

~~(9) Before a permit can be issued, the applicant must first obtain a copy of the "Property Record Card" from the Wells County Assessor's Office or from the Wells County GIS Website and present said copy to an employee of the Plan Department.~~

**4-03 HEARING TYPES:** The goal of a hearing shall be to receive as much input as possible to fulfill the purpose of this Zoning Ordinance and the spirit of the Comprehensive Plan. Hearings to administer, enforce, and amend this Zoning Ordinance shall be as follows.

- (1) The Plan Commission has exclusive control over the approval of all plats and replats involving land covered by the Subdivision Control Ordinance, including but not limited to Minor Subdivision, Combines, and Additions and may approve or disapprove a petition for a proposed plat, replat, Major Subdivision, or Development Plan except as designed in Article 14 at the conclusion of the public hearing on the petition.
- (2) The Plan Commission may recommend for approval or disapproval of a proposed rezoning, PUD, or ordinance revision to the appropriate Local Legislative Body at the conclusion of the public hearing on the proposed rezoning, PUD, or ordinance revision.
- (3) In accordance with I.C. 36-7-4-701 (d) and (e), and any amendments thereto, the Plat Committee may grant primary approval of the subdivision of land that does not involve the opening of a new public way and that complies in all other respects with the Subdivision Control Ordinance and this Zoning Ordinance at a meeting without public notice and hearing, subject to appeal to Plan Commission. The Plat Committee shall hold hearings to review and make recommendations to the Petitioner and to the Plan Commission as to any proposed Development Plan, Major Subdivision, or PUD.
- (4) The Board of Zoning Appeals shall have the power to hear and decide appeals of actions by the Director or staff of the Area Planning Department to administer this Zoning Ordinance or the Subdivision Control Ordinance.
- (5) The Board of Zoning Appeals may approve or deny all special exceptions, variances, and non-conforming uses from the terms of this Zoning Ordinance, but only as specified in this Zoning Ordinance. The Board may impose reasonable conditions as a part of its approval.
- (6) The Plan Commission's Staff has exclusive control over the approval or disapproval of designated Development Plans in Article 14 without a public hearing.

**4-04 SCHEDULE OF HEARINGS FOR THE PLAN COMMISSION, PLAT COMMITTEE, AND BOARD OF ZONING APPEALS:** A hearing on a petition submitted to the Plan Commission, Plat Committee, or Board of Zoning Appeals shall be held at the next regular meeting of the petitioned governing agency unless there exists one of the following conditions.

- (1) The filing deadline has passed for the next meeting.
  - (A) The filing deadline for a Plan Commission or Board of Zoning Appeals hearing shall be by the same date as a regularly scheduled meeting. The filing deadline is to request a hearing for the ensuing month's regular scheduled meeting.
  - (B) The filing deadline for a Plat Committee's hearing shall be two (2) days prior to the next available Plat Committee meeting.
- (2) There is an overcrowding of the agenda for the next hearing.
- (3) The petitioner asks that the hearing is set to a later date.
- (4) There are insufficient members present to constitute a majority of the governing agency.
- (5) The governing agency requires more time to review the petition prior to the hearing. However, the governing agency cannot continue the hearing without the petitioner's consent for more than forty-five (45) days from the filing date.
- (6) With the consent of both the petitioner and governing agency, the hearing on the proposed petition may be reset two (2) times before a new petition shall be required, unless the delay is no fault of the petitioner. If a petition for the proposed project is not brought to hearing by the petitioner within the aforementioned time frame, the petition shall be deemed dismissed.

- a) Structure- A legal non-conforming structure may be reinstated prior to the termination date if the structure does not increase the violation in any way and complies with all other applicable requirements. (i.e. A structure that is violating a setback can be expanded as long as the expansion does not get any closer to the property line.) If the reinstatement increases the violation or violates another applicable requirement in any way then a Variance approval would be required.
- b) Lot- A legal non-conforming lot may not be reinstated.
- c) Use- A legal non-conforming use may be reinstated if the use continues to fall under the same use definition, per the Zoning Ordinance, as the prior original legal non-conforming use. (i.e. If the prior use was light manufacturing then it can only be reinstated as light manufacturing.)

## 8-08 SPECIAL EXCEPTIONS

- (1) Only those uses identified in each individual zoning district shall be permitted; however, the Board of Zoning Appeals shall have the discretion to grant the following Special Exception(s).
  - (A) Housing in an approved Business or Religious Development
    - (a) The housing must be located on the same parcel as the approved Business or Religious Development.
    - (b) The housing must only be for the living quarters of the owner or agent of the owner responsible for management of the premises.
  - (B) Manufactured home to occupy the same parcel as another existing dwelling home. In the A-1 and A-R zoning districts a manufactured home may occupy the same property as an existing dwelling as an accessory dwelling with said special exception approval. All previous special exceptions for temporary manufactured homes approved by the Board of Zoning Appeals shall be considered approved accessory dwellings and are no longer required to follow previous removal timelines. See the General Regulation section of this Zoning Ordinance for the requirements.**
  - (C) Allow an accessory building to be remodeled and occupied as a secondary residence due to a special health or family need, as long as the remodeling and occupation of the structure for residential use is removed when the specifically approved special health and family need ceases to exist. The removal must be completed within six (6) months of the date when the specifically approved need ceases to exist.
  - (D) Concrete Manufacturing Plant in an A-1 or I-1 zoning district.
    - (a) The concrete manufacturing plant must be located on the parcel or directly adjacent to the parcel containing a mineral excavation facility.
    - (b) The owner or operator of the concrete manufacturing plant must have a written approval from all Local Legislative Bodies responsible for the maintenance of the roadways that will be used to gain access to and from the parcel from an arterial road. Said approval shall include a statement from the Local Legislative Body that all designated roadways leading to the arterial roadway are capable of accommodating the traffic created by the operation of the plant and an agreement specifically identifying the party responsible for all necessary upgrades or repairs.
    - (c) The concrete manufacturing plant shall go through the Development Plan procedure upon receiving special exception approval.
- (2) Grant of Special Exceptions:
  - (A) The Board of Zoning Appeals authority to grant a special exception is subject to the following requirements.

TABLE 9-15 (Part 1 of 4) Permitted Uses in Zoning Districts **Development Plan Required (Highlighted Text)																
USES	A-R	A-1	B-1	B-2	B-3	C-1	I-1	I-2	L-1	M-1	M-2	R-1	R-2	R-3	S-1	P-1
Accessory Uses (If required by Article 14)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Agriculture	X	X				X									X	
Airport	X	X					X	X								
Antique Restoration			X	X	X		X	X								
Asphalt Manufacturing Plant								X								
Automobile Sales & Service			X	X	X		X	X								
Auto & Truck Repair					X		X	X								
Boarding House													X	X		
Brewery	SE	SE	SE	SE	SE		X									
Brewery, Micro-	X	X	X	X	X		X									
Bulk Fuel Storage (Private)	X	X			X		X	X								
Bulk Fuel Storage (Commercial)		X			X		X	X								
CAFO		X														
Campground	X	X				X										
Cemeteries	X	X				X									X	
Church	X	X	X	X	X		X					X	X	X	X	
CFO		X														
Clinic, Medical			X	X	X		X									
Clubs (Private)	X		X	X	X							X	X	X		
College Buildings & Grounds			X	X	X							X	X	X	X	
Concrete Manufacturing Plant		SE					S E	X								
Condominiums													X	X		
Convenience Store			X	X	X		X									
Crematorium		X					X	X								
Day Care Center					X											
Development Plan	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Distillery	SE	SE	SE	SE	SE		X									
Distillery, Micro-	X	X	X	X	X		X									
Drive-In Business			X	X	X											
Dry Cleaning & Laundry					X		X	X								
Dump or Transfer Station								X								
Dwelling (Central Business District)			X													
Dwelling (Multiple Family)														X		
Dwelling (Four-Family) (Multiple On One Lot)														X		
Dwelling (Three-Family) (Multiple On One Lot)														X		
USES	A-R	A-1	B-1	B-2	B-3	C-1	I-1	I-2	L-1	M-1	M-2	R-1	R-2	R-3	S-1	P-1

TABLE 9-15 (Part 2 of 4) Permitted Uses in Zoning Districts **\*\*Development Plan Required (Highlighted Text)**

USES	A-R	A-1	B-1	B-2	B-3	C-1	I-1	I-2	L-1	M-1	M-2	R-1	R-2	R-3	S-1	P-1
Dwelling (Two-Family) (Multiple On One Lot)													X	X <sub>x</sub>		
Dwelling (Single Family) (Multiple On One Lot)	X	X										X	X	X <sub>x</sub>	X	
Dwelling, Accessory	X	X								X	X		X	X	X	
Eating & Drinking Establishment			X	X	X											
Essential services	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Farm implement Sales, Service, & Repair	X	X					X	X								
Farm Fertilizer, Seeds, & Chemical Sales	X	X					X	X								
Farmers Market	X	X	X	X	X		X									
Farmers Market, Temporary	X	X	X	X	X		X								X	
Food Production or Processing, Retail			X	X	X		X									
Food Production or Processing, Wholesale							X	X								
Fraternity Housing														X		
Funeral Home			X	X	X											
Garbage Collectors								X								
Gasoline or Oil Retail Sales			X	X	X											
Golf Course	X	X										X	X	X	X	
Grain Elevator	X	X					X	X								
Greenhouse & Nurseries	X	X		X	X											
Group Home (Multiple On One Lot)														X <sub>x</sub>		
Hospital			X	X	X		X									
Hotel & Motel				X	X		X									
Junkyard								X								
Kennel	X	X		X	X											
Livestock Auction & Stockyard		X														
Machine & Welding Shop	X	X					X	X								
Manufactured Home Type 1 (Multiple On One Lot)	X	X								X	X <sub>x</sub>	X	X	X	X	
Manufactured Home Type 2 (Multiple On One Lot)	SE	SE								X	X <sub>x</sub>			SE		
Manufactured Home Type 3 (Multiple On One Lot)	SE	SE								X	X <sub>x</sub>					
Manufactured Home Subdivision											X					
USES	A-R	A-1	B-1	B-2	B-3	C-1	I-1	I-2	L-1	M-1	M-2	R-1	R-2	R-3	S-1	P-1

**9-16 LOT SIZES, SETBACK, AND HEIGHT RESTRICTIONS.** Lot sizes and setbacks and height restrictions for structures shall be as follows for the Zoning Districts designated in this Zoning Ordinance. See height regulations in General Regulations of this Zoning Ordinance concerning communication and amateur radio towers. **Except as stated elsewhere in this Zoning Ordinance.**

*Table 9-16, Lot Sizes & Setbacks, and Height Restrictions*

- (1) A setback shall be the distance between the right-of-way of a public way or a property line to a principal and/or accessory structure. A right-of-way of a public way shall take precedent wherever it overlaps the property line. A setback shall be measured from the foundation of a building as long as the overhand including gutter does not project past the foundation more than two (2) feet.
- (2) Heights shall be measured from the highest section of the structure to the average land elevation of the parcel on which said the structure is built.
- (3) If a proposed Minor Subdivision is located more than two hundred (200) feet from an existing Public Way, a twenty five (25) foot wide access strip that is contiguous with an existing Public Way and the proposed Minor Subdivision shall be deeded with proposed Minor Subdivision to allow for two-way traffic onto and off an existing Public Way.
- (4) A platted lot in a Major Subdivision or PUD may be located behind other platted lots if a twenty-five (25) foot wide access strip that is contiguous with an existing Public Way is platted with said lot and if proposed lot has been approved in writing by the Local Legislative Body under whose jurisdiction the Major Subdivision or PUD is to be located.
- (5) In addition to the requirements below, residential dwellings must be setback, as measured from the center of the WECS Tower, a distance of (i) 1000 feet from an existing Large WECS and (ii) 500 feet from an existing Medium WECS, provided that if a fully executed and recorded written waiver agreement is secured from the WECS Project Owner and Operator and the petitioner and a variance is granted by the Board of Zoning Appeals, the setback may be reduced to not less than (x) 650 feet, in the case of a Large WECS and (y) 300 feet, in the case of a Medium WECS.

ZONING DISTRICT	Minimum Site Area (Sq. Ft.)	Minimum Road Frontage (Feet)	Minimum Front Yard Setback (Feet)	Minimum Side Yard Setback (Feet)	Minimum Rear Yard Setback (Feet)	Maximum Height Primary Structure	Maximum Height Accessory Structure	
A-1	87,120 (2 acres)	200	40	20	20	50	100	
A-R	87,120 (2 acres)	200	40	20	20	50	100	
B-1 (CBD)	3000	30	0	0	0	50	20	
B-2	7200	60	30	8	10	50	20	
B-3	10,000	75	30	10	10	50	20	
C-1	65,340 (1.5 acres)	200	40	20	20	25	20	
I-1	20,000	100	30	20	20	50	20	
I-2	80,000	200	40	20	20	50	20	
L-1	435,600 (10 acres)	500	IDEM STANDARDS					
M-1	3600	40	20	5	5	35	20	
M-2	3600	40	20	5	5	35	20	
R-1	9500	70	35	10	10	35	20	
R-2	7000	55	30	8	10	35	20	
R-3	6000	50	20	8	10	35	20	
S-1	21,780 (0.5 acres)	100	35	10	15	35	20	
P-1	Use Base District	Use Base District	Use Base District	Use Base District	Use Base District	Use Base District	Use Base District	

**Table 9-16, Lot Sizes, Setbacks, and Height Restrictions**

- (1) A setback shall be measured from the nearest property line or public right-of-way to the foundation of any structure as long as the overhang including gutter does not project past the foundation more than two (2) feet.**
- (2) Heights shall be measured from the highest section of the structure to the average land elevation of the parcel on which said structure is located.**
- (3) In the A-1, A-R, S-1 and C-1 zoning districts the minimum lot size shall be 2 acres except if there is written proof and proper approvals stating that the property can utilize public sewer or an onsite sewage disposal system that does not take up as much space and has a significantly longer life span than a traditional system.**
- (4) No structure except WECS Projects, WECS Testing Facilities, and Communication Towers shall be erected above the maximum height requirement for each zoning type described in this Zoning Ordinance. No structure may be erected within any district whose height would place it in the proximity to commercial power transmission lines.**

<b>Zoning Districts</b>	<b>Minimum Lot Size (Acres)</b>	<b>Minimum Road Frontage (Feet)</b>	<b>Property Line / Right-of-Way Setbacks (Feet)</b>	<b>Maximum Structure Height (Feet)</b>
<b>A-1, A-R, S-1 &amp; C-1</b>	<b>2 or .5</b>	<b>25</b>	<b>5 from P.L. The greater of 30 feet from ROW or 60 feet from center of road</b>	<b>100</b>
<b>B-1 (CBD)</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>100</b>
<b>B-2, B-3, I-1 &amp; I-2</b>	<b>N/A</b>	<b>25</b>	<b>The greater of 5 feet or platted/deeded building line</b>	<b>100</b>
<b>R-1</b>	<b>N/A</b>	<b>25</b>	<b>30 feet or platted/deeded building line</b>	<b>35</b>
<b>R-2, R-3, M-1 &amp; M-2</b>	<b>N/A</b>	<b>25</b>	<b>The greater of 5 feet or platted/deeded building line</b>	<b>35</b>
<b>L-1</b>	<b>10</b>	<b>25</b>	<b>IDEM Standards</b>	<b>100</b>
<b>P-1</b>	<b>Use Base District</b>	<b>Use Base District</b>	<b>Use Base District</b>	<b>Use Base District</b>

## ARTICLE 11: GENERAL REGULATIONS

**11-01 ACCESSORY STRUCTURES AND USES:** Accessory uses and structures are permitted in all districts in conjunction with a primary use or structure provided the accessory use does not change the character of the district in which it is located and conforms with all other requirements of this Zoning Ordinance. Accessory structures include sheds, barns, silos, detached garages, above or below ground pools, dog kennels, pavilions, gazebos, and similar structures.

- ~~(1) Accessory structures shall comply with the minimum front yard setback requirements for the zoning district.~~
- ~~(2) Accessory structures of more than five hundred (500) square feet or more than fourteen (14) feet in height shall be required to meet the side and rear setbacks.~~
- ~~(3) Accessory structures of less than five hundred (500) square feet and less than fourteen (14) feet in height may be five (5) feet from a side or rear lot line. The measurement for this setback shall be measured from the foundation of the building as long as the overhand including gutter does not project past the foundation by more than one (1) foot.~~
- (4) Manufactured homes shall not be used for accessory structures.
- (5) Truck bodies and semi-trailer bodies shall not be used as an accessory structure except as follows:
  - (A) A truck body or semi-trailer may be utilized as an accessory structure in the A-1, I-1, I-2, and L-1 zoning districts. Such accessory structures shall require an improvement location permit.
  - (B) A truck body or semi-trailer may be utilized as an accessory structure as a special exception in the A-R, S-1, C-1, B-1, B-2, and B-3 zoning districts. Such an accessory structure shall require an improvement location permit.
- ~~(6) Primary and accessory structures used for the parking of vehicles may not be less than twenty (20) feet from a property line when a vehicular ingress and/or egress point faces the property line.~~
- ~~(7) Migrant worker's housing facilities may be permitted as an accessory use in conjunction with an agricultural or industrial operation in the A-1, A-R, I-1, or I-2 districts provided that the housing is not occupied for more than six months in every calendar year.~~
- ~~(8) A private swimming pool shall be permitted as an accessory structure. All swimming pools shall require an improvement location permit.~~
- (9) Accessory structures or uses shall not adversely affect any section of a storm water plan to an approved Development Plan, Major Subdivision, PUD, or CAFO.

**11-02 FENCES:** Unless a Local Legislative Body enacts an ordinance to establish more stringent standards for fences in its own jurisdiction, no improvement location permit shall be required for fences, but fences shall meet these following minimum requirements.

- (1) Fences erected by a property owner shall be located on the property of that owner.
- (2) Fences shall not be located within the front yard setbacks as defined in this Zoning Ordinance, except for agricultural fences which must stay out of the public right-of-way. Agricultural fences shall be defined as a fence in the A-R, A-1, S-1, or C-1 zoning district that does not utilize solid privacy fence style panels.
- (3) Fences shall not obstruct any portion of the site triangle.

~~**11-03 HEIGHT REGULATION:** No structure except WECS Projects, WECS Testing Facilities, and Communication Towers shall be erected above the maximum height requirement for each zoning type described in this Zoning Ordinance. No structure may be erected within any district whose height would place it in the proximity to commercial power transmission lines. In any district, the Board of Zoning Appeals may authorize a variance to this section if:~~

- ~~(1) All setback depths are increased one foot for each additional foot of height above the height requirement for the accessory or primary structure for which the variance is applied.~~
- ~~(2) The structure is found not to constitute a hazard to an established airport.~~

**11-04 HOME OCCUPATIONS:** A home occupation may be permitted in the A-1, A-R, M-1, M-2, R-1, R-2, R-3, and S-1 zoning districts if it complies with the requirements of this Zoning Ordinance and the following.

- (1) The home occupation shall be carried on by a member of the family residing in the dwelling unit and their immediate family with not more than ~~one~~ **three (3)** employees, per day (24 hours), who is not part of the immediate family. For purposes of this section, immediate family shall mean a person's spouse, parents and their spouses, children and their spouses, and siblings and their spouses.
- (2) **A home occupation shall occur wholly within a primary or accessory structure.**
- (3) **A home occupation shall not be the primary use for the property.**
- ~~(4) A home occupation shall be carried on wholly within a primary structure only and shall not occupy more than twenty five percent (25%) of the total gross floor area of the primary unit; however, a home occupation may be permitted in an accessory structure in an A-1 and A-R area.~~
- (5) A Home Occupation shall not be permitted to have outside displays of merchandise and/or storage of merchandise; however, this may be permitted in an A-1 and A-R area. Outside displays and/or storage of merchandise in A-1 and A-R areas shall not be lighted or situated so as to distract from the residential character of the neighborhood.
- (6) The home occupation shall provide off-street parking and shall not create any traffic congestion in the neighborhood.
- (7) A home occupation may not be extended, expanded, or substantially changed in size except as permitted in accordance with the provisions contained in this Zoning Ordinance.
- (8) The receipt, purchase, and sale of merchandise manufactured outside the home occupation shall not be permitted in a home except as follows. (A) Merchandise used as a part of a service rendered by the home occupation may be sold.
  - (A) It shall be permissible for a home occupation to bring in antiques, crafts, and craft materials manufactured outside of the home occupation for re-sale or re-working.
  - (B) It shall be permissible for a home occupation to operate a Direct Selling business which is defined as the sale of a consumer product or service, person-to-person, away from a fixed retail location.
- (9) The following business shall **NOT** qualify as a Home Occupation.
  - (A) Garbage/ Recycling Collectors
  - (B) Junk Yards
  - (C) Other junk accumulation activities

**11-05 MISCELLANEOUS LOT REQUIREMENTS:** The Plan Commission office shall impose the following miscellaneous regulations. ~~For this section, a block is defined as property encompassed by four (4) public ways.~~

- ~~(1) Lots that abut more than one public way shall designate which front yard shall be the Primary Front Yard. The Primary front yard setbacks shall be required to meet the requirements as established by this Zoning Ordinance. The other front yard shall be designated as the Secondary Front Yard. The Secondary front yard setback may be reduced to two-thirds (2/3) of the front yard setback as provided in this Zoning Ordinance, but shall not be less than twenty (20) feet.~~
- ~~(2) Whenever there are two (2) or fewer lots on any city or town block, then the owner of those lots may designate which yard shall be the primary front yard. The remaining lot yards shall be subject to the setback requirements for rear and side yards as set forth in this Zoning Ordinance. If there are two (2) lots in said block, both lots must have the same primary front yard, and the first lot owner to declare the primary front yard to the Plan Commission shall be controlling; however, if one of the streets encompassing said block is an improved public way, then the primary front yard shall be on the improved public way.~~
- ~~(3) The Director may require structures that abut arterial or collector public ways to have a frontage road to reduce traffic congestion. In the event a frontage road is not provided, the setback requirements, as shown in this Zoning Ordinance, shall be increased as follows, unless the Board~~



of Zoning Appeals grants a variance.

(A) Front yard setbacks for structures located on an arterial public way shall be increased 100%.

(B) Front yard setbacks for structures located on a collector public way shall be increased 50%.

(4) No portion of a principal structure or an accessory structure, whether open or enclosed, including but not limited to balconies, carports, garages, porches, roofs, and platforms above normal grade level shall project into any minimum front, side, or rear yard.

