

# Zoning Ordinance Update

## Ordinance Diagnosis and Proposed Outline

### Introduction

The purpose of this diagnosis is to provide detailed documentation of the strengths and weaknesses of the current LaGrange County Zoning Ordinance. This report intends to identify potential approaches to the existing deficiencies in the current regulations, and to provide a proposed outline for the new ordinance's structure. This diagnosis and outline are based on discussions with county staff, leadership, boards and commission members, the project advisory committee, and our review of the existing regulations.

It is important to keep in mind that this diagnosis does not necessarily identify every issue or individual problem with the existing ordinance but tries to focus on the broader issues that will need direction from the county prior to our drafting of the updated zoning ordinance.

The document is organized into three main sections:

#### » **Part One: Goals for the Update**

Summarizes the clear themes or goals for the update process and provides an overview of each goal, including recommendations for how to address that item.

#### » **Part Two: Analysis of the Current Regulations**

A section-by-section review of the current code with a summary of the proposed changes to either the organization or the substance of that section.

#### » **Part Three: Proposed Code Outline and Template**

An outline of the proposed organization of the updated zoning ordinance and sample pages of the new design template.

## Part One: Goals for the Update

Clear themes or goals for the update process emerged after discussions with county staff, the steering committee, and stakeholder groups. The purpose of this section is to provide an overview of each goal and include options or recommendations for how to address that item. The major themes include:

- » **Goal 1:** Reorganize and Reformat the Code
- » **Goal 2:** Update and Improve Development Regulations
- » **Goal 3:** Improve and Expand Agricultural Regulations
- » **Goal 4:** Manage Growth in the Lake Districts
- » **Goal 5:** Implement the Comprehensive Plan

### Goal 1: Reorganize and Reformat the Code

This ordinance is designed and organized well, but it would benefit from some reorganization of the information contained within the articles and sections. Thus, the county should consider the following changes to make it easier to find standards, procedures, and improve the accessibility of the code.

#### Modernize Format

We propose to utilize a new design for the updated code that will clearly identify the different articles, sections, and sub-sections. We can also include other elements that will make navigation within the code easier such as including hyperlinks for section references and creating easy reference buttons in the footer of the code for heavily used sections like the use table, parking regulations, sign regulations, definitions, etc.

The proposed flow of the updated code along with example template pages can be found in Part Three of this document.

#### Illustrating Key Concepts

Modern ordinances explain and summarize development standards, permitted uses, and procedures using tables, illustrations, and flow charts where possible. There are several regulations such as lot components, parking, fencing, and signage that will benefit from the inclusion of graphics. Illustrations and photos can often describe the required or desired relationship among development standards, adjacent uses, or dimensions quicker than words alone. The county's existing regulations do not utilize many illustrations or photos and relies primarily on text which creates opportunity to misinterpret regulations. It is our proposal to add graphics and embed them directly into the ordinance so they can be referenced appropriately.

## **Formatting and Capitalization Styles**

We recommend following the Chicago Manual of Style for formatting and capitalizations in the updated code. For this style, we capitalize proper nouns and names, formal titles, and formal document names, such as the LaGrange County Unified Development Ordinance and the LaGrange County Planning Commission. We will not capitalize names and titles that are not coupled with a proper name or title, such as planning commission, zoning ordinance, and county. If the county prefers an alternative capitalization style, this should be discussed prior to drafting.

For numbering, we will write out all numbers zero to nine and use numerical numbers for 10 and above. This will be true for all text. In tables, graphics, or images, numerical numbers will be used throughout regardless of quantity.

## **Goal 2: Update and Improve Development Regulations**

A priority of the code update is to maintain and improve the quality of development, while making standards easier to understand. This can be done by upgrading the existing development standards and integrating new standards as needed. A summary of the recommendations include the following:

### **Ensure Signage is compliant with Court Rulings**

The signage regulations in the ordinance will be updated to conform with recent legal court cases in addition to enhancing the regulations for signs. The United States Supreme Court's ruling in the 2015 court case *Reed v. Town of Gilbert*, = restricted the ability for local governments to regulate the content of signs. The size, height, and location may be regulated, but a local government cannot have different regulations based on what the sign says or the purpose of the sign. In short, if a sign needs to be read to determine what regulations apply, then the regulation is based on the content of the sign and may violate first amendment rights. We propose to ensure compliance with federal laws as well as analyze sign requirements ensure the requirements are up to the standard of LaGrange County.

### **Expand Lighting Regulations**

Outdoor lighting is a crucial part of development that can be done respectively to ensure safety on a site, while also not creating a nuisance to adjacent properties. We propose to expand the county's current regulations to ensure that lighting for a project is reviewed prior to installation. The updates could include basic items like maximum height for lighting, allowed fixture types, and prohibited lighting types. It could also be expanded to include best practices recommended by the International Dark-Sky Association, which is a recognized authority on light pollution and is the leading organization combating light pollution worldwide.

