

STATE OF INDIANA  
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 35-2024

**AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE  
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 13<sup>th</sup> day of November, 2024, the Clark County Plan Commission passed Resolution 20-2024, (see the said Resolution 20-2024 attached hereto as **Exhibit “A”**) to amend the text of the 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 20-2024, dated November 13<sup>th</sup>, 2024, as attached hereto, is hereby approved, and the text of the Unified Development Ordinance (“UDO”) is amended pursuant to the attached Resolution (**Exhibit “A”**).

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 21<sup>st</sup> day of November, 2024.

**Members voting "YES":**

  
\_\_\_\_\_  
Bryan Glover, Commissioner

  
\_\_\_\_\_  
Connie Sellers, Commissioner

  
\_\_\_\_\_  
Jack Coffman, Commissioner

**Members voting "NO":**

\_\_\_\_\_  
Bryan Glover, Commissioner

\_\_\_\_\_  
Connie Sellers, Commissioner

\_\_\_\_\_  
Jack Coffman, Commissioner

**Attested by:**

  
\_\_\_\_\_  
Danny Yost, Clark County Auditor

BY THE CLARK COUNTY PLAN COMMISSION

PC RESOLUTION 20-2024

**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, 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 proposed UDO text amendments were properly noticed pursuant to Indiana law on November 1, 2024 and were available for inspection until the public hearing;

**WHEREAS**, on the 13<sup>th</sup> day of November, 2024, the Plan Commission conducted a public hearing, for which the public was invited, 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; and

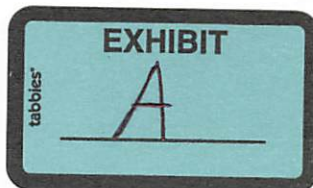
WHEREAS, after considering and paying reasonable regard to the matters set forth in I.C. 36-7-4-603 and all public comments, the Plan Commission has given a favorable recommendation to those amendments attached and incorporated herein.

**NOW, THEREFORE, BE IT RESOLVED** BY THE Plan Commission a favorable recommendation and certification of the Clark County UDO text amendments, attached hereto and incorporated herein, to the County Commissioners for the amendment of the current Clark County UDO is hereby made.

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on November 13, 2024.

  
\_\_\_\_\_  
Connie Sellers, President

  
\_\_\_\_\_  
Eric M. Wise Executive Director



## EXHIBIT A

1. Amend subsection c. Solar Energy System (SES), Commercial. Subsection ii Development Standards Commercial SES by adding new subsection (h) as follows:

**(h) Construction.** The SES project owner, operator and/or applicant of the facility shall be responsible for the repair of all damages to County maintained or Non- Participating Landowners' waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the project. Damages must be completely repaired to original or better condition, and so as not to impede the flow of water. All repairs must be completed in a timely manner and the SES project Owner, Operator, and/or Applicant shall be responsible for loss or damage proximately resulting from its impairment of such drainage structures. All repairs to County maintained drainage structures must be completed within fourteen (14) days.

2. Amend subsection c. Solar Energy System (SES), Commercial. Subsection iii Procedures, Commercial SES by adding new subsection (f) as follows:

**f. County Roads:** The applicant for any CSES shall enter into a Road Use Agreement with the Clark County Commissioners for the use, repair, and improvement of County roads for the duration of the development, construction, operation, and maintenance of the SES.

3. Amend subsection c. Solar Energy System (SES), Commercial. By adding a new subsection iv as follows:

**iv. Land Coverage Caps.** No more than 4,000 acres of fenced area within Clark County can be approved for Commercial SES Special Exception Use. Land Coverage Cap shall be revisited by the Planning Commission after more than 3,000 acres have been developed for such use. Developed shall be defined as the final inspection has been completed.