

**THE AREA PLAN COMMISSION OF
ST. JOSEPH COUNTY, INDIANA**

MINUTES

January 21, 2020
3:30 p.m.

Council Chambers, 4th Floor
County-City Building, South Bend, IN

MEMBERS PRESENT:

Dr. Jerry Thacker
John R. McNamara
Robert Hawley
Jason Lambright
Dan Caruso

ALSO PRESENT:

Lawrence P. Magliozzi
Ryan Fellows
Jordan Wyatt
Shawn Klein
Mitch Heppenheimer, Counsel
Samantha Keultjes

EXECUTIVE SESSION:

A. Election of Officers

(Audio Position: :35)

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, the Area Plan Commission elected Adam DeVon as Preident.

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, the Area Plan Commission elected Dr. Jerry Thacker as Vice President.

B. Appointment of Executive Committee

(Audio Position: 4:20)

After due consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by Jason Lambright and unanimously carried, John McNamara was appointed as a member of the Executive Committee.

C. Appointment of Commission Member to the Area Board of Zoning Appeals

(Audio Position: 6:40)

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, Dan Caruso was appointed as a member of the Area Board of Zoning Appeals.

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

- 1 A combined public hearing on a proposed ordinance of GEK HOLDINGS LLC to zone from B: Business District to R-2: Residential District and seeking the following variance(s): 1) from the maximum gross density of 12 dwelling units per acre to 12.7, property located at 53600 GENERATIONS DR, St. Joseph County - APC# 2916-19.

(Audio Position: 8:58)

JORDAN WYATT: The petitioner is requesting a zone change from B: Business District to R-2: Residential District and one variance from the development standards. On site is a vacant wooded lot. To the north is the Indiana Toll Road. To the east are single-family homes zoned R: Single Family District. To the south is an assisted living facility zoned R: Single Family District and businesses and offices zoned B: Business District. To the west is ABC57 zoned I: Industrial District. The R-2 Districts are established to protect, promote and maintain the development of a wide range of housing opportunities ranging from single family dwellings to multifamily complexes as well as provide for other limited residential, public and institutional uses that are compatible with residential development, all in accordance with the comprehensive plan. The site plan shows the construction of a multistory apartment building consisting of 122 units. Adequate off-street bicycle and vehicle parking is provided with some garage spaces. A note states that the landscaping will comply with the Zoning Ordinance and will be address during the plan review process. The site was rezoned from R-2: Residential District to B: Business District in 2014. Generations Drive is two lanes. The site is served by municipal water and sewer. The County Engineer noted that this site will have to complete the sidewalk that exists on their side of Generations Drive as part of the plan review process. APC staff would like to note that because of this requirement, the petitioners will need to connect their main entrance to the sidewalk that will be required. The St. Joseph County Health Department noted that this site is in the Douglas Road Landfill Administrative Control Area. The petitioner is not proposing any written commitments. The petition is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 3, Objective D: Encourage population growth within existing urban service areas; and Goal 3, Objective C, Policy v: Residential developments should be designed to include adequate open spaces in either private yards or common areas to partially provide for residents' open space and recreational needs. The Future Land Use Plan does not mention this specific site. There are no other plan in effect for this area. The Generations Drive loop features a mix of businesses, offices and multifamily residential uses. The most desirable use would be a dense development that takes advantage of the availability of water and sewer and provides adequate facilities to meet its residents needs. Because the development will meet the development standards in regards to landscaping, and off-street bicycle and car parking, and by locating the dense multifamily building farther from the single-family homes, property values should not adversely be affected. Its is responsible development and growth to allow for dense development when water and sewer is available. The staff has no

additional comments at this time. Based on the information available prior to the public hearing, the staff recommends sending this rezoning to the County Council with a favorable recommendation. The staff recommends approval of the variance. Rezoning this site to R-2: Residential District is consistent with the mix of uses along Generations Drive and will allow for denser development which is appropriate when municipal water and sewer is available.

PETITIONER

BETH ERNAT, of Clover Development, with offices located at 348 Harris Hill Rd., Williamsville, NY presented on behalf of the petitioner.

