WARRICK COUNTY COMMISSIONERS ORDINANCE NO. 2009 - 09

AN ORDINANCE TO AMEND ARTICLE XV HIGHWAY COMMERCIAL – "C-3" DISTRICT (changes in bold and italic) OF THE COMPREHENSIVE ZONING ORDINANCE FOR WARRICK COUNTY, INDIANA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR WARRICK COUNTY, INDIANA, as follows to wit:

Section 1. That Article XV Highway Commercial – "C-3" Highway District (changes in bold and italic) be amended as follows:

ARTICLE XV HIGHWAY COMMERCIAL – "C-3" DISTRICT

SECTION 1 INTENTION OF DISTRICT

The "C-3" highway business district is intended to provide for highway orientated business uses offering accommodations, supplies and services to the general public and which are ordinarily located along highways designated as major arterial.

SECTION 2 ESTABLISHMENT AND CONDUCT OF USES

1. Open storage of materials and equipment shall be permitted in conjunction with any of the permitted uses pursuant to the following limitations:

a. Such storage is located on the rear half of the lot;

b. That the storage area is enclosed by a solid wall or opaque fence not less than six (6) feet in height;

c. That no equipment or material is stored having a height greater than that of the wall or opaque fence enclosure; and

d. That the storage area does not exceed fifty percent (50%) of the lot area.

2. Inside storage of merchandise and/or materials (limited warehousing) shall be permitted in conjunction with the operation of any permitted use set forth herein provided that the storage/limited warehousing area does not exceed seventy-five percent (75%) of the total floor area of the building or structure.

3. Open air sales of new or used automobiles, trailers, or trucks, located on land adjacent (either abutting or separated by an alley) to an "R" (Residential) district, shall be separated from the land in the "R" district by a solid wall or opaque fence at least six (6) feet in height.

SECTION 3 PERMITTED USES

No building or structure, or part thereof, shall be erected, altered or used or land or water used in whole or in part for other than one or more of the following specified uses in accordance with the limitations herein specified:

(1) Any use permitted in "C-2" district subject to the area, yard, height, lot coverage, and minimum floor area regulations specified for the "C-2" district.

(2) Ambulance service.

(3) Automotive retail and wholesale parts and equipment.

(4) Automobile, truck and trailer rentals.

(*5*) ***Automobile, trucks, motorcycle and trailer sales, new and used; repair and service garages.***

(*6*) Automobile washing establishment.

(*7*) Feed stores.

(*8*) ***Firewood sales ready for use.***

(*9*) ***Fireworks sales.***

(*10*) Food locker and/or plants.

(*11*) Greenhouse and/or nursery.

(*12*) Monuments (sale and display only).

(*13*) Mortuary, undertaker, crematoria or embalming establishment, and funeral home.

(*14*) Pawn shop.

(*15*) Pest control agency.

(*16*) Photographic development laboratory.

(*17*) Research and testing laboratory.

(*18*) Restaurant and hotel supplies and equipment sales and service.

(*19*) Sale and service of electrical and plumbing fixtures.

(*20*) Sales and service of industrial equipment.

(*21*) Sales and vending preparation operations.

(*22*) Self Storage Warehouse Facilities (also required to have a "Special Use Permit" ***if have outside storage)***

(*23*) Sharpening and grinding shop.

(*24*) Swimming pool supplies and equipment sales and service.

(*25*) Taxidermist.

(*26*) Trade associations and Union Halls.

(*27*) Veterinary and veterinary clinic.

(*28*) Wholesale merchandise broker.

(*29*) Wholesale produce storage.

(*30*) ***Commercial Woodworking shops.***

(*31*) Accessory uses which are incidental to and maintained on the same lot and commonly associated with the operation of the permitted use.

(*32*) Other uses comparable and compatible to those set forth in this section.

SECTION 4 SPECIAL USES

The special uses permitted in "C-3" district are set forth in Article V.

SECTION 5 LOT SIZE

The minimum lot size in the "C-3" district for its permitted uses shall be determined pursuant to the provisions of Article XXI.

SECTION 6 SET BACK REQUIREMENTS

The minimum set back requirements in the "C-3" district shall be determined pursuant to the provisions of Article XXI.

SECTION 7 BUILDING HEIGHT

The maximum building height permitted in the "C-3" district shall be determined pursuant to the provisions of Article XXI.