(5) Any lot or parcel of record existing as of January 1, 1971 or the purchase of any lot which has been contracted for in writing as evidenced by a duly recorded contract as of January 1, 1971, and then held in separate ownership different from the ownership of adjoining lots or parcels may be used for the erection of a structure conforming to the developmental standards of the district in which the lot or parcel is located, even though its area and width are less than the minimum requirements of this Zoning Ordinance.

(6) In any residential district where at least twenty five (25) percent of the lots in a block are occupied by existing residential structures, the minimum depth of a front yard may be the average of the depths of the front yards of the existing residential structures.

**(7) A property with legal non-conforming structures regarding to setbacks or heights can expand said existing structure or build new structures at the preexisting setback or height on said property as long as the preexisting structures do not extend over into a neighboring property.**

**(8) In the B-2, B-3, I-1, I-2, M-1, M-2, R-2 and R-3 zoning districts a structure can be built with a zero side or rear yard setback if said structure shares or is designed to share a common wall with at least one other structure on the neighboring property with said neighboring property owner's written permission.**

**11-06 MULTIPLE DWELLING UNITS:** Not more than one (1) dwelling unit shall be permitted on any lot, tract, or parcel in any district except as follows:

(1) Two-family dwellings, multi-family dwellings, condominiums, and other multiple dwelling units that are permitted uses within a given zoning district are allowed on a single lot or parcel.

(2) In addition to the provisions of this Zoning Ordinance, all condominium projects must, where applicable, comply with the provisions and terms of the "Horizontal Property Acts" in accordance with I.C. 32-25 et. seq. and any amendments thereto.

(3) An individual manufactured or mobile home may be permitted on a lot or parcel with another dwelling unit as follows:

(A) SPECIAL EXCEPTION: At a public hearing the Board of Zoning Appeals decides that a special health or family need requires the placement of said mobile home, while the specifically approved special health or family need exists. The removal must be completed within six (6) months of the date when the specifically approved need ceases to exist.

(B) SPECIAL EXCEPTION: The owner of said lot obtains a special exception for up to five (5) years by the Board of Zoning Appeals and said owner intends to construct a principal dwelling on the lot within five (5) years. The owner may apply for no more than one (1) extension of the five (5) year maximum time limit.

(C) When a special exception is granted, the Board of Zoning Appeals may place reasonable conditions upon the owner of the lot upon which the mobile home is placed.

(4) If the owner of the lot is constructing a new dwelling on a lot in an A-1 or A-R area, the old dwelling or a mobile home may co-exist with the dwelling under construction for a period not to exceed twelve (12) months, but the Director must be notified in advance of the date and location of said home placement.

**11-07 OFF-STREET LOADING:** Every building shall provide off-street loading berths of a size and arrangement appropriate for the types of vehicles required to deliver or distribute materials. Or merchandise to that building. Loading or unloading shall not be permitted within public rights-of-way without written authorization from the Director.

- 11-08 OFF-STREET PARKING: Off-street parking spaces (a minimum of 10-foot-wide by 20-foot-long) shall be provided based on a parking needs analysis submitted as part of a Development Plan approval. Off-street parking shall be designed to avoid an undue burden on on-street parking while minimizing it so to provide more space for current and future development. A parking needs analysis is not required for projects occurring within Central Business District zoned areas.** Off-street parking spaces shall be provided in accordance with the specifications in this section in all districts, except the Central Business District, whenever any new use is established or existing structure for an existing use is enlarged.
- (1)** Parking spaces shall be a minimum of nine (9) feet wide, measured at a ninety degree (90°) angle from the parallel lines along the side of the parking spaces and eighteen (18) feet long (162 sq. ft.). To determine the number of parking spaces in the parking lot, driveways of parking lots may not be included to determine the number of parking spaces. All entrances and exits shall be clearly defined, and all parking spaces shall have free access to exits at all times. Driveways to private dwellings may be used for parking spaces. Angle parking shall meet the same size standards.
  - (2)** Parking spaces may be located on a lot other than that containing the principal use with the approval of the Board of Zoning Appeals.
  - (3)** No portion of off-street parking shall be on a Public Way or Public Right-of-Way.
  - (4)** Any off-street parking lot shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.
  - (5)** Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any residential district.
  - (6)** The Plan Commission or Director may require that a Parking Lot located in a residential area be screened from adjoining residential lots by a six (6) foot opaque screen or fence made of wood, stone, vegetation, or other substance.
  - (7)** The Plan Commission or Director may require that such physical barriers, pavement markings, signs, and landscaping as it deems necessary to properly channel traffic to designated parking entrances and exits.
  - (8)** Parking Space Requirements are listed in the following Table.

Table 11-08 Off Street Parking Space Requirements

USE	PARKING SPACES REQUIRED
Apartments, Condominiums, Duplexes	(A) less than ten (10) dwelling units, two & one half (2.5) per dwelling unit (B) ten (10) — twenty (20) dwelling units, two & one quarter (2.25) per dwelling unit (C) more than twenty (20) dwelling units, two (2) per dwelling unit
Apartments— Senior Citizens	one & one half (1.5) per dwelling unit
Appliance or Furniture Stores & Discount Stores	one (1) for each four hundred (400) square feet of gross floor area
Barbershop & Beauty Salon	one (1) for each one hundred fifty (150) square feet of gross floor area
Bowling Alleys	five (5) for each bowling lane
College Residence Hall & Fraternity or Sorority House	one (1) for each residential unit for which it is designed
Convalescent or Nursing Homes, Rest Homes, & Sanitariums	one (1) for each three (3) beds and one (1) for each employee on maximum working shift
Church *	one (1) per five (5) seats in the principal assembly room
Hospitals and Clinics	one (1) per three (3) beds and one (1) for each two (2) employees on maximum working shift
Hotels, Motels & Boarding Houses	one (1) for each living or sleeping unit
Industrial	one (1) for each employee on the maximum working shift
Offices, Office Complex, Professional Offices, and Medical & Dental Clinics & Dispensaries	four (4) for each office designed or one (1) for each four hundred (400) square feet of gross floor area, whichever is greater
Private Club or Lodge Hall	one (1) for each fifty (50) square feet of area in the largest assembly room
Place of Public Assembly such as Dance Halls, Night Clubs & Commercial Recreation	one (1) space for each five (5) seats of the largest assembly room or fifty (50) square feet for units without fixed seats
Restaurants, Cafeterias & Banquets Halls	one (1) for each four (4) seats offered to the public plus one (1) space per employee per shift
Retail Businesses, Funeral Homes & Personal Service Establishments	one (1) for every two hundred (200) sq. ft. of gross floor area and/or one (1) space for each employee per shift
School *	one (1) for each fifty (50) square feet of area in the largest assembly room and/or one (1) for each employee in the event there is no assembly room.
Super Markets	A). one (1) space for each two hundred (200) square feet of gross floor area for less than fifty thousand (50,000) square feet B). one (1) space for each three hundred (300) square feet of gross floor area for more than fifty thousand (50,000) square feet.
Theater *	one (1) per four (4) seats
Wholesale Warehouses	one (1) for each employee on the maximum working shift plus one (1) space for each customer counter space
USE	PARKING SPACES REQUIRED
* Each eighteen (18) inches of pews, benches, and bleachers is considered one (1) seating space (reference, <i>Zoning News</i> , March 1986).	

**11-09 PONDS:** Ponds shall require a permit as stated in section 4-02 of this Zoning Ordinance. The Plat Committee shall approve size and location of ponds as follows.