IN FAVOR

There were 6 people present to speak in favor of this petition. They were:

SUZANNE CADIEUX, residing at 17142 Linda St., South Bend, IN
JORDAN & NANCY FRANKIEWICZ, residing at 17110 Linda St., South Bend, IN
THOMAS VARGA JR, residing at 53700 Generations Dr., South Bend, IN
JERRY PHIPPS, residing at 17924 Sable Ridge Dr., South Bend, IN
MATTHEW ZYNIEWICZ, residing at 17198 Linda St., South Bend, IN
ARTHUR MOORE, residing at 17071 Linda St., South Bend, IN

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

REBUTTAL

BETH ERNAT, of Clover Development, with offices located at 348 Harris Hill Rd., Williamsville, NY presented the rebuttal.

After due consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by John R. McNamara and unanimously carried, a proposed ordinance of GEK HOLDINGS LLC to zone from B: Business District to R-2: Residential District, property located at 53600 GENERATIONS DR, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. Rezoning this site to R-2: Residential District is consistent with the mix of uses along Generations Drive and will allow for denser development which is appropriate when municipal water and sewer is available.

Upon a motion by Robert Hawley, being seconded by John R. McNamara and unanimously carried, the variance(s): 1) from the maximum gross density of 12 dwelling

units per acre to 12.7 property located at 53600 GENERATIONS DR, St. Joseph County, were\was approved.

- 2 A proposed ordinance of RG HOMES LLC to zone from R: Single Family District to C: Commercial District, property located at 61203 US 31 HWY, St. Joseph County - APC# 2917-19. *(Audio Position: 47:05)*

JORDAN WYATT: The petitioner is requesting a zone change from R: Single Family District to C: Commercial District. On site currently is and single-family home, detached garage, and an informal parking lot that serves the offices on the adjacent parcel. The the north are single-family homes zone R: Single Family District. The northeast is a historic office building zoned C Commercial in the City of South Bend. To the east, across State Road 931, are single-family homes zoned Suburban Neighborhood 1 and a business zoned C Commercial in the City of South Bend. To the south are single-family homes zoned R: Single Family District. To the west is US Highways 31. The C: Commercial District is established to provide a location for those retail sales and service functions whose operations are typically characterized by: outdoor display or sales of merchandise; major repair of motor vehicles; commercial amusement and recreational activities; or, activities or operations conducted in structures which are not completely enclosed. The types of uses found in the C: Commercial District are often brightly lighted and noisy. Permitted uses contained in this district are such that this district may be used to form a grouping of similar uses along certain portions of major commercial thoroughfares. Special attention should be paid to buffering whenever this district is located adjacent to any residential district or residential uses. The site plan shows the residence and accessory building to remain. Five self-storage buildings will be added to the site. The provided landscaping exceeds the minimum that is required. Adequate off-street parking is provided. The parcel in the northeast corner of this lot was rezoned to OB Office Buffer and annexed into the City of South Bend in 2004. State Road 931 is a four lane highway. The site will be served by municipal water and sewer. The County Engineering noted that drainage calculations will need to be provided. The St. Joseph County Health Department noted that if the site is currently on well and septic and this site will utilize municipal utilities in the future, abandonment details will need to be added to the plan. The petitioner is not proposing any written commitments. The petition is consistent Goal 2, Objective B: Locate employment uses in such a manner that conflicts with residential land uses are minimized and Goal 2, Objective C, Policy ix: Satellite business centers shall be located on major automobile and public transportation routes, particularly at the intersections of major arterial roadways. The Future Land Use Plan identifies this site for residential growth. There are no other plans in affect for this area. The State Road 931 Corridor features single family uses, but with the proximity to Kern Road and its intersection with US Highway 31 it has developed with a mix of heavy commercial uses including a gas station. The most desirable use of the property is dense development that takes advantage of the municipal water and sewer available, but also respects the residential uses to the north and south. Because no variances are being required and dense screening is provided abutting the residential properties to the north and south property values should not adversely be affected. It is responsible development and growth to locate commercial uses on major corridors and in close

proximity to major intersections, especially when municipal utilities is available. The staff has no additional comments at this time. Based on the information available prior to the public hearing, the staff recommends sending this rezoning petition to the County Council with a favorable recommendation. Rezoning this site will allow for commercial development along a major corridor where municipal utilities are available.

PETITIONER

MIKE DANCH, of Danch Harner & Associates, with offices located at 1643 Commerce Dr., South Bend, IN presented on behalf of the petitioner.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was one person present to speak in remonstrance of this petition. They were: STEVE KRING, residing at 61151 US 31 South Bend, IN

REBUTTAL

MIKE DANCH, of Danch Harner & Associates, with offices located at 1643 Commerce Dr., South Bend, IN presented the rebuttal.

