

**AREA PLAN COMMISSION OF CLINTON COUNTY, INDIANA
RECOMMENDS THE FOLLOWING AMENDMENT TO
THE UNIFIED DEVELOPMENT ORDINANCE OF CLINTON COUNTY**

TO: THE BOARD OF COMMISSIONERS OF CLINTON COUNTY, INDIANA:

LUPAC #12-19-349

**THE AREA PLAN COMMISSION SUBMITS A FAVORABLE RECOMMENDATION
FOR THE ADOPTION OF THE ORDINANCE.**

ADDITIONAL DOCUMENTS TRANSMITTED: PROPOSED UNIFIED DEVELOPMENT ORDINANCE
CHANGES, ADDITIONS, AND/OR DELETIONS

**RE: AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE INCLUDING ANY
ADDENDUM OR PRIOR AMENDMENTS.**

AMENDMENT PROPOSED BY: THE AREA PLAN COMMISSION OF CLINTON COUNTY, IN

GENERAL PURPOSE OF AMENDMENT: TO ENSURE THE SAFE AND ORDERLY DEVELOPMENT OF
CLINTON COUNTY

LAND AFFECTED (IF ANY): ALL UNINCORPORATED AREAS OF CLINTON COUNTY, IN

BY MAJORITY VOTE OF THE AREA PLAN COMMISSION, THE FOLLOWING RECOMMENDATIONS TO
THE ABOVE-DESIGNATED LEGISLATIVE BODY ARE MADE PURSANT TO THE REQUIREMENTS OF I.C.
36-7-4-602 THRU 36-7-4-608 AS IS APPLICABLE:

DATED THIS 13th DAY OF December, 2019.

AREA PLAN COMMISSION OF CLINTON COUNTY, INDIANA

BY: _____

LIZ STITZEL, EXECUTIVE DIRECTOR

DISPOSITION:

1. DATE OF ACTION BY A.P.C.C.C.: 12-03-2019
2. DATE CERTIFIED TO LEGISLATIVE BODY: 12/13/19
3. THE LEGISLATIVE BODY: **ADOPTS** THE AMENDMENTS _____
4. THE LEGISLATIVE BODY: **REJECTS** THE AMENDMENTS _____
5. DATE OF ZONE ADOPTION OR REJECTION: _____

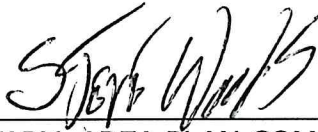
**CERTIFICATE OF THE SECRETARY OF
THE AREA PLAN COMMISSION OF CLINTON COUNTY**

TO: THE BOARD OF COMMISSIONERS OF CLINTON COUNTY, INDIANA

I, STEVE WOODS, DO HEREBY CERTIFY THAT I AM THE DULY ELECTED, QUALIFIED AND ACTING SECRETARY OF THE AREA PLAN COMMISSION OF CLINTON COUNTY. I FURTHER CERTIFY THAT THE COPY OF **A.P.C. LUPAC #12-19-349**, ATTACHED TO THIS CERTIFICATE, IS A FULL, TRUE AND CORRECT COPY OF SUCH DOCUMENT THAT WAS CONSIDERED BY THE SAID AREA PLAN COMMISSION AT ITS MEETING ON THE 3RD DAY OF DECEMBER, 2019.

THE AREA PLAN COMMISSION HEREBY TRANSMITS SAID DOCUMENT TO YOU FOR CONSIDERATION UNDER YOUR AUTHORITY AS A LEGISLATIVE BODY UNDER STATE STATUTE I.C. 36-7-4-600 AND FOLLOWING.

IN WITNESS WHEREOF, I HAVE HEREUNTO AFFIXED MY HAND AND SEAL OF THE AREA PLAN COMMISSION OF CLINTON COUNTY ON THIS 13 DAY OF December, 2019.



SECRETARY, AREA PLAN COMMISSION OF CLINTON COUNTY
STEVE WOODS



(SEAL)

ORDINANCE NO: 2020-01

**AN ORDINANCE OF THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF CLINTON, OF THE STATE OF INDIANA,
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF CLINTON COUNTY**

FINDINGS

The Area Plan Commission of Clinton County (hereinafter referred to as "Plan Commission") has held a public hearing in accordance with law on several proposed amendments to the Unified Development Ordinance of Clinton County, Indiana. The amendments proposed by the Plan Commission have been embraced in a single Plan Commission case number, LUPAC #12-19-349. The amendments proposed by the Plan Commission have been favorably recommended to the Board of Commissioners of the County of Clinton (hereinafter referred to as "Board of Commissioners") and the Plan Commission's favorable recommendation of the proposed amendments was certified to the Board of Commissioners on _____, 2019.

The Executive Director of the Plan Commission appeared before the Board of Commissioners at its regular meeting on _____, 2019, to review and explain the proposed amendments in detail. The Board of Commissioners reviewed and discussed in detail each amendment proposed and recommended by the Plan Commission under LUPAC #12-19-349.

The regular meeting at which the Board of Commissioners considered the amendments proposed and recommended by the Plan Commission was duly noticed and convened in accordance with law.

The Board of Commissioners finds that all requirements under I.C. 36-7-4-600 and following have been met and that the amendments to the Unified Development Ordinance of Clinton County proposed and recommended by the Plan Commission under LUPAC # 12-19-349 are properly before the Board of Commissioners and should be adopted.

NOW, THEREFORE, IT IS ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLINTON, OF THE STATE OF INDIANA, AS FOLLOWS:

The Unified Development Ordinance of Clinton County, Indiana, passed and adopted on November 2, 2015, is hereby amended as follows:

- 1. Amend UDO 513.02, Table I-2** in the last sentence of the second column on the last line of the table, change to read as follows: "1 additional lot per 40 acres of land"
- 2. Amend UDO 303, Table A-1 as follows:** Renumber Use 1.16 WILD ANIMALS- CLASS 1 to Use 2.11
- 3. Amend UDO 303, Table A-1 as follows:** Renumber Use 1.17 WILD ANIMALS- CLASS 2 to Use 2.12

and amend the use to "S" from "P" in the A-1, B3, B4, B5, I1, I2, and LD Districts, and "X" from "P" in the B1, B2, and B6 Districts.

4. Amend UDO 303, Table A-1as follows: Renumber Use 1.18 WILD ANIMALS- CLASS 3 to Use 2.13

5. Renumber all uses in Categories 1 and 2 accordingly on UDO 303, Table A-1 that are necessary because of amendments 2 through 4 above.

6. Amend UDO 1202 DEFINED WORDS Redefine ANIMAL UNIT to read as follows:

ANIMAL UNIT A term used to establish an equivalent density, based on relative waste production, for various species of livestock and wild animals (also based on risk). The following animal unit values are assigned as shown as follows:

Animal Unit Values	
Adult Dairy Cow	1.4
Beef or Buffalo Bull, Cow or Steer over 1 year of age	1.0
Dairy Heifer, 1 to 2 years	1.0
Horse over 1 year of age	1.0
Elk, over 2 years of age	0.60
Horse, weaning (6 months) to one year of age	0.50
Pony under 46" as measured at the withers	0.50
Cattle, including Buffalo weaning (6 months) to 1 year of age	0.50
Mature Sow or Boar	0.30
Elk, weaning to 24 months of age	0.30
Finishing swine over 55 lbs	0.20
Gilts, 55 lbs to 1 year of age	0.20
Alpaca or Llama	0.20
Deer, White-Tail	0.15
Emu or Ostrich	0.15
Swine under 55 lbs	0.10
Sheep and Goat	0.10

Animal Unit Values	
Birds (duck, goose, turkey, peacock, chicken, pheasant, quail), except as noted elsewhere	0.05
Small mammals (rabbits, mink and others of 10 lbs mature weight or less)	0.05
Wild Animal Class 2, 10 lbs or less	2
Wild Animal Class 2, over 10 lbs	3
Wild Animal Class 3, 10 lbs or less	5
Wild Animal Class 3, over 10 lbs to 30 lbs	6
Wild Animal Class 3, over 30 lbs	11

7. Adopt a new UDO 529.02 E. to read as follows and renumber subsequent sections accordingly in 529.02:

E. Any on-site, off road sign for a church, park, or school for recreation or safety such as a scoreboard, instructional sign, or similar sign not designed to be primarily viewed from public streets.

7. Amend UDO 503, Table A as follows: Amend Use 15.09 to say SHIPPING or CARGO CONTAINERS OR SIMILAR CONTAINERS and amend the use to "P" from "S" in the A-1, I1, I2, and LD Districts and add the reference to UDO 503.06 in the last column on Table A-1.

