

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 24 -2026 - Did not pass.

**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 10th day of June, 2026, the Clark County Plan Commission passed PC Resolution 2026-11 (see the said PC Resolution 2026-11 attached hereto as **Exhibit "A"**) to amend the text of the Unified Development Ordinance ("UDO") as identified in the said Resolution.

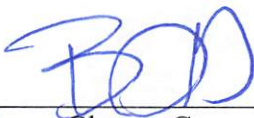
NOW, THEREFORE, BE IT ORDAINED by the Board of Clark County Commissioners as follows:

1. That the Clark County Plan Commission Resolution 2026-11, dated June 10, 2026, as attached hereto, is hereby approved, and the text of the Unified Development Ordinance ("UDO") is amended pursuant to the attached Resolution (**Exhibit "A"**) and subject to the *Exemption for Properties Subject to Pre-Existing Commercial Solar Developer Agreements and Leases* attached hereto as **Exhibit "B"**.

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 13 day of August 2026.

Members voting "YES":



Bryan Glover, Commissioner

Jack Coffman, Commissioner

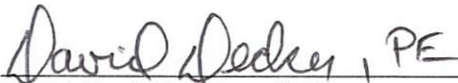
David Decker, Commissioner

Members voting "NO":

Bryan Glover, Commissioner

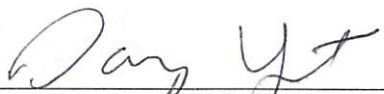


Jack Coffman, Commissioner



David Decker, Commissioner

Attested by:



Danny Yost, Clark County Auditor

CC-16

BY THE CLARK COUNTY PLAN COMMISSION

PC RESOLUTION 2026-11

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 May 2, 2026 and were available for inspection until the public hearing;

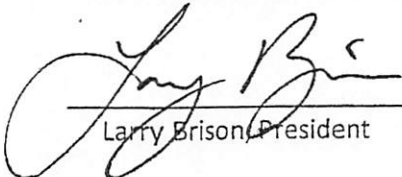
WHEREAS, on the 13th day of May, 2026, the Plan Commission conducted a public hearing, for which the public was invited, to consider certification of the UDO text amendment to the County Commissioners.

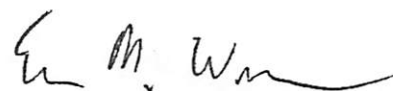
WHEREAS, THE Plan Commission heard the presentation and relevant evidence presented by the general public and the objections, comments, remonstrations and other relevant information presented by those in attendance at the hearing, if any, and deliberated on such evidence in a public hearing; and

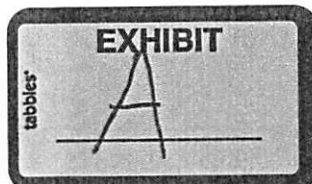
WHEREAS, after considering and paying reasonable regard to the matters set forth in I.C. 36-7-4-603 and all public comments, the Plan Commission has given a recommendation for those amendments attached and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED BY THE Plan Commission a X favorable recommendation _____ unfavorable recommendation _____ no 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 June 10, 2026.


Larry Brison, President


Eric M. Wise Executive Director



RESOLUTION 2026-11 attachment (1 page)

Amend Chapter 2 ZONING DISTRICTS as follows:

1. Amend Chapter 2 ZONING DISTRICTS Section 2. INTENSIVE AGRICULTURE DISTRICT (AI) (b) Uses & Development Standards by deleting the use "**solar energy system, commercial" from the special exception primary use column;

And

2. Amend Chapter 2 ZONING DISTRICTS Section 3. GENERAL AGRICULTURE DISTRICT (AG) (b) Uses & Development Standards by deleting the use "**solar energy system, commercial" from the special exception primary use column;

End of amendments.

**Exemption for Properties Subject to Pre-Existing
Commercial Solar Developer Agreements and Leases**

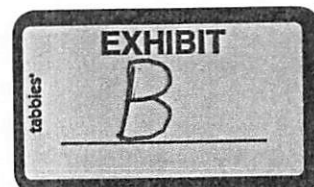
(A) Purpose.

This Section is intended to protect the reasonable investment-backed expectations of persons or entities having a legally recognizable interest in land that, prior to the effective date of this Ordinance, entered into valid and enforceable agreements for the installation or operation of Commercial Solar Energy Systems on said property. Nothing in this Section shall be construed to limit the county's authority to regulate commercial solar energy facilities on any property not qualifying for the exemption set forth herein.

(B) Definitions.

