NEW WHITELAND PLAN COMMISSION

SEPTEMBER 24, 2019

7:00 pm

Chairman, Matt Gillock began the meeting at 7:00 p.m. Members present were Matt Gillock, Jeff Weaver, John Perrin, Dennis Montgomery, Duane McCauslin and Marshall Walker. Member Chad Waltz was not in attendance. Zoning Administrator, Tim Guyer and Attorney, Lee Robbins were both in attendance.

MINUTES:

John Perrin motioned to approve the minutes from the last meeting. Jeff Weaver seconded the motion. Vote was 6 affirmative.

ADMINISTRATOR’S REPORT:

There were four building permits issued equaling $28,090.00.

OLD BUSINESS:

None

NEW BUSINESS:

**Schedule of Permitted Uses**

Chairman, Matt Gillock opened the Public Hearing at 7:04 p.m. Lee Robbins explained there are a few housekeeping matters that need to be addressed.

For starters, there is no mention of garage sales in our current Zoning Ordinances, other than signage. Right now garage sales are not listed as a permitted use in residential zoned property, so really they aren’t allowed. There is one property owner in Town that is having a garage sale every week. If you do it all the time, it becomes a business or a ‘home store’. There needs to be some regulations on garage sales.

Public and Private Schools also need to be added to the Permitted Use Table.

RV Sales and Service should be added to the Table A Permitted Uses, someone recently inquired about RV Sales and Service.

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**Schedule of Permitted Uses** (continued)

Lee Robbins states that the Public Hearing requirement is met by the Plan Commission, which has been done for tonight’s meeting. The Plan Commission makes a recommendation to the Town Council and it is the Town Council who approves and adopts the Zoning amendments.

The Plan Commission can;

1. Send a favorable recommendation.
2. Send an unfavorable recommendation.
3. Postpone a decision.
4. Send favorable recommendation with provisions.

Lee Robbins went over some of the things being proposed in this ordinance.

There was discussion about the definition of a garage sale. The proposed zoning amendment would include the following definition of a garage sale. “Garage sale – an open sale of used, tangible, personal property from a dwelling, or other structure, driveway, and/or yard on property which is zoned residential, or Planned Unit Development district (PUD), and designated for residential use.”

There was discussion about restrictions, such as items can be personal property only. Residents shouldn’t store up retail items with the purpose of resale. Should a resident be required to pull a permit for a garage sale? How many days should a garage sale be allowed? What hours should a garage sale be allowed to operate?

Marshall Walker asked “How is the community going to know about this rule?”

Lee replied the Town can put this information on the website and utility bills.

John Perrin thinks we are stepping in an area of dictating to people what they can and cannot do, just because one person in Town is having too many garage sales, we punish everyone. We need to step back a little bit. Lee Robbins states that at

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**Schedule of Permitted Uses** (continued)

the very least, the Plan Commission should define garage sales and make it permissible to have a garage sale. Lee Robbins also states that you can’t just

abandon rules. There needs to be a safety net for people who are continuously having sales every week. There was more discussion about people buying inventory to resale in their front yard. Matt Gillock states it could be a judgement call on whoever is enforcing the zoning ordinances. A person could be allowed to have a garage sale once a month, but not consecutive weeks and for no more than 4 days maximum. Hours could be from 7:00 am to 7:00 pm. No permit would be required for garage sales. Lee Robbins went over the rule for signage on garage sales. It was stated that residents should write the address of the garage sale on the sign as well as the actual calendar dates.

Matt Gillock closed the Public Hearing at 7:37 pm.

John Perrin motioned to send a favorable recommendation to the Town Council to amend the zoning ordinance as follows:

1. Add garage sales to Table A Permitted Uses, in residential zoned only.
2. Add Public & Private Schools under GB zoning.
3. Add RV Sales and Service – A Special Exception required.
4. Define garage sales
5. Hours of operation will be from 7:00 am to 7:00 pm
6. One garage sale per month, not to run consecutive weeks.
7. No permit is required.
8. Four days maximum on a garage sale.
9. And not to include any regulation on what can be sold.
10. Signage will apply. Sign should state location of sale and calendar dates of sale. A garage sale sign can only be four square fee which is 2 x 2.

Duane McCauslin seconded the motion. Vote was 6 affirmative.

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**GRASSY MANOR**:

Lee Robbins states that the Plan Commission granted approval on the primary plat for Grassy Manor subdivision. Lee continued to say that the construction plans go to Tim Guyer. At some time, Lennar Homes will post performance bonds and submit a secondary plat for approval and then start pulling permits. It is pretty common for the Plan Commission to delegate authority to the Zoning Administrator to approve the secondary plat. Tim Guyer was okay with that, if he has any questions he will come the Plan Commission. Duane asked what if Lennar makes changes from the primary plat. Lee Robbins states that the secondary plat cannot be different from the primary plat without them coming back to the Plan Commission.

Marshall Walker motioned to grant authority to Tim Guyer for secondary plat approval on Grassy Manor. Dennis Montgomery seconded the motion. Vote was 6 affirmative.

Matt Gillock asked Lee Robbins if he had heard anything more about Lennar Homes moving forward with Grassy Manor. Matt stated that the County denied Lennar Homes to bore under the creek. Matt states that Lennar Homes is asking him if a lift station would be possible. Matt & Lee talked about the Construction Standards and Sanitation Standards. There needs to be some housekeeping done. Get rid of the old and replace it with the new adopted standards.

Matt adjourned the meeting at 7:51 pm

 Respectfully submitted:

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Approved By: