

MARCH 23, 2020

SPECIAL SESSION

The LaGrange County Commissioners met in Special Session on Monday, March 23, 2020, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Mr. Larry N. Miller, Mr. Terry A. Martin, and Mr. Dennis H. Kratz; and LaGrange County Auditor, Kathryn Hopper. Mr. Larry Miller, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Terry Martin made a motion to adopt the proposed agenda with flexibility. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ORDINANCE DECLARING EMERGENCY IN LAGRANGE COUNTY

Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE

ORDINANCE NO. 2020-03-23A

**ORDINANCE DECLARING EMERGENCY IN LAGRANGE COUNTY, INDIANA CONCERNING
THE SPREAD OF CORONAVIRUS AND IMPLEMENTING CERTAIN CONTAINMENT
COUNTERMEASURES**

WHEREAS, the Governor of Indiana has declared a public health emergency regarding the Coronavirus Disease 2019 ("COVID-19");

WHEREAS, COVID-19 has spread to nearby counties in Indiana, is easily transmitted, can be fatal, and has serious potential to overwhelm the public health care sector in the County if not adequately planned against;

WHEREAS, pursuant to LaGrange County Ordinance 2011-5-16B and Indiana Code Section 10-14-3-29, the President of the Board of Commissioners of the County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County"), issued Proclamation 2020-03-18 declaring a state of emergency for the County;

WHEREAS, pursuant to IC § 10-14-3-29, the Commissioners desire to continue the declaration until its next regularly scheduled public meeting;

WHEREAS, the Center for Disease Control and Prevention ("CDC") advocates that communities implement social distancing measures;

WHEREAS, limiting public access to government buildings can mitigate the exposure to COVID-19;

WHEREAS, pursuant to the Governor's Executive Order 20-04 ("Order"), the County may suspend the requirement to adopt a policy for electronic participation of public meetings and reduce the number of members required to be physically present to one member;

WHEREAS, pursuant to the Order, the County should try to adhere to CDC guidance on public gatherings; *and*

WHEREAS, pursuant to IC § 10-14-3-17(j)(5), the County may waive procedures required by law pertaining to the appropriation and expenditure of public funds.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA THAT:

SECTION I – CONTINUATION OF EMERGENCY

The Board of Commissioners of the County of LaGrange hereby continue the state of emergency declared for LaGrange County, Indiana until 10:00 a.m. on Monday, April 6, 2020.

SECTION II – EMERGENCY MANAGEMENT

The LaGrange County Emergency Management Director ("Director") is hereby authorized and directed, within the scope of applicable law, to:

- A. reasonably implement, and train County department heads on their duties to implement, the County's Comprehensive Emergency Management Plan;

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- B. file this ordinance with the County Auditor and the Clerk of Courts;
- C. give this ordinance prompt and general publicity including, but not limited to, to all incorporated towns, law enforcement agencies, fire departments, hospitals, and news media in the County via press release;
- D. inform the public by all appropriate means of measures to mitigate against the spread of COVID-19;
- E. facilitate and coordinate disaster mitigation from other jurisdictions with other County agencies and disaster relief, as may become available;
- F. take prudent action to lessen the likelihood of injury to persons in the County; *and*
- G. prepare, to the extent feasible, a summative report of actions taken, liabilities incurred, expenses owed as a result of this section and a report on the scope of the threat and damage.

SECTION III – PUBLIC MEETING ISSUES

- A. The requirement to adopt a policy for electronic participation of public meetings is hereby suspended for meetings of the Commissioners.
- B. The maximum number of Commissioners required to be physically present at a meeting of the Commissioners is one member.
- C. To the extent that the Commissioners have jurisdiction over the governing body of another public agency, such agency may allow for electronic participation of public meetings without a policy regarding the subject and may meet electronically as long as one member of such body is present at its principal meeting place.
- D. Public meetings of the Commissioners and of other public agencies over which the Commissioners have jurisdiction are limited to 10 people on a first-come, first-serve basis, such count excluding essential personnel and participants, board attorneys, elected officials, and the credentialed press.