### **Improve Landscaping and Buffering Requirements**

The county's existing regulations include basic landscaping requirements. We propose to expand these, while not creating overly burdensome landscaping regulations. Additional landscaping incorporated into a development can provide a significant difference in terms of beautification, reducing the heat island affect, and improving stormwater drainage. This could include expanded regulations for parking lot landscaping for commercial, office, and mixed use developments, along with buffering requirements between uses of different intensities. Clarification of the types of landscaping that is appropriate is recommended, along with a specific prohibition of invasive species based on regulations from the Indiana Department of Natural Resources.

### **Goal 3: Improve and Expand Agricultural Regulations**

With the large amount of agricultural land use in LaGrange County, we are proposing significant updates to agricultural land uses and districts. We propose to create multiple agricultural districts to better regulate agricultural uses of varying intensities. This could include districts that are specifically provided for large-scale farming uses, more intense agricultural production uses, rural residential areas, and forested lands. Reviewing and updating the uses that are permitted in each of these districts along with creating specific standards for uses within each district is recommended to lessen any conflicts between adjacent properties or developments.

We plan to utilize best practices and model codes to obtain tried and tested methods for regulating agricultural uses including recommended setbacks, densities, building heights, and other similar development regulations. These will provide a good foundation for the county to use and customize to ensure that the districts, uses, and standards for LaGrange County are appropriate and specially designed for the county's unique compilation and form.

### **Goal 4: Manage Growth in the Lake Districts**

The lake districts are unique in the county as they generally include higher intensity residential developments that are not common in the surrounding rural areas and are not always near an incorporated town. We will review the lot size requirements, setbacks, and other dimensional standards to ensure compatibility with the existing and envisioned development form. Other items that we will research and propose updated regulations for include short term rentals, storage structures, accessory dwelling units, campgrounds, and subdivision requests.

We also propose to expand the environmental review and regulations around the lakes. There are multiple options for how the county could implement this, but we recommend the creation of an overlay district focused on environmental constraints. The overlay could create specific development standards for the areas around the lake to preserve and enhance the quality of the water supply, to improve stormwater management, to prevent pollution and erosion, and to encourage watershed mitigation areas.

## Goal 5: Implement The Comprehensive Plan

The county's recently adopted LaGrange County Together Comprehensive Plan includes several goals, policies, and implementation strategies that can be implemented through regulations contained within the zoning ordinance. These goals, policies, and strategies are categorized under Land Use and Development (LU), Local Economy (EC), Natural Environment (EN), Roadways and Infrastructure (RI), Quality of Life (QL), Implementation (IM).

Below are sample goals, actions, and strategies. This list does not include all of the policies within the plan that relate to planning and zoning.

- » **Land Use and Development Goal:** Managing growth across the county that balances agricultural, residential, commercial, and industrial needs to provide a strong quality of place and a variety in the built environment.
- » **Improve the Usability of the Code.** Some of these recommendations include:
  - Use clear language and definitions.
  - Incorporate additional tables, graphics, and illustrations.
  - Improve the document format.
  - Streamline the review process.
- » **Development Potential in the Town Center.** For the Town Center area, the intent is to promote infill development on vacant lots and reduce or consolidate surface parking lots, where possible. These are two of the many identified intents of the comprehensive plan that can be helped with a zoning ordinance update.

These are just examples from the Land Use and Development chapter of the plan. Each of the other categories in the comprehensive plan, have actions and strategies that can be helped with this update to the zoning ordinance.

## Part Two: Analysis of the Current Regulations

Part Two of this document sets forth a section-by-section review of the county’s Zoning Ordinance and proposes changes to either the organization or the substance of each section. These proposals are based on our professional assessment of the code, researching best practices on relevant topics, reviewing the county’s recent zoning variances and development regulations, in addition to discussions with county staff, the advisory committee, and stakeholder groups. The intent of this section is not to provide line-by-line edits, but rather to identify key issues that may need to be addressed in the update process.

The county’s existing zoning ordinance is organized into a series of articles with sections and sub-sections located within. The following analysis is presented in the same flow as the existing code with each article and its sections.

### Article 1: General Provisions

This article includes the introductory and general purpose language for the code. The content will be expanded to include how to interpret graphics and illustrations and provide an overview of how the code is organized. The new language is intended to clarify how the code should be used, implemented, and interpreted. Proposed changes and comments on this article include the following:

- A. **Title.** It is intended that the Zoning Ordinance be changed to a Unified Development Ordinance (UDO) which includes both the zoning regulations and subdivision regulations in one document. This section will be updated to reflect that, and common terms will be established to be used throughout the regulations.
- B. **Authority.** No proposed changes.
- C. **General Purpose** No proposed changes.
- D. **Zoning Ordinance and Map**
  - 1. Update language to make it easier to understand. The language references an Official Zoning Map from 1973. This will need to be updated to be more generic in order to avoid updating the code every time the county approves a new zoning map (this includes updates to section 2).
  - 3. The reference will need to be updated.
  - 4. Remove this section. The zoning map will be electronic, and this is not necessary (this includes section 5).
- E. **Applicability and Jurisdiction.** Proposing to remove the last sentence of this section that references use variances.
- F. **Conflict of Consistency with Other Laws, Covenants, or Deed Restrictions.** No proposed changes.

- G. **Compliance.** Recommend moving these regulations to the specific regulations on zoning certificates in the administration and procedures section.
- H. **Severability.** No proposed changes.
- I. **Effective Date and Transitional Powers.** Update the day and ordinance number and change “may” to “must” in subsection 4b.
- J. **Subdivision of Land.** Remove – no longer needed as the code is to be a UDO.

## Article 2: Zone Districts

This article includes the establishment of the different zoning districts located in the county and incorporated towns of Topeka, LaGrange, Shishewana, and Wolcottville. This article also includes the list of land use districts categorized into broader use classifications such as Agricultural, Residential, Business, Industrial, in addition to the regulations for overlay districts and planned unit development districts. The district sections include headings for uses, intensity, and dimensional standards which reference another location for these standards.

With the updated code we are proposing a new organization system for the zoning districts, uses, use standards, and dimensional standards. This will affect Articles 2 and 3. The new organization will include dedicated 2-page spreads for each zoning district that will display the purpose statement, use regulations (permitted, conditional, accessory, and temporary), dimensional standards, illustrative graphics, and any additional information that the county may want presented here. We also recommend a compilation use table to be included in the code. That way users of the code can look at the regulations for one specific district or can look where a use is permitted in any district.

ARTICLE 2: ZONING DISTRICTS  
2.5 "R-1A" Suburban Residence District

2.5. "R-1A" Suburban Residence District

**TABLE 2.6: "R-1A" DISTRICT INTENT AND USES**

DISTRICT INTENT	PERMITTED USES	ACCESSORY USES
The "R-1A" District is intended to reserve certain land area for one-family homes and related compatible uses.	<b>Residential Uses</b> <ul style="list-style-type: none"> <li>Dwelling, one-family detached</li> <li>Residential facilities, small</li> <li>Residential treatment facilities, small</li> </ul> <b>Public/Institutional Uses</b> <ul style="list-style-type: none"> <li>Parks, open spaces, and public recreation facilities</li> </ul> <b>Commercial Uses</b> <ul style="list-style-type: none"> <li>Agricultural and farm uses (3.4.A)</li> <li>Wireless and cellular telecommunication facilities (3.4.I)</li> </ul> <b>CONDITIONAL USES</b> <b>Public/Institutional Uses</b> <ul style="list-style-type: none"> <li>Cemeteries</li> <li>Community social service facilities</li> <li>Places of worship</li> <li>Public and private preschools and elementary through high schools</li> </ul> <b>Commercial Uses</b> <ul style="list-style-type: none"> <li>Bed and breakfasts (3.4.I)</li> <li>Commercial recreation (3.4.J)</li> <li>Day care centers (3.4.I)</li> </ul>	<ul style="list-style-type: none"> <li>Accessory dwellings (3.6.A)</li> <li>Accessory structures (3.6.B)</li> <li>Accessory uses (3.6.C)</li> <li>Day care homes (3.6.D)</li> <li>Home occupations (3.6.E)</li> <li>Residential garages (3.6.F)</li> <li>Residential short term rentals (3.6.G)</li> <li>Storage of recreational vehicles (3.6.H)</li> <li>Swimming pools (3.6.I)</li> </ul> <b>TEMPORARY USES</b> <ul style="list-style-type: none"> <li>Contractor's offices and equipment sheds (3.7.A)</li> <li>Festivals and circuses (3.7.B)</li> <li>Model units, including real estate offices (3.7.C)</li> <li>Portable storage units</li> <li>Residential outdoor sales (3.7.D)</li> <li>Tents (3.7.E)</li> </ul>

(\*) Indicates uses that have additional use-specific standards. See Article 3 or click the link following the use.

