

TO THE BOARD OF COUNTY COMMISSIONERS  
OF CLARK COUNTY, INDIANA

ORDINANCE NO. 13-2015  
AMENDMENT NO. 9  
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 reviewed such recommendation, and believe such recommendation should be followed.

The following is a summary of the proposed Amendments No. 9 to Ordinance No. 17-2007

1. Article V: Definitions – Page 10 – The definitions of “Fence, Privacy” and “Fencing, Opaque” are deleted and a new definition for “Fence” is substituted in place and reads:

**“Fence** – An enclosing barrier of uniform construction, which is no more than six feet (6) in height, made from wood, painted and rust-proof metal, vinyl, or other commercially-produced synthetic fencing material so long as it is durable, uniform, attractive, and maintains the uniformity of the neighborhood in which it is erected. No fence may be maintained or used in any condition which is detrimental to the property of others or which causes, or tends to cause, substantial diminution in the value of other property in the neighborhood in which the fence is located. All fencing shall be built with the non-structural side facing outward. Any fence erected in the front yard of a property (defined as the distance from the corner of the front of the residence or structure to the front property line) shall not be of a solid nature, allowing vision clearance to the public roadway, sidewalk, and driveway, and shall not be over three (3) feet in height.

1. **Privacy Fencing** – A privacy fence may not be erected in any location or in any way as to obstruct vision clearance of a person operating a vehicle upon a public roadway. Privacy fencing shall not be erected within fifteen (15) feet of the edge of the pavement of a public roadway, excluding alleys, but not within

the right of way of any public street or easement.

2. Barrier Fencing – A barrier, opaque in nature, constructed to enclose or screen areas of land, constructed of solid material and/or in such a manner so as to effectively screen the view of the land and all materials within the fenced area from the public streets and adjoining properties. For example, a solid wall or chain-link fencing with slats is an appropriate form of barrier fencing. Barrier fencing is often used to separate commercial zones from residential zones.”

2. Article V: Definitions – Page 16 – the definition of “Structure” is deleted and a new definition of “Structure” is substituted as follows:

“Anything constructed or erected, the use of which requires permanent location on the ground or is attached to something having a permanent location on the ground, including but not limited to, fences, decks, and swimming pools but excluding customary sidewalks, driveways, agricultural fencing related to livestock or farming operations and public utility uses and facilities under the jurisdiction of the IURC.”

3. Article V: Definitions – Page 11 – The definition of “Group Home” is deleted and a new definition for “Group Home” is substituted in place and reads:

“Group Homes – means a use for adults or children under either of the following definitions:

Adult Group Home: a licensed facility, housing no more than 6 resident patients, used as living quarters established as a home for housekeeping by a group of people having a reduced ability to cope with and function in the everyday world and designed to provide personal care such as room, board, laundry, supervision, and necessary help with activities of daily living, personal care, and limited social services. Adult group homes shall have two (2) full-time group home residential assistants (RA) and no more than two (2) staff members on duty at one time. No provision of acute medical care services shall be allowed to the resident patients. A Supervised Group Living home (SGL) is required to be licensed by the State of Indiana (440 IAC 6 and 440 IAC 7.5) and must provide Residential Care Provider certification. Adult group homes do not include nursing homes, senior care facilities, or convalescent homes.

Child Group Home: a licensed facility that houses not more than ten (10) children that are either (A) in need of service under IC 31-34-1; or (B) children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5. All child group homes must abide by IC 12-17.4-5 and must be a licensed facility with the State of Indiana, meeting fire codes, building codes, and specific group home regulations.”

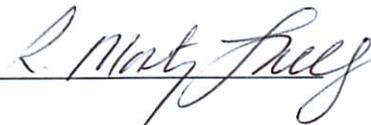
EFFECTIVE DATE OF ORDINANCE ADMENDMENT. This Ordinance shall become effective immediately from and after its passage.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015

  
\_\_\_\_\_  
Commissioner Signature

  
\_\_\_\_\_  
Commissioner Signature

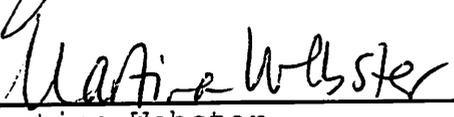
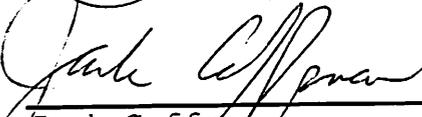
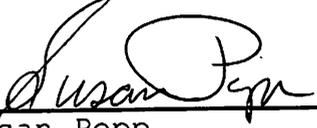
  
\_\_\_\_\_  
Commissioner Signature

ATTEST: 

(definitions)

+ Name Admendment to Zoning Ordinance Petition No. \_\_\_\_\_  
Fences, decks, ? govt homes

The Clark County Plan Commission does hereby recommend approval, denial or no recommendation of said petition on this 10<sup>th</sup> day of September, 2014, by a 9-0 vote.

MEMBER	APPROVED	DENIED	NO RECOMMENDATION	ABSTAIN
 Wally Estes	✓	—	—	—
 John Uhl	✓	—	—	—
 Martina Webster	✓	—	—	—
 Paul Coffman	✓	—	—	—
 David Blankenbeker	✓	—	—	—
 Jack Coffman	—	—	—	—
 Michael Killen	✓	—	—	—
 Susan Popp	✓	—	—	—
 Rick Wardlaw	✓	—	—	—