SECTION IV – LIMITED PUBLIC ACCESS

- A. Effective Tuesday, March 24, 2020, all the offices located in the County Annex Building, the County Justice Center Building, the County Courthouse, the Sheriff's Office, the Health Department, the County Highway Department, and the County Park Department are closed to the public with the following exceptions:
 - 1. Department attorneys, the County engineer, state officials, emergency response agencies, and vendors having contractual business with the County may meet with County personnel on an as-needed basis, including the delivery of supplies.
 - 2. The main entrance to the County Annex Building, the Commissioner's room during public meetings, and the Auditor's office shall remain open for document drop-off and other limited interaction.
 - 3. The Prosecutor may establish protocols for public access to the County Justice Center Building such that there is no more than a single contact point for the entire building.
 - 4. To the extent that the judges of the County courts establish protocols for public access to the Courthouse, such protocols shall control over this ordinance.
 - 5. To the extent that the Sheriff, Health Officer, and Park Superintendent establish protocols for public access to the Sheriff's Office, Health Department, and Park Department offices, respectively, such protocols shall control over this ordinance.
- B. The Maintenance Technician shall implement appropriate signs and barricades and otherwise take all necessary action to implement this section.

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- C. The Auditor's Office may procure and have installed an appropriate transparent barrier at its customer counter to mitigate against the spread of COVID-19 and to simultaneously allow for the easy exchange of documents, payments, and other items.
- D. The Auditor's Office shall coordinate the delivery of items brought in by the public for other County departments and may coordinate limited phone contact with other departments as well to facilitate public inquiries.
- E. The public is encouraged to interact with County personnel from home on an as-needed basis by telephone, fax, and/or email. When document or payment submission is required, the public is advised that they risk multiple visits if they do not avail themselves of electronic communication opportunities beforehand to ascertain needed deliverables.

SECTION V – WAIVING PROCEDURES

- A. With respect to activities and acquisitions that are routine in nature and/or sought in conjunction with the ongoing fight against the spread of COVID-19, the Auditor is hereby authorized to waive procedures and formalities otherwise required by law pertaining to activities listed in IC § 10-14-3-17(j)(5), including, but not limited to, approving prepayment, waiving invoice requirements, purchasing or renting equipment, signing contracts, and waiving fees.
- B. Notwithstanding anything in this section to the contrary, the Auditor has no authority to spend any funds outside any budgetary limits without the consent of the County Council.
- C. Any waivers authorized by the Auditor pursuant to this section shall be authorized in a reasonable and equitable manner among similarly situated persons.
- D. The Commissioners shall review, and ratify as prudent, action taken under this section after the state of emergency ends.

SECTION VI – EXCLUSIONS

- A. The presiding officer at a public meeting, a law enforcement officer, or a department head for his or her respective building may exclude from the meeting or building any person who exhibits COVID-19 symptoms of fever or difficulty in breathing.
- B. The presiding officer at a public meeting, a law enforcement officer, or a department head for his or her respective building may exclude from the meeting or building any person who exhibits the COVID-19 symptom of sustained coughing unless that person independently acquires and wears a surgical mask.
- C. In order to enforce this section, a law enforcement officer, or a department head for his or her respective building may require a person to subject to a forehead temperature reading.

SECTION VII – DISCLAIMER

Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County, its agencies, its officers or employees, or any person; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable statutes, rules, or regulations providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.

SECTION VIII – MISCELLANEOUS

- A. References.

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1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
 2. Reference in this ordinance to a public servant, Office, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.
- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Effective Dates. This ordinance shall be effective immediately upon adoption and expires on April 6, 2020 at 10:00 a.m.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ORDINANCE OF LIMITED DURATION ESTABLISHING PAID PUBLIC-HEALTH LEAVE FOR CERTAIN EMPLOYEES

Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-03-23B

AN ORDINANCE OF LIMITED DURATION ESTABLISHING PAID PUBLIC-HEALTH LEAVE FOR CERTAIN COUNTY EMPLOYEES.

WHEREAS, the Board of Commissioners of the County of LaGrange (“Commissioners”) on behalf of LaGrange County, Indiana (“County”), have declared a public health emergency regarding the Coronavirus Disease 2019 (“COVID-19”);

WHEREAS, to combat the spread of COVID-19, the Center for Disease Control and Prevention (“CDC”) has issued its Interim Guidance for Businesses and Employers (“Guidance”) (<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>);

WHEREAS, the Guidance encourages sick employees to stay home;

WHEREAS, the Guidance recognizes that some employees may be responsible for caring for persons who have acquired COVID-19 and for children who are no longer in school;

WHEREAS, the Guidance encourages employers to allow employees to work from home as technology infrastructure and job responsibilities permit;

WHEREAS, the Guidance advocates the use of social distancing measures;

WHEREAS, the Commissioners desire to establish rules to clarify benefits for paid leave;

WHEREAS, the Commissioners have the authority under IC § 36-1-4-14 to establish a system of employment;