ARTICLE 2: ZONING DISTRICTS  
2.5 "R-1A" Suburban Residence District

**TABLE 2.7: "R-1A" DISTRICT DIMENSIONAL STANDARDS**

Use	Minimum Lot Area	Minimum Lot Frontage	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Lot Coverage	Maximum Height
One-family dwelling	15,000 sq. ft.	90 ft.*	30 ft.	10 ft. one side 25 ft. total both sides	45 ft.	50%	Principal Structure: 2.5 stories or 35 feet (whichever is less)
Other permitted uses	40,000 sq. ft.	200 ft.	100 ft.	50 ft.	100 ft.	45%	Accessory Structure: 20 feet

\*See Section 3.3 for exceptions



Figure 2-3: Graphic Representation of Lot Definitions and Terms

*Example 2-page spread from another jurisdiction. It includes the purpose statement and use regulations on the left side and the dimensional standards on the right side.*

Lastly, we are proposing a separate article for the overlay districts and planned unit development regulations. The process, use, and regulations for those districts will be relocated to provide a single location for those regulations.

## **Article 3: Use Regulations**

As stated in Article 2, we are proposing to re-organize all the district, use, use standards, and dimensional standards regulations. Article 3 includes all the district and use standards for the code. Currently these regulations are overwhelming in this section and would benefit from the reorganization that we are proposing. The following includes our proposed recommendations to the regulations within this chapter, that will build upon our recommendations for Article 2.

### **Agricultural Districts and Uses**

The regulations for the agricultural districts in the code requires a significant review and overhaul. From our review of the code and the feedback received, this is one of the most used and important sections of the code, and it is not currently meeting the needs of the county. Recommendations for the agricultural districts and uses include:

- » **Creating multiple agricultural districts** to reflect the variety of uses and intensities that exist throughout the county. It is anticipated that we will create districts to reflect the following categories (names and district intents are subject to change based on further discussion):
  - General Agricultural District – The intent of this district is to provide for and protect substantial areas for a broad variety of agricultural uses where little or no urbanization has occurred or is planned to occur.
  - Intensive Agricultural District – The intent of this district is to provide areas for agricultural related industries and confined feeding operations.
  - Rural Residential District – The intent of this district is to provide for a variety of less intensive agricultural uses, while accommodating some low-density, single family dwellings and subdivisions.
  - Forestry District – The intent of this district is to identify and protect large forested areas where development is to be very limited in nature.
- » **Review and update uses and use standards within each district** to determine the appropriate intensity of development for each agricultural district. This will include creating new use specific regulations to ensure that new development does not unnecessarily strain the county's infrastructure or create conflicts with adjacent lots. Examples of this could include requiring paved semi-truck turnaround on site for uses that require regular drop-offs and pick-ups, or increased setbacks and buffering requirements when more intense uses are located next to lower intense uses or environmentally sensitive lands.



- » **Implement recommendations from model codes and best practices.** The Indiana State Department of Agriculture has numerous resources that are available for use. This includes model zoning standards that have been thoroughly reviewed and tested to provide for the strategic growth of agricultural production while minimizing conflicting land uses.
- » **Home based business** regulations in the county need to be reviewed and updated to better reflect how they have been implemented throughout the county. In general, home based businesses in the county are more intense than the regulations intend. Creating new regulations that reflect a more intense home based business will allow the county to better regulate current and future home uses. Regulations should include considerations for deliveries, number of employees/staff/volunteers, location and work, and other similar items.

### **Residential Districts and Uses**

Housing demand is increasing in the county. Therefore, it is important for the county to review and update the residential districts, uses, and development standards to meet the growth needs, while still protecting the rural character of the county. A lot of residential growth will occur in the agricultural districts, but more-intense development or unique types of development may be appropriate in these districts as they are generally located adjacent to developed areas of the county. Recommendations for the residential districts and uses include:

- » **A greater variety of housing types** should be considered to provide more options for current and future residents of the county. This could include townhomes, duplexes, three-family, four-family, and low-intensity multi-family. The location of these more intense residential uses would need to be in the developed areas of the county that have sewer access.
- » **Creating conservation subdivision regulations** to allow for creative land planning in specific areas of the county. Conservation regulations allow for the clustering of residential homes in certain areas to allow for the preservation of large areas of open space. These kinds of developments are appropriate for forested areas, areas with unique natural features, or areas with land that is not developable.

### **Lake District and Uses**

The uses and use standards for the L-1 Zoning District will be reviewed and updated to reflect the concerns that new and expanded development may be negatively affecting the quality of life and the quality of the bodies of water within the county. Recommendations for the L-1 District and uses include:

- » **Reviewing and updating the short-term rental regulations.** We recommend that the county adopt regulations that conform to the State of Indiana regulations per House Bill 1035. This includes the following:
  - Requiring a conditional use of special exemption for all new short-term rentals.
  - Requiring short-term rentals to register with the county.
  - Requiring that short term rentals are the primary residence of the property owner.
  - Regulate the maximum length of a short-term rental.