- (1) Ponds may be permitted in the A-1 (Agriculture-Intensive), A-R (Agriculture-Residential), C-1 (Conservation-1), I-1 (Industrial-1), I-2 (Industrial-2), and S-1 (Suburban-1) Districts.
- (2) Retention and detention ponds that are a part of the storm drainage system may be permitted in any district.
- (3) Ponds may be permitted in a Major Subdivision or Development Plan by the approval of the Plan Commission. If a pond in a Major Subdivision abuts a Public Way, the pond shall meet setback requirements.
- (4) Ponds shall be set back a minimum of fifty (50) feet from the water's edge to any property line or public right-of-way. Any mounding around the pond shall be set back a minimum of twenty (20) feet from the toe of the pond's bank to any property line or public right-of-way. The toe of the pond's bank is where the elevation goes back to the preexisting grade.
- (5) Ponds and banks of ponds shall comply with the visual sight angle requirements as defined in the Performance Standards of this Zoning Ordinance.
- (6) If during the construction, maintenance, or use of a pond, any legal ditch, drain, or watercourse is broken, destroyed, or disturbed, then owner of said pond at owner's expense shall reconstruct or reroute said ditch, drain, or watercourse so as to provide the same volume of drainage as existed prior to the construction of said pond with the approval of the Wells County Surveyor, Wells County Drainage Board, or Plan Commission.
- (7) All excess dirt stockpiled on the property after excavating the pond shall be set back a minimum of twenty (20) feet from the toe of the dirt stockpile to any property line or public right-of-way. The toe of the dirt stockpile is where the elevation goes back to the preexisting grade.

**11-10 SIGNS:** Unless specifically exempted under this section, all signs shall require a permit as required by section 4-02 of this Zoning Ordinance.

- (1) The following signs do not require a permit, provided they comply with all the provisions of this section and if a more stringent standard has not been enacted by the Local Legislative Body:
  - (A) Temporary signs provided:
    - (a) It shall conform to the sight triangle requirements.
    - (b) It shall not be located within a public right-of-way.
    - (c) It shall not be located within an easement.
    - (d) It shall conform to the lighting requirements.
    - (e) It shall comply with the height restrictions for the applicable zoning district.
  - (B) Signs required or approved by the affected government entity to be located in a public right-of-way or easement.
  - (C) Any sign that is securely fastened to and lays flat against a structure.
  - (D) **Any sign that is located or designed to be viewable only when intended viewer is off of any public way.**
- (2) Unless listed above, all other signs shall meet the following requirements unless a more stringent standard has not been enacted by the Local Legislative Body:
  - (A) The leading edge of the sign shall meet a five (5) foot setback from all property lines and public rights-of-way, except in the B-1 zoning district as follows:
    - (a) The leading edge of the sign shall meet the B-1 front yard, side yard, and rear yard setbacks requirements, except as follows. Signs and Awnings shall also be allowed to encroach into the public right-of-way if the sign or awning meets the requirements as follows:
      - (i) The sign or awning must only be attached to a preexisting structure.
      - (ii) The sign or awning including all apparatus must at least be eight (8) feet above ground level.
      - (iii) **The sign or awning may not project into the travel lanes or on-street parking spaces of the adjacent roadways. The sign or awning may project no more than three (3) feet into the public right-of-way, and at no time may the sign project over an**

~~existing roadway or alley.~~

- (iv) Written acknowledgment of the sign or awning must be obtained by owner/controller of the public right-of-way.
- (B) It shall comply It shall not be located within an easement.
- (C) It shall conform to the sight triangle requirements.
- (D) It shall conform to the lighting requirements.
- (E) It shall not detract from the public safety, welfare, and wellbeing of the viewers.
- (F) Parcels or lots zoned A-1, B-1, B-2, B-3, I-1, I-2, and L-1 may have one (1) free-standing sign with no greater than one hundred (100) square feet per face. **Additional signs are allowed for wayfinding signage that directs traffic to different sections of a building or property.**
- (G) Parcels or lots zoned M-1, M-2, A-R, R-1, R-2, R-3, S-1, and C-1 may have a free-standing sign with no greater than sixteen (16) square feet per face. **Additional signs are allowed for wayfinding signage that directs traffic to different sections of a building or property.**
- (H) It shall comply with the height restrictions for the applicable zoning district.

**11-11 TEMPORARY STRUCTURES:** Temporary structures, which may include manufactured or mobile homes or offices used in conjunction with construction work, seasonal sales, education, sales or special events, and emergencies, may be permitted by the Director if the proposed site is acceptable and neighboring uses are not adversely affected. They shall be removed promptly when their function has been fulfilled. Also, see Multiple Dwelling Units section of this Article.

**11-12 LIGHTING:**

- (1) Any Development Plan that is installing private lighting, except for lighting emitted from a backlit or LED style sign shall be required to utilize lighting placement and fixtures that substantially limit the amount of light pollution on neighboring properties. Light pollution shall be defined as light trespass or glare on a neighboring property as an unwanted consequence of private lighting.
- (2) Any LED sign shall meet the following requirements.
  - (A) Between 30 minutes prior to dusk and 30 minutes after dawn any LED sign shall utilize an automatic dimming feature to reduce the lighting level to avoid a lighting intensity or brilliance that would cause glare on neighboring properties or to impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle.
- (3) All lighting shall be accomplished in a manner that does not cause an undue distraction, confusion, or hazard to vehicular traffic or neighbors; strobe lights are prohibited unless required by the Federal Aviation Administration.

- 11-13 SIGHT TRIANGLES:** To ensure an area of unobstructed vision at public way intersections or the egress/ingress points from a parcel onto a public way the sight triangle for all lots, except those in a B-1 (Central Business District), shall be in compliance with the following requirements:
- (1) Nothing including but not limited to shrubs, trees, and fences shall be erected, placed, planted, or allowed to grow in such manner as to impede the vision between a height of thirty-two (32) inches and ninety-six (96) inches above the elevation as measured at the center of the intersection.
  - (2) **The site triangle shall be measured following INDOT design manual standards.**
    - (A) For corner lots, the triangle is defined as the area formed by the street center line and a line connecting points seventy five (75) feet for local and collector streets, and one hundred fifty (150) feet for arterial streets from the intersection of such street center lines.
    - (B) Upon the occasion when a driveway or alley intersects with a local, collector street, or arterial street the visibility triangle is formed by the center lines of driveways, alleys, and streets and a line connecting points forty (40) feet from driveways and alleys, seventy five (75) feet for local and collector streets, and one hundred fifty (150) feet for arterial streets.
  - (3) The provisions of this section shall not apply to official warning signs or signals necessary to the public safety.

**11-14 EASEMENT RESTRICTIONS:** No structure, or fence, **tree, bush, or similar woody plant** shall be erected or maintained on any **non-blanket style easement controlled by a division of local government, unless said division of local government grants in writing permission for said structure, fence, tree, bush, or similar woody plant to be located within the easement.** ~~except on a drainage ditch easement, either open or tiled, which may be allowed by permission of the Wells County Drainage Board in writing prior to the issuance of the improvement location permit. No tree, bush, or similar type of woody plant shall be planted or maintained on any easement.~~

**11-15 FIRE PROTECTION:** Firefighting equipment and prevention measures acceptable to the local Fire Department shall be readily available and apparent when any activity involving the handling of storage of flammable or explosive materials is conducted. All development plans, PUD(s), and major subdivisions shall meet fire code standards established by the state of Indiana and the local fire department.

**11-16 RECREATIONAL VEHICLES:** The following regulations govern the placement of Recreational Vehicles (RV).

- (1) Within a Recreational Vehicle Park: An RV located within a Recreational Vehicle Park may be located there for a time period not exceeding eight (8) months in a calendar year, except as follows:
  - (A) Special Exception: At a public hearing, the Board of Zoning Appeals may decide that a portion of a Residential Vehicle Park would be designated for extended stays. This designation is good for a one (1) year time period. Prior to the end of the one (1) year, **an one (1) year** extension may be filed.
  - (B) The portion of the Recreational Vehicle Park designated for extended stays shall be separated from any zoning district that does not allow as a permitted use a Recreational Vehicle Park a distance of 300 feet for sites to provide a visual separation between non-compatible uses.
- (2) Outside of a Recreational Vehicle Park: An RV may occupy the same parcel for residential purposes outside of a Recreational Vehicle Park for a time period not exceeding thirty (30) consecutive days in an incorporated area or ninety (90) consecutive days in an unincorporated area, except as follows:
  - (A) Special Exception: The owner of a given property may obtain a special exception for up to one (1) a year by the Board of Zoning Appeals if said owner intends to construct a new principal dwelling on the lot, remodel or rebuild a preexisting principal dwelling on the lot.

## ARTICLE 14: DEVELOPMENT PLAN

- 14-01 GENERAL:** Section 9-14 of the Zoning Ordinance hereby designates zoning districts where a Development Plan is required. The Plan Commission or its designee shall have exclusive authority to approve or disapprove Development Plans and their modifications on real property in a designated zoning district within this Zoning Ordinance's jurisdiction.
- 14-02 PROCEDURE:** Whenever a Development Plan required under this article is desired the owner(s) of the subject real estate shall file with the Plan Commission or its designee the appropriate forms, surveys, and fees as prescribed in Article 4 of this Zoning Ordinance, by this Article, and in conformance with applicable Approval Agency's rules of procedure.
- 14-03 DESIGNEE:** The Plan Commission authorizes the Plan Commission's Staff to act as its designee for certain Development Plans as stated in this Article per IC 36-7-4-1402 (c), and any amendments thereto. These Development Plans shall not require a public hearing.
- (1) **Designee Duties and Procedures:** The Plan Commission's Staff shall follow duties and procedures set forth in Article 4 of this Zoning Ordinance and the Rules of Procedure of the Plan Commission.
  - (2) **Designee Appeal:** A decision made by the Plan Commission's Staff may be appealed directly to the Plan Commission as long as the appeal is filed within thirty (30) days of the Staff's decision and is filed in compliance with Article 7 of this Zoning Ordinance and the Rules of Procedure of the Plan Commission.
- 14-04 RESIDENTIAL DEVELOPMENT PLANS:** A Residential Development Plan is required as follows:
- (1) **Jurisdiction:** The following items require a Residential Development Plan:
    - (A) **Any multi-family residential development.**
    - (B) **Any time more than one (1) single-family-dwelling, two-family-dwelling, three-family-dwelling, four-family-dwelling, group homes, or Type I, II or III Manufactured Home is to be located on the same parcel with one (1) or more single-family-dwellings, two-family-dwellings, three-family-dwellings, four-family-dwellings, group homes, or Type I, II or III Manufactured Homes. This shall not include the placement of an accessory dwelling on the site with another dwelling.**
    - (C) ~~One (1) single-family dwelling in conjunction with one (1) or more single-family dwellings, two family dwellings, multi-family dwellings, group homes or supervised homes per parcel.~~
    - (D) ~~One (1) two-family dwelling in conjunction with one (1) or more single-family dwellings, two family dwellings, multi-family dwellings, group homes or supervised homes per parcel.~~
    - (E) ~~One (1) multi-family dwelling per parcel as allowed in the R-3 Zoning District.~~
    - (F) ~~One (1) multi-family dwelling in conjunction with one (1) or more single-family dwellings, two family dwellings, multi-family dwellings, group homes or supervised homes per parcel.~~
    - (G) ~~One (1) group home or supervised home in conjunction with one (1) or more single-family dwellings, two family dwellings, multi-family dwellings, group homes or supervised homes per parcel.~~
    - (H) ~~One (1) Type I, II or III Manufactured Home in conjunction with one (1) or more Type I, II, or III Manufactured Homes per parcel.~~
    - (I) ~~Any Parking Lot, Accessory Structure, or Storm drainage facility located on the same parcel as items 14-04(1)(A) – 14-04(1)(F).~~
    - (J) Any modification made to a previously approved Development Plan that would now require a Residential Development Plan per this section or any modification that previously did not require a Development Plan that now requires a Residential Development Plan per this section. A modification shall be defined as any changes or expansion made to items 14-04(1)(A) – 14-04(1)(G).
  - (2) **Approval Agency:** Residential Development Plans shall be reviewed by either the Plan Commission or the Plan Commission's Staff as stated below:
    - (A) The Plan Commission shall review new Residential Development Plans and modifications that create a substantial increase in the preexisting impervious surface for the affected parcel. A substantial increase shall be defined as any development that increases the preexisting impervious surface for the affected parcel by greater than twenty-five (25) percent. The preexisting

**(4) DEVELOPMENT REQUIREMENTS:** The General Development Plan shall be in conformance with the following development requirements.

**(A)** The following requirements guarantee the compatibility of the development with surrounding land uses:

- (a)** The property shall be zoned incompatibility with the permitted use section of the Zoning Ordinance.
- (b)** If the petitioned property abuts property zoned R-1, R-2, R-3, S-1, M-1, M-1 or A-R one of the following buffers shall be installed along the affected property line. However, no portion of the buffer can be located in an easement, right-of-way or site triangle.
  - 1) A minimum of a six (6) foot tall privacy fence or wall.
  - 2) A minimum of a six (6) foot tall earthen mound.
  - 3) A minimum of two (2) staggered rows that are a minimum of six (6) foot tall coniferous trees
  - 4) Any combination of the above-listed options equaling at least six (6) foot tall.

**(B)** The following requirements guarantee the development's adequate availability and coordination of water, sanitary sewers, and storm water drainage.

**(a)** Requirement as stated in sections 14-04(4)(B)(a) – 14-04(4)(B)(e).

**(C)** The following requirements guarantee that the development's management of traffic is in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.

**(a)** Requirement as stated in sections 14-04(4)(C)(a) – 14-04(4)(C)(c).

**(D)** The requirements as stated in sections 14-04(4)(D) – 14-04(4)(Q).

**14-06 CONFINED FEEDING OPERATION (CFO) OR MANURE LAGOON DEVELOPMENT PLAN:** A CFO Development is required as follows:

**(1) Jurisdiction:** The following items require a CFO or Manure Lagoon Development Plan:

- (A)** At least three hundred (300) cattle as well as meeting the definition for confined feeding as set forth in IC 13-11-2-39.
- (B)** At least six hundred (600) swine or sheep as well as meeting the definition for confined feeding as set forth in IC 13-11-2-39.
- (C)** At least thirty thousand (30,000) fowl as well as meeting the definition for confined feeding as set forth in IC 13-11-2-39.
- (D)** At least five hundred (500) horses as well as meeting the definition for confined feeding as set forth in IC 13-11-2-39.
- (E)** Any Manure Lagoon.
- (F)** Any Satellite Manure Lagoon.

~~**(G)** Any Parking Lot, Accessory Structure, or Storm drainage facility located on the same parcel as items 14-06(1)(A) – 14-06(1)(F)~~

**(H)** Any modification made to a previously approved Development Plan that would now require a CFO or Manure Lagoon Development Plan per this section, or any modification that previously did not require a Development Plan that now requires a CFO or Manure Lagoon Development Plan per this section. A modification shall be defined as any changes or expansion made to items 14-06(1)(A) – 14-06(1)(G).

**(2) Approval Agency:** CFO or Manure Lagoon Development Plans shall be reviewed by either the Plan Commission or the Plan Commission's Staff as stated below:

**(A)** The Plan Commission shall review new CFO or Manure Lagoon Development Plans and modifications as follows:

- (a)** CFO: CFO petition that creates a substantial increase in the number of livestock raised on the affected parcel. A substantial increase shall be defined as any development that increase the preexisting number of livestock raised on the affected parcel by greater than ten (10) percent. A preexisting number of livestock shall be defined as the amount of livestock approved under the last Development



## ARTICE 18: DEFINITIONS #

Certain words used in this Zoning Ordinance are defined below. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the male gender shall include the female gender and the female gender shall include the male gender; and the word "shall" is mandatory and not permissive. Unless specifically defined below, words or phrases used in this Zoning Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Zoning Ordinance it's most reasonable application. Terms not specifically defined herein and subsequent new terms shall have their meanings as set forth in the current edition of Anderson's American Law of Zoning and all amendments and updates thereto.

**ACCELERATION LANE:** A tapered section of pavement that is located adjacent to the right lane of the traveled portion of a public way at the exit access from a traffic generator and that is used by vehicles to obtain the desired speed to merge with the traffic flow of the public way.

**ACCESSORY STRUCTURE:** See STRUCTURE (ACCESSORY).

**ACCESSORY USE:** See USE (ACCESSORY).

**ADDITION:** The act of adding a portion of an existing parcel to another existing contiguous parcel which is located on an existing public way.

**AEROBIC STRUCTURE:** An Aerobic Structure shall be defined as an animal feeding operation structure which relies on aerobic bacterial action which is maintained by the utilization of air or oxygen and which includes aeration equipment to digest organic matter. Aeration equipment shall be used and shall be capable of providing oxygen at a rate sufficient to maintain an average of two (2) milligrams per liter dissolved oxygen concentration in the upper thirty (30) percent of the depth of manure in the structure at all times.

**AGENDA:** The written list of petitions and other matters for a hearing of a governing agency posted by the office of the Area Planning Department.

**AGRICULTURE:** Any use of land or structures for farming, dairying, pasturage, horticulture, floriculture, arboriculture, aquaculture, or animal or poultry husbandry. Agriculture does not include a concentrated or confined animal feeding operation.

**AIRPORT:** A parcel of land used for commercial or private aircraft to land or take-off, and the embarkation and for the loading and unloading of passengers and/or freight.

**ALLEY:** A public way providing secondary means of access to abutting lands.

**AMENDMENT:** A revision to a petition made after the petition has been filed.

**ANCHORING SYSTEM:** An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured home.

**ANSI/NFPA:** Standards for installation of manufactured homes as established and copyrighted by American National Standards Institution / National Fire Protection Association.

**ANIMAL, DOMESTIC:** A household domestic animal including, but not limited to rabbits, chickens, cats and dogs that are normally housed within the confines of a residence **essential property**. Animals such as cattle, goats, horses, sheep, and **Commercially raised** farm livestock, for the purpose of this Zoning Ordinance, shall not be considered as domestic animals.

**ANIMAL, DOMESTIC FARM:** means all cattle, bison, or animals of the bovine species; all horses, mules, burros, or animals of the equine species; all goats or animals of the caprine species; all swine or animals of the porcine species; llamas and all animals of the lama genus; ostrich, chickens, and other domesticated poultry; farm raised or legally hunted deer, elk, moose, or animals of the Cervidae family; all sheep or animals of the ovine species; and commercially caught or farm raised fish and seafood.

**ANTIQUES:** Other than motor vehicles, an item, relic, or other object belonging to a substantially earlier period or to antiquity that is collectible because of its value or age.

**APC:** Wells County Area Plan Commission.

**APPEAL:** A grievance taken, in accordance with this Zoning Ordinance and applicable Indiana Code, against an official action of a governing agency or employee of the Area Planning Department.

**APPROVAL AGENCY:** The agency that has jurisdiction under this Zoning Ordinance, Subdivision Control Ordinance, Flood Hazard Ordinance or through Indiana Code to take action regarding said petition.

**APPROVAL (PRIMARY):** Initial approval given by the Plan Commission or Plat Committee for a petition in accordance with the Subdivision Control Ordinance and applicable Indiana Code.

**APPROVAL (SECONDARY):** Final approval given by the designated secondary approval official in accordance with the Subdivision Control Ordinance and applicable Indiana Code.

**AREA:** The square footage or acreage of a parcel of land.

**ARTERIAL PUBLIC WAY:** See PUBLIC WAY (ARTERIAL).

**CONCRETE MANUFACTURING PLANT:** A parcel of land and structure used to store raw materials for the manufacturing of concrete, to manufacture concrete, and to store finished concrete products. This is also known as a batch plant, ready mix plant, or central mix plant.

**CONDOMINIUM:** Individual ownership of a single unit in a multi-unit structure or complex of structures as defined in the Indiana Horizontal Property Regime Law and amendments thereto.

**CONFLICT OF INTEREST:** Any time a member of a governing agency or employee of the Area Planning Department has direct or indirect financial ties to a petition submitted to the Area Planning Department.

**CONTOUR:** An imaginary line on the surface of the ground that connects points of equal elevation.

**CONTOUR INTERVAL:** The vertical distance between contour lines.

**CONTOUR MAP:** A map that shows the shape of the surface features of the ground by use of contours.

**CONVENIENCE STORE:** A retail business selling such items as candy, grocery items, pop, sundries, hardware, and pharmaceutical in conjunction with gasoline, oil, and automotive products, but that does not provide for the service or repair of vehicles.

**COUNTY COMMISSIONERS:** The legislative body of Wells County government.

**COUNTY COUNCIL:** The Local Fiscal Body of Wells County government.

**COVENANTS:** Limitation on the usage of lots within a Subdivision in various ways proposed by the subdivider and recorded with the plat.

**COVERED:** In Regards to CFOs and Manure Lagoons covered shall be defined as an organic or inorganic material, placed upon an animal feeding operation structure used to store manure, which significantly reduces the exchange of gasses between the stored manure and the outside air. Organic materials include, but are not limited to, a layer of chopped straw, another crop residue, or a naturally occurring crust on the surface of the stored manure. Inorganic materials shall include but are not limited to, wood, steel, aluminum, rubber, plastic, or Styrofoam. The materials shall shield at least ninety (90) percent of the surface are of the stored manure from the outside air. Cover shall include an organic or inorganic material which current scientific research shows reduces detectable odor by at least seventy-five (75) percent. A formed manure storage structure directly beneath a floor where animals are housed in a confinement feeding operation is deemed to be covered.

**CREMATORIUM:** A structure or furnace used to cremate the remains of humans or animals.

**CROSS-SECTION:** A drawing that shows the features that would be exposed by a vertical cut through a man-made or natural structure.

**CROSSWALK:** A designated portion of a public right-of-way that crosses a public right-of-way to furnish access for pedestrians to adjacent public ways or properties.

**CUL-DE-SAC:** A public way that has only one (1) point of ingress/egress and that terminates in a turnaround.

**DAY CARE CENTER:** A commercial facility for the part-time, but not overnight care of minor children.

**DECELERATION LANE:** A tapered section of pavement that is located adjacent to the right lane of the traveled portion of a public way and that is used by vehicles to reduce their speed for a turn onto an entrance access to a traffic generator.

**DECK:** A flat, floored roofless area that is above grade level and adjoins a dwelling.

**DEED:** A legal document acting as the vehicle for the sale and purchase of parcels or lots.

**DEVELOPMENT PLAN:** A specific plan for the development of real property.

**DIRECTOR:** The Executive Director of the Wells County Area Plan Commission as created and given jurisdiction by this Zoning Ordinance and applicable Indiana Code.

**DISTILLERY:** A facility that produces liquor in quantities greater than 15,000 barrels per year. It may often include a tasting room, event space, and retail space to sell the spirits and related items to patrons on-site.

**DISTILLERY, MICRO-:** A facility that produces liquor in quantities less than or equal to 15,000 barrels per year. It may often include a tasting room, event space, and retail space to sell the spirits and related items to patrons on-site.

**DRIVE-IN BUSINESS:** A business in which any part of the operation's sales is to drive-in customers. This definition shall include drive-in theaters.

**DRY CLEANING AND LAUNDRY PLANT:** A structure used for the cleaning or laundering clothing or cloth fabric items on a retail basis, but not on a self-service basis.

**DUMP STATION OR TRANSFER STATION:** A structure or parcel of land where waste materials, but not biodegradable materials, are collected for disposal.

**DWELLING, CENTRAL BUSINESS DISTRICT UNIT:** One or more residential dwelling unit(s) in a structure but is not located on the first floor, ground level, or in the basement.

**DWELLING, MULTIPLE-FAMILY:** A residential structure designed for ~~three~~ **five (5)** or more families.

**DWELLING, SINGLE-FAMILY:** A detached residential dwelling unit, other than a manufactured home, designed for and occupied by one family.

**DWELLING, TWO-FAMILY:** A detached residential structure containing two (2) dwelling units designed to be occupied by not more than two (2) families.

**DWELLING, THREE-FAMILY:** A detached residential structure containing **three (3) dwelling units designed to be occupied by not more than three (3) families.**

**DWELLING, FOUR-FAMILY:** A detached residential structure containing four (4) dwelling units designed to be occupied by not more than four (4) families.

**DWELLING, ACCESSORY:** A residential dwelling located on a property with a preexisting residential dwelling that is located in a preexisting or newly constructed accessory structure. There shall only be one (1) accessory dwelling per parcel.

**DWELLING UNIT:** Any structure or part of a structure designed or used as living quarters for one family.

**EASEMENT:** A right of use over the property of another.

**EATING AND DRINKING ESTABLISHMENT:** A structure or use where food and beverages are sold, prepared, and served to the public.

**ENFORCEMENT:** The police powers designated to the Plan Commission by this Zoning Ordinance and applicable Indiana Code.

**ENGINEER:** An engineer licensed in compliance with the laws of the State of Indiana.

**ENVIRONMENTAL VIOLATION:** Environmental Violation shall be defined as an order from the Indiana Department of Environmental Management or comparable state or federal agency or final court ruling against the construction permit applicant for environmental violations related to animal feeding operation that resulted in a discharge.

**EROSION:** All of the process by which soil and rock are loosened and moved downhill or downwind.

**EROSION CONTROL:** Regulations as established by the State of Indiana.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities, local legislative bodies, or municipal or other governmental agencies of underground or overhead gas, electrical, conduit, steam, water, sewage, drainage, or other distribution systems, including, but not limited to poles, wires, mains, drains, sewers, pipes, signals, hydrants, public way signs, transmission equipment, towers, antennas, microwave disc, and any other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of service by such public utilities, local legislative bodies, or municipal or other governmental agencies. However, this definition shall not include structures.

**EXCAVATION:** The removal, stripping, or disturbance of soil, earth, sand, rock, gravel, or other similar materials from the ground.

**EXECUTIVE DIRECTOR:** The Executive Director of the Wells County Area Plan Commission as created and given jurisdiction by this Zoning Ordinance and applicable Indiana Code.

**EXISTING GRADE:** The vertical and horizontal location of the existing ground surface prior to excavation or filling.

**EXPANDO UNIT:** A factory constructed attachment to a manufactured housing unit extending perpendicular to the manufactured housing unit.

**FAMILY:** One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, club, fraternity, sorority, hotel, or motel.

**FARM IMPLEMENT SALES, SERVICE, AND REPAIR:** A business, parcel of land, or structure where farm equipment is sold, serviced or repaired.

**FARM SALES OF FERTILIZER, FARM SEEDS, AND FARM CHEMICALS:** A business that sells farm chemicals, fertilizer, and seed to a farm operation or one that processes seed or grain for planting or resale to farmers.

**FARMERS MARKET:** An area, which may or may not be in a completely enclosed building, where seasonally or permanently, growers and producers of agricultural, horticultural, or other homemade goods may sell those products and/or other incidental items directly to the public.

**FARMERS MARKET, TEMPORARY:** An area, which may or may not be in a completely enclosed building, where on designated days and times, growers and producers of agricultural, horticultural, or other homemade goods may sell those products and/or other incidental items directly to the public.

**FEES:** Payments made, in accordance with this Zoning Ordinance and applicable Indiana Code, to the Area Planning Department to cover costs associated with petitions, to the local newspaper to cover advertisement costs associated with legal notices, and to the Recorder of the applicable County for recording services associated with approved petitions.

**FENCE:** A man-made barrier restricting access and visibility to a lot or parcel as permitted by this Zoning Ordinance.

**FILING:** The act of delivering all the required documentation and fees to the office of the Area Planning Department to petition the applicable governing agency for an official action.

**FILL:** Any material used to build up the ground surface or alter the existing grade.

**FINAL OR FINISHED GRADE:** The final grade or elevation of ground surface conforming to the approved grade.

**FLOOR AREA OF A STRUCTURE:** The floor area is the area as measured by the length and width of the structure. Each floor, including the basement, shall be a separate floor area.

**FOOD PRODUCTION OR PROCESSING, RETAIL:** means a commercial facility that produced or processed food for human consumption and certain related products, where the primary business purpose is for retail sale at the facility. The business may include wholesale sales as long as the primary business purpose is for retail sales at the facility. (EXAMPLES: commercial bakeries, dairy product processing, fats and oils processing, fruit, vegetable, meat, and seafood canning, preserving, curing, and related by-product processing, and miscellaneous food preparation from raw products, including catering services that are independent of food stores or restaurants.)

**FOOD PRODUCTION OR PROCESSING, WHOLESALE:** means a commercial facility that produces or process food for human consumption and certain related products, where the primary business purpose is for wholesale. (EXAMPLES: commercial bakeries, dairy product processing, fats and oils processing, fruit, vegetable, meat, and seafood canning, preserving, curing, and related by-product processing, and miscellaneous food preparation from raw products, including catering services that are independent of food stores or restaurants.)

**FOUNDATION SIDING/SKIRTING:** A type of wainscoting constructed of material, such as aluminum, treated pressed wood or other materials, enclosing the entire undercarriage of the manufactured or mobile home.

**FRATERNITY HOUSING:** A structure used to provide lodging and boarding for male students in schools of higher learning, but not for transients.

**FREEBOARD:** The vertical distance between the maximum water surface elevation anticipated in design and the top of the retaining banks or structures provided to prevent overtopping because of unforeseen conditions.

**FRONT YARD:** See YARD (FRONT).

**FRONTAGE:** See ROAD FRONTAGE.

**FUNERAL HOME:** A structure used for conducting services and preparation for final funeral rites of people.

**GARBAGE COLLECTORS:** A business operation owned by a Local Legislative Body or private entity to collect, but not dispose of, refuse, garbage, or trash whether by contract or private pay.

**GASOLINE & OIL RETAIL SALES:** A business where gasoline and oil sales are made in conjunction with other merchandise.

**GOLF COURSE:** A parcel of land that is so landscaped and designed for the game of golf including all structures necessary for the operation of a golf course, such as clubhouses and maintenance structures.

**GOVERNING AGENCY:** The Plan Commission, the Board of Zoning Appeals, and the Plat Committee.

**GRADIENT:** Change of elevation, velocity, pressure, or other characteristics per unit of length