WHEREAS, the Commissioners, jointly with the County Council, have adopted an employee Personnel Policies Handbook dated December 16, 2019, as may be amended from time to time (“Handbook”); and

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WHEREAS, the Commissioners, desire these rules to supplement the Handbook, and where there is a conflict, to supersede the Handbook during the declared emergency and any extension or continuation thereof but up to and including April 20, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA THAT:

SECTION I – DEFINITIONS

Whenever the following terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

- “Close contact” means either being within approximately six (6) feet of a COVID-19 patient for a prolonged period of time (for example, while caring for, living with, visiting, or sharing a healthcare waiting area with a COVID-19 case), or having direct contact with infectious secretions of a COVID-19 patient (for example, being coughed on).
- “Coughing” means a cough that is new to a person, persistent, and lasts for at least half a day.
- “COVID-19” refers to the novel Coronavirus Disease 2019.
- “Employee,” unless modified, means a LaGrange County employee subject to the Handbook and includes full-time, part-time, salaried, and hourly workers.
- “Fever” means a measurable body temperature of 100.4 degrees Fahrenheit; the term also includes a lower body temperature to the extent being lower can be fairly attributed to the use of fever-reducing medicine.
- “Handbook” means the employee Personnel Policies Handbook dated December 16, 2019, as may be amended from time to time.
- “State of emergency” means the time during the ongoing public health emergency declared by the Commissioners to mitigate against the spread of COVID-19, as such may be continued or extended from time to time.
- “Symptom,” with respect to COVID-19, includes, but is not limited to, fever, coughing, shortness of breath, persistent pain or pressure in the chest, new confusion, and/or bluish lips or face.
- “Public-Health Leave” means an initial period of paid time off for a regularly scheduled workday as a result of the state of emergency that is paid at 75% or 100% of the employee’s regular rate of pay, as further provided for in this or a previous version of this ordinance.

SECTION II – POLICY

The Commissioners continue to place the highest priority on safeguarding the health, safety, and well-being of the LaGrange County community and its employees, while simultaneously protecting the continuity of essential County functions. The public sector plays a critical role in the community, and our employees play a critical role in the public sector.

Secondarily, the Commissioners desire to keep operations as normal as possible for as long as possible, even if certain modifications, up to and including closing the work place to employees, prove inevitable.

Effective immediately, and extending, as intended, at least through April 20, 2020, the County’s employee policies are hereby supplemented. The Commissioners are committed to Public-Health Leave for approximately a month. Despite such commitment, this policy and ordinance is subject at all times to revision and repeal. Policy changes will be communicated to employees as best as possible; employees are encouraged to check with their supervisors for possible updates.

SECTION III – SCOPE

This ordinance does not automatically apply to essential personnel, as determined by the Commissioners, who may be on call up to 24 hours a day; provided, however, that the Auditor may choose to extend this section to such designated personnel as directed by the Commissioners in the same or modified form as long as such application is otherwise reasonable and equitable.

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SECTION IV – DUTIES TO ATTEND WORK OR STAY AT HOME

- A. Despite the state of emergency, except as may be provided in Subsection (B), employees are expected to report to their normal work area and perform work as scheduled. This includes an employee who at one time met the criteria in Subsection (B) but no longer does.
- B. An employee is expected to stay at home during the state of emergency if he or she meets any of the following conditions (“Exceptions [1-7],” respectively):
 - 1. having a current diagnosis of COVID-19 within the last 14 days;
 - 2. being subject to a COVID-19-related quarantine (including self-imposed quarantine) at the instruction of a healthcare provider or a local, state, or federal official;
 - 3. exhibiting COVID-19 symptoms at any time over the past five (5) days, unless otherwise cleared by a healthcare provider or a local, state, or federal official;
 - 4. with respect to a person who meets the criteria of Subsections (B)(1), (B)(2), or (B)(3), above (other than with respect to such person’s status as an employee):
 - a. living in the same household as:
 - b. being an intimate partner of: *or*
 - c. providing care in a non-healthcare setting for: such a person;
 - 5. being at increased risk for complications from COVID-19 due to a diagnosed health condition, being presently under the care of a physician for such condition, and having job duties that do not allow for reasonable accommodations;
 - 6. having primary caregiver responsibilities, because of a COVID-19-related closing of a school, care facility, or care program, for a child or other individual who is unable to responsibly provide self-care; *or*
 - 7. being directed by his or her supervisor to work from home.
- C. Employees who exhibit COVID-19 symptoms should contact their primary care physician.