After due consideration, the following action was taken:

Upon a motion by John R. McNamara, being seconded by Robert Hawley and unanimously carried, a proposed ordinance of RG HOMES LLC to zone from R: Single Family District to C: Commercial District, property located at 61203 US 31 HWY, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. Rezoning this site will allow for commercial development along a major corridor where municipal utilities are available.

2. TEXT AMENDMENTS:

1. An Ordinance amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, to Repeal Sections 154.370 through 154.400 Sign Regulations and adopt Sections 154.370 through 154.381 Sign Regulations, and amend Sections 154.002 Interpretation, 154.070 Accessory Uses, Buildings and Structures, 154.072 Home Occupations, 154.181 Permitted Uses in the C: Commercial District, 154.636 Definitions, and amend General Development Standards in the following

Sections, all in Title XV, Land Usage, 154.092, 154.107, 154.122, 154.137, 154.152, 154.167, 154.182, 154.212, 154.277. - APC# 2919-20. *(Audio Position: 1:09:10)*

JORDAN WYATT: An Ordinance initiated by the Area Plan Commission of St. Joseph County amending Chapter 154, Planning and Zoning of the St. Joseph County Code to replace and update Sign Regulations. This Ordinance is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 2, Objective B: Locate employment uses in such a manner that conflicts with residential land uses are minimized; Goal 2, Objective C: Develop quality business areas to meet the retail and service needs of the planning area; and Goal 2, Objective C, Policy ii: Promote the upgrading, rejuvenation, and beautification of all functional, existing commercial centers. This Ordinance proposes to replace the existing Sign Regulations for unincorporated St. Joseph County. The current Sign Regulations includes unnecessary information, outdated and confusing regulations, extremely generous allowances, no method of measurement, and one zoning district has no standards at all. With this replacement, all of these issue will be resolved. Unnecessary information about permitting and building codes is removed because this is addressed by the Building Department. Text is paired with graphs and illustrations which makes this Ordinance easy to understand and more pleasing to read. Modern sign technology is recognized and regulations added to make these compatible with nearby residential uses. Extremely generous sign size and height allowances are scaled back. Method of measurement is added so users and staff knows how to measure the signs that are proposed. Standards are added to the U: University District where none existed before allowing us to permit signs in this district. Every change is detailed in the spreadsheet you have before you, but here are some major changes:

- A complete reformatting and reorganization of Sign Regulations, all the definitions are included before each section so it is clear exactly what sign type this section applies to, and additions of graphic elements.
- Permit requirements and building code information is removed.
- Exempt maintenance now allows an awning to be removed to replace the surface.
- Language is added to protect required landscaping from damage to increase visibility of a sign.
- Flashing signs are now prohibited.
- Standard size menu boards are now exempt.
- Works of art are now exempt when on a side or rear facade, exempting them from meeting the maximum building sign size which limited works of art to 5% of the facade.
- Signs brightness must be turned down at night.
- Electronic message centers (EMCs) are now addressed. They must feature auto-dimming capabilities, only feature static images, and must be turned off between 11pm and 6am if within 200 feet of a residential use.
- New sign types are allowed or specifically addressed including suspended signs, three-dimensional signs, multi-tenant signs, and indirect business signs.
- Indirect business signs allow establishments to have a freestanding sign when they don't have direct street frontage.

- Some sizes and heights are reduced to better meet the intent of this section. For example, you are no longer allowed to have a 55' tall sign in the R: Single Family District. Every size and height change is detailed in the spreadsheet and highlighted green.
- Signs are no longer required to have 10 feet of clearance if located within 25 feet of the edge of the pavement which will help decrease the cost of signs and encourages the use of generally more aesthetically pleasing monument signs instead of pole signs.
- Increased size and height are allowed at sites that abut limited access highways or have long street frontages.
- Regulations based on content have been removed to ensure the Ordinance is compliant with Supreme Court cases regarding free speech.
- Outdoor advertising signs, commonly known as billboards, are now required to be of steel construction and a statement has been added to make it aware that these signs can't be placed in violation of the Highways Beautification Act, as amended (1965).