As used in this Document::

- (1) "Commercial Solar Energy System" has the meaning set forth in Chapter IO of the Unified Development Ordinance ("UDO").
- (2) "**Pre-Existing Solar Agreement**" means any of the following, provided it was executed by all parties, was valid and enforceable under Indiana law, and was in full force and effect as of the Effective Date of this Ordinance:
 - (a) A lease agreement between a landowner and a solar developer authorizing the installation, construction, or operation of a Commercial Solar Energy System on the subject property;
 - (b) An option agreement granting a solar developer the right to lease or purchase the subject property for the purpose of installing, constructing, or operating a Commercial Solar Energy System;
 - (c) A purchase agreement for the acquisition of the subject property by a solar developer for the purpose of installing, constructing, or operating a Commercial Solar Energy System; or
 - (d) An easement agreement between a landowner and a solar developer authorizing the installation, construction, or operation of transmission, collection, power or communications lines and related facilities on the subject property in connection with a Commercial Solar Energy System.
- (3) "**Effective Date**" means the date of enactment of this Ordinance.
- (4) "**Qualifying Property**" means a parcel of real property that is subject to a Pre-Existing Solar Agreement as of the Effective Date and for which a valid Claim of Exemption has been filed in accordance with subsection (D) of this Section.



(C) Exemption.

Notwithstanding any other provision of this Ordinance, the installation, construction, and operation of a Commercial Solar Energy System on a Qualifying Property may be permitted as a Special Exception in the AI and AG zoning districts, subject to all applicable development standards, setback requirements, and operational conditions set forth in the UDO, and any other applicable county ordinances; provided that the Pre-Existing Solar Agreement remains in full force and effect at the time of the application for Special Exception is made.

(D) Claim of Exemption -Filing Requirement

- (1) To qualify as a Qualifying Property under this Section, the landowner, the landowner's authorized representative or the solar developer must file a written Claim of Exemption with the Administrator no later than one hundred eighty (180) days after the Effective Date of this Ordinance. A single Claim of Exemption may include one or more parcels or properties comprising a single Commercial Solar Energy System.
- (2) The Claim of Exemption shall include:
 - (a) The legal description and parcel identification number of the subject property;
 - (b) Either (i) a copy of the Pre-Existing Solar Agreement, executed by all parties, with any commercially sensitive financial terms redacted if the claimant so elects, provided that the redaction does not obscure information necessary to determine validity, enforceability, or the identity of the parties; or alternatively, if the claimant so elects, (ii) a copy of a memorandum of the Pre-Existing Solar Agreement, executed by all parties thereto, identifying the property by legal description and parcel identification number and recorded in the office of the Clark County Recorder against the Qualifying Property;
 - (c) A written certification by the landowner or the solar developer, under penalty of perjury, that to the best of their knowledge, the Pre-Existing Solar Agreement was fully executed, a memorandum or a redacted version of the Pre-Existing Solar Agreement was recorded in the office of the Clark County Recorder, and the Pre-Existing Solar Agreement was in full force and effect as of the Effective Date; and
 - (d) Such additional documentation as the Administrator may reasonably require to verify the existence and enforceability of the Pre-Existing Solar Agreement.
- (3) Failure to timely file a Claim of Exemption shall constitute a waiver of the exemption provided by this Section, and the subject property shall thereafter be fully subject to the use restrictions of the UDO.

(E) Scope and Limitations of Exemption.

- (1) The exemption granted under this Section is limited to the installation and operation of a Commercial Solar Energy System on the Qualifying Property as described in and contemplated by the Pre-Existing Solar Agreement. The

exemption does not authorize the expansion of the system onto adjacent or additional parcels not described in the Pre-Existing Solar Agreement as of the Effective Date.

- (2) The exemption granted under this Section runs with the land and is not rendered void solely by reason of a change in ownership of the Qualifying Property, a permitted assignment of the Pre-Existing Solar Agreement, the exercise by the developer of an option contained within the Pre-Existing Solar Agreement, or any amendment, extension or renewal of the Pre-Existing Solar Agreement.
- (3) The exemption granted under this Section shall terminate, and the property shall become fully subject to the use restrictions of the UDO, upon the earliest of:
 - (a) Expiration or termination of the Pre-Existing Solar Agreement by its own terms, by mutual agreement of the parties, or by operation of law;
 - (b) A judicial determination that the Pre-Existing Solar Agreement was invalid, unenforceable, or void as of the Effective Date; or
 - (c) Abandonment of the Commercial Solar Energy System.

(F) No Approval of Underlying Agreement

The county's acceptance of a Claim of Exemption and recognition of a property as a Qualifying Property shall not constitute a determination by the county that the Pre-Existing Solar Agreement is valid or enforceable as a matter of contract law, nor shall it constitute any representation or warranty by the county regarding the rights of any party under such agreement. The county's recognition of the exemption is solely for zoning purposes.

(G) Recordation

Upon approval of a Claim of Exemption, the Administrator shall provide written notice of such approval to the landowner and shall cause a memorandum of exemption to be recorded in the office of the Clark County Recorder against the Qualifying Property, identifying the property by legal description and parcel identification number and referencing this Section of the Ordinance.