

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 4-2016

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

WHEREAS, this 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, this 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, the Clark County Plan Commission has passed Ordinance 1-2016, Amendment 10 to Ordinance 17-2007, (see Amendment 10 to Ordinance 17-2007 attached hereto as Exhibit "A") to reclassify the property subject to that Resolution.

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

1. That the Clark County Plan Commission Ordinance 1-2016, Amendment 10 to Ordinance 17-2007, as attached hereto, is approved.
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 22nd day of February, 2016

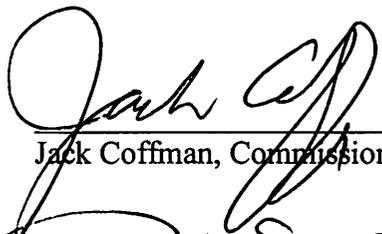
Members voting "NO":

Jack Coffman, Commissioner

Rick Stephenson, Commissioner

Bryan Glover, Commissioner

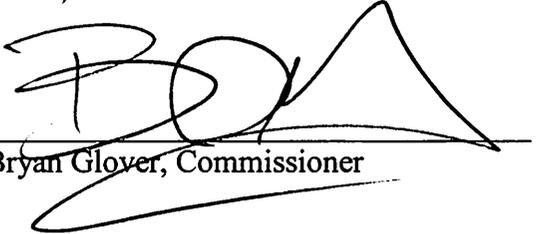
Members voting "YES":



Jack Coffman, Commissioner

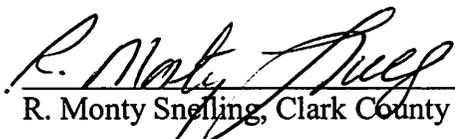


Rick Stephenson, Commissioner



Bryan Glover, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor

TO THE BOARD OF COUNTY COMMISSIONERS
OF CLARK COUNTY, INDIANA

ORDINANCE NO. 1-2016
AMENDMENT NO. 10
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. 10 to Ordinance No. 17-2007

- A. Article III: Administration: Building/Location Permits – Page 3 (and as amended) is deleted and the new language is substituted in place and reads:

Building/Location Permits – A Location Improvement Permit (Building Permit) shall be required for the construction, reconstruction, enlargement, alteration 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 180 days (six [6] months) of the date of the permit or substantial completion (ready for occupancy and/or utilization for its intended use and with all exterior construction completed) within twelve (12) months from the date of the permit. Extension of existing permits may be allowed, under the approval of the Building Commissioner and if progress of the project has been made to the satisfaction of the Building Commissioner. Extensions may not exceed 180 days (six [6] months) unless extenuating circumstances exist, as deemed by the Building Commissioner. Prior to issuance of a Location Improvement Permit the applicant(s) must submit a Location Improvement Permit application, along with the following documentation: a copy of the most recent Deed or Land Contract, a plot approval for 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 site plan with marked setbacks, and a set of building plans.

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 twelve (12) inch, or larger based upon County Engineer review, culvert pipe in order to insure proper drainage past the improvement to be built. The pipe must be galvanized steel or aluminum, corrugated smooth-line plastic, or concrete. 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 a Swimming Pool, both Above Ground and Below Ground.

1. Work Exempt from a Permit (Residential):
 - a. One-story detached residential accessory structures less than 200 square feet.
 - b. Prefabricated swimming pools less than 36 inches deep.
 - c. Playground equipment accessory to one or two-family dwelling.
 - d. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.”

- B. Article V: Definitions – delete the definition of “Above Ground Swimming Pool” and add a new definition of “Swimming Pool” which shall read:

“Swimming Pool – Any structure intended for swimming or recreational bathing that contains water 36 inches (three [3] feet) or greater in depth, including Below Ground, Above Ground and On Ground (bladder pools, etc.) swimming pools, spas and hot tubs. Each Above Ground and Below 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 a chain-link, ornamental, solid fence, or other solid vertical barrier, including buidings. 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 is 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 constructed as to prevent the passage of a four (4) inch diameter sphere and not to create a ladder effect. An electrically operated pool cover may be used as a barrier if it is capable of holding up to 200 lbs. or more.”

CLARK COUNTY PLAN COMMISSION

Name Bldg permit/summary Petition No. _____
Pool
Admendment

The Clark County Plan Commission does hereby recommend approval, denial or no recommendation of said petition on this 13th day of January, 2016, by a 6-0 vote.

MEMBER	APPROVED	DENIED	NO RECOMMENDATION	ABSTAIN
<u>Simon Kafari</u> Simon Kafari	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>John Uhl</u> John Uhl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Kelly Khuri</u> Kelly Khuri	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Dan Callahan</u> Dan Callahan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>David Blankenbaker</u> David Blankenbaker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Jack Coffman</u> Jack Coffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Michael Killen</u> Michael Killen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Kent Witten</u> Kent Witten	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Wally Estes</u> Wally Estes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>