- Regulate the number of people permitted in a short-term rental based on available beds/sleeping areas.
  - Prohibiting short-term rentals in conservancy districts as permitted by the State of Indiana.
- » **Create an Environmental Overlay District** located in areas surrounding the lakes and other environmentally sensitive areas. The purpose of the overlay will be to preserve and enhance the quality of the water supply, create appropriate development standards within watersheds, improve stormwater management in the watersheds, and prevent pollution and erosion. We will refer to best practices to determine the appropriate locations for the overlay, in conjunction with county staff and stakeholders.
- » **Include comprehensive stormwater management regulations** in the code that are consistent with best practices. The intent is to create county-wide regulations that will improve stormwater management as new development occurs and ensure consistent implementation of the regulations.

### **Business Districts and Uses**

The uses and use standards for the business districts will be reviewed and updated as necessary to reflect modern uses and use terms. This may include, but is not limited to, the addition of:

- » Clear definitions for the scales of retail uses.
- » Combining “retail uses” and “general retail.”
- » Adding standards for breweries, wineries, cideries, and distilleries.
- » Clarifying different standards for pick-up, drive-through, and drive-up windows.
- » Adding senior care facilities.
- » Separating commercial recreation uses into indoor and outdoor uses.
- » Combining “retail services” and “personal services.”
- » Creating standards for mixed use developments.

### **Industrial District and Uses**

Significant changes are not expected for the county’s industrial districts. The uses will be reviewed and updated to ensure that they reflect the current use terms and use trends. Use standards will be reviewed and updated as necessary to ensure that industrial uses are developed appropriately and are considerate of adjacent uses that are less intense.

### **Accessory and Temporary Uses/Structures**

Accessory and temporary uses will be customized and incorporated into the district categories (agricultural districts, residential districts, etc.). We will review and update the use standards for these including accessory structures, accessory dwelling units, temporary events, etc.

### **Supplementary and Special Uses**

The code’s supplementary and special uses, such as wind systems and adult businesses, will be reviewed and updated as needed. We will work with the county’s legal counsel to ensure that the standards associated with these uses meet current State and Federal regulations.

## Article 4: Dimensional Standards

This article includes dimensional standards for each zoning district classification as well as some that are unconventional, including setbacks to different types of roads, subdivisions, and waterways. It also includes measurement standards for various regulations within the code. Our proposed recommendations for this article include:

### A. Dimensional Standards

1. The dimensional standards for each zoning district will be moved from this section to the 2-page spreads for each district. Combined dimensional standards tables for each district category (agricultural, residential, business, etc.) may be included in this section as well, if desired by the county.
2. The dimensional standards themselves will be reviewed and updated as needed.
3. New regulations will be created for the proposed zoning districts based on best practices and current development patterns.

### B. Measurements

1. This section includes the details of how certain development regulations are measured such as lot areas, lot width, setbacks, and height. The existing section also includes measurement standards for signs and fences. We recommend relocating those regulations to their respective sections in order to keep all the sign and fence regulations in one place.
2. We propose to add descriptions of different lot types including corner lots, through lots, and flag lots. This will allow us to specify how they are regulated and create specific regulations for each lot type, if necessary.
3. The regulations around “improved areas” is confusing. If this regulation is currently used often by the county, it can be retained and updated if necessary. If it is not currently used, our recommendation would be to remove it and add specific setback regulations to the districts themselves.

## Article 5: Development and Design Standards

This article includes the various development and design standards that apply to specific development applications within the county. Our recommendations for this article include:

### General Standards

This section includes the number of uses per lot, intersection visibility, essential services, similar uses, outdoor storage of vehicles and materials, noise, and lighting. We are proposing to relocate these standards to other areas of the code. For instance, the number of uses per lot, essential services, similar uses, noise, and outdoor storage regulations will be relocated to the district and use standards article; lighting will get its own dedicated article, as will parking, landscaping, signage, etc.; and intersection visibility will be relocated to the dimensions and measurement article.

## Parking and Loading

The parking and loading regulations will be reviewed and updated. We are proposing that this will include the following:

- » **Review and update the parking requirements table.** The uses in the table will be updated to reflect the use terms identified in the use table so everything is consistent. Additionally, the minimum number of parking spaces will be evaluated against current best practices. If the county is interested in alternative parking regulations such as parking maximums, removing parking requirements, or conducting use-specific parking analyses, we would be happy to discuss those to determine if any of those approaches make sense for LaGrange County.
- » Add regulations for **where and how long someone can park RVs, boats, and commercial vehicles** in residential areas.
- » Clarify and update the regulations and process for approving **off-site parking**, including on adjacent lots or lots of common ownership that are not contiguous.
- » **Add parking standards for buggies**, if deemed appropriate by the county.
- » **Review and update the ADA parking standards.** We would recommend removing the specific ADA standards from the zoning code and simply stating that all off-street parking areas shall comply with the requirements of the ADA. This will allow the code to stay up to date with any changes that ADA makes. It should be noted in the code any clarifying regulations such as paving requirements for such spaces.
- » **Review and update paving requirement** for different uses and/or zoning districts. We propose the following:
  - All uses provide a paved entrance off the public right-of-way.
  - The threshold for paving parking lots and access drives be edited as the current regulations do not encompass all uses that should be required to have paved drives and parking areas. The threshold could be changed to address delivery requirements, number of employees/visitors/volunteers, type or intensity of use, or other similar methods.

## Landscaping

The landscaping regulations will be reviewed and updated. We are proposing that this will include the following:

- » **Relocate the dumpster enclosure regulations** to the accessory use standards to make it more prominent and easier to find.
- » **Create buffering standards** for uses of different intensities that are located next to each other such as industrial uses that are adjacent to residential uses, commercial uses that are adjacent to residential uses, etc.
- » **Establish requirements for parking lot landscaping** including interior and perimeter parking lot landscaping for commercial, office, and mixed use developments.
- » **Add landscaping material standards** for what kinds of plant species can be used in the county, while prohibiting the use of invasive species.
- » **Expand upon standards for materials** including height and size at time of planting.

## Signs

The signage regulations will be reviewed and updated. We are proposing that this will include the following:

- » **Update the signage regulations to conform to recent legal cases** including Reed v. Gilbert, which requires signage regulations to be content neutral in nature. This means that if you must read the sign to determine how to regulate it, then the regulation is content based. For example, real estate signs are content based regulations since you would have to read the sign to determine if the sign in front of a lot or building for sale is advertising the sale of the lot, a political recommendation, a builder or contractor being used, etc. General regulations will be created for residential signage to avoid such issues.
- » **Re-organize the signage content** to make the flow easier to understand and follow. This will include creating sections for permanent, temporary, exempt, and prohibited signs.
- » **Add graphics and illustrations** to the sign section to clarify what the different types of signs represent.

## Lighting

We recommend expanding on the county's current lighting standards by adding specific regulations for permitted fixture types, height limitations, and dark sky/light trespass requirements. Different areas of the county such as commercial areas, industrial parks, and corridors can have varying standards to complement different development patterns and intensities throughout the county.

## Planned Unit Developments

The planned unit development regulations will be relocated to the proposed Overlay Districts Article.

## Development Plans

The development plan regulations will be relocated to the Administrative and Procedures Article.

## Manufactured Housing

The manufactured housing regulations will be relocated to the proposed Overlay Districts Article.

## Floodplain Regulations

The floodplain regulations will be reviewed and updated where necessary. Best practices will be reviewed to determine if there are ways to upgrade or enhance these regulations. We also propose to relocate the definitions from this section into the Definitions Article, to keep all the code's definitions in one location.

## Article 6: Nonconforming Uses

This article includes the regulations pertaining to nonconforming uses and nonconforming sites. We propose to expand these regulations to also address nonconforming structures such as buildings or fences that do not meet requirements. We also propose locating all the nonconforming regulations in this article, which would require the relocation of the nonconforming sign regulations.

## Article 7: Administration

This article includes the regulations for both the approval bodies for the code and the processes include in the code.

- A. **Administrative and Decision Making Bodies.** This section will be updated if there are any changes or additions to the types of processes or the decision making process. Additionally, we will work with the county to determine if any updates are needed regarding the responsibilities and specifications for the decision making bodies.
- B. **Amendments.** No proposed changes unless the county desires updates or changes to the amendment process.
- C. **Variances**
  - 1. We propose to **remove the use variance process** from the county's code. Use variances are requested when a use is proposed on a specific property that is not permitted in the zoning district in which the property is located. This type of process can result in inconsistent land use patterns. We recommend that the county consider utilizing the rezoning process or the text amendment process when this kind of request occurs. This allows a more comprehensive review and process to determine if it makes sense to rezone the subject property or if there is a use missing from the code or a use that is not allowed in a certain district where it makes sense.
  - 2. We recommend **expanding the development standards for variances** to reflect the Duncan Standards, which are a standard used in the planning and zoning field. They include:
    - i. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.
    - ii. Where the variance is substantial.
    - iii. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
    - iv. Whether the variance will adversely affect the delivery of governmental services.