SECTION V – PUBLIC-HEALTH LEAVE

- A. This section only applies to the extent an employee does not perform a full day’s work on behalf of the County from home as directed by his or her supervisor.
- B. An employee who meets Exceptions 1-4 will be granted Public-Health Leave at the rate of 100% of his or her average monthly wage for each scheduled workday (or portion thereof) the employee misses, up to a maximum of ten (10) such days.
- C. If, after Public-Health Leave is exhausted, the employee still meets Exceptions 1-4, the employee will receive supplemental wages at the rate of 75% of his or her average monthly wage for as long as such an Exception applies.
- D. An employee who does not meet Exceptions 1-4 but who meets Exceptions 5-6 will receive Public-Health Leave at the rate of 75% of his or her average monthly wage for each scheduled workday (or portion thereof) the employee misses for as long as such an Exception applies.
- E. An employee who receives less than his or her full wage pursuant to this section may supplement the wage with available benefit time pursuant to another Handbook provision but will not be required to use available benefit time while on Public-Health Leave.

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- F. Notwithstanding anything in this ordinance to the contrary, an employee who is eligible for Public-Health Leave only under Exceptions 5-6 is not required to take such leave and may choose to work at his or her customary workplace as scheduled, taking intermittent Public-Health Leave as available and desired.
- G. Notwithstanding anything in this ordinance to the contrary, no employee may receive Public-Health Leave unless a Public-Health Leave Request Form ("Form," see Exhibit A, which is attached and hereby incorporated into this ordinance) submitted by the employee has been signed by the employee's supervisor and is on file with Human Resources.
- H. An employee who knowingly falsifies eligibility on the Form may be subject to disciplinary action up to and including termination.
- I. Notwithstanding anything else in this section to the contrary, an employee who stays home pursuant to Exception 6 may not receive Public Health Leave for any day for which the employee had already previously scheduled use of benefit time pursuant to another policy of the Handbook (e.g., personal time approved for time off during spring break).
- J. Any employee currently receiving full or partial wage replacement as part of:
 - 1. the Family and Medical Leave Act of 1993 (unless the qualifying event is no longer applicable or a set period of benefits becomes exhausted);
 - 2. a paid leave of absence, under another provision of the Handbook; *or*
 - 3. unemployment compensation from LaGrange County;is not eligible for Public-Health Leave.
- K. Public Health Leave shall generally not be available in a case where an employee does not meet any Exception but only has general concerns about potential COVID-19 infection.

SECTION VI – MODIFICATIONS TO NORMAL OPERATIONS

- A. Departments should immediately enact social distancing practices (e.g., separation of at least six feet) where possible. Departments may balance this recommendation, which sometimes constrains interaction, against the goal of ensuring continuity of operations
- B. An employee who is at increased risk for complications from COVID-19 due to a diagnosed health condition and presently under a physician's care for such condition may request temporary accommodations in coordination with his or her supervisor. Such accommodations may include a temporary change in job location for front-line staff, modifications of work assignment or duties, or implementation of additional protective measures to reduce COVID-19 exposure to self or others. If job accommodations are not possible, such an employee meets Exception 5.
- C. Employees should cover coughs and sneezes with a tissue or the crook of the elbow. Departments should clean frequently-touched surfaces and objects daily (e.g., tables, countertops, light switches, doorknobs, and cabinet handles) using a regular household detergent and water. Employees should wash hands often with soap and water for at least 20 seconds, especially after bathroom use; before eating; and upon secreting bodily fluids.
- D. Departments should ensure that the public is informed of alternate ways of conducting business with the Department, and, if no alternate methods exist, should consider temporary modifications of processes, procedures, rules, and deadlines. Departments should also consider alternate methods of conducting business due to a lack of available employees. To increase employee availability, departments may need to permit flexing work hours or

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permitting work from home where permitted and reasonable. (Note: paid work from home is not generally permitted at the time of adoption of this ordinance.)

- E. In the unlikely event of closure of the workplace to employees, notwithstanding anything in this ordinance to the contrary, all non-essential personnel will be placed on Public-Health Leave as if they meet Exception 6. Essential personnel, as designated by the Commissioners, must report to work during these extreme conditions but may be eligible for additional benefits yet to be determined.

