

The Madison County Plan Commission on the above date at 1 P.M. with Wesley Likens, Vice President, presiding.

Members Present: Paul Wilson, Brad Newman, Alan Esche, John Orick, and Wesley Likens.

Members Absent: Bill Maxwell, Mark Gary, John Randall, Jr. and Scott Tischler.

Also Present: Michael Hershman, Executive Director, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

Current Business

1. Roll call was taken and four members, Bill Maxwell, Mark Gary, John Randall, Jr. and Scott Tischler were absent.

Wesley Likens, Vice President chaired the meeting as Bill Maxwell, President was absent.

New Business

1. Proposed changes to Land Use & Development Code, Zoning Ordinance Sections 1.13, 13.7 and Section 3.

Mr. Hershman read the following:

Basic Provisions,

Section 1.13-Amendments A

c. Temporary cessation on permits and applications is allowed when zoning amendments are pending.

d. If the Plan Commission determines at a public meeting that changes in the land use and/or subdivision regulations or comprehensive plan under consideration by the Plan Commission/Board of Zoning Appeals are such that owners of property may attempt to circumvent the provision under consideration by applying for a improvement location permit, subdivision plat, rezoning, special use or other application prior to the effective date of the proposed change, then the Plan Commission, by resolution, may order the Director to not accept applications for proposals that circumvent the provisions under consideration. Such resolution may be passed as an emergency measure without public notice. The resolution shall be effective for not to exceed 6 months.

Section 13 Process, Permits, and Fees

Section 13.7 Improvement Location Permit (IP)

G. Temporary Cessation of Issuance of Permits:

Provided that the Plan Commission has specifically determined that conditions require such action and have so authorized the same in a public meeting, the Planning Director shall not issue any improvement location permits for the proposed construction, reconstruction, alteration, or use which would be in circumvent of any proposed amendment to the Ordinance (text or maps) which is pending before the Plan Commission, from the time of first notice of such consideration until the final disposition by the legislative body, but not to exceed 6 months.

Mr. Shine informed the Board that if the Planning Commission recommends this change for approval or the subsequence changes that they are having, they are required, number one to send that on to the Madison County Commissioners. The statute requires that to be heard by the commissioners at their next public meeting. If the commissioners would approve it then it must be advertised and the date of the advertising is the date it is effective.

Mr. Shine said, on what was presented today I would suggest that the board might consider two additional changes. Paragraph D, first line, instead of a public hearing add public meeting. For clarification purposes under the second line, paragraph D, where we have, under consideration by the Planning Commission, you might want to put slash Board of Zoning Appeals.

Mr. Likens requested comment from the public no comments were received by the Board.

There were several people in attendance that were concerned if this would affect CAFO's.

They were informed there is a special hearing on the CAFO's on August 8 at 6 PM and this is just for public input. There will be no voting on any issues at that time. A public hearing then would take place to hear any changes from both sides that might be implemented into the ordinance.

Mr. Wilson said, I make a motion that the Planning Commission move with a favorable recommendation to the Board of Commissioners the following language: under Section 1.13 Amendment A, under c, Temporary Cession on Permits and Applications and applications is allowed when zoning amendments are pending. D, if the Planning Commission determines at public meeting the changes in the Land Use and/or Subdivision Regulations and Comprehensive Plan under consideration with the Plan Commission or (not audible) owners of the property may attempt to circumvent the provisions under consideration by applying for an Improvement Location Permit, Subdivision Plat, Rezonings. Special Use or other application prior to the affective date of the proposed change, then the Plan Commission by resolution may order the director not to accept applications for proposals that circumvent the provisions under consideration. Such resolution may be passed as an emergency measure without public notice. The resolution shall be in effect not to exceed six months.

The next part would be under, Section 13.7, Improvement Location Permit, G, Temporary Cession of issuance of permits providing the plan commission has specifically determined that conditions require such action and have so authorized the same in a public meeting the planning director shall not issue any Improvement Location Permits for the proposed construction, re-construction, alterations or use which would be in circumvent of any proposed Amendment to the ordinance, text or maps which is pending before the planning commission from the time of the first notice of such consideration until the final disposition by the legislative body but in no event, not to exceed six months.

Mr. Newman seconded the motion.

The vote was unanimous in favor of the motion. **Proposed changes to Land Use & Development Code, Zoning Ordinance Sections 1.13, 13.7 and Section 3 was forwarded to the County Commissioners with a favorable recommendation.**

2. Proposed changes to Land Use & Development Code, Subdivision Control Ordinance Section 3.

Mr. Hershman said, this involves Section 1.5 definition of a private vehicular streets. It is just adding, a driveway is to two-serve only one lot and are contained on that one lot shall not be considered a private roads.

Section 3, is to delete mini warehouses out of the General Commercial and make it a Special Use instead of a permitted use. And that is the same way in Section 3.25, deleting it from the permitted uses in the Highway Commercial District and making it a Special Uses. Business District, add Mini Warehouse Storage facilities.

Section 3.31, Land Use Matrix, on the land use matrix change the Permitted Use to Special Uses in General Commercial and Highway District.

Section 3.2, Minimum Standards for Administrative Subdivisions, this is moving into the subdivision regulations.

Section B. Design Standards.

C. At the time of filing property owners may show all possible lots which are permitted to be created for the Administrative Subdivision creations of this ordinance under Rural Concept Development plans including the exception described in Section 3.2 (A), (c). That is essentially the change is going from where it says, property owner shall show all possible lots which are permitted to be created and change the wording to, may show all possible lots which are permitted to be created.

- d. Road cuts shall be subject to the review of the Madison County Commissioners.
 - 1. Point one, no private road shall be permitted which provides the only means of access to more than three lots. A private road shall be shared by more than three lots must be created in the form of a public road. If such a public road is required, the development shall be considered the major subdivision and shall follow the major subdivision process established in Article 4 of this ordinance.
 - 2. Two, lot frontage on private roads may be considered as meeting the road frontage requirements of the Madison County Zoning Ordinance.
 - 3. All driveways shall be designed to prevent vehicles from being able to back onto the public road.

e. All driveways shall be a minimum of 16 feet in width with common portions included in a minimum 50-foot wide access easement/private road.

Director, Hershman stated, currently, preliminary plats, rural concept plans, we require that all potential divisions be shown on the property. What we are saying now is, you don't have to do that any more. You can put them on there if you want but it is not required.

Comments were then sought from the public by acting Vice President, Wesley Likens and there was no response.

Mr. Esche said, I move to approve the changes as presented and forward these changes on to the County Commissioners with a favorable recommendation.

Mr. Orick seconded the motion.

The vote was unanimous in favor of the motion.

Mr. Esche made a motion, seconded by Mr. Orick to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 2:06:48 P.M.

Wesley Likens, Vice President

Beverly Guignet, Secretary