

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 13 -2021

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE 2020
UNIFIED DEVELOPMENT ORDINANCE (“UDO”) ON RECOMMENDATION
BY THE CLARK COUNTY PLAN COMMISSION**

WHEREAS, the Board of Commissioners of Clark County, Indiana (the “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 12th day of May, 2021, the Clark County Plan Commission passed Resolution 3-2021, (see the said Resolution 3-2021 attached hereto as **Exhibit “A”**) to amend the text of the 2020 Unified Development Ordinance (“UDO”) 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 3-2021, dated May 12, 2021, as attached hereto, is hereby approved, and the text of the 2020 Unified Development Ordinance (“UDO”) is amended pursuant to the attached Resolution.

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 15th day of June, 2021.

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:



Danny Yost, Clark County Auditor

BY THE CLARK COUNTY
PLAN COMMISSION

PC RESOLUTION 3-2021

**A RESOLUTION FOR A TEXT AMENDMENT TO THE 2020 UNIFIED
DEVELOPMENT ORDINANCE (“UDO”) TO CLARK COUNTY BOARD OF
COMMISSIONERS**

WHEREAS, the Clark County Plan Commission (Plan Commission), pursuant to Ind. Code § 36-7-4-600 et seq., has identified a need to amend the text of the current Clark County Unified Development Ordinance (UDO); and,

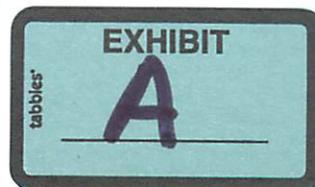
WHEREAS, the Plan Commission, in conjunction with the Board of Commissioners of Clark County (County Commissioners), caused to amend the text of the Clark County UDO drafted for consideration in an effort to make the development laws of the county more efficient and streamlined for the general public; and,

WHEREAS, the UDO text amendments are described in Exhibit A, attached herewith and made part hereof, is now complete and has been available for inspection by the general public since the 30th day of April, 2021; and,

WHEREAS, on the 12th day of May 2021, the Plan Commission conducted a public hearing, for which the public was invited and was properly noticed pursuant to Indiana law, to consider certification of the UDO text amendment to the County Commissioners.

WHEREAS, the Plan Commission heard the presentation and relevant evidence presented by the general public and the objections, comments, remonstrations, and other relevant information presented by those in attendance at the hearing, if any, and deliberated on such evidence in a public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission a favorable recommendation and certification of the Clark County UDO text amendments (as amended and attached), attached hereto and incorporated herein, to the County Commissioners for the amendment of the current Clark County UDO.



Dated this 12th day of May, 2021

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on May 12th, 2021 with a vote of 7 - 0.

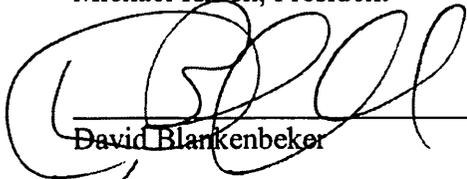
“Aye”



Michael Killen, President

“Nay”

Michael Killen, President



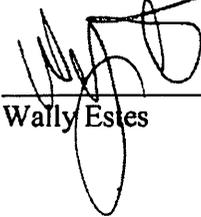
David Blankenbeker

David Blankenbeker



Dan Callahan

Dan Callahan

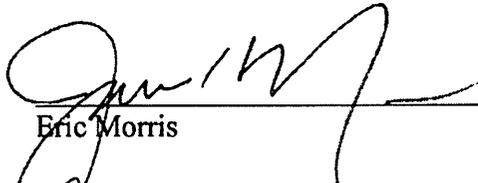


Wally Estes

Wally Estes

Simon Kafari

Simon Kafari



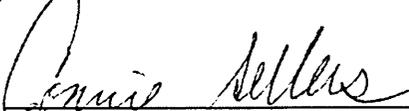
Eric Morris

Eric Morris



Janne Newland

Janne Newland



Connie Sellers

Connie Sellers

ATTEST:



Secretary or Executive Director

**EXHIBIT A (As Amended by PC):
CLARK COUNTY UDO TEXT AMENDMENTS**

1. TEXT AMENDMENT: Page 11, Chapter 2.A.1: Zoning Districts Identified

NAME OF DISTRICT	ABBREVIATION
Conservancy District	C
Intensive Agricultural District	AI
General Agriculture District	AG
Agricultural Estate District	AE
Low-density Residential District	R1
Medium-density Residential District	R2
High-density Residential District	R3
Multi-family Residential District	R4
Neighborhood Business District	B1
General Business District	B2
Highway Commercial District	B3
Light Industrial District	M1
Heavy Industrial District	M2
Hazardous Waste Disposal & Recycling District	M3
Planned Unit Development	PUD
Airport Overlay	AO

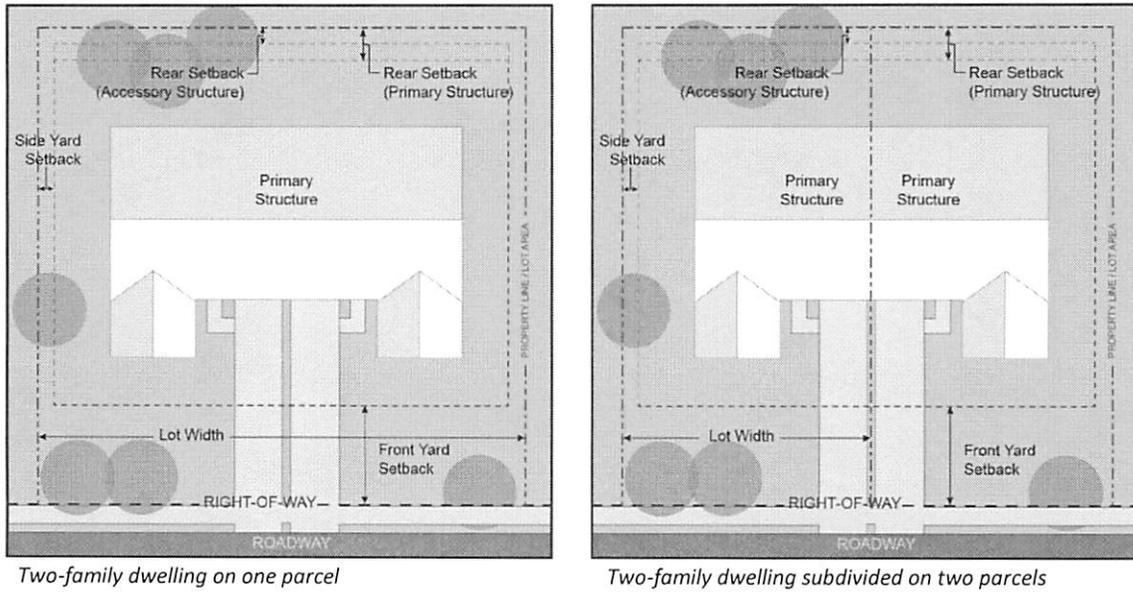
2. TEXT AMENDMENT: Page 28, Chapter 2.B.5.b: Uses and Development Standards

DEVELOPMENT STANDARDS – LOW-DENSITY RESIDENTIAL DISTRICT (R1)		
	Land Use	
	Single-family Residential	Non-residential
Utility Standards		
Municipal sewer required	no	no
Municipal water required	yes <u>no</u>	yes <u>no</u>

3. TEXT AMENDMENT: Page 31, Chapter 2.B.6.b: Uses and Development Standards

DEVELOPMENT STANDARDS – MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)		
	Land Use	
	Single-family Residential	Non-residential
Utility Standards		
Municipal sewer required	no	no
Municipal water required	yes <u>no</u>	yes <u>no</u>

4. TEXT AMENDMENT: Page 29, Chapter 2.B.5.b: Uses and Development Standards



5. TEXT AMENDMENT: Page 31, Chapter 2.B.6.b: Use & Development Standards

DEVELOPMENT STANDARDS – MEDIUM-DENSITY RESIDENTIAL DISTRICT (R2)			
		Land Use	
		Single-family and Two-family Residential	Non-residential
Lot Standards			
Minimum lot width	With sewer	50 feet <u>Single-Family;</u> 25 feet/unit <u>Two-Family</u>	50 feet
	Without sewer	100 feet	100 feet

6. TEXT AMENDMENT: Page 35, Chapter 2.B.7.b: Use & Development Standards

DEVELOPMENT STANDARDS – HIGH-DENSITY RESIDENTIAL DISTRICT (R3)			
	Land Use		
	Single-family and Two-family Residential	Single-family Attached Residential	Non-residential
Lot Standards			
Minimum lot width	40 feet <u>Single-Family;</u> 25 feet/unit <u>Two-Family</u>	N/A	100 feet

7. TEXT AMENDMENT: Page 37, Chapter 2.B.8.a: Multi-Family Residential District (R4)

a. Purpose.