Replacing the current Sign Regulations will dramatically make it easier to understand the regulations and streamline the permitting process for users and staff. Addressing specific sign types, including a method of measurement, allowing new types of signs will encourage creativity in sign design. These regulations have been taken from the newly adopted City of South Bend Zoning Ordinance which has been extensively researched and reviewed by sign professionals. This will create a unique opportunity to have consistent sign design throughout the majority of the County and also make it easier on users by essentially only have to learn one Ordinance. Adaptations have been made that address the unique characteristics of the County. Based on the information available prior to the public hearing, the staff recommends sending this Ordinance to the County Council with a favorable recommendation. This Ordinance will replace one of the most used, but most confusing sections of the Zoning Ordinance making sign permitting easier for both the user and staff. The new and updated regulations will promote creative, safe, and aesthetically pleasing sign design that meets the needs of St. Joseph County.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:

Upon a motion by John R. McNamara, being seconded by Robert Hawley and unanimously carried, an Ordinance amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, to Repeal Sections 154.370 through 154.400 Sign Regulations and adopt Sections 154.370 through 154.381 Sign Regulations, and amend Sections 154.002 Interpretation, 154.070 Accessory Uses, Buildings and Structures, 154.072 Home Occupations, 154.181

Permitted Uses in the C: Commercial District, 154.636 Definitions, and amend General Development Standards in the following Sections, all in Title XV, Land Usage, 154.092, 154.107, 154.122, 154.137, 154.152, 154.167, 154.182, 154.212, 154.277., is sent to the County Council with a FAVORABLE recommendation. This Ordinance will replace one of the most used, but most confusing sections of the Zoning Ordinance making sign permitting easier for both the user and staff. The new and updated regulations will promote creative, safe, and aesthetically pleasing sign design that meets the needs of St. Joseph County.

2. An Ordinance amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, to adopt Sections 154.520 through 154.522 Agritourism and amend Section 154.091 Permitted Uses in the A: Agricultural District and Section 154.106 Permitted Uses in the R: Single Family District - APC# 2920-20.

(Audio Position: 1:22:00)

JORDAN WYATT: An Ordinance initiated by the Area Plan Commission of St. Joseph County amending Chapter 154, Planning and Zoning of the St. Joseph County Code to permit and establish regulations for agritourism uses. This Ordinance is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 1: Alleviate and minimize the loss of agricultural land; Goal 2: Encourage the economic development of the County and its municipalities; and Goal 3, Objective A: Promote the development and/or maintenance of community and neighborhood character. St. Joseph County has seen a lot of pressure in the past few years to allow for uses in the agricultural district such as event spaces, wedding barns, u-pick operations, farmers markets, and many other uses which collectively falls into what is termed Agritourism. Our current ordinance doesn't allow these kinds of uses without rezoning to C: Commercial District or establishing a PUD Planned Unit Development. These cumbersome solutions deteriorate the character established in the A: Agricultural District. Area Plan Commission staff recognize the multiple benefits these provide to farmers such as increased and diversified income, educational opportunities, and increased respect for agriculture. Because of these benefits and the increased pressure from the market, our ordinance must adapt to allow for implementation of these agritourism uses in a way that benefits the agricultural uses while also protecting the agricultural character established in St. Joseph County. The major changes are as follows:

- Roadside stand regulations are updated removing the maximum size of the stand and minimum parking area size. A provision prohibiting on-street parking is added.
- Agritourism is a new section that establishes an intent to guide future regulations and provides an list of example uses. The Zoning Administrator has the authority to interpret other agritourism uses that are not listed to help protect the longevity and adaptability of this section.
- Agritourism uses are only permitted when accessory to agricultural uses.
- Agritourism, when accessory to agricultural uses, is permitted in the A: Agricultural District and requires a special use in the R: Single Family District.

- Landscaping is only required of the front yard and to screen portable bathrooms, if provided.
- Parking and drives are not required to be paved or stripped, but must meet all other requirements of the parking regulations, including minimum spaces.
- On-street parking is prohibited.
- Hours of operation, except for lodging are established as 7:00am to 12:00am.

These regulations are intended to compliment and preserve agricultural uses in St. Joseph County, provide opportunities for unique experiences that promote agriculture, and recognize the importance agriculture in our economy. Based on the information available prior to the public hearing, the staff recommends sending this Ordinance to the County Council with a favorable recommendation. This ordinance will allow for a unique use that compliments and enhances the agricultural character of St. Joseph County.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There were two people present to speak in remonstrance of this petition. They were:

STEVE WEISSER, residing at 26725 New Rd., North Liberty, IN
 BOB HUMBARGER, residing at 29987 Hurd Rd., New Carlisle, IN

REBUTTAL

JORDAN WYATT, with St. Joseph County Area Plan Commission, with offices located at 227 W. Jefferson Blvd., 11th floor, South Bend, IN presented the rebuttal.

After due consideration, the following action was taken:

Upon a motion by John R. McNamara, being seconded by Jason Lambright and unanimously carried, an Ordinance amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, to adopt Sections 154.520 through 154.522 Agritourism and amend Section 154.091 Permitted Uses in the A: Agricultural District and Section 154.106 Permitted Uses in the R: Single Family District, is sent to the County Council with a FAVORABLE recommendation. This ordinance will allow for a unique use that compliments and enhances the agricultural character of St. Joseph County.

2. An ordinance amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, to amend Sections 154.007 Trailers, Mobile Homes and Tents, 154.057 Reconstruction, Remodeling or Enlargement of a Legally

Established Nonconforming Single Family Dwelling or Two Family Dwelling, 154.070 through 154.071 General Regulations, 154.421 Required Bicycle Parking, 154.615 Authority, 154.636 Definitions, and Permitted Uses in the following Sections, all in Title XV, Land Usage, 154.091, 154.106, 154.121, 154.136, 154.151, 154.166, 154.181, 154.211, and adopt Section 154.079 Recreational Vehicles, Trailers, Mobile Homes and Tents - APC# 2921-20. *(Audio Position: 1:35:46)*

JORDAN WYATT: An Ordinance initiated by the Area Plan Commission of St. Joseph County amending Chapter 154, Planning and Zoning of the St. Joseph County Code. Although this Ordinance doesn't directly achieve any of the policies in the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), updating our regulations to be clearer, applied correctly, and logical will ultimately make it easier to use and encourage economic development. The purpose of this Ordinance is to fix organization problem and update language to meet the intent of the Zoning Ordinance and the goals of the Comprehensive Plan. This Ordinance also revises regulations to them compliant with Indiana state law. The major changes are as follows:

- Accessory buildings are added to Reconstruction, Remodeling or Enlargement of a Legally Established Nonconforming Single Family Dwelling or Two Family Dwelling which clarifies that like your home, accessory building can be reconstructed if destroyed.
- Accessory uses, buildings or structures are now allowed on a lot without a primary structure when its on a lot which abuts the associated use and is under the same ownership.
- Accessory building sizes for lots over 5 acres are changed from unlimited to 2 times the square footage of the ground floor of the primary structure. Agricultural uses are still allowed unlimited accessory building sizes which was the intent of that regulation.
- Trailers, Mobile Homes and Tents is moved into the General Regulations and renamed Recreational Vehicles, Trailers, Mobile Homes and Tents. The temporary uses in that section are incorporated into Temporary Use, Buildings and Structures.
- Language is changed to allow any type of dwelling unit as a temporary dwelling. Currently only a mobile home is permitted as a temporary dwelling.
- Parks are added as either a primary use or special use in all districts. This replaces the recreational uses currently found in some districts.
- Short-term rentals replaces bed and breakfasts. They are allowed in all districts when owner-occupied bringing our the Zoning Ordinance into compliance with Indiana state law.
- Highway maintenance shops and yards is added as a special use in the A: Agricultural District.
- Veterinary clinics and hospitals is added as a permitted use in all office and commercial districts. Currently this is only a permitted use in the A: Agricultural District and I: Industrial District.
- Garages and parking for vehicles over one-and-a-half-ton capacity is added as a special use to the C: Commercial District.
- Convention halls and meeting halls is added as a primary use in the I: Industrial District.

- Required bicycle parking is now measured by the number of vehicles parking spaces provided instead of required. This is necessary to require bicycle parking when no minimum parking spaces are required.
- The Historic Preservation Commission is added under Authority as who can enforce this Zoning Ordinance.
- Definitions are simplified when applicable. Removed duplicate or unused definitions.
- Building height is now measured from grade instead of curb level. This change is necessary to apply the maximum building height as intended.
- Grade is now measured as the average of the finished surface of the ground 5 feet from the building, structure, or proposed location. Currently there is no limit on how far out the average goes and this makes it clear exactly how that average is calculated.
- Definitions for owner occupied and short-term rental are added.
- These changes are important to make our Zoning Ordinance clear for the public and meet the intent of how these regulations were meant to be applied.

