

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 16 -2022

**AN ORDINANCE APPROVING TEXT AMENDMENTS 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 10th day of August, 2022, the Clark County Plan Commission passed Resolution 9-2022, (see the said Resolution 9-2022 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 9-2022, dated August 10, 2022, 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 _____ day of September, 2022.

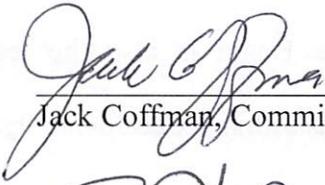
Members voting "NO":

Jack Coffman, Commissioner

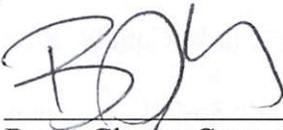
Bryan Glover, Commissioner

Connie Sellers, Commissioner

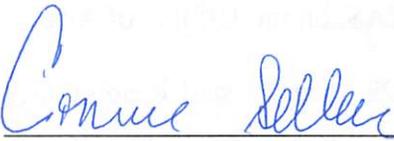
Members voting "YES":



Jack Coffman, Commissioner



Bryan Glover, Commissioner



Connie Sellers, Commissioner

Attested by:



Danny Yost, Clark County Auditor

BY THE CLARK COUNTY PLAN COMMISSION

RESOLUTION 9-2022

WHEREAS, the Clark County Plan Commission met on August 10, 2022 at 5:00 p.m. at the Clark County Government Center, 300 Corporate Drive, Room 103, Jeffersonville, In. 47130,. To consider amendments to the Clark County Unified Development Ordinance ((UDO), Ordinance No. 24-2020.

WHEREAS, the Plan Commission heard the presentation of the Petitioner(s) and the objections, comments, remonstrations, and other relevant information presented by those in attendance at the hearing, if any:

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission as follows, after giving reasonable regard to the factors set forth in I.C. 36-7-4-602 (b) and IC 36-7-4-604. The geographic area affected by the proposed amendment is all land within the unincorporated area of Clark County in addition to all land with the incorporated Town of Borden. :

 X FAVORABLE RECOMMENDATION: The Amendments to the UDO dated August 10, 2022, in accordance with IC 36-7-4-602 (b) and IC 36-7-4-604, Dated this 10th day of August, 2022.

Summary of the Amendments:

1. Clarify permitted driveway material for institutional uses
2. Amend the permitted age of manufactured homes hen initially placed
3. Clarify the maximum square footage for an accessory dwelling (mother-in-law house)
4. Clarify the intent of permitted, minor modifications between a preliminary plat and secondary plat that are administratively approved.
5. Adopt use standards for larger fairs and festivals.
6. Clarify the process and standards for PUD amendments

A copy of the proposed amendments to the Unified Development Ordinance are available for public review at the Clark County Government Center, 300 Corporate Drive, Room 208, Jeffersonville, In. 47130. During the regular business hours of Monday thru Friday 8:30 a.m. to 4:30 a.m. (except holidays).

Written objections to the proposed UDO may be filed with the County in advance of the public hearing at the Clark County Government Center, 300 Corporate Drive, Room 208, Jeffersonville, In. 47130. Oral comments concerning the proposed amendments will be heard at the public hearing. The public hearing may be continued from time to time as may be found necessary.



I hereby certify this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on August 10, 2022.

“Aye”

Connie Sellers

Guy Guernsey

Harold Hart

Kevin Christman

Wally Estes

Bart Meyer

Eric Morris

Janne Newland

ATTEST:

Secretary or Executive Director

“Nay”

Connie Sellers

Guy Guernsey

Harold Hart

Kevin Christman

Wally Estes

Bart Meyer

Eric Morris

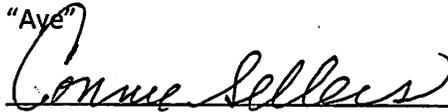
Janne Newland

Connie Sellers, President

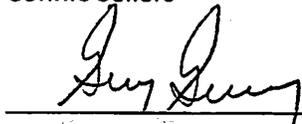
Dated this 10th day of August, 2022

I hereby certify this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on August 10, 2022.

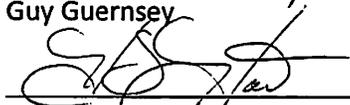
"Aye"



Connie Sellers



Guy Guernsey



Harold Hart

Kevin Christman

Wally Estes



Bart Meyer



Eric Morris



Janne Newland

ATTEST:



Secretary or Executive Director

"Nay"

Connie Sellers

Guy Guernsey

Harold Hart



Kevin Christman

Wally Estes

Bart Meyer

Eric Morris

Janne Newland

Connie Sellers, President

CLARK COUNTY UDO PROPOSED TEXT AMENDMENTS

VERSION: Updated 8-10-22 (As amended by the Plan Commission)

AMENDMENT 1: CLARIFY PERMITTED DRIVEWAY MATERIAL FOR INSTITUTIONAL USES.

Rationale: The current UDO specifies the materials of driveways for residential, commercial, and industrial uses. The driveway materials for institutional uses are specified because these are typically public uses. However, private utilities, such as Wireless Communication Facilities, are included in the land use tables as institutional.

PAGE 71, CHAPTER 3.B.3.b: Driveway Standards, Materials.

iii. **Institutional.** Driveways serving institutional uses must be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust. At the discretion of the County Engineer, they may also be required to be constructed in accordance with the industrial and business road standards as outlined in *Exhibit A: Minimum Standard Design Requirements*.

AMENDMENT 2: CLARIFY THAT THE MAXIMUM SQUARE FOOTAGE FOR AN ACCESSORY DWELLING (MOTHER-IN-LAW HOUSE) ONLY INCLUDES THE LIVING SPACE.

Rationale: Many accessory dwellings units include garage space or storage space that is not considered living area. However, the use standard does not specify if the area requirements are for the entire structure or only living area.

PAGE 96, CHAPTER 4.B.1: Accessory Dwelling Standards.

i. **Area.** Minimum living area (excluding garages or other non-living spaces) shall be two hundred twenty (220) square feet. Maximum area shall be eight hundred (800) square feet.

AMENDMENT 3: CLARIFY THE INTENT OF PERMITTED, MINOR MODIFICATIONS BETWEEN A PRELIMINARY PLAT AND SECONDARY PLAT THAT IS ADMINISTRATIVELY APPROVED.

Rationale: This amendment is clarifying the minor changes between a primary plat and secondary plat that are permitted in order to still be administratively approved. Lot sizes typically might vary slightly from the primary plat due to a road radius changing or a calculation being updated. Also, a developer may reduce the number of buildable lots (combine lots) or make a lot common area for drainage. It is intended that these minor changes do not require the plat to be approved by the PC.

PAGE 155, CHAPTER 7.C.2.b: Document and Drawing Specifications, Secondary Plat.

b. The plat may be deemed to substantially conform to the preliminary plat if the geometrics of the final plat are substantially the same layout. The addition, removal, or alteration of road patterns, substantial change in lot sizes, and/or total an increase in the number of buildable lots shall result in a resubmission of the secondary plat for approval by the PC rather than the Administrator unless such changes were a condition of

the preliminary primary plat approval. The addition or removal of easements to accommodate utilities or drainage and the additional common areas shall not constitute a substantial change in conformity.

**AMENDMENT 4:
ADD USE STANDARDS FOR LARGER FAIRS AND FESTIVALS TO PREVENT LAND USE CONFLICTS AND OTHER IMPACTS.**

Rationale: The Plan Commission doesn't feel that smaller fairs and festivals need to be approved or regulated in terms of the land use but larger ones do need some additional regulations. Nothing in this amendment would supersede the need for state design release, health department approvals, alcohol permits, and/or other local or state approvals/permits. This regulation is intended to only regulate the land use.

PAGES 201 & 206: CHAPTER 10: Definitions

Amend the following definitions:

SPECIAL EVENT FACILITY. A facility where special events are permitted to occur generally with a use agreement between a private group or individual and the facility owner. For purposes of this definition, a special event may include a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event.

FAIR, FESTIVAL, AND SPECIAL EVENT. An event that occurs for a defined time period, typically a few hours or a few days, that is organized for the public to attend with either free or paid admission. Examples include concerts, annual/seasonal festivals, craft fairs, holiday events, themed fairs, and similar events. For the purposes of this definition, it does not include private parties where those attending are exclusively invited by the property owner, the location is not being rented for a fee, and the general public is not welcome to attend. It also does not include legally established facilities that are considered Service-Oriented Retail (such as wedding venue/barn wedding, auditorium, race track, or similar) or a Recreational Facility (such as a park, youth sports fields, or sports complex).

FAIR, FESTIVAL, AND SPECIAL EVENT, MAJOR. Any fair, festival, or special event with an anticipated total attendance of more than 1,000 people or that involves any temporary structures that require a permit or approval from IDHS (such as construction design release).

FAIR, FESTIVAL, AND SPECIAL EVENT, MINOR. Any fair, festival, or special event with an anticipated total attendance of 1,000 people or less and the event does not require any permits or approvals from IDHS (such as construction design release).

RETAIL, SERVICE-ORIENTED. Uses whose primary purpose is to provide a retail service rather than goods and merchandise (non-sexually oriented business), and the majority of people accessing the business are customers rather than employees, including beauty/barber shop, catering (off-site), shoe repair, tailoring/dressmaking, dry cleaning/laundry receiving station (storefront only), employment services, print shop/copy shop, bank/credit union/ATM, dance/gymnastics/martial arts studio, fitness center/gym, art studio, laundromat, nail/tanning salon, photography studio, educational support services, restaurant (see RESTAURANT), storage units, wedding venues (including barn wedding venues), and similar uses not defined elsewhere in this UDO. This use does NOT include Sexually-Oriented Businesses, Professional/Business Offices, General Retail, or Healthcare/Medical Offices, Childcare Center, Childcare Home, Children's Home, Daycare Facility, Adult Day Care Facility, Hotels/Motels, Short-Term Rentals, or Bed and Breakfasts.

Amend the Special Event Facility Standards to include "Major Fair, Festival, and Special Event" rather than just facilities.

8. SPECIAL EVENT FACILITY FAIR, FESTIVAL, AND SPECIAL EVENT STANDARDS.

- a. **Purpose.** The purpose of the special event facility fair, festival, and special event standards is to ensure that the use and establishment of the facility remains accessory to the residential or agricultural use of the property and fair, festival, or similar event does not have a negative impact on the surrounding agricultural or residential areas, properties, the function of public roads, ability for emergency services to access the site, and the overall health, safety, and welfare of the public.
- b. **Use and Operational Standards.**
 - i. **Hours of Operation.** The special fair, festival, or special event operation period shall be limited to the hours of 8:00am to 12:00am. All events shall comply with all applicable local nuisance and noise ordinances.
- c. **Development Standards.**
 - i. **Lot Standards.**
 - (a) **Area.** Minimum lot size shall be three (3) acres. The site must adequately accommodate all functions of the event that will occur, including but is not limited to parking, access/circulation, emergency response, and sewage disposal.
 - (b) **Setbacks.** All setbacks shall be in accordance with the respective zoning district. This includes but is not limited to any temporary structures such as tents, canopies, stages, and dance floors, vendors, display areas, and demonstration displays/ activities.
 - ii. **Dust Control.** Dust shall be minimized by reducing vehicle speeds on driveways and parking areas. During dry conditions, the application of water or other approved dust controlling measure is required. Parking areas shall be paved and comply with *Chapter 3, Section B.6. Parking & Loading Standards*.
 - iii. **Emergency Response.** The site layout must accommodate adequate access for all first responders, such as EMS, fire, and police. At the discretion of the fire district, Clark County Sheriff, or State Fire Marshal, first responders may be required to be on-site during the duration of the event.
 - iv. **Lighting.** All outdoor lighting associated with the special event shall be turned off by 12:00 am and conform to *Chapter 3, Section B.4: Lighting Standards*.
 - v. **Signage.** In addition to the permitted signage in *Chapter 3, Section B.7: Sign Standards*, temporary directional signs are allowed during event activities provided they are placed outside of the rights-of way.
 - vi. **Parking.** All parking for the event must be accommodated on-site or on an adjacent parcel with written approval from all property owners (if under different ownership). No parking shall occur on any public rights-of-way and safe pedestrian access must be provided from all parking areas to the area where the event is occurring.

vii. **Traffic.** The event shall not close any public right-of-way, create a traffic hazard, or cause significant congestion due to inefficient access or ingress/egress on a public road. Adequate measures, as determined by the County Engineer and/or Clark County Sherriff, must be implemented needed to address traffic flow and safety on all public roads.

viii. **Utilities.** The facility event shall provide a potable domestic water supply and an on-site sewage disposal/storage or sewer service connection necessary to accommodate the special events activity, number of attendees, and event duration to the satisfaction of the Clark County Health Department.

ix. **Zoning District Standards.** All other development standards of the subject zoning district shall apply.

d. **Procedures.**

i. **Major Fairs, Festivals, and Specials Events - Development Plan Required.**

(a) All major fairs, festivals, and special events (as defined in Chapter 10.A: Major Fairs, Festivals, and Special Events) require development plan approval that shall include a plan for traffic, parking, sewage disposal/storage, emergency response, and circulation plan. All required state and local permits and licenses must be provided with the development plan. Contact information for an event official must be provided (including a number where he/she can be reached for the entire duration of the event). In addition, the APC-BZA or Administrator shall make specific findings and may establish conditions relative to the consideration of:

- (1) The physical design and operating characteristics of the facility-use (event) and site, including dates, times, and anticipated total attendance.
- (2) The intensity and activities of the proposed use event and density of the surrounding area.
- (3) The distance to surrounding sensitive elements, including residents and livestock.
- (4) The type of sound potentially generated by the facility event and what allowances for amplified sound may take place.
- (5) The allowed number of events per year and the frequency of events.
- (6) Traffic, parking, and vehicle circulation.
- (7) Pedestrian circulation (including ADA accessibility).
- (8) Emergency response plan and emergency site access, including the use of any private security and evacuation plan.
- (9) Sewage disposal and/or storage.
- (10) Event liability insurance.
- (11) Compliance with all state and local permits and licenses.

ii. **Minor Fairs, Festivals, and Specials Events - Development Plan Not Required.** Development plan is not required for minor fairs, festivals, and special events (as defined in Chapter 10.A: Major Fairs, Festivals, and Special Events).

iii. **Permits Required.** No standards or regulation of this UDO shall supersede the requirement for the applicant to obtain other required local and/or state permits, including but not limited to, Indiana Department of Homeland Security (IDHS state design release), Indiana Gaming Commission (charity gaming events), Indiana Alcohol and Tobacco Commission (ABC), and/or Clark County Health Department (sewage disposal/food sales).

CHAPTER 2: Zoning Districts

Amend the Land Use tables in all districts to include “Fair, Festival, and Special Event – Major” as a special exception and include “Fair, Festival, and Special Event – Minor” as a permitted use within all districts.

AMENDMENT 5: CLARIFY THE PROCESS AND STANDARDS FOR PUD AMENDMENTS.

Rationale: The process for PUD amendments are outlined in Chapter 8.D.3.ix: Amendment. This basically states that zone map changes and PUD changes follow the same process as the initial rezoning or PUD adoption. This includes a recommendation by the PC and then final approval/denial by the County Commissioners. Language was added to further clarify this.

Additionally, the list of districts where a PUD is permitted was intended to be all districts. Inadvertently the industrial districts were not included. This has been revised to include all districts.

PAGE 174, CHAPTER 8.D.3.ix: Amendment.

ix. **Zone Map Amendment and PUD Amendment.** Amendment of a zone map change shall be done in accordance with the IC 36-7-4-600 series for zone map changes and IC 36-7-1500 series for zone map changes to a PUD District. All amendments to a zone map change and/or amendments to PUD District shall be done through the same process as a zone map change or initial adoption of a PUD District, which requires action by the County Commissioners. If an initial PUD District ordinance (or subsequent amendment) used a plan or drawing to specify permitted uses and development requirements (as permitted by IC 36-7-4-1510), any amendments to those plans and/or drawings (including a change in subdivision layout) are considered an amendment to the PUD District ordinance. An amendment of an applicable condition or commitment shall be done in accordance with IC 36-7-4-1015 and *Chapter 8, Section E.1: Commitments*.

PAGE 58, CHAPTER 2 : Permitted Districts.

i. Permitted Districts.

(a) Location of PUD Districts. All zoning districts may be rezoned to PUD. Only the following standard zoning districts may be rezoned to PUD:

- (1) General Agriculture District (AG)
- (2) Agricultural Estate District (AE)
- (3) Low density Residential District (R1)
- (4) Medium density Residential District (R2)
- (5) High density Residential District (R3)
- (6) Multi-family Residential District (R4)
- (7) Neighborhood Business District (B1)
- (8) General Business District (B3)
- (9) Highway Commercial District (B3)