The Multi-family Residential District (“R4”) is intended to allow high-density residential development to ensure an adequate mix of housing types throughout the county. This district shall be used to encourage compact development patterns in locations where there are adequate services and public infrastructure to service it. Only one primary use/~~structure~~ per lot is permitted. All subdivisions require Subdivision approval unless exempt (See Chapter 5, Section C: Exempt Subdivisions). All new primary structures ~~for non-residential development~~ require Development Plan Approval except single-family (attached and detached) and two-family (See Chapter 8, Section D.2: Development Plan Procedures) and may be subject to Drainage Board approval.

8. TEXT AMENDMENT: Page 38, Chapter 2.B.8.b: Uses & Development Standards

LAND USES – MULTI-FAMILY RESIDENTIAL DISTRICT (R4)			
PERMITTED USES		SPECIAL EXCEPTION USES	
Primary Uses	Accessory Uses	Primary Uses	Accessory Uses
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • child care center • child care home <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • park, public and private • park, skate <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • dwelling, multi-family • dwelling, single-family • dwelling, two-family • group home 		<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *adult day care facility • golf course • golf driving range • short-term rental <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • comprehensive care center • fire station • governmental office • hospital • library • nursing home • school • utility facility, public and private • *wireless communication facility (5G/Mini Tower only) <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • *manufactured home park 	<ul style="list-style-type: none"> • <u>*home occupation</u>

* Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.

9. TEXT AMENDMENT: Page 41, Chapter 2.B.9.a: Neighborhood Business District (B1)

a. Purpose.

The Neighborhood Business District ("B1") is intended to foster a sense of neighborhood identity and provided limited small-scale retail goods and service businesses required for the regular or daily convenience of adjacent residential neighborhoods. All storage, excluding automobile sales, must be within an enclosed area or not visible from any public street. Display of merchandise that is immediately available for sale/purchase is permitted. All subdivisions require Subdivision approval unless exempt (See Chapter 5, Section C: Exempt Subdivisions). All new primary structures for non-residential development require Development Plan Approval (See Chapter 8, Section D.2: Development Plan Procedures) and may be subject to Drainage Board approval.

10. TEXT AMENDMENT: Page 44, Chapter 2.B.9.a: General Business District (B2)

a. Purpose.

The General Business District ("B2") is intended to provide business and commercial areas along local roadways and collectors that accommodate a wide range of commercial and service centers that are accessible to the general community and surrounding neighborhoods. All storage, excluding automobile sales, must be within an enclosed area or not visible from any public street. Display of merchandise that is immediately available for sale/purchase is permitted. All subdivisions require Subdivision approval unless exempt (See Chapter 5, Section C: Exempt Subdivisions). All new primary structures for non-residential development require Development Plan Approval (See Chapter 8, Section D.2: Development Plan Procedures) and may be subject to Drainage Board approval.

11. TEXT AMENDMENT: Page 45, Chapter 2.B.10.b: Uses and Development Standards

LAND USES – GENERAL BUSINESS DISTRICT (B2)	
PERMITTED USES	SPECIAL EXCEPTION USES
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • child care center • children's home • day care facility • funeral home • general retail, EXCLUDING: • boat/ farm equipment/ motorcycle/ recreational vehicle sales & repair • automotive sales, new • automotive sales, used • automotive repair • hotel/motel • kindergarten/preschool • mortuary • philanthropic institution • professional/business offices, EXCLUDING clinics • recreational facility, public and private • service-oriented retail • water park • winery/brewery/distillery <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • fire station • governmental offices • hospital • library • park, public or private • park, skate 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • animal hospital • automotive repair • bed and breakfast, owner-occupied • bed and breakfast, non-owner occupied • <u>campground, private</u> • <u>campground, public</u> • clinic • club, private (excluding gun club) • clinic • kennel, public • parking garage/lot, commercial or public <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • bus station • comprehensive care center • mausoleum • nursing home • railroad passenger station • utility facility, public and private • *wireless communication facility

** Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*

12. TEXT AMENDMENT: Page 48, Chapter 2.B.11.b: Uses and Development Standards

LAND USES – HIGHWAY BUSINESS DISTRICT (B3)	
PERMITTED USES	PERMITTED SPECIAL EXCEPTION USES
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • auditorium • automotive sales, new • bar/tavern/night club • <u>campground, private</u> • <u>campground, public</u> • dance hall • general retail, EXCLUDING: • boat/ farm equipment/ motorcycle/ recreational vehicle sales & repair • automotive sales, used • automotive repair • hotel/motel • kindergarten • philanthropic institution • professional/business offices, EXCLUDING clinics • recreational facility, public and private • service-oriented retail • water park • winery/brewery/distillery <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • church or place of worship • fire station • governmental offices • hospital • library • park, public or private • park, skate 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • *adult day care facility • animal hospital • automotive repair • automotive sales, used • bed and breakfast, owner-occupied • bed and breakfast, non-owner occupied • boat/ farm equipment/ motorcycle/ recreational vehicle sales & repair • clinic • club, private (excluding gun club) • farm equipment dealer • farm equipment repair • kennel, public • medical office/clinic • parking garage/lot, commercial or public • race track • stadium/arena <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • bus station • comprehensive care center • library • railroad passenger station • utility facility, public and private • *wireless communication facility

** Indicates use is conditional and specific development standards apply. See Chapter 4: Use Development Standards.*

13. TEXT AMENDMENT: Page 65, Chapter 3.B.1.h: Fences.

h. Fences.

- i. Fences shall not be placed in a platted easement.
- ii. Fences may be placed adjacent to the property line so that all parts of the fence and posts are located on a single parcel. A fence may be placed on a property line if written consent from both adjoining property owners is recorded in the Recorder's office of Clark County. Fences do not need to comply with accessory structure setbacks.
- iii. Residential Districts (R1, R2, R3, R4). Fences located in front of the primary structure shall not exceed three (3) feet in height. Fences in side or rear yard shall not exceed six (6) feet in height.
- iv. Non-Residential Districts. Fences shall not exceed ten (10) feet in height in all non-residential districts.
- v. In all districts except AG, all fences must obtain an ILP and comply with permit application requirements.
- vi. No regulations contained herein shall not supersede Indiana Code regarding fences.

14. TEXT AMENDMENT: Page 91, Chapter 3.B.9.b.iii: Recreational Vehicles (RV).

iii. Recreational Vehicles (RV).

- (a) No Permanent Occupancy. Recreational vehicles are designed only for recreational use and are not built to HUD manufactured home standards. Therefore, recreational vehicles are not permitted to be used for residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (ISDH) except as outlined in Section (b) below.
- (b) Recreational Occupancy. A recreational vehicle may only be used for recreational purposes outside of a campground or RV park provided the following conditions are met.
 - (1) The RV is occupied for recreational purposes only (no permanent occupancy) and shall not exceed fourteen (14) consecutive days;
 - (2) No more than one (1) RV may be occupied on a single parcel;
 - (3) All development standards in Chapter 2: Zoning Districts are met;
 - (4) The RV shall be on site for less than 180 consecutive days; and
 - (5) The RV is fully licensed and ready for highway use (defined as being on its wheels or jacking system; is attached to the site only by quick disconnect type utilities and security devices; and has no permanently or semi-permanently attached additions or structures).
- (c) A recreational vehicle may be stored according to Chapter 3.B.8: Storage Standards but shall not be connected to any utilities (electrical, water, sewage, etc.) or occupied at any time while stored.

15. TEXT AMENDMENT: Page 180, Chapter 8.F.3: Penalties.

3. Penalties. Any person or corporation who shall violate any of the provisions of this UDO or fail to comply therewith or with any of the requirements thereof or who shall build, reconstruct or structurally alter any building in approved there under shall for each and every violation of non-compliance be liable for civil penalties to the Plan Commission of up to the maximum amount allowed by state law. Each day that the violation exists or continues shall be deemed a separate offense. The Plan Commission's Attorney shall have the right to commence proceedings for an injunction, to restrain a person from violating this Ordinance and/or for a mandatory injunction requiring that a structure in violation of this Ordinance be removed. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law. ~~Each guilty of a misdemeanor and, upon conviction, shall be fined not less than the penalties outlined in the Fee Schedule, and each day that such violation of non-compliance shall be permitted to exist shall constitute a separate offense.~~