Based on the information available prior to the public hearing, the staff recommends sending this Ordinance to the County Council with a favorable recommendation. Every step must be taken to constantly adapt the Zoning Ordinance to meet its intent and the objectives of the Comprehensive Plan. A clear and sensible Zoning Ordinance is needed to make them easy to follow and achieve the desired outcomes for all of St. Joseph County.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:

Upon a motion by John R. McNamara, being seconded by Robert Hawley and unanimously carried, an ordinance amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, to amend Sections 154.007 Trailers, Mobile Homes and Tents, 154.057 Reconstruction, Remodeling or Enlargement of a Legally Established Nonconforming Single Family Dwelling or Two Family Dwelling, 154.070 through 154.071 General Regulations, 154.421 Required Bicycle Parking, 154.615 Authority, 154.636 Definitions, and Permitted Uses in the following Sections, all in Title XV, Land Usage, 154.091, 154.106, 154.121, 154.136, 154.151, 154.166, 154.181, 154.211, and adopt Section 154.079 Recreational Vehicles, Trailers, Mobile Homes and Tents, is sent to the County Council with a FAVORABLE recommendation. Every step must be taken to constantly adapt the Zoning Ordinance to meet its intent and the objectives of the Comprehensive Plan. A

clear and sensible Zoning Ordinance is needed to make them easy to follow and achieve the desired outcomes for all of St. Joseph County.

3. An ordinance amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, to adopt sections 154.511 through 154.514 Solar Energy Systems and amend Sections 154.070 Accessory Uses, Buildings and Structures, 154.505 through 154.506 Special Regulations for Wind Energy Conversion Systems, 154.636 Definitions and amend Permitted Uses in the following Sections, all in Title XV, Land Usage, 154.091, 154.106, 154.121, 154.136, 154.151, 154.166, 154.181, 154.211, 154.276 - APC# 2918-20. *(Audio Position: 57:56)*

JORDAN WYATT: An Ordinance initiated by the Area Plan Commission of St. Joseph County amending Chapter 154, Planning and Zoning of the St. Joseph County Code to permit and establish regulations for solar energy systems. This Ordinance is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 1: Alleviate and minimize the loss of agricultural land; Goal 4: Preserve and protect the natural environment; Goal 4, Objective C: Conserve open space and protect natural and scenic resources; and Goal 5, Objective A: Provide utility services to support both existing and future residents and businesses. Currently, the St. Joseph County Zoning Ordinance doesn't directly address solar energy systems (SES) which greatly limits its application within the County. Building-mounted SES and accessory use Ground-mounted SES is only permitted because of an interpretation by the Zoning Administrator. To do a standalone Ground-mounted SES project a rezoning to I: Industrial District would be required. In 2018 the County Commissioners issued a statement with the goal that the County would take steps to achieve a high ranking in the Department of Energy SolSmart program which nationally ranks municipalities and jurisdictions based on their solar-friendliness. Because land use regulations are the major factor in how these projects come to be developed, the Area Plan Commission has taken it upon themselves to achieve the goal of the County Commissioners and allow St. Joseph County to rank as one of the highest counties in the nation in the SolSmart program. The major changes of this ordinance are as follows:

- Establishes solar energy systems as a permitted accessory use and does not include their size in the maximum allowed size for accessory structures, allowing systems that meet the needs of the associated use.
- Special Regulations for Wind Energy Conversion Systems title is changed to Renewable Energy Systems and Solar Energy Systems is added to the end of that section.
- An intent is established to guide future policy decisions.
- Definitions and classifications are established as follows:
 - SES is either Building-mounted or Ground-mounted.
 - Building-mounted SES is further classified as facade-mounted or roof-mounted.
 - Ground-mounted SES is further classified as small-scale (less than or equal to 40,000 square feet) or large-scale (greater than 40,000 square feet).
- Building-mounted SES is established as a permitted accessory use in all districts.
- Provisions are established that allow facade-mounted SES to project into a required setback by 3 feet and roof-mounted SES may encroach into the maximum building height

by 5 feet in residential districts and 10 feet in all other districts. This allows for the installation of Building-mounted SES if the structure already is at the minimum setback or maximum height.

- Small-scale Ground-mounted SES is a permitted primary or accessory use in all districts. Large-scale Ground-mounted SES is a permitted use in the A: Agricultural, I: Industrial, U: University Districts and a special use in all other districts.
- Ground-mounted SES have a maximum height of 22 feet and must meet all required setbacks.
- Ground-mounted SES is exempt from all required landscaping except for a new landscaping requirement of 2 square feet of native grass and wildflower planting for every 1 square foot of panels. This is intended to make these projects harmonious to agricultural uses by promoting pollinators, preventing erosion, restoring soil nutrients, and making them aesthetically pleasing.
- Provisions are added for the removal of SES projects.

This ordinance will allow St. Joseph County to achieve Gold Status, the highest rank, in the SolSmart program which will show solar developers across the country that St. Joseph County is one of the best places in the nation to do solar projects. Based on the information available prior to the public hearing, the staff recommends sending this Ordinance to the County Council with a favorable recommendation. This Ordinance will substantially make solar development easier but at the same time be done in a manner that is harmonious with the uses of St. Joseph County, especially the agricultural areas where these projects will most likely occur. The regulations found in this ordinance are best practices that recognize the unique needs of solar energy projects and establish uses to allow this essential form of renewable energy.

IN FAVOR

There was one person present to speak in favor of this petition. They were:
LEAH THILL, of MACOG, with offices located at 227 W Jefferson Blvd., 11th floor, South Bend, IN

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:

Upon a motion by John R. McNamara, being seconded by Robert Hawley and unanimously carried, an ordinance amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, to adopt sections 154.511 through 154.514 Solar Energy Systems and amend Sections 154.070 Accessory Uses, Buildings and Structures, 154.505 through 154.506 Special Regulations for Wind Energy Conversion Systems, 154.636 Definitions and amend Permitted Uses in the following Sections, all in Title XV, Land Usage, 154.091, 154.106, 154.121, 154.136,

154.151, 154.166, 154.181, 154.211, 154.276 , is sent to the County Council with a FAVORABLE recommendation as amended. This Ordinance will substantially make solar development easier but at the same time be done in a manner that is harmonious with the uses of St. Joseph County, especially the agricultural areas where these projects will most likely occur. The regulations found in this ordinance are best practices that recognize the unique needs of solar energy projects and establish uses to allow this essential form of renewable energy.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

- A Findings of fact for granting variances for property located at 19880 State Line Road and Vacant Property Adjacent to the East Abutting Michigan Street - APC #2915-19

(Audio Position: 1:44:50)

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, the Findings of fact for granting variances for property located at 19880 State Line Road and Vacant Property Adjacent to the East Abutting Michigan Street – APC #2915-19 were approved.

2. Executive Director's Report:

(Audio Position: 1:45:45)

LARRY MAGLIOZZI presented stating that Martin Madigan was no longer a Commission member which leaves a vacant position that needs to be filled by a Town Board Member. Two other members will join the Commission in February at which time Commission members are requested to attend a refresher course as well as a refresher course for the Area Board of Zoning Appeals in March. Larry then introduced Dan Caruso and Jason Lambright, the two new members in attendance. In addition, quick fixes for text amendments are going to need a new process. Lastly, this was Jordan Wyatt's last meeting.

3. Minutes:

- A Approval of the Minutes from the October 15, 2019 meeting. *(Audio Position: 1:51:30)*

After due consideration, the following action was taken:

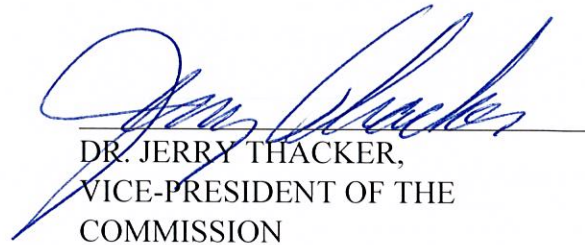
Upon a motion by John McNamara, being seconded by Dan Caruso and unanimously carried, the Minutes from the October 15, 2019 meeting were approved.

B Approval of the Minutes from the December 17, 2019 meeting. *(Audio Position: 1:51:48)*

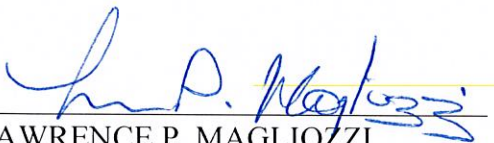
After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, the Minutes from the December 17, 2019 meeting were approved.

4. Adjournment: 5:23 p.m.



DR. JERRY THACKER,
VICE-PRESIDENT OF THE
COMMISSION



LAWRENCE P. MAGLIOZZI,
SECRETARY OF THE COMMISSION