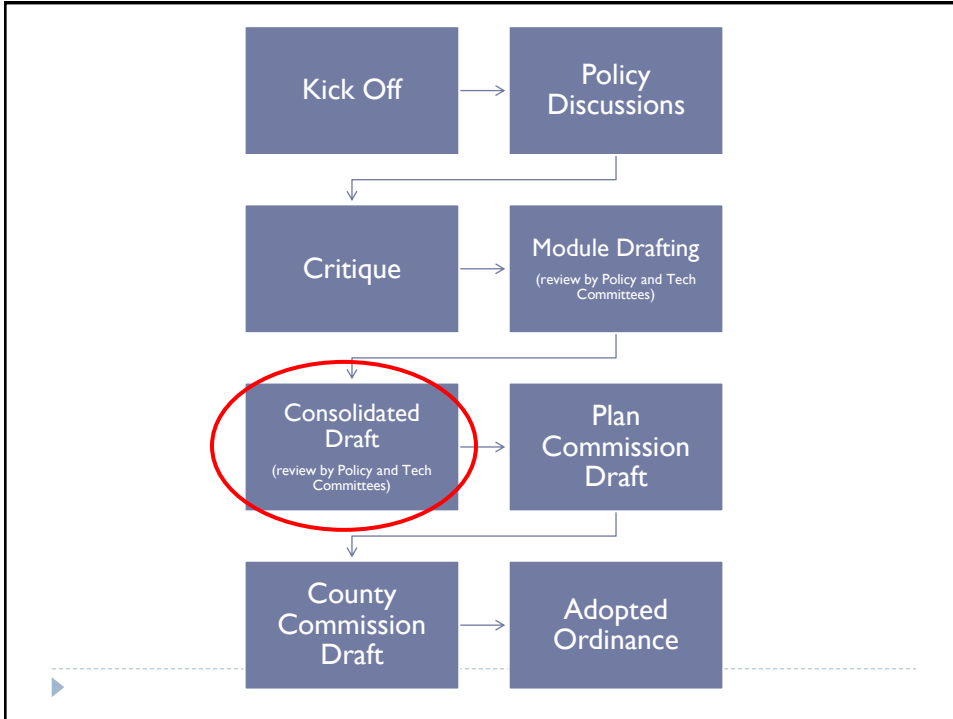
## Whom Does This Affect?

- ▶ Property owners, Realtors, surveyors, engineers, architects, and citizens of the unincorporated area of Elkhart County, plus Towns of Millersburg, Wakarusa, Middlebury and Bristol
- ▶ Very few changes in rules, so few nonconformities
- ▶ See handouts



## Process

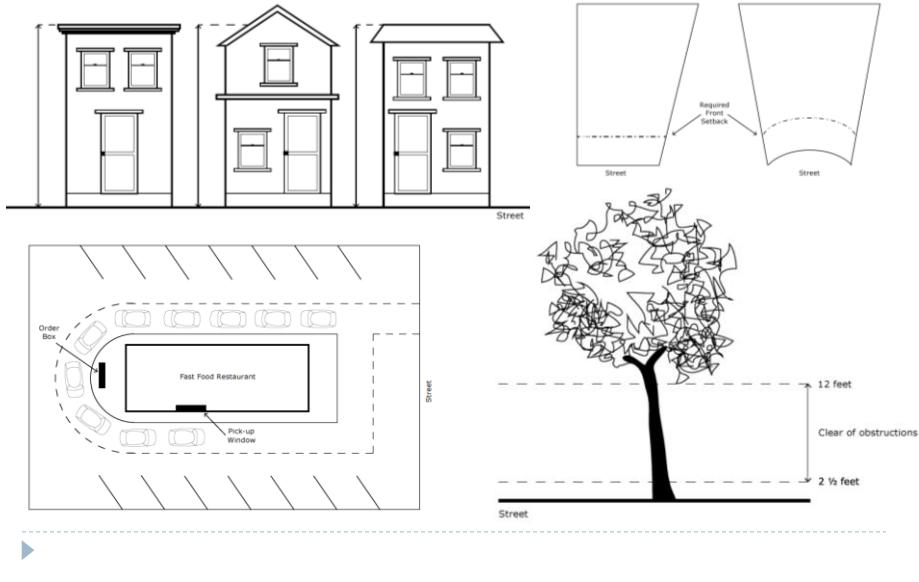
- ▶ Kick Off in May 2012
- ▶ Involvement in other ordinance updates
- ▶ Two committees
  - ▶ Policy – Big Picture
  - ▶ Technical – Practical
- ▶ Best practices and legal input
- ▶ Drafting in 4 Modules, each reviewed by both Committees
- ▶ Anticipate Plan Commission hearing November 13
- ▶ Board of County Commissioners hearing December 15



	Text from the existing Zoning Ordinance that has not been modified.
	Text that has been added to or deleted from the existing regulations
	Text that has been added to or deleted from the existing regulations
	Poses questions and provides commentary to the draft reviewers. Boxes marked as "COMMENTARY" are intended to remain in the adopted document. Questions and Notes should be addressed and deleted prior to adoption.
	Notes within the margin that show the location in the Zoning Ordinance of text that is existing, modified or deleted.  The reference in the call-out applies to all subsequent text in the draft until the next call-out appears in the margin.
	Shows where language from Draft E has been copied over to this draft. A citation is provided.
	Shows changes that have taken place since the Technical Committee or Policy Committee last view the Module 1 or Module 2 draft
	Idea brought up in Zoning Ordinance Critique

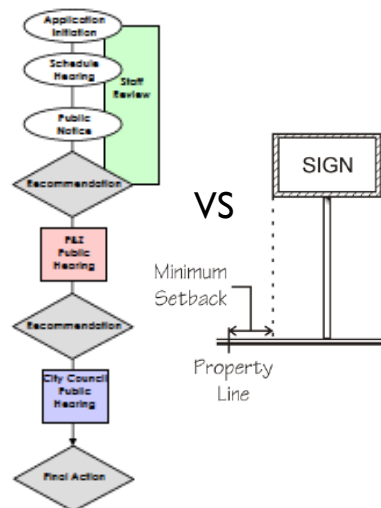


## Graphics



## Goals – Reorganize

- ▶ **Separate standards from procedures**
  - ▶ Consolidate procedures Article
  - ▶ Consolidate Articles for zoning district standards, general development standards, etc
- ▶ **Procedures follow in logical sequence**
  - ▶ Text Amendment
  - ▶ Rezoning
  - ▶ Variance
  - ▶ Site Plan
  - ▶ Permits
  - ▶ Certificate of Occupancy
- ▶ **Consolidate definitions**
  - ▶ Remove defined words that aren't actually used in text



## Goals - Streamline

- ▶ **Less Reliance of Detailed Planned Unit Developments**
  - ▶ Heard by the Plan Commission and County Commissioners
  - ▶ Expensive
  - ▶ Unpredictability = stress
  - ▶ Difficult to administer
- ▶ **Fewer Special Use Permits and Developmental Variances**
  - ▶ Heard by the BZA
  - ▶ Unpredictability = stress
  - ▶ If routinely approved anyway, why require a hearing?
  - ▶ Churches, accessory square footage, accessory dwelling units, solar panels, depth-to-width ratio
- ▶ **Allow more uses by right, subject to limitations**

## Goals - Streamline

- ▶ **5.3, Specific Use Standards (p. 5-36)**
  - ▶ Applies **ONLY** to those uses with an “L” or “S” in the Use Table

Key: P = Permitted by right    L = Permitted subject to limitations    S = Special Use Permit    [ blank ] = Prohibited

Use Category	Specific Principal Use	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	Standards
Parks and Open Areas [see 5.2.3F]	All Parks and Open Areas except as listed below:	P	P	P	P	P	P	P	P	P	P	
	Cemetery, columbarium, mausoleum or memorial park	S	S	S	S	S	S	S	S	S		
Passenger Terminals [see 5.2.3G]	All Passenger Terminals except as listed below:						P	P	P	P		
	Airport or heliport								S	S	S	
Places of Worship [see 5.2.3H]	All Places of Worship	S	S	S	S	L/S	P	P	P	P	P	5.3.9
Social Service Establishment [see 5.2.3I]	All Social Service Establishments					S	S	S	S	S		
Utilities [see 5.2.3J]	Minor Utilities except as listed below	P	P	P	P	P	P	P	P	P	P	
	Major Utilities except as listed below	S	S	S	S	S	S	S	S	S	S	
	Wireless communication facility	see Sec. 5.4										
<b>COMMERCIAL USES</b>												
Indoor Recreation [see 5.2.4A]	All Indoor Recreation except as listed below:					S	P	P	P	P		
	Adult business											S
	County club	P	P	P	P	P	P	P	P	P		
	Membership club or lodge				S	S	P	P	P	P		
	Tattoo parlor							S				5.3.10
Offices [see 5.2.4B]	All Offices except as listed below:					L	P	P	P	P		5.3.11
	TV or radio studio								P	P		



# Goals - Streamline

Key: P = Permitted by right    L = Permitted subject to limitations    S = Special Use Permit    [blank] = Prohibited

Use Category	Specific Principal Use	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	Standards
Offices (see 5.2.4B)	All Offices except as listed below: TV or radio studio					L	P	P	P	P	P	5.3.11

## 5.3.11 Office Use

An Office use is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

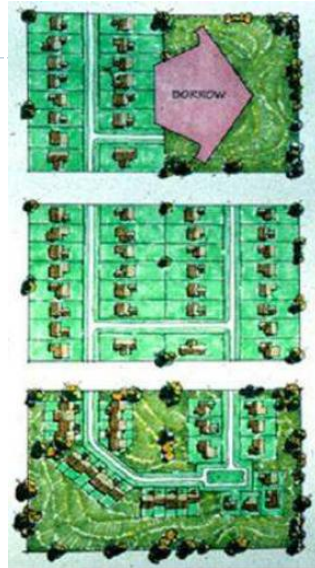
- A. The gross floor area of all primary and accessory structures must be less than 2,000 square feet.
- B. The principal building must have a roof pitch between a 3/12 and 4/12.
- C. A maximum of two off-street parking spaces are allowed between the primary structure and the public right-of-way. The remainder of off-street parking spaces, whether required or overflow, must be provided between the primary structure and the rear property line.

**Note to Reviewers:** This applies in the R-4 zoning district. The intent is to mimic a residential structure for this commercial use. The current zoning ordinance allows office in R-4 but says they have to be home occupations.



## Goals - Streamline

- ▶ **Conventional and Cluster Subdivisions**
  - ▶ Cluster design is an ***OPTION*** for residential in A-I
  - ▶ No DPUD required
  - ▶ A-I min. lot size remains 20,000 sf
  - ▶ Cluster = Less private yard in trade for more public permanent open space
  - ▶ Allows for rural environment without “borrowing” it from adjacent undeveloped land
  - ▶ Allows an R-I lot size without rezoning, if common open space is retained



## Conclusion

- ▶ A Zoning Ordinance is a set laws related to use of land, impacts on neighbors and community character
- ▶ A long and thought-filled process with public involvement
- ▶ **Increase User-Friendliness**
  - ▶ More attractive formatting
  - ▶ More tables and graphics
  - ▶ Less legalese
- ▶ **Modernize Content**
  - ▶ Combine similar provisions
  - ▶ Remove duplicated text as well as unused or archaic definitions
- ▶ **Streamline Approvals**
  - ▶ Fewer public hearings
  - ▶ More certainty for landowners



## Contact

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- ▶ Brian Mabry, [bmabry@elkhartcounty.com](mailto:bmabry@elkhartcounty.com), (574) 971-4582
- ▶ [www.elkhartcountyplanninganddevelopment.com](http://www.elkhartcountyplanninganddevelopment.com)
- ▶ [bit.ly/VmkgXg](http://bit.ly/VmkgXg)



Discussion/Questions