

CHAPTER 1 – PURPOSE, AUTHORITY, AND GENERAL PROVISIONS

1.0 Purpose -This ordinance promotes the health, safety, and general welfare of the people of Clark County, including the Cities of Dubois and Spencer, by fulfilling the purposes and requirements of the Local Planning Act of 1975 (I.C. 67-6501 et seq.) and implementing the comprehensive plans for Clark County and the Cities of Dubois and Spencer.

2.0 Authority - This ordinance is adopted by the authority granted by the Local Planning Act of 1975. It includes the zoning ordinance required by I.C. 67-6511 and the subdivision ordinance required by I.C. 67-6513. It also fulfills the other requirements of the Local Planning Act, including the provision for variances required by I.C. 67-6516, the adoption of procedures for processing permits required by I.C. 6519, and the adoption of a hearing procedure required by I.C. 67-6534.

3.0 Conflicting Ordinances Repealed – Upon adoption of this ordinance all prior ordinances are repealed to the full extent of their consistency with this ordinance.

4.0 Vested Rights - A vested right is the right to proceed with development under a previous set of regulations, or the right to proceed under this ordinance, as provided by a valid permit or development agreement.

A. Vested rights to proceed with development initiated prior to the adoption of this ordinance shall be established only by:

1. In the country, cities of Dubois and Spencer: having obtained a building permit in full compliance with the previous zoning and subdivision regulations (such vested rights expire with the permit)
2. For subdivision: having recorded a final plat in full compliance with the provisions of the previous regulations. Recording a final plat establishes a vested right to the lot layout and road network of the subdivision. It does not establish a vested right for any particular use or development of any lot.

B. Vested right to proceed with development under the provisions of this ordinance shall be established only by:

1. Recording a final plat in full compliance with its requirements;
2. Executing a development agreement in full compliance with its requirements,
3. Obtaining the appropriate permit in full compliance with its requirements. Such vested rights expire with the permit.

5.0 Most Restrictive Standards Apply - When future ordinances, or state or federal law, impose additional standards on activities governed by this ordinance, the most restrictive shall apply.

6.0 Conflict with Private Agreements - This ordinance does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards that are less restrictive than those adopted here, this ordinance shall apply.

7.0 Burden of Proof - The burden of demonstrating compliance with this ordinance rests with the developer.

8.0 Interpretation - All requirements of this ordinance shall be interpreted as the minimum necessary to protect the public health, safety, and general welfare and to implement the Local Planning Act and Comprehensive Plan. This ordinance is designed for consistency with the Comprehensive Plan and should be liberally construed to achieve that Plan's purpose and intent.

9.0 Severability - If any provision of this ordinance is held to be invalid by any court, the remainder shall continue in full force.