SECTION 8 FLOOR AREA

The total floor area of any building in the "C-3" district where applicable shall be determined pursuant to the provisions of Article XXI.

SECTION 9 OFF STREET PARKING

Any off street parking and/or loading space requirements for the "C-3" district shall be determined pursuant to the provisions of Article XXII.

SECTION 10 SIGNS

Any signs which may be permitted in the "C-3" district shall be pursuant to Article XXVI (A) and Article XXVI (B).

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners for Warrick County, State of Indiana

Approved this _____ day of _____, 2009.

_____ against

Don Williams, President

_____ approved > vote on Aug. 31, 2009

Art Noffsinger, Vice President

_____ approved

Tim Mosbey, Member

ATTEST:_____

Lawrence Lacer, Auditor

Heard at Area Plan Commission meeting July 13, 2009.

CERTIFIED ORDINANCE REPORT

I, Sherri Rector, Executive Director and Secretary of the Warrick County Area Plan Commission do hereby certify this to be the true and complete report of the ordinance hearing of said Commission held September 14, 2009.

Sherri Rector

Sherri Rector
Executive Director

Warrick County
Area Planning Commission

Courthouse Room 201
107 W. Locust
Boonville, IN 47601
(812) 897-6190
Fax: (812) 897-6128
Email – apc@warrickcounty.gov

September 23, 2009

Warrick County Commissioners
Room 301
Courthouse
Boonville, IN 47601

RE: Ordinance Report

Dear Commissioners:

The Warrick County Area Plan Commission took action on the following Ordinances at their meeting held September 14th, at 6:00 P.M. in the Commissioners Meeting Room, Third Floor, Courthouse, Boonville, Indiana.

WARRICK COUNTY COMMISSIONERS ORDINANCE NO. 2009-17
AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES SECTION 6 DISCONTINUANCE OF SPECIAL USE SUBSECTION A AND B OF THE COMPREHENSIVE ZONING ORDINANCE FOR WARRICK COUNTY, INDIANA

> The purpose of this ordinance is to state that any expansion or alteration to an approved special use shall void the approval and they must cease operation immediately unless the applicant/owner comes into compliance, amends his application or files a rezoning petition (if necessary) within thirty (30) days.

Mike Moesner made a motion based on the evidence presented to amend Section 6 Paragraph B of the amended ordinance to say after the words "nor expanded", add three words "more than 25%". Guy Gentry seconded and the motion carried with all members voting for the amendment except for Commissioner Noffsinger who abstained.

WARRICK COUNTY COMMISSIONERS ORDINANCE NO. 2009 -09
AN ORDINANCE TO AMEND ARTICLE XV HIGHWAY COMMERCIAL – "C-3" DISTRICT (changes in bold and italic) OF THE COMPREHENSIVE ZONING ORDINANCE FOR WARRICK COUNTY, INDIANA

> The purpose of this ordinance is to add additional uses and alphabetize the uses.

Brad Overton made a motion based on the evidence presented to accept Ordinance no. 2009-09. Mike Moesner seconded and the motion carried with all members voting for the motion except Larry Willis who abstained.

WARRICK COUNTY COMMISSIONERS ORDINANCE NO. 2009 – 12
AN ORDINANCE TO AMEND ARTICLE XXIV ADMINISTRATION SECTION 6 FEES AND EXPENSES FOR NOTICE OF THE COMPREHENSIVE ZONING ORDINANCE FOR WARRICK COUNTY, INDIANA

The purpose of this ordinance is to exempt governmental agencies located in Warrick County from paying fees.

Mike Moesner made a motion to approve Ordinance 2009-12. Larry Willis seconded and the motion carried with all members voting for the ordinance except Commissioner Noffsinger who abstained.

WARRICK COUNTY COMMISSIONERS ORDINANCE NO. 2009-16
AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES SECTION 5 PROCEDURE SUBSECTION J BY DELETING SUBSECTION 1 OF THE COMPREHENSIVE ZONING ORDINANCE FOR WARRICK COUNTY, INDIANA

The purpose of this ordinance is to remove the requirement of a minimum of 100' of frontage on a dedicated roadway for a mobile home. This requirement is in the development regulations.

Brad Overton made a motion to accept the ordinance as amended.
Larry Willis seconded and the motion carried with all members voting for the ordinance except Commissioner Noffsinger who abstained.

Sincerely,

Sherri Rector

Sherri Rector
Executive Director

SR/cp