

January 27, 2022
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:30 p.m. on Thursday, January 27, 2022, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, Craig Cultice, Chris Kline, David Hostetler, Jon VanVactor, Dan Voreis, and Stan Klotz. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Matt Miller and Bob Yoder.

The first item of business was the election of officers for the Marshall County Plan Commission.

- **President** Mr. Hostetler made a motion to retain Stan Klotz as President of the Marshall County Plan Commission, seconded by Mr. Cultice. Motion carried by acclamation.
- **Vice Pres** Mrs. Barnhart made a motion to nominate David Hostetler as Vice President of the Marshall County Plan Commission, seconded by Mr. Cultice. Motion carried by acclamation.
- **Secretary** Mr. Hostetler made a motion to retain Bob Yoder as the Secretary of the Marshall County Plan Commission, seconded by Mrs. Barnhart. Motion carried by acclamation.
- **TRC** Mr. Cultice made a motion to retain Terri Barnhart, Jon VanVactor and Bob Yoder as members of the Technical Review Committee, seconded by Mrs. Barnhart.
- **BZA Appt** Mrs. Barnhart made a motion to replace Jim Berger's seat on the Board of Zoning Appeals with David Hostetler, seconded by Mr. Kline. Motion carried by acclamation.
- **BZA Alternate** Mr. Hostetler made a motion to nominate Chris Kline, Bob Yoder, Dan Voreis as Board of Zoning Appeals alternates, seconded by Mrs. Barnhart. Motion carried by acclamation.
- **Board Atty** Mr. Hostetler made a motion to retain Derek Jones with Jones Huff & Jones as board attorney, seconded by Mrs. Barnhart. Motion carried by acclamation.
- **Plymouth Liaison** Mr. Hostetler made a motion to retain Stan Klotz as the Liaison for the City of Plymouth, seconded by Mr. Kline. Motion carried by acclamation.

Minutes of the November 18, 2021, meeting was presented. Mr. Hostetler moved, and Mr. Cultice seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

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The second item of business was 21-PC-15 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance Article 6 010 A and Article 13 Shipping Containers.

Mr. Adley presented the findings of facts and the surrounding areas ordinances.

2021 Proposal Option

- Allow 1 car container within A-1, C-1, C-2, I-1 and I-2 districts regardless of parcel size with the conditions that it would be maintained as the same color as adjacent structure, kept in good repair (ie no rust, holes, or worn paint, etc) and a second container is permissible for lots greater than 5 acres.
- 6.010 A: A use, building, or structure, the use of which is customarily incidental and subordinate to the use of the primary building or primary use of the land on which the accessory use building, or structure is located. By way of example only, some type accessory uses, buildings, and structures include: garages, carports, porches, decks, awnings, canopies, mini barns, storage sheds outdoor fireplaces outdoor furnaces, children's playhouses swings, game courts, fences, swimming pools, hot tubs grain bins, grain dryers, and storage buildings. Some uses that shall not be considered accessory uses, buildings, or structures include mobile homes, manufactured homes, construction trailers, recreational vehicles, and semi-trailers.
- ***G. Shipping Containers – Allow 1 cargo container within A-1, C-1, C-2, I-1 and I-2 districts regardless of parcel size with the conditions that it would be maintained as the same color as adjacent structure, kept in good repair (ie. No rust, holes or worn paint, etc.) and a second container is permissible for lots greater than 5 acres. Containers are to only be used for cold storage.***
- 13.010: A use, building or structure, then use of which is customarily incidental and subordinate to the use of the primary building or primary use of the land on which the accessory use, building, or structure is located. By way of example only, some typical accessory uses, buildings, and structures include garages, carports, porches, decks, awnings, canopies, mini barns, storage sheds, outdoor fireplaces, outdoor furnaces, children's playhouses, swings, game courts, fences, swimming pools, hot tubs, grain bins, grain dryers, and storage buildings. Some uses that shall not be considered accessory uses, buildings, or structures include mobile homes, manufactured homes, construction trailers, recreational vehicles, and semi-trailers.

2021 Proposal Breakdown

1. Zoning districts A-1, C-1, C-2, I-1, I-2
2. Allow (1) shipping container regardless of parcel size
3. Maintained as the same color as adjacent structures & kept in good repair
4. A second container is permissible for lots greater than (5) acres
5. Used for cold storage only

The Commissioner's original motion was: Stan Klotz moved, seconded by Mike Burroughs to approve 20-PC-15 Marshall County Plan Commission – Shipping Containers on First Reading with clarification to be provided on pre-existing containers, container homes and fire department training centers. Motion carried 3-0.

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Based on the information provided staff and TRC would recommend approval of the proposed ordinance update. UPDATE: Staff and TRC continues to support the original proposal as it provides a starting point for shipping containers to be permitted within the County's jurisdiction. The ordinance would still be open enough to allow for individuals to apply for variances with their specific context.

The ordinance would be open for individuals to apply for variances if their existing shipping containers do not meet the conditions stated. Grandfathering does not occur when a use of property was not permitted previously to an ordinance. Grandfathering only applies when an object was in compliance when put in and then the ordinance changed no longer allowing it.

In relationship to existing shipping containers the Plan Commission Office is not going out hunting for them across our community. Now if someone calls in and reports a shipping container and it's not in compliance in relationship to setbacks for instance we would work with that individual to go through rectifying the issues or possibly walk them through the variance process.

The intent behind the ordinance is to prevent shipping containers within smaller communities or on smaller lots that wouldn't make sense around subdivisions or around lakes that are more protected areas.

In reference to the question on the fire training facility that is located in Plymouth it is within the City of Plymouth's jurisdiction which wouldn't fall under our zoning regulation. The other fire stations in the County include, Polk, Tippecanoe and North Township. If one of those three fire stations wish to have a container for storage they would be instructed to file for a variance as their zoning district wouldn't permit. This scenario shouldn't be a problem. If these areas are looking for training facilities, working together with the City of Plymouth's Fire Department would be advantageous. Interlocal agreements have been used for instances such as this.

The majority of storage container uses are used for temporary job site storage facilities (a/k/a large tool box) for institutional and commercial projects and when they are done they move it to the next site. They are short term uses in relationship to a specific building permit.

Mr. Klotz stated that the calls he has received about shipping containers pertain to the placement in the front yard. Mr. Klotz agreed with the concern as there are some containers 40' long and it could block a neighbors view. They feel a better location would be in the back yard.

Anchoring and foundation of all storage containers is a building code function.

Mr. VanVactor stated that if we are going to limit shipping containers in the front yard, we are going to have to limit all structures. Mr. Klotz stated that he's not for or against he's just passing along some of the complaints he's had.

The TRC committee met, and the consensus was that they couldn't support what the commissioner's wanted them to recommend. At that point Mr. VanVactor reached out to the two commissioners and at that time they didn't understand this is the future of Marshall

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County. Having no stipulations on shipping containers could allow them at lake lots or residential areas. We have come up with basic requirements and Mr. VanVactor and the board believes it's a good place to start.

When Mr. Klotz was asked if he would support what the board is proposing he feels we need to leave them, but there does need to be some guidelines. It's his opinion that the county does need to protect the line of sight. With the amendments that have been made Mr. Klotz is okay with the proposal.

When asked if storage containers could be used for residential purposes Mr. Adley responded saying they would have to meet all residential building codes.

Mr. Hostetler made a motion to open for public hearing, seconded by Mrs. Barnhart. Motion carried by acclamation. There being nobody to speak for or against Mr. Hostler moved and Mr. Kline seconded the motion to close the public hearing.

Mr. VanVactor made a motion to approve the request and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mr. Kline. Motion carried with a voice vote 7-0.

Mr. Klotz asked the Plan Director to respond to the three concerns when presenting to the County Commissioners.

Mr. Voreis turned in his resignation to the board. The board commended him on his years of service as well as the value he added to the board.

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted.

Bob Yoder