

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 33-2024

**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 13th day of November, 2024, the Clark County Plan Commission passed Resolution 18-2024, (see the said Resolution 18-2024 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 18-2024, dated November 13th, 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 21st 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 18 - 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;

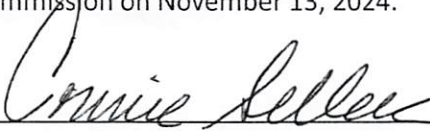
WHEREAS, on the 13th day of November, 2024, the Plan Commission conducted a public hearing, for which the public was invited, to consider certification of the UDO text amendment to the County Commissioners.

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

Amend subsection c. Solar Energy System (SES), Commercial. Subsection ii Development Standards, Commercial SES by deleting Subsection b. and replacing with the following:

- b Screening.** All Commercial Solar Energy Systems shall be fully screened year-round, including across any street or right-of-way, from existing residential dwellings, existing residentially zoned parcels, or existing parcels platted for residential development unless the solar arrays are more than six hundred twenty-five (625) feet away or waived under written, recorded, mutual agreement of all effected property owner(s). Screening shall not be required along property lines within the same zoning district unless the adjoining parcel has an existing residential use. Screening may include continuous vegetation, and/or berms that adequately screens the view of the solar panels and accessory equipment as outlined below (fencing is not a permitted screening material). The BZA shall have the discretion to reduce or waive the above screening standards when existing vegetation on the Commercial SES property is determined to provide an acceptable screen, and this vegetation will be maintained in a manner consistent with the intent of this section. All screening shall comply with all standards of the UDO.
- 1 A landscape plan shall be submitted that identifies the type and extent of proposed buffer and screening. Vegetation or another type of buffer can be proposed if it fully screens the facility year-round and is approved as part of the special exception.
 - 2 Screening shall be consistent with the buffer yard standards of the UDO.
 - 3 Additional screening may be required if there is a clear community interest in maintaining a viewshed or to mitigate the impact on an adjacent parcel.
 - 4 Landscape material must consist of evergreen trees that are included on Indiana DNR's current "Tree Species Information" list and are at least 5 ft tall at the time of planting and reach a mature height of at least fifteen (15) feet. All trees shall be arranged utilizing a triangular spacing pattern (staggered) with spacing that does not exceed ten (10) feet between centers unless approved by the Administrator based on anticipated tree width at maturity. The effectiveness of screening must be maintained at all times and as the plants mature.