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

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

Section 1. That Article V Special Uses Section 6 Discontinuance of Special Use Subsection A and B is amended as follows:

SECTION 6 DISCONTINUANCE OF SPECIAL USE

A. If a special use is abandoned for one year or has not been completely established within one (1) year of the date granted, the special use shall be null and void ***unless specified elsewhere in this Article.***

B. A special use may not be altered to become any other use ***nor expanded*** than that which was approved by the Board of Zoning Appeals. ***If the special use approval is altered or expanded the approval shall be null and void/unless the applicant/owner comes into compliance, amends his application or files a rezoning petition (if necessary) within thirty (30) days.***

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 31 day of August, 2009.

_____ against

Don Williams, President

_____ approved

Art Noffsinger, Vice President

_____ approved

Tim Mosbey, Member

Passed 2-1 on 8.31.2009

KG.

ATTEST:_____

Lawrence Lacer, Auditor

Heard at Area Plan Commission meeting July 13, 2009.

Amended to "within 45 days" 12.14.2009

Passed with 2-0 vote Don Williams & Tim Mosbey.

AN ORDINANCE TO AMEND ARTICLE IIIB: PROCEDURES FOR SUBMISSION OF "MINOR" SUBDIVISIONS SECTION 4: REQUIRED "MINOR SUBDIVISION PLAT" INFORMATION SUBSECTION (2) OF THE SUBDIVISION CONTROL ORDINANCE FOR WARRICK COUNTY, INDIANA. Advertised in the Boonville Standard October 29, 2009. Recommendation of approval by APC November 9, 2009.

The purpose of this ordinance is to allow parcels in a minor subdivision to be non-building sites.

Sherri Rector: The next one is An Ordinance to Amend IIIB Procedures for Submission of "minor" subdivisions Section 4: Required "Minor Subdivision Plat" information Subsection (2) of the Subdivision Control Ordinance. It was a recommendation of approval by the Planning Commission at the November 9th meeting. The purpose of this ordinance is to allow parcels in a minor subdivision to be non-building sites. Therefore they could be like for recreational area, something like that, but they would have to state that on there and it wouldn't be required to have septic sites approved. And this would be twenty nine (29).

Tim Mosbey: I make a motion we approve Ordinance 2009-29.

Don Williams: I'll second that motion. All in favor say aye.

Tim Mosbey: Aye.

Don Williams: Aye. Motion carries.

WARRICK COUNTY COMMISSIONERS ORDINANCE NUMBER 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. Advertised in the Boonville Standard May 28, 2009

Continued from June 8, 2009 APC Meeting

Recommendation for approval by the APC July 13, 2009 APC meeting to cease immediately

Amended by the County Commissioners August 10, 2009 to cease immediately unless they come into compliance or amend the application or file a rezoning (if necessary) within 30 days

Amended by the APC September 14, 2009 to add "nor expanded" and "more than 25%"

Amended by the County Commissioners October 19, 2009 to strike "more than 25% and change "30 days" to "90 days"

Amended by the APC November 9, 2009 to change "90 days" to "45 days."

The purpose of this ordinance is to extend the time allowed for a special use applicant/owner to come into compliance, amend their petition or file a rezoning petition (if necessary) in the case of any explanation or alternation to an approved special use that may void the approval from 90 days to 45 days.

Sherri Rector: The next one is an Ordinance to Amend Article V Special Uses Section 6 Discontinuance of Special Use Subsection A and B of the zoning ordinance. Let me skip down…this is the one that has gone back and forth between the Planning Commission and the Commissioners. At first we said that if the special use home occupation would change in any way then it would have to cease immediately. It came back to you on August 10th to cease immediately that you would come into compliance within thirty (30) days. It was amended by the Planning Commissioner September 14th to add "nor expanded and more than 25%." Amended by the Commissioners October 19th to strike "more than 25% and change "30 days" to "90 days." Amended by the Planning Commission November 9th, to change the 90 days to "45 days." And the reason why the forty five (45) days is for instance if a person would start some type of home occupation that would be in violation. Ninety (90) days say it was a summer type business you would have the entire summer that you would get through before you would have to take any action whatsoever.

Don Williams: I think that is far-fetched. The reason I asked for ninety (90) days is because if someone comes to you say tonight after the meeting and if you cancel your next meeting they can't make that forty five (45) day deadline.

Sherri Rector: No. They have to have it filed; not approved.

Don Williams: Filed. Okay.

Sherri Rector: Not approved, filed for forty five (45) days; not approved.

Don Williams: Let me read this. Does it say "filed?"

Tim Mosbey: Yes.

Sherri Rector: Yes, "filed."

Tim Mosbey: In the petition or filed in the zoning petition.
Sherri Rector: Right.

Don Williams: I can live with that. Okay. I'll entertain a motion.

Tim Mosbey: And would that be number thirty (30)? Does it get a whole new number?

Angie Leslie: Yes.

Tim Mosbey: I make a motion we approve 2009-30.

Don Williams: I'll second the motion. All in favor say aye.

Tim Mosbey: Aye.

Sherri Rector: That's all I have. Thank you.

(This stays Ordinance 2009-17 per Sherri Rector, Area Plan Commission Executive Director.)

ITEMS FOR DISCUSSION

Mary Lou Elbert, CED-Extension Educator: Amendment to the Extension Contractual Services Agreement for the period January 1, 2010 through December 31, 2010.

Don Williams: Mary Lou Elbert? Did I pronounce that right or wrong?

Tim Mosbey: That's not Mary Lou.

Don Williams: You're not Mary Lou.

Tim Mosbey: She's on behalf of Mary Lou.

Don Williams: State your name and who you represent.

Carly Kidwell: Carly Kidwell, Purdue Extension Warrick County. We're on the agenda tonight to request a signature of our Contractual Service Agreement between Warrick County Government and Purdue University. We supplied two (2) copies of the agreement and the County Council has already approved the salary line item that's contained in the contract.

Don Williams: Have you looked at this Counselor? I don't know if it's the same we always have.

Roger Emmons: This is the same thing...

Don Williams: For years?

Roger Emmons: Forever under the same services contract.

Don Williams: I don't have any questions. Do you have any questions Mr. Mosbey?

Tim Mosbey: I have no questions. I make a motion we approve.

Don Williams: I'll second. All in favor say aye.

Tim Mosbey: Aye.

Don Williams: Aye. It's approved.

Carly Kidwell: Thank you.

Joint Resolution – Warrick County Sheriff's Contract

Don Williams: Sheriff?

Tim Mosbey: No.

Don Williams: Oh, it's a resolution.

Roger Emmons: This is the Sheriff's salaried contract for 2010 and the County Council approved it at their meeting on December 3rd. This joint resolution the contract approves the Sheriff's compensation at eighty nine thousand nine hundred and twenty nine dollars ($89,929.00) and we would need a resolution number for the Commissioners to consider this.

Angie Leslie: 2009-16

Roger Emmons: Sixteen (16)?

Angie Leslie: Yes.

Don Williams: Does that have a Council Resolution number?

Roger Emmons: The Council's Resolution is 2009-06.

Don Williams: Okay. I will entertain a motion.

Tim Mosbey: Motion to approve Resolution 2009-16.

Don Williams: I'll second the motion. All in favor say aye.

Tim Mosbey: Aye.

Don Williams: Aye. Motion carries.

Doug Welp: I believe that structure approval of the Resolution is then approval of the agreement itself.

Tim Mosbey: Yes.

Don Williams: Yes.

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

SEAL

Warrick County
Area Planning Commission

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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