

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 36-2024

**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 21-2024, (see the said Resolution 21-2024 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 21-2024, 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

21-2024

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;

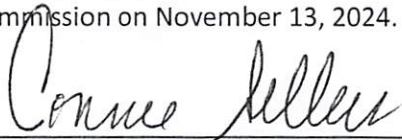
WHEREAS, on the 13th day of November, 2024, the Plan Commission conducted a public hearing, for which the public was invited, to consider certification of the UDO text amendment to the County Commissioners.

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

1. Amend Chapter 10 Definitions by adding the following terms:

Battery Energy Storage System, Tier 1 -one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle; and which have an aggregate energy capacity less than or equal to 600 kWh

Battery Energy Storage System, Tier 2- one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle; and which have an aggregate energy capacity greater than 600 kWh.

2. Amend Chapter 2 Zoning Districts subsection B. Zoning Districts by adding:

a. **Battery Energy Storage System Teir 1** as a permitted accessory use in all zoning districts;

b. ***Battery Energy Storage System, Teir 2** as a permitted primary and accessory use in the M3 district; and

c. ***Battery Energy Storage System, Teir 2** as a special exception as an accessory use within the AG District, and a special exception as a primary and/or accessory use in the M1 and M2 districts.

3. Amend Chapter 4 Use and Development Standards section B by inserting the following new subsection 5 Battery Energy Storage Systems and renumbering existing standards for specific uses accordingly as follows:

5. Battery Energy Storage Systems Teir 2

a. **Purpose**- The purpose regulating certain Battery Energy Storage Systems is to advance and protect the public health, safety, welfare, and quality of life within the county.

b. Development standards.

1. Teir 2 Battery Energy Storage System(s) within an M1 or M2 zoning district may not be located less than thirteen hundred and twenty (1,320) feet from a residential structure.

2. All Teir 2 Battery Energy Storage Systems shall be installed and maintained in compliance with NFPA 1: Fire Code, NFPA 70: National Electric Code, NFPA 855: Standard for the Installation of Stationary Energy Storage Systems.