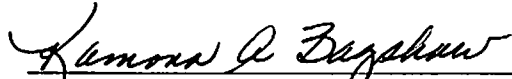


ORDINANCE NO. 2010-15

REPORT OF CLARK COUNTY PLAN COMMISSION'S
RECOMMENDING ORDINANCE AMENDMENT NO. 6 TO THE ORDINANCE
NO. 17-2007 FOR CLARK COUNTY, INDIANA

LET IT BE KNOWN, that the Clark County, Indiana Plan Commission on September 8, 2010, at a regular stated meeting voted to recommend to the Board of Commissioners for Clark County that Ordinance No. 17-2007, the County's Zoning Ordinance, be amended as submitted.

I do hereby certify that a copy of this report has been provided to the office of the Clark County Commissioners and the office of the Clark County Auditor on this 9th day of September, 2010.



Ramona A Bagshaw, Executive Director
Clark County Plan Commission

ORDINANCE NO. 15-2010

TO THE BOARD OF COUNTY COMMISSIONERS
OF CLARK COUNTY, INDIANA

AMENDMENT NO. 6
TO ORDINANCE NO. 17-2007

AN ORDINANCE AMENDING THE ZONING ORDINANCE
FOR CLARK COUNTY, INDIANA

WHEREAS, the Board of Commissioners of Clark County, Indiana, adopted the County's Zoning Ordinance as Ordinance No. 17-2007; and

WHEREAS, since the adoption of said Ordinance, the Executive Director has made a recommendation that the Zoning Ordinance be modified; and

WHEREAS, both the Clark County Plan Commission and the Commissioners of Clark County have reviewed such recommendation, and believe such recommendation should be followed:

The following is a summary of the proposed Amendments to Ordinance No. 17-2007 and Amendment No. 6 to Ordinance No. 17-2007.

The following is a summary of the proposed Amendments:

1. That under Article XXIV: Planned Unit Developments (Page 62) under "General Design Provisions" existing subparagraph (c) with subparagraphs 1, 2 and 3 are deleted and a new subparagraph (c) added which shall read:

"(c) Intensity of Land Use. Because land is used more efficiently in a PUD, improved environmental quality can often be produced with a greater number of structures per gross acre than is usually permitted in a traditionally zoned district. The Commission shall determine in each case the appropriate land use and density for individual projects or sections thereof.

2. That under Article XXIV: Planned Unit Developments (page 63 and 64) under "Filing Procedure" existing subparagraphs (c) and (d) and all subparagraphs therein are deleted and new subparagraph (c) and (d) added which shall read:

"(c) The petition, which shall include a preliminary plan and plat for the real estate proposed for developments as a PUD, shall be filed with the Administrator. The preliminary plan and plat shall

include:

1. Proposed layout of streets, open spaces and other basic elements of the plan;
2. Identification of location and types of structures and their use categories within the area, including proposed densities of said uses;
3. Proposals for handling traffic, parking, water supply, sewage disposal, storm drainage, tree preservation and removal, landscaping, lighting, signage and other pertinent development features;
4. A separate location map to scale shall show the boundary lines of adjacent land and existing zoning of the area proposed to be developed as well as the adjacent land;
5. The condominium declaration (if applicable), a document creating an owners' association, and any covenants to be made a part of the PUD as well as the order and estimated time of development.
6. A statement of the proposed order of development of the major elements of the project, including whether the development will be accomplished in phases, and if so, the order and content of each phase;
7. A legal description of the property;
8. The specific uses to be allowed;
9. All specific developmental standards applicable; and
10. An itemized and specific list of all documents presented as applicable to the PUD.

(d) The preliminary plan shall be presented in triplicate and to a scale ratio not to exceed one-hundred (100) feet equals one inch. The preliminary plan may include any additional graphics that will explain the features of the development. It shall also be provided by applicant to the following checkpoint agencies for their review and comment:

1. The Administrator of the Plan Commission for review by the Technical Review Committee composed of the

County Engineer, County Surveyor, Plan Commissioner
Planner, Administrator and the Plan Commission President
or the President's appointee;

2. County Engineer;
 3. County Surveyor;
 4. Drainage Board;
 5. Appropriate Utility Companies;
 6. County Police Department;
 7. Appropriate Fire Department;
 8. Appropriate School Corporation; and
 9. Clark County Soil and Water Conservation District.
3. That under Article XXIV: Planned Unit Developments (page 66) under "Final Review; Approval of Final Detailed Plan" paragraph (f) is amended to read as follows:

"(f) In the exercise of continuing jurisdiction, the Administrator may from time to time approve only minor modifications of the approved Final Detailed Planned Unit Development in a manner consistent with the approved Preliminary Planned Development. Such modifications shall not include any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, or any change in type of use, or any change in access points. Except for those modifications which may be approved by the Administrator, any other modifications shall require a Petition to the Plan Commission under the same procedures as rezoning and accordance with this Article as an original PUD Application."

4. That under Article XXIV: Planned Unit Developments (page 67) under "Covenants and Maintenance" paragraphs (d) and (e) are amended to read as follows:

"(d) An Owner's Association shall be formed with direct responsibility to, and control by, all property owners in the PUD to provide for the maintenance of all open spaces and active recreation space located within the PUD. Legal assurance shall be provided and recorded which shows that the Home Owner's Association is self-perpetuating.

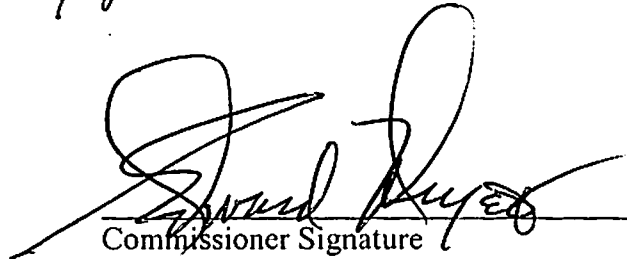
“(e) Adequate provisions shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities and space including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development, and, in such instance legal assurances shall be provided and recorded which show that the private organization is self-perpetuating. In addition, the private organization shall have the power to enforce covenants and restrictions.”

5. That under Article XXIV: Planned Unit Developments (page 68) under “Extensions, Abandonment, and Expiration” paragraph (a) is amended to read as follows:

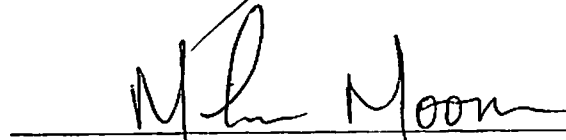
“(a) Extensions of the time for accomplishing any matters set forth herein may be granted by the Plan Commission at a public hearing for good cause shown, if requested prior to the expiration of the applicable time period.”

EFFECTIVE DATE OF ORDINANCE AMENDMENT. This Ordinance shall become effective immediately from and after its passage.

ADOPTED this 16th day of September, 2010.


Commissioner Signature


Commissioner Signature


Commissioner Signature

ATTEST:
