

ORDINANCE NUMBER 2019-48

The purpose of this ordinance is to amend the Monroe County Zoning Ordinance by the addition and amendment of the development standards in Chapter 804.

WHEREAS, Indiana Code 36-7-4-601 authorizes the Board of Commissioners of the County of Monroe, Indiana (Board of Commissioners), to adopt planning and zoning ordinances and amendments, including maps, for the following purposes: securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, convenience, and general welfare; and otherwise accomplishing the purposes of Indiana Code Chapter 36-7-4;

WHEREAS, the Board of Commissioners adopted a comprehensive replacement Monroe County Zoning Ordinance on December 20, 1996 through the passage of Ordinance 96-36 and have subsequently amended that zoning ordinance ("Zoning Ordinance");

WHEREAS, Indiana Code 36-7-4-602 authorizes local plan commissions to prepare, conduct public hearings on, approve and certify planning and zoning ordinances, and amendments thereto, for consideration by the local board of commissioners;

WHEREAS, the Monroe County Plan Commission (Plan Commission) prepared amendments to Chapter 804 of the Zoning Ordinance, which it deemed necessary and advisable to promote the public health, safety, and welfare within the County Jurisdictional Area;

WHEREAS, the Plan Commission advertised for and conducted a public hearing on the proposed amendments;

WHEREAS, following the public hearing, the Plan Commission voted to forward the amendments to the Board of Commissioners with a positive recommendation;

WHEREAS, the Plan Commission certified the amendments and its recommendation to the Board of Commissioners for consideration pursuant to Indiana Code Sections 36-7-4-602 through 605;

WHEREAS, in accordance with Indiana 5-14-1.5-5, the Board of Commissioners provided public notice of its intention to consider the amendments in ordinance form during its January 8th, 2020 meeting, and accepted public comment on the proposed amendments during its January 8th, 2020 meeting;

WHEREAS, based on public comment received by the Plan Commission and the Board of Commissioners on this ordinance, the Board of Commissioners finds that the proposed

amendments, if adopted, would reasonably and efficiently advance the statutorily recognized zoning ordinance purposes, which include, among other purposes, the promotion of the health, safety, convenience, order, and general welfare of the citizens of Monroe County, Indiana, would provide reasonable design standards within the County Jurisdictional Area; and that the proposed amendments should be adopted;

WHEREAS, the Board of Commissioners finds and confirms that in the preparation and/or consideration of the proposed amendments, both the Board of Commissioners and the Plan Commission gave reasonable regard to: the Comprehensive Land Use Plan of Monroe County, Indiana; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth;

NOW, THEREFORE, be it resolved by the Board of Commissioners as follows:

Section 1. Monroe County Zoning Ordinance Chapter 804 shall be, and hereby is, amended by the addition of the following amendments:

Section 2. The terms and provisions of this ordinance are separable. If any part or provision of this ordinance or the application thereof to any persons or circumstances is adjudged invalid by a court of competent jurisdiction on procedural grounds, or on any other grounds, such judgment shall be confined in its operation to the part, provision, procedure or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance or the applications thereof to other persons or circumstances. The Board of Commissioners hereby declares that it would have enacted the remainder of this ordinance even without any such part, provision, procedure or application.


SO APPROVED AND ADOPTED by the Board of Commissioners of the County of Monroe,

Indiana, this 15th day of January, 2020.

BOARD OF COMMISSIONERS


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NAYS



JULIE THOMAS

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ATTEST: CATHERINE SMITH, Auditor 