

Proposed Amendments for Compliance with Statutory Changes

Carroll County UDO

Article, Page	Relevant Statute(s)	Explanation
Art 1, pgs 6-8	IC 36-7-4-606(a) IC 36-7-4-610(h)	<ul style="list-style-type: none"> • Enabling language for the creation of a Unified Development Ordinance. • Clarification of which chapters are relevant to subdivision administration
Art 2, pg 10		<ul style="list-style-type: none"> • Clarification of how to handle uses that are not listed
Throughout	IC 16-41-27-3.5	<ul style="list-style-type: none"> • Update terminology from “mobile home” to “manufactured home” throughout the UDO
Art 2	IC 8-1-32.3	<ul style="list-style-type: none"> • Addition of “wireless facility” and associated provisions (i.e. cell towers)
Art 2, pg 29		<ul style="list-style-type: none"> • Redundant language. IC 36-7-4-600 is the entire zoning statute and is not specific to overlay districts. IC 36-7-4-1400 is the entire development plan statute and is not specific to overlay districts.
Art 2, pgs 32-34 Art 4, pg 76	Federal Case Law	<ul style="list-style-type: none"> • Case law rulings state that you cannot regulate sign content. • Provisions relating to sign content have been removed. The sign standards for the underlying zoning district prevail.
Art 3, pg 41	IC 8-1-32.3	<ul style="list-style-type: none"> • Wireless facilities are not subject to height requirements. (i.e. cell towers)
Art 3, pg 44		<ul style="list-style-type: none"> • Reinstate adopted language that was absent from the ZO draft that was initially provided.
Art 3, pgs 46-57	Federal Case Law	<ul style="list-style-type: none"> • Case law rulings state that you cannot regulate sign content. • Sign terminology and standards have been updated to remove regulations relevant to sign content. • Conflicting language and typos have been clarified
Art 4, pg 60		<ul style="list-style-type: none"> • Clarified language for compact homes in the Agriculture District.
Art 4, pgs 60-61	IC 13-11-2-38.3 IC 13-11-2-39 IC 13-11-2-40 IC 13-18-10	<ul style="list-style-type: none"> • Update old citations • Updated terminology for “confined feeding operator”
Art 4, pgs 65-66	IC 16-41-27-5	<ul style="list-style-type: none"> • Update terminology from “mobile home park” to “manufactured home park”
Art 4, pg 79	IC 8-1-32.3	<ul style="list-style-type: none"> • Addition of development provisions for “wireless facility” (i.e. cell towers)

Art 7, pgs 91-93	IC 36-7-4-200 IC 36-7-4-311 IC 36-7-4-312	<ul style="list-style-type: none"> • Add provision for the establishment of the APC • Add provision for APC Rules and Procedures • Add provision for APC Meetings and Records • Update the APC Powers and Duties • Add provisions for Commitments • Establish provisions for the APC's Administrator
Art 7, pgs 93-94	IC 36-7-4-902 IC 36-7-4-916 IC 36-7-4-918.2 IC 36-7-4-918.5 IC 36-7-4-919 IC 8-1-32.3	<ul style="list-style-type: none"> • Add provision for the establishment of the BZA • Add provision for BZA Rules and Procedures • Update the BZA Powers and Duties • Add provision for BZA decision regarding wireless facilities
Art 7, pg 95	IC 36-7-4-709	<ul style="list-style-type: none"> • Clarify that <u>IN A SUBDIVISION</u>, necessary infrastructure needs to be in place before a building permit can be issued. <p><i>Explanation:</i> Under the old SCO, the process for starting construction in a subdivision was:</p> <ol style="list-style-type: none"> 1) post performance surety (if applicable), 2) install infrastructure, 3) record plat, 4) developer can sell lots, and then 5) permits can be issued. <p>The state statute changed to allow developers to record the plat before performance surety is posted. This lets them begin to sell lots and recoup some of their investment before proceeding with development. This changes the order of construction to the following:</p> <ol style="list-style-type: none"> 1) record plat, 2) developer can sell lots, 3) post performance surety (if applicable), 4) install infrastructure, and then 5) permits can be issued <p>The proposed language merely reiterates that <u>in subdivisions</u>, infrastructure still needs to be in place before permits are issued.</p> <p>To further minimize costs, the developer can still divide the subdivision into phases/sections so that development can be spread out incrementally over time. This is standard practice and remains unchanged.</p>
Art 7, pgs 97-98	IC 36-7-4-1400	<ul style="list-style-type: none"> • Update language to clarify that a “planned development” follows the procedures for a “development plan” as outlined in statute.
Art 7, pgs 105-109	IC 8-1-32.3	<ul style="list-style-type: none"> • Added procedures for reviewing and approving wireless facilities. (i.e. cell towers)
Art 10		<ul style="list-style-type: none"> • Added/updated definitions to correspond with updates above. Citations are included where applicable.