

TO THE BOARD OF COUNTY COMMISSIONERS  
OF CLARK COUNTY, INDIANA

*ORDINANCE No. 5-2009*  
AMENDMENT NO. 3  
TO ORDINANCE NO. 17-2007

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
FOR CLARK COUNTY, INDIANA

WHEREAS, the Board of Commissioners of Clark County, Indiana, adopted the County's Zoning Ordinance as Ordinance No. 17-2007; and

WHEREAS, since the adoption of said Ordinance, the Executive Director has made a recommendation that the Zoning Ordinance be modified; and

WHEREAS, both the Clark County Plan Commission and the Commissioners of Clark County have review such recommendation, and believe such recommendation should be followed:

The following is a summary of the proposed Amendments to Ordinance No. 17-2007 and Amendment No. 3 to Ordinance No. 17-2007.

The following is a summary of the proposed Amendments:

1. Add a subsection (L) to Article XVI, "M2 Heavy Industrial" Permitted Uses, as follows: "municipal solid waste landfill (non-hazardous) as defined by 329 IAC 10-2-116, as the same may be amended from time-to-time."
2. Add a new subsection (d) to Article XVI, "M2 Heavy Industrial" Setback Lines, as follows: "The provisions of subsection (a), (b), and (c) shall not be applicable to a municipal solid waste landfill (non-hazardous) as defined by 329 IAC 10-2-116, as the same may be amended from time-to-time, but rather that the minimum setback requirements for such use shall be:
  - a. For a new use or facility, in accordance with the minimum requirements of 329 IAC 10-16-11, as the same may be amended from time-to-time."
  - b. For the lateral expansion of an existing facility or use, regardless of whether or not it is on land previously under the ownership of the existing facility or use, in accordance with the minimum

requirements of 329 IAC 10-16-12(d), as the same may be amended from time-to-time.”

3. That under Article III: Administration “Building/Location Permits” (Page 3) the entire section is amended to read as follows:

**“Building/Location Permits”** – A Location Improvement Permit (Building Permit) shall be required for the construction, reconstruction, enlargement or location of any building, structure, manufactured housing or mobile home on any lot or lots. No permit shall be issued until all other permits required under this Ordinance have been issued. The permit shall expire if the work described in the permit has not commenced within twelve (12) months of the date of the permit or if substantial completion (ready for occupancy and/or utilization for its intended use and with all exterior construction completed) is not achieved within twenty-four (24) months from the date of the permit. Prior to the issuance of a Location Improvement Permit the applicant(s) shall submit a copy of the most recent Deed or Land Contract, a plot plan showing the exact location and measurements of existing and proposed structure(s) and either written approval from the Clark County or Indiana State Board of Health approving a sanitary sewage disposal system for the subject property or written approval from a legally established and maintained public or private utility approved by the State of Indiana permitting connection to or confirming prior connection to a sanitary sewer system.

A Location Improvement Permit shall also be required for the construction of a driveway, entrance, dam, culvert, bridging structure or any other improvement requested to be constructed in any right of way of Clark County, Indiana. The application shall be accompanied by a drawing of the proposed improvement. The permit may be denied if the proposed improvement is deemed a hazard to the safety of persons traveling the road. If granted, the applicant may be required to install a minimum of twelve (12) inch galvanized steel culvert pipe in order to insure proper drainage past the improvement to be built. The culvert, if required, shall be installed at the sole cost of the applicant.

A Location Improvement Permit shall also be required for the placement of an Above Ground Swimming Pool.

Each Above Ground Swimming Pool shall be enclosed by a substantial fence or other barrier of at least sixty (60) inches in height, which shall be adequate to prevent persons, children or domestic animals from danger or harm, and shall be equipped with

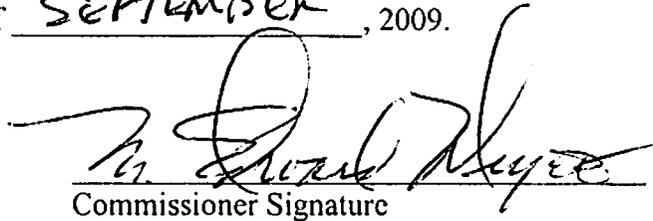
a self-closing, self-latching gate. Such protective barrier may be chain-link, ornamental, solid fence, or other solid vertical barrier including buildings. Where the pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access or a ladder or steps, then the ladder or steps shall be capable of being secured by lock or removed to prevent access, or the ladder or steps shall be surrounded by a protective barrier. The protective barrier shall be so constructed as to prevent the passage of a 4 – inch diameter sphere and not to create a ladder effect.

4. That under Article V “Definitions” add the definition of “Above Ground SwimmingPool” to read as follows:

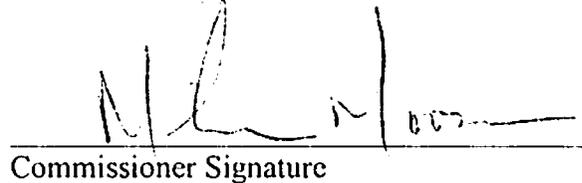
A portable metal, vinyl, plastic, or inflatable fabric above ground structure intended for swimming, wading, or other water recreation purpose having a water depth in excess of 36 inches and a diameter in excess of 12 feet with an attached water filtering system.

EFFECTIVE DATE OF ORDINANCE AMENDMENT. This Ordinance shall become effective immediately from and after its passage.

ADOPTED this 17<sup>th</sup> day of SEPTEMBER, 2009.

  
Commissioner Signature

  
Commissioner Signature

  
Commissioner Signature

ATTEST:



REPORT OF CLARK COUNTY PLAN COMMISSION'S  
RECOMMENDING ORDINANCE AMENDMENT NO. 3 TO THE ORDINANCE  
NO. 17-2007 FOR CLARK COUNTY, INDIANA

LET IT BE KNOWN, that the Clark County, Indiana Plan Commission on September 14, 2009, at its regular stated meeting voted to recommend to the Board of Commissioners for Clark County that Ordinance No. 17-2007, the County's Zoning Ordinance, be amended as submitted.

I do hereby certify that a copy of this report has been provided to the office of the Clark County Commissioners and the office of the Clark County Auditor on this 10<sup>th</sup> day of September, 2009.

  
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Ramona A Bagshaw, Executive Director  
Clark County Plan Commission