SECTION VII – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
2. Reference in this ordinance to a public servant, Office, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

- B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

- D. Effective Dates. This ordinance shall be effective immediately upon adoption. This ordinance expires at the end of the day on April 20, 2020.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

AMENDMENT TO THE ZONING ORDINANCE

The following Amendment to the Zoning Ordinance was presented for second reading:

**COUNTY OF LAGRANGE
ORDINANCE NO.202-003-23C**

AN ORDINANCE AMENDING THE COUNTY OF LAGRANGE ORDINANCE NUMBER 2005-11-17A, COMMONLY KNOWN AS "THE LAGRANGE COUNTY ZONING ORDINANCE", AS AMENDED, TO ADD OR AMEND REGULATIONS REGARDING ZONE DISTRICTS, USE REGULATIONS, DIMENSIONAL STANDARDS, AND DEFINITIONS AND RULES OF INTERPRETATION.

WHEREAS, the LaGrange County Plan Commission is an advisory plan commission established pursuant to I.C. 36-7-4-202; and

WHEREAS, the LaGrange County Plan Commission has determined that in the interest of promoting the public health, safety and general welfare of the community, certain regulations and amendments to the LaGrange County Zoning Ordinance would be appropriate; and

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WHEREAS, on December 16, 2019 the LaGrange County Plan Commission, after notice to all interested parties pursuant to I.C. 5-3-1, did conduct a public hearing on said recommended amendments pursuant to I.C. 36-7-4-604, and thereafter certified to the Board of Commissioners of the County of LaGrange a favorable recommendation for the consideration and adoption of said amendments; and

WHEREAS, on December 30, 2019, the Board of Commissioners of the County of LaGrange did conduct a regular meeting with regard to the certified proposed amendments pursuant to I.C. 36-7-4-607, after all notices of its intention to consider said amendments had been provided as required by law. That the Board of Commissioners of the County of LaGrange in paying reasonable regard to the

statutory criteria set forth in I.C. 36-7-4-603, have determined that the adoption of the proposal of the LaGrange County Plan Commission is appropriate and in the best interests of the welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, THAT THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, ON THE 17th DAY OF NOVEMBER, 2005, AND AS AMENDED THEREAFTER, BE HEREBY AMENDED AS FOLLOWS:

ITEM I

That ARTICLE 2: ZONE DISTRICTS, should be amended as follows:

Section (F)(2) Districts: That the regulations found in Section (F)(2) shall be amended to read as follows:

(2) Districts - Wind Energy Conversion System (WECS) – Overlay District

The purpose of the WECS Overlay District is to provide additional regulations for the location, construction, and operation of a WECS in order to achieve the benefits of a WECS and to avoid and/or minimize the risks, dangers and inconvenience to the health, safety and welfare of LaGrange County.

ITEM II

That ARTICLE 3: USE REGULATIONS, should be amended as follows:

Section (A) Agricultural Use Table – Table 3-A-1: That the Agricultural Use table shall be amended to read as follows:

AGRICULTURAL USE TABLE			
P=Permitted by Right C=Conditional Use			
Use Category	Specific Use	Zoning District	Additional Regulations
		A-1	
Residential	1-family dwelling	P	Art. 3 – Sec. (C)(2)(a)
	2-family dwelling	P	Art. 3 – Sec. (C)(2)(a)
	Migrant Worker Housing	P	Art. 3 – Sec. (C)(2)(b)
Crops	All crop raising (field crops, truck gardens, etc.)	P	
Livestock	Animal feeding operation	P	Art. 3 – Sec. (C)(1)
	Concentrated feeding operation	P	Art. 3 – Sec. (C)(1)
	Confined Animal Feeding Operation	P	Art. 3 – Sec. (C)(1)
	Pasturing	P	
Agricultural	Agricultural building	P	
	Agribusiness	P	Art. 3 – Sec. (C)(3)(b)
	Auction	P	

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AGRICULTURAL USE TABLE			
P=Permitted by Right C=Conditional Use			
Use Category	Specific Use	Zoning District	Additional Regulations
		A-1	
	Campground or RV park	C	Art. 5 – Sec. (G)(5)
	Carriage; wagon; buggy manufacturing	P	
	Commercial dog breeding facility	P	Art. 3 – Sec.(C)(3)(d)
	Construction Type Businesses	P	
	Farm Market	P	
	Greenhouse	P	
	Home-based business 1	P	Art. 3 – Sec. (C)(3)(a)(i)
	Home-based business 2	P	Art. 3 – Sec. (C)(3)(a)(ii)
	Home-based business 3	P	Art. 3 – Sec. (C)(3)(a)(iii)
	Kennel	P	
	Mini-warehouse or RV storage	C	
	Retail Units	P	
	Riding stable	P	
	Shooting Range	C	
	Stable (commercial)	P	
	Stable (private)	P	
	Winery	P	
	Cemetery	P	
	Private school	P	
Institutional	Public school	P	
	Public park or recreational facility	P	Art. 3 – Sec. (C)(4)(b)
	Prison	C	
	Private park, recreational, or entertainment facility	C	Art. 3 – Sec. (C)(4)(b)
	Religious facility	P	Art. 3 – Sec. (C)(4)(a)
	Waste disposal facility	C	

Section (B) Residential Use Table – Table 3-B-1: That the Residential Use table shall be amended to read as follows:

RESIDENTIAL USE TABLE					
P=Permitted by Right C=Conditional Use					
Use Category	Specific Use	Zoning Districts			Additional Regulations
		S-1	U-1	L-1	
Residential	1-family dwelling	P	P	P	Art. 3 – Sec. (C)(2)(a)
	2-family dwelling		P		Art. 3 – Sec. (C)(2)(a)

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RESIDENTIAL USE TABLE					
P=Permitted by Right C=Conditional Use					
Use Category	Specific Use	Zoning Districts			Additional Regulations
		S-1	U-1	L-1	
	Boarding or rooming house		C		Art. 3 – Sec. (C)(2)(e)
	Manufactured home subdivision	P	P		Art. 5 – Sec. (G)(3)
	Manufactured home park	C	P	C	Art. 5 – Sec. (G)(4)
	Multifamily dwelling		P		Art. 3 – Sec. (C)(2)(a)
	Guest Quarters	C	C		
Business	Boat storage			C	
	Campground or RV park	C	C	C	Art. 5 – Sec. (G)(5)
	Home-based business 1	P	P	P	Art. 3 – Sec. (C)(3)(a)(i)
	Marina	C	C	C	
	Mini-warehouse or RV storage		C		
Agriculture	Plant Nursery	P			
	Small Animals	P	P		Art. 3 – Sec. (C)(3)(e)
Institutional	Cemetery	P	P	P	
	Public school	P	P	P	
	Private park or recreational facility	C	C	C	Art. 3 – Sec. (C)(4)(b)
	Private school	C	C	C	
	Public park or recreational facility	P	P	P	Art. 3 – Sec. (C)(4)(b)
	Religious facility	P	P	P	Art. 3 – Sec. (C)(4)(a)

Section (C)(1)(a) AFO's and CFO's: That the regulations found in Section (C)(1)(a) shall be amended to read as follows:

(a) AFO's and CFO's

Animal feeding operations and concentrated feeding operations shall comply with all state and county health and environmental regulations, as well as all federal laws governing such uses. An animal feeding operation is thirty (30) animal units or more as determined from the following table, except for calf/heifer operations. An animal feeding operation for calves/heifers is ten (10) animal units. An animal feeding operation for calves/heifers is also required to follow the requirements of the State of Indiana for a CFO. When more than one type of animal is maintained in the operation, the number of animal units is the sum of the animal units for each type of animal. To use the following table, first determine the total number of animals by type. Multiply the number by the "animal unit factor" in column 3 to give the number of animal units by animal type. Add all the numbers from column 4 to get the total number of animal units for your facility.

Section (C)(1)(e)(1): That the regulations found in Section (C)(1)(e)(1) shall be amended to read as follows:

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1. CFO's and CAFO's shall follow all IDEM and OISC (Office of Indiana State Chemist) rules/regulations. CFO's and CAFO's shall submit a copy of the approved IDEM application with all attachments. AFO's shall follow all OISC Rules/regulations for staging and applying manure. Additionally, CFO's and CAFO's shall submit required spreading acreage mapped with sensitive areas identified. Sensitive areas shall include residential zones, surface waters and waterways, natural wetlands, groundwater recharge areas, and tile drainage inlets. Copies of signed agreements, if necessary, shall be included;

Section (C)(2)(a)(vi): That the regulations found in Section (C)(2)(a)(vi) shall be added as a new section to read as follows:

- (vi) No building permit shall issue without the submittal and approval of an erosion control plan with the Plan Commission in the U-1, S-1, and L-1 zoning districts.

Section (C)(2)(b) Migrant Worker Housing: That the regulations found in Section (C)(2)(b) shall be amended to read as follows:

(b) Migrant Worker Housing

- (i) Migrant worker housing shall be used exclusively as living quarters for farm laborers.
- (ii) All private living quarters constructed, renovated, or used for sleeping purposes and residential migrant housing shall provide a minimum of 50 square feet for each occupant. In a room where workers cook, live, and sleep a minimum of 100 square feet per person shall be provided.

Section (C)(3)(a) Bed and Breakfast Use: That the regulations contained in Section (C)(3)(a) Bed and Breakfast Use should be removed and all further subsections in this Section shall be renumbered accordingly.

Section (C)(3)(b) Agribusiness: That the regulations found in Section (C)(3)(c) Agribusiness shall be renumbered to Section (C)(3)(b) and shall be amended to read as follows:

(b) Agribusiness

- (i) If wholesale or retail sales are involved, the total footprint of all buildings used for Agribusinesses on any lot or parcel shall not exceed 10,000 square feet.
- (ii) If wholesale or retail sales are involved, there shall be no more than 3 buildings used for Agribusinesses on any lot or parcel.
- (iii) No more than 3 acres of land shall be devoted to Agribusiness use including but not limited to areas used for structures, parking, storage, display, setbacks, and landscaping.
- (iv) The owner or occupant of the farm must be engaged in the Agribusiness. A maximum of 3 employees will be permitted outside of the owner.
- (v) Off-street parking for customers and employees shall be provided in accordance with Article 5, Section B. If the operator of the business provides an affidavit stating that employees do not require parking, the staff shall permit an equivalent reduction in the required parking spaces. Any parking demands not consistent with the affidavit shall be considered to be a violation of this Ordinance.

Section (C)(3)(d) Commercial Breeding Facility: That the regulations found in Section (C)(3)(e) Commercial Breeding Facility shall be renumbered to Section (C)(3)(d) and shall be amended to read as follows:

(d) Commercial Breeding facility

The facility, outdoor runs and any other facility not within an enclosed building shall be set back at least 200 feet from each property line abutting a residential district or an institutional use, and, at least 100 feet from any other property line. A Commercial Zoning Compliance Certificate is required after meeting the following criteria:

- i. Submittal and approval of a site plan with a waste disposal plan in compliance with the Indiana State Department of Health.
- ii. Indiana Council for Animal Welfare (ICAW) membership required before Zoning Compliance Certificate can be issued.
- iii. Copy of USDA application before Zoning Compliance Certificate can be issued.

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- iv. Signed affidavit of approval by neighboring landowners located within 500 ft. of facility.
- v. Must maintain USDA license and ICAW membership or be liable for red tags, county fines, and immediate revoking of Commercial Breeding Facility Zoning Certificate.
- vi. USDA/BOAH permit required to operate a breeding facility.
- vii. Building permit required for new structures.
- viii. Updated copy of all licenses/permits upon every renewal.

Section (D) Business Use Table – Table 3-D-1: The specific use of Rental Units should be added to the Business Use Table as follows:

BUSINESS USE TABLE						
P=Permitted by Right C=Conditional Use						
Use Category	Specific Use	Zoning Districts				Additional Regulations
		B-1	B-2	B-3	B-4	
Business	<u>Rental Units</u>					

Section (H) O-1 Overlay District: That the regulations contained in Section (H) O-1 Overlay Districts should be removed and all further subsections in this Section shall be renumbered accordingly.

Section (I) O-2 Scenic Corridor Overlay District: That the regulations contained in Section (I) O-2 Scenic Corridor Overlay Districts should be removed and all further subsections in this Section shall be renumbered accordingly.

Section (K)(3)(a)(i) Agricultural and Residential Districts – Table 3-K-1: That the regulations found in Section (M)(3)(a)(i) Agricultural and Residential Districts – Table 3-K-1 shall be renumbered to Section (K)(3)(a)(i) and the Specific Use of a 2nd dwelling unit shall be amended in the Permitted Accessory Uses Table to read as follows:

PERMITTED ACCESSORY USES				
AGRICULTURAL AND RESIDENTIAL DISTRICTS				
P = Permitted				
Specific Use	Zoning Districts			
	A-1	S-1	U-1	L-1
2nd dwelling unit (with 10 acres or more)	P			

ITEM III

That ARTICLE 4: DIMENSIONAL STANDARDS, should be amended as follows:

Section (A)(3) Agricultural Zone: That the regulations found in Section (A)(3) shall be amended to read as follows:

(3) Agricultural Zone

In Agricultural zones the roadside setback for all commercial construction shall be 125 feet from the center line of the County road and 25 feet from the side property line and rear property line. Commercial construction roadside setbacks from State Highways shall be the greater of, 125 feet from the center line of the road or 60 feet from the State Highway right of way line.

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Section (A)(3) Agricultural Zone – Table 4-A-1: That the Zoning Districts of O-1 and O-2 shall be removed from the Minimum Front Setback Distances Table and the regulations found in said Minimum Front Setback Distances Table shall be amended to read as follows:

MINIMUM FRONT SETBACK DISTANCES (Feet)					
Zoning District	Arterial	Major Collector	Minor Collector	Local	Subdivision
A-1	110	85	85	80	45
S-1	100	75	60	50	45
U-1	85	65	65	35	40
L-1	100	75	60	50	45
B-1	100	75	65	60	45
B-2	90	65	55	50	40
B-3	100	70	55	50	50
B-4	80	60	40	None	None
I-1	110	85	65	35	35
I-2	125	85	80	50	50
I-3	110	85	65	50	50

Section (A)(4)(a) Agricultural Dimensional and Intensity Standards – Table 4-A-2: That the Agricultural Dimensional and Intensity Standards Table – Table 4-A-2 shall be amended to read as follows:

AGRICULTURAL DIMENSIONAL AND INTENSITY STANDARDS					
Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)
Area (acres)	Width (feet)	Front	Side	Rear	
Residential Uses					
1 Not including the R/W	150	Art. 4 – Sec. (A)(2)	10	5	35
AFO					
N/A		125	100	100	35
New CFO					
30		200	200	200	35
New CAFO					
120		500	500	500	35
Agribusiness					
5	150	Art. 4 – Sec. (A)(2)	25	25	35

Section (A)(6)(a) Residential Dimensional and Intensity Standards – Table 4-A-4: That the Residential Dimensional and Intensity Standards Table – Table 4-A-4 shall be amended to read as follows:

RESIDENTIAL DIMENSIONAL AND INTENSITY STANDARDS

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Zoning District	Specific Use		Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Maximum Lot Coverage (%)
			Area (square feet)	Width (feet)	Front	Side	Rear		
S-1	1-fam. dwelling	With sewer	15,000	100	Art. 4 – Sec. (A)(2)	15	10	35	40
		Without sewer	43,560	150		20	15		25
U-1	1-family dwelling		5,000	50	Art. 4 – Sec. (A)(2)	7	15	35	70
	2-family dwelling		7,000	60	Art. 4 – Sec. (A)(2)	10	15	35	70
	Multifamily dwelling		7,000 plus 1,500 per dwelling unit	75	Art. 4 – Sec. (A)(2)	20	20	35	60
L-1	1-family dwelling	With sewer	20,000	100	Art. 4 – Sec. (A)(2)	7	15	35	40
		Without sewer	43,560	150		20	20		
A-1	1-family dwelling		43,560	150	Art. 4 – Sec. (A)(2)	10	5	35	
	2 dwellings		10 acres or more	150	Art. 4 – Sec. (A)(2)	10	5	35	

Section (B)(5)(c)(iii): That the regulations found in Section (B)(5)(c)(iii) shall be amended to read as follows:

- (iii) Towers and utility structures including but not limited to water towers, electric power and communication transmission lines.

ITEM IV

No part of this Ordinance shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable. All other terms and conditions of the LaGrange County Zoning Ordinance which are not modified and amended herein, including all Sections and Subsections thereof that have not been amended or set forth within these amendments, shall remain in effect and shall be renumbered to account for the amendments set forth herein.

ITEM V

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption of the amendments to the LaGrange County Zoning Ordinance as provided herein may be continued although the use does not conform with the provisions of this Ordinance. However, only the portion of the land or water in actual use may be so continued, and the structure or area within which the use is contained may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or official order, so as to comply with the provisions of the Zoning Ordinance as amended herein. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance as amended herein.

ITEM VI

This Ordinance shall be effective upon promulgation according to law.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Larry Miller seconded the motion and it carried with Mr. Dennis Kratz opposing.

HORSE DRAWN VEHICLE LICENSE FEES


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SPECIAL SESSION

The annual license fees for horse drawn vehicles are to be paid before May 15. Mr. Terry Martin made a motion to waive the penalty for late fees until July 14, 2020. Mr. Denis Kratz seconded the motion and it carried unanimously.

ADJOURNMENT

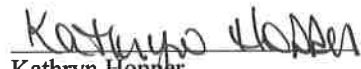
There being nothing further to come before the Board at this time, Mr. Dennis Kratz made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Terry Martin seconded the motion and it carried unanimously.


Larry N. Miller


Terry A. Martin


Dennis H. Kratz

ATTEST:


Kathryn Hopper
LaGrange County Auditor