- v. Whether the property owner purchased the property with knowledge of the zoning restriction.
  - vi. Whether the property owner’s predicament can be obviated through some method other than a variance.
  - vii. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.
  - viii. Whether the property in question has unique or exceptional circumstances or conditions that do not apply to other properties in the vicinity and within the same district.
- D. **Conditional Uses.** No proposed changes unless the county desires updates or changes to the conditional use approval process.
- E. **Administrative Appeals.** No proposed changes unless the county desires updates or changes to the administrative appeals process.
- F. **Planned Unit Developments.** No proposed changes unless the county desires updates or changes to the PUD process.
- G. **Development Plans.** No proposed changes unless the county desires updates or changes to the Development Plan process.
- H. **Other Administrative Provisions.** No proposed changes unless the county desires updates or changes to this section.

## Article 8: Enforcement

It is not anticipated that significant updates will be required to this article. We do recommend, though, that specific fees are removed from the code and a fee schedule is referenced instead. This allows for fees to be updated without the need for a formal code amendment process. If other changes or updates are desired by the county, we can work through those during the drafting process.

## Article 9: Definitions and Rules of Interpretation

This article includes the definitions for the county’s code. All definitions will be reviewed and updated to ensure consistency with updated terms in the code. In addition, definitions will be added that may be missing and revised if they are outdated or confusing. We propose to structure the definitions by organizing common terms in one section. For example, all residential use types will be categorized under residential (i.e., residential, single family; residential, two-family; residential, multi-family).

## Part Three: Proposed Ordinance Outline and Template

Part Three of this document establishes the proposed outline for the updated LaGrange County Unified Development Ordinance along with example pages from the new ordinance to illustrate the proposed look and design of the updated ordinance.

### Ordinance Outline

The following outline is intended to allow the county an opportunity to review the overall structure of the proposed UDO before drafting begins. The code has been divided into 13 articles with their proposed sections. The articles are organized by overall topic. Each section is a sub-topic and will contain a series of sub-sections in the updated code. These section and sub-section names may change as the ordinance is drafted, but this outline provides the general concept for how the updated ordinance will function and flow.

PROPOSED UDO OUTLINE		
Article Number	Article Name	Sections
Article 1	General Provisions	<ul style="list-style-type: none"> <li>Title and Authority</li> <li>General Purpose</li> <li>Scope</li> <li>Interpretation</li> <li>Validity</li> <li>Conformance</li> <li>Severability</li> <li>Transition Rules</li> <li>Graphics, Illustrations, Figures, and Cross-References</li> <li>Alignment with LaGrange County Together Comprehensive Plan</li> <li>How to Use the Code</li> </ul>
Article 2	Zoning Districts	<ul style="list-style-type: none"> <li>Purpose</li> <li>Zoning Districts and Map</li> <li>Conformance Requirements</li> <li>Agricultural Districts (2-page spreads for each district)</li> <li>Residential Districts</li> <li>Business Districts</li> <li>Industrial Districts</li> </ul>



<b>Article 3</b>	Use Regulations	<ul style="list-style-type: none"> <li>• Purpose</li> <li>• Use Table (combined)</li> <li>• General Use Regulations</li> <li>• Agricultural Use Standards</li> <li>• Residential Use Standards</li> <li>• Commercial Standards</li> <li>• Industrial Use Standards</li> <li>• Accessory Uses</li> <li>• Temporary Uses</li> <li>• Special Uses (Towers and Similar Structures, Adult Businesses, Manufactured Housing)</li> </ul>
<b>Article 4</b>	Overlays and Special Districts	<ul style="list-style-type: none"> <li>• Purpose</li> <li>• Applicability</li> <li>• Planned Unit Developments (PUD)</li> <li>• Scenic Corridor Overlay District</li> <li>• Environmental Overlay District</li> <li>• Small Wind Energy Conversion Systems (SWECS)</li> <li>• Wind Energy Conversion Systems (WECS)</li> </ul>
<b>Article 5</b>	Dimensional and Design Standards	<ul style="list-style-type: none"> <li>• Purpose</li> <li>• Applicability</li> <li>• Dimensional and Design Standards</li> <li>• Measurement Standards</li> <li>• Supplementary Regulations</li> </ul>
<b>Article 6</b>	Parking and Loading	<ul style="list-style-type: none"> <li>• Purpose</li> <li>• Applicability</li> <li>• Parking Administration</li> <li>• Parking Requirements</li> <li>• Loading Requirements</li> <li>• Maintenance</li> </ul>
<b>Article 7</b>	Landscaping and Buffering	<ul style="list-style-type: none"> <li>• Purpose</li> <li>• Applicability</li> <li>• Landscape Plan</li> <li>• Parking Lot Landscaping</li> <li>• Screening and Buffering Requirements</li> <li>• Maintenance</li> <li>• Modifications</li> </ul>

<b>Article 8</b>	Signage	<ul style="list-style-type: none"> <li>• Purpose</li> <li>• Applicability</li> <li>• General Sign Provisions</li> <li>• Agricultural Sign Regulations</li> <li>• Residential Sign Regulations</li> <li>• Business Sign Regulations</li> <li>• Industrial Sign Regulations</li> <li>• Prohibited Signs</li> <li>• Exempt Signs</li> <li>• Sign Measurements</li> <li>• Maintenance</li> </ul>
<b>Article 9</b>	Lighting	<ul style="list-style-type: none"> <li>• Purpose</li> <li>• Applicability</li> <li>• Prohibited Lights</li> <li>• Lighting Regulations</li> </ul>
<b>Article 10</b>	Floodplain and Stormwater Regulations	<ul style="list-style-type: none"> <li>• Purpose</li> <li>• Applicability</li> <li>• Floodplain Regulations</li> <li>• Stormwater Regulations</li> </ul>
<b>Article 11</b>	Subdivision Regulations	<ul style="list-style-type: none"> <li>• Purpose</li> <li>• General Provisions</li> <li>• Types of Subdivisions</li> <li>• Administration</li> <li>• Violations and Penalties</li> <li>• Certificates and Notations</li> </ul>
<b>Article 12</b>	Administration and Procedures	<ul style="list-style-type: none"> <li>• Purpose</li> <li>• Summary Table of Procedures</li> <li>• Common Review Requirements</li> <li>• Specific Procedures</li> <li>• Review and Decision Making Bodies</li> <li>• Pre-Existing Development and Nonconformities</li> <li>• Enforcement and Penalties</li> </ul>
<b>Article 13</b>	Definitions and Rules of Interpretation	<ul style="list-style-type: none"> <li>• Purpose</li> <li>• Undefined Words</li> <li>• Defined Words</li> </ul>

## **Code Template**

The following pages include several example pages of the proposed ordinance template. The content contained on these pages is reflective of existing regulations and should not be reviewed under that lens. These template pages are intended to provide a preview of the look of the code to ensure that the county is satisfied with the overall design before it is finalized and drafting begins.



# LaGrange County, Indiana

UNIFIED DEVELOPMENT CODE – Example Format

**DRAFT**

02/06/23

*(to be replaced with a fancy cover at the end of the process)*

# ARTICLE 1. DEVELOPMENT STANDARDS

## 1.1. Section Heading

### (A) Purpose

The purpose of this article is to:

1. Establish zoning districts in order to realize the general purposes set forth in this Unified Development Ordinance.
2. Provide for orderly growth and development.
3. Promote development that is in accordance with the LaGrange County Comprehensive Plan.

### (B) Incorporation of the Zone Map

The districts established in this UDO are shown on the official zone map of the county.

1. **Interpretation of District Boundaries.** The zoning district boundaries are designated on the zone map, and generally follow recorded lot lines, the center line of streets, railroad rights-of-way or their extensions, or fixed points.
2. **Boundary Disputes.** All questions and disputers of things...
  - a. Next regulations and stuff.
  - b. Fdkfldsjlkf.

## 1.2. Compliance with District Standards

Body text – this if for the zoning regulations.

**Table 1.1 Permitted Uses**

	R-1	R-2	Section Reference
<b>Residential Uses</b>			
Single-Family Dwelling	P	C	1.2(A)1
Two-Family Dwelling	P	P	3.6(D)4a
Multi-Family	C	C	
Accessory Dwelling Unit	C	C	

Table 1.1 Permitted Uses			
	R-1	R-2	Section Reference
<b>Public/Institutional Uses</b>			
Church			
School			

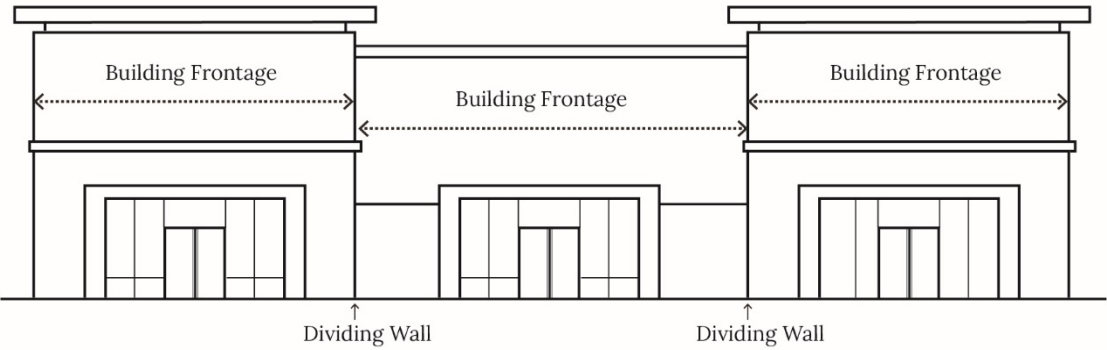


Figure 1-1: Illustration of Building Frontage on a Multi-Tenant Building