8. Amend UDO 503.06 to read as follows:

503.06 Unlicensed semi-trailers or other unlicensed vehicles, shipping containers, cargo containers, and other similar containers used for storage must have any undercarriage removed and be painted a single neutral color. They are only permitted in the A-1, LD, I-1, I-2 districts. There may be no more than one trailer/storage unit per lot and they must meet all accessory structure setbacks. The Board of Zoning Appeals may approve trailers by special exception in the B-4 and B-5 districts. No permits are required for semi-trailers or containers that meet this ordinance unless they require a building inspection to verify safe installation.

9. Amend UDO 306.04 to read as follows: Delete references to "gazebos" and "children's play houses" from the list of uses not subject to setback regulations in this Section.

10. Adopt a new UDO 503.13 H. to read as follows and renumber subsequent sections accordingly in 503.13:

H. In the LD district wind screening and fences of any height shall be permitted in front, side, and rear setbacks. However, any fence must sit back at least its height from any property line or road right-of-way.

11. Amend UDO 309.10 and adopt a new UDO 309.11 to read as follows and renumber subsequent sections accordingly in 309.

309.10 Junk, including debris and refuse, shall not accumulate nor shall graffiti be allowed to remain beyond twenty days on any property, in any zoning district, and the property shall comply with all participating locality and county nuisance ordinances.

309.11 Disabled vehicles shall not be allowed to remain within sight of neighboring properties or right-of-ways beyond twenty days.

12. Amend UDO 303 Table A-1 Newly Renumbered Category 1.15 (Previously 1.19) HORSE OR OTHER DOMESTIC ANIMAL RESCUE SERVICE as follows: Amend to read "UDO 509/UDO 533" as the Development Standards in the last column of the Table.

13. Amend UDO 1202 DEFINED WORDS Delete the COMMUNITY RECREATIONAL FACILITY definition and add a new definition for a RECREATIONAL FACILITY to read as follows:

RECREATIONAL FACILITY A public or private establishment which includes one or more of the following facilities: gymnasium, indoor swimming pool, weight reduction or exercise equipment, game room, tennis or racquetball courts and accessory recreational programs including health clubs, YMCA's, athletic clubs, youth clubs, and similar establishments.

14. Amend UDO 303, Table A-1 to read as follows: Delete Use category 11.28 WEIGHT REDUCTION EXERCISE FACILITY and Renumber Use categories 11.29 through 11.31 to Uses 11.28 to 11.30, respectively.

15. Amend UDO 303, Table A-1 to read as follows: Add a new Use 11.31 RECREATIONAL FACILITY (COMPLETELY INDOOR FACILITIES) with use designations as follows: "S" in the A1 and I1 Districts, "X" in the R1, R2, R3 and R4, I2 and LD Districts, "P" in all remaining Districts, "D" in the Buffer Class column, and "V" in the Parking Class column with no Development Standards in the last column.

16. Amend UDO 303, Table A-1 to read as follows: Amend Use 11.32 to read: RECREATIONAL FACILITY (WITH OUTDOOR FACILITIES) with use designations as follows: "S" in the A1 and B1, B2, B3, B4, B5, and B6 Districts, "X" in all remaining Districts, "D" in the Buffer Class column, and "V" in the Parking Class column with no Development Standards in the last column.

17. Amend the first paragraph of UDO 509.05 to read as follows:

509.05 Grazing operations which exceed animal unit concentrations as detailed in Table H-2 shall be considered Confined feeding Operations and their outer perimeters subject to the setbacks provided in Table H-1. Exceeding these concentrations through the use of livestock management practices such as Pasture rotation, or temporary confinement for animal health and safety reasons shall not automatically result in CFO designation. However, any animal congregation areas within the pasture (resulting from operator improvements) must be managed so that these areas remain at least 150 foot from any dwelling, other than quarters provided for any hired help connected with such

operation and/or the dwelling of the operation's owner or operator, as well as 150 feet from any church, business, recreational area (public or private), public building, or any residential district boundary line.

18. Amend UDO 1202 DEFINED WORDS Amend EXEMPT DIVISION Exemption 1. To read as follows:

1. Any land that is being divided for agricultural purposes (Uses on Table A, Category 1) and not for building development for residential, commercial, industrial, recreational, or for other nonagricultural purposes.

19. Adopt a new UDO Section 205 to read as follows:

205 Plan Commission Staff

205.01 The Area Plan Commission shall appoint an Executive Director with training and experience in the field of planning and zoning for the Planning Department in accordance with IC 36-7-4-311

205.02 The Area Plan Commission Executive Director shall, with Area Plan Commission approval, be responsible to employ a Zoning Administrator, Building Inspector, and all other personnel necessary to carry out the responsibilities of the office.

205.03 No Executive Director, Zoning Administrator, Building Inspector, or other plan commission staff member shall review, approve, or supervise the approval of any application, hearing, permit, plat, or other approval in which they have a direct or indirect financial interest.

A. When an application for an approval is submitted in which a Plan Commission staff member has a direct or indirect conflict of interest he or she shall report it to the Executive Director (or Zoning Administrator in the absence of the Executive Director) who shall assign/employ a staff member or qualified individual without a conflict of interest to administrate the request.

B. When an application for an approval is submitted in which the Executive Director has a direct or indirect conflict of interest he or she shall report it to the Zoning Administrator who, in consultation with the Area Plan Commission President, shall assign/employ a staff member or qualified individual without a conflict of interest to administrate the request.

20. Amend UDO 101 to read as follows:

101 SHORT TITLE

This Ordinance shall be formally known as the "Clinton County Unified Development Ordinance" and may be cited or referred to as the "Zoning Ordinance," "Subdivision Control Ordinance," "Unified Development Ordinance," or "UDO". It may also be referred to as the "Colfax," "Kirklin," "Mulberry,"

or "Rossville" "Zoning Ordinance," "Subdivision Control Ordinance," Unified Development Ordinance," or "UDO."

21. Amend UDO 308.02 Table D to read as follows:

Add a Parking Classification "X" to Table D Column One with the Number of Parking Spaces in Column Two to be "1 per 3 members" and add a Parking Classification "Y" to Table D Column One with the Number of Parking Spaces in Column Two to be "As specified by the Administrator at the time of permit issuance".

22. Adopt a new UDO 529.03 I to read as follows:

I. Licensed and unlicensed vehicles or trailers with signage of any kind, placed within sight of the roads in such a way as to be used as off-site or on-site signage.

23. Amend UDO 1201.06 to read as follows:

1201.06 Any words not defined in this section shall be construed in their generally accepted meanings as defined by Webster's Third New International Dictionary of the English Language, Unabridged (1981). In cases where a word is not defined in this dictionary, the Merriam-Webster's Collegiate Dictionary, Eleventh Edition shall be used.

This ordinance shall be in full force and effect from and after the date of its passage in accordance with law.

Adopted _____, 2019, after unanimous consent to its consideration on the date of its introduction.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF CLINTON

ATTEST:

Britt Ostler, Auditor

BY _____
Josh Uitts, President

BY _____
Scott Shoemaker, Member

BY _____
Steve Woods, Member

CERTIFICATE OF AUDITOR

STATE OF INDIANA)

) **SS:**

COUNTY OF CLINTON)

I, BRITT OSTLER, HEREBY CERTIFY THAT I AM THE DULY ELECTED AND ACTING AUDITOR OF CLINTON COUNTY, INDIANA, AND AS SUCH I AM CUSTODIAN OF RECORDS OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLINTON. I FURTHER CERTIFY THAT THE ATTACHED AND FOREGOING DOCUMENT IS A TRUE AND COMPLETE COPY OF ORDINANCE NO. _____ - _____, AS ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLINTON ON THE _____ DAY OF _____, 2019; AND THAT SAID ORDINANCE WAS DULY ADOPTED IN A REGULAR MEETING OF SAID BOARD OF COMMISSIONERS, DUE NOTICE HAVING BEEN GIVEN THEREOF, AND A QUORUM BEING PRESENT THROUGHOUT SAID MEETING.

IN WITNESS WHEREOF, I HAVE HEREUNTO AFFIXED MY HAND AND THE SEAL OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLINTON, OF THE STATE OF INDIANA, ON THIS, THE ____ DAY OF _____, 2019.

BRITT OSTLER
AUDITOR OF CLINTON COUNTY, INDIANA

(SEAL)