



ORDINANCE NO. 2023-03

AN ORDINANCE REPEALING THE JEFFERSON COUNTY, INDIANA, ZONING ORDINANCE, SUBDIVISION CONTROL ORDINANCE AND MAPS AND ADOPTING THE JEFFERSON COUNTY, INDIANA, UNIFIED DEVELOPMENT ORDINANCE (UDO) AND MAPS

WHEREAS, the Board of County Commissioners is advised that the Jefferson County Plan Commission has held a public hearing, following the giving of required notice, on proposed repeal and replacement of the Jefferson County, Indiana, Zoning Ordinance (Title 28, Ord. 2004-10), Subdivision Control Ordinance (Title 27, Ord. 2004-2), and Maps with the Jefferson County, Indiana, Unified Development Ordinance and Maps, and

WHEREAS, said Commission has given a favorable recommendation for repeal of the Jefferson County, Indiana, Zoning Ordinance (Title 28, Ord. 2004-10), Subdivision Control Ordinance (Title 27, Ord. 2004-2) and Maps, and adoption of the Jefferson County, Indiana, Unified Development Ordinance and Maps, and

WHEREAS, this Board concurs in the recommendation of said Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF JEFFERSON, STATE OF INDIANA:

That the Jefferson County, Indiana, Zoning Ordinance (Title 28, Ord. 2004-10), Subdivision Control Ordinance (Title 27, Ord. 2004-2) and Maps are repealed. The repeal of the Jefferson County, Indiana, Zoning Ordinance (Title 28, Ord. 2004-10), Subdivision Control Ordinance (Title 27, Ord. 2004-2) and Previous Zoning Maps shall have no retroactive application and said provisions shall remain enforceable as to any prior existing and continuing violations.

That the terms of the Jefferson County, Indiana, Unified Development Ordinance and Maps are hereby adopted as shown in the attached "Exhibit A."

The foregoing Ordinance was passed and adopted by the Board of Commissioners of the County of Jefferson, State of Indiana this 6th day of April, 2023.

The Board of Commissioners
Of the County of Jefferson,
State of Indiana

Robert Little
Robert Little, President

Ron Lee
Ron Lee, Member

David Bramer
David Bramer, Member

Attest: Heather Huff
Heather Huff, Auditor

Auditor
(5)

RESOLUTION RECOMMENDING THE REPEAL OF THE JEFFERSON COUNTY, INDIANA, ZONING ORDINANCE, SUBDIVISION CONTROL ORDINANCE AND MAPS AND THE ADOPTION OF THE JEFFERSON COUNTY, INDIANA, UNIFIED DEVELOPMENT ORDINANCE (UDO) AND MAPS

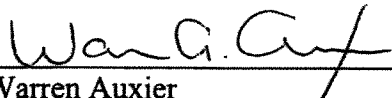
WHEREAS, notice was given in accordance with Ind. Code Sec. 5-3-1, 36-7-4-500 and 36-7-4-600 et. seq. that the Plan Commission of Jefferson County, Indiana would conduct a public hearing on a proposal to recommend the adoption of a replacement zoning ordinance and maps and the repeal the prior zoning ordinance and maps for Jefferson County, Indiana. Whereas, the public hearing was held on March 7, 2023, following the giving of required notice, with opportunity for all interested persons to offer evidence and present their views to this Commission, and

WHEREAS, this Commission has heard evidence concerning the content and effect of the proposed repeal and replacement,

NOW THEREFORE, BE IT RESOLVED BY THE PLAN COMMISSION OF THE COUNTY OF JEFFERSON, STATE OF INDIANA, that the following be forwarded to the Board of Commissioners of the County of Jefferson with a favorable recommendation to repeal the Jefferson County, Indiana, Zoning Ordinance (Title 28, Ord. 2004-10), Subdivision Control Ordinance (Title 27, Ord. 2004-2) and Maps, and adopt the Jefferson County, Indiana, Unified Development Ordinance and Maps as follows:

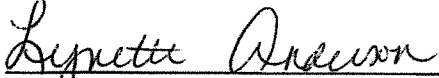
See attached exhibit A.

Dated this the 7th day of March 2023.



Warren Auxier
President, Jefferson County Plan Commission

Attest:



Lynette Anderson
Secretary, Jefferson County Plan Commission

CERTIFICATION OF RECOMMENDATION

I, the undersigned duly appointed and acting Secretary of the Plan Commission of the County of Jefferson, State of Indiana, do hereby certify that:

1. The Commission did, following the giving of notice, conduct a public hearing on March 7, 2023, concerning proposed repeal and replacement of the Jefferson County, Indiana, Zoning Ordinance (Title 28, Ord. 2004-10), Subdivision Control Ordinance (Title 27, Ord. 2004-2) and Maps with the Jefferson County, Indiana, Unified Development Ordinance and Maps.
2. The Commissioner did, following the public hearing, conduct a public meeting on March 7, 2023, where they passed a resolution giving a favorable recommendation for repeal and replacement of the Jefferson County, Indiana, Zoning Ordinance (Title 28, Ord. 2004-10), Subdivision Control Ordinance (Title 27, Ord. 2004-2) and Maps with the Jefferson, Indiana, County Unified Development Ordinance and Maps.

Dated this the 7th day of March 2023.



Lynette Anderson

Secretary, Jefferson County Plan Commission

ATTORNEY CERTIFICATION

I, Patrick Magrath, attorney for the Jefferson County Plan Commission, hereby certify that the foregoing is a true and accurate copy of the proposed replacement to the Jefferson County, Indiana, Zoning Ordinance (Title 28, Ord. 2004-10), Subdivision Control Ordinance (Title 27, Ord. 2004-2) and Maps, as approved and recommended by the Jefferson County Plan Commission at the close of the public hearing and public meeting held on March 7, 2023.



Patrick Magrath
Attorney, Jefferson County Plan Commission

Exhibit A continuation

The following revisions were made to the Adoption Draft of the Jefferson County UDO by the Plan Commission following the public hearing on March 7, 2023. These revisions were included in the recommendation to the County Commissioners for adoption.

1. Page 40: Add "within" to the following to clarify when a tall structures permit is required:
Building or Structure Height.
(b) Within 20,000 feet of a runway that is greater than 32,000 feet at a public-use airport;
(c) Within 5,000 feet of a public-use heliport;
2. Page 70: Change "Wind" to "Solar" under Primary SES Inspections:
The applicant shall be responsible for paying for a third-party inspector, who is qualified to inspect ~~wind~~ solar systems and is approved by the County, to inspect all ~~wind~~ solar structures prior to the issuance of a Certificate of Occupancy.
3. Page 114: Remove footnote and reverse sidewalk requirement:
~~1 – Unless parcel was previously subdivided as a Minor Residential Subdivision~~
Sidewalks: Required along both sides of all internal roads and perimeter roads if the gross density of the development (all phases) is less than 1 acre ~~or greater~~. Optional if the gross density of the development (all phases) is ~~less~~ more than 1 acre
4. Page 179: Add clarification for except as allowed by IC 36-7-4-1019
If a non-conforming structure or portion of a non-conforming structure is destroyed or damaged by any means, the non-conforming structure or portion of a non-conforming structure may be rebuilt, except as allowed by IC 36-7-4-1019, provided:
5. Page 188: Add definition to Chapter 9:
CONDITIONAL USE. See SPECIAL EXCEPTION.
6. Update misc. formatting, grammar, capitalization, or punctuation
7. Update cross references to terms that are duplicated or not necessary due to previous revisions