

STATE OF INDIANA  
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 19 -2017

**AN ORDINANCE APPROVING AN AMENDMENT TO THE CLARK COUNTY  
ZONING MAP ON RECOMMENDATION BY THE  
CLARK COUNTY PLAN COMMISSION**

**WHEREAS**, the Board of Commissioners of Clark County, Indiana (this “Board”), is the executive body of Clark County government pursuant to the provisions of Ind. Code § 36-2-2-2; and,

**WHEREAS**, the Board is also the legislative body of Clark County government pursuant to the provisions of Ind. Code 36-1-2-9; and,

**WHEREAS**, the Clark County Plan Commission has advisory authority regarding zoning pursuant to Ind. Code 36-7-4, *et al*; and,

**WHEREAS**, on the 12<sup>th</sup> day of July, 2017, the Clark County Plan Commission passed Resolution 13-2017, (see the said Resolution 13-2017 attached hereto as **Exhibit “A”**) to reclassify certain property on the County’s zoning maps as identified in the said Resolution.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Clark County Commissioners as follows:

1. That the Clark County Plan Commission Resolution 13-2017, dated July 12, 2017, as attached hereto, is hereby approved, and the County’s zoning maps are reclassified pursuant to the attached Resolution and pursuant to the attached Statement of Commitments (attached hereto as **Exhibit “B”**).

2. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this 10th day of August, 2017.

*Members voting "NO":*

\_\_\_\_\_  
Jack Coffman, Commissioner

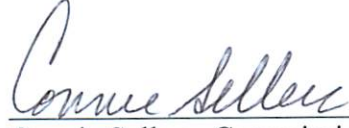
\_\_\_\_\_  
Bryan Glover, Commissioner

\_\_\_\_\_  
Connie Sellers, Commissioner

*Members voting "YES":*

  
\_\_\_\_\_  
Jack Coffman, Commissioner

  
\_\_\_\_\_  
Bryan Glover, Commissioner

  
\_\_\_\_\_  
Connie Sellers, Commissioner

*Attested by:*

  
\_\_\_\_\_  
R. Monty Snelling, Clark County Auditor

BY THE CLARK COUNTY PLAN COMMISSION

RESOLUTION 13 - 2017

**WHEREAS**, the Clark County Plan Commission met on July 12th, 2017, and heard the Petition of 2017-11-PC: Billy O'Neely, asking the property known known by its street address/parcel no. as 11826 Highway 60, Sellersburg, Indiana, be reclassified from A-1 Agricultural Zone to B-2 Community & Roadside Business Zone for a storage units (existing) at 11826 Highway 60, Sellersburg, Indiana; and

**WHEREAS**, the Plan Commission heard the presentation of the Petitioner(s) and the objections, comments, remonstrations, and other relevant information presented by those in attendance at the hearing, if any;

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission as follows:

1. The Petition to rezone the real estate described in Exhibit A was heard after notice to interested persons was properly given in accordance with the ordinance and Indiana law; and
2. The Plan Commission heard and received the relevant evidence presented and deliberated on such evidence in a public meeting.
3. The Plan Commission recommends to the Board of Commissioners of Clark County as follows:

X The real estate described at 11814 Highway 60, Sellersburg, Indiana should be reclassified from A-1 Agricultural Zone to B-2 Community & Roadside Business

       The real estate described at \_\_\_\_\_, Indiana should NOT be reclassified from \_\_\_\_\_ to \_\_\_\_\_.

       The Plan Commission was unable to reach consensus as required by law, and therefore sends the rezoning petition to the Clark County Commissioners WITHOUT RECOMMENDATION.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

I hereby certify this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on July 12, 2017.

ATTEST:

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Secretary or Executive Director

**CERTIFICATION TO COMMISSIONERS ON APPLICATION FOR REZONING**

APPLICANT NAME: Billy O'Neely PETITION NO.: 2017-11-PC

REAL ESTATE DESCRIPTION: DESCRIBED ON EXHIBIT "A" ATTACHED.

The Clark County Plan Commission certifies the above application for rezoning by the above-named applicant regarding the real estate described in Exhibit "A" attached was duly heard and decided.

The Clark County Plan Commission's recommendation on the petition to rezone the property from a A-1 Agricultural zone to a B-2 Community & Roadside Business zone is:


FAVORABLE    UNFAVORABLE    NO RECOMMENDATION

Recorded Commitment Required  YES     NO    (If YES, requirements attached.)

**Clark County Plan Commission**

<u>Member</u>	<u>Voting FOR</u>	<u>Voting AGAINST</u>	<u>Abstain</u>
 DAVID BLANKENBEKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 DAN CALLAHAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JACK COFFMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 WALLY ESTES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 SIMON KAFARI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 TERRY CONWAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 MICHAEL KILLEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JIMATCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 KENT WITTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

  
Stacia Franklin, Executive Director

## STATEMENT OF COMMITMENTS

These COMMITMENTS are given by and shall be binding on ~~Timothy E. Peoples~~ <sup>Bill Neely</sup> ("owner"), subsequent owners of the Real Estate and any other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated only by decision of the Clark County Plan Commission (the "Board") made at a public hearing after notice has been provided under the rules of the Board.

These COMMITMENTS contained in this instrument shall be effective upon the adoption or approval by the Board of the Owner's Petition/Application for all or any of the following related to all or part of the Real Estate.

1. Adoption of a rezoning proposal
2. Primary approval of a proposed subdivision plat
3. Approval of a vacation of all or part of the plat
4. Special Exception
5. Special Use
6. Contingent Use
7. Conditional Use
8. Variance

These COMMITMENTS do not obligate the Board or the Clark County Commissioners, as applicable to adopt, approve, or favorably recommend the Owner's Petition or Application to which this COMMITMENT relates.

These COMMITMENTS may be enforced jointly or severally by:

- a. The Clark County Plan Commission
- b. The Board of Clark County Commissioners
- c. The Clark County Board of Zoning Appeals
- d. Owners of all parcels of ground adjoining the Real Estate to a depth of two (2) ownerships, but not to exceed one thousand (1,000) feet from the perimeter of the Real Estate, and all owners of the Real Estate. Owners of real estate located entirely outside the Jurisdiction of the Board are not included, however. The identity of owners shall be determined from the records of the office of the Assessor of Clark County which lists the then current owners of record.

The Owner imposes and consents to the following COMMITMENTS for the use and/or development of the Real Estate.

Permitted use shall be limited to Mini-Warehouses / Storage Units. The following activities will not be approved or allowed by any tenant in a storage unit: Auction of items, garage or yard sale, or flea market sale.

An action to enforce a COMMITMENT may be brought in a Circuit or Superior Court in Clark County, Indiana. A permitted party bringing an action to enforce a COMMITMENT may request mandatory or prohibitory injunctive relief through the granting of temporary restraining order, preliminary injunction, or permanent injunction. If action to enforce a COMMITMENT herein is successful, the respondent shall bear the costs of the action. A change of venue from the County shall not be granted in such action and Owner herein waives all rights to a change of venue from the County.

IN WITNESS WHEREOF, the Owner has executed this instrument this 14<sup>th</sup> day of July, 2017.

Billy O. Neely  
Billy O. Neely

STATE OF Indiana

COUNTY OF Floyd

Before me, the undersigned, a Notary Public in and for said County and State, this 14<sup>th</sup> day of July, 2017, personally appeared Billy O. Neely and acknowledged the execution of the above and foregoing instrument.

Witness my hand and notarial seal.

Lila M Jackson  
Notary Public, Resident of  
Floyd County, Indiana

LILA M. JACKSON  
Printed Name

My commission expires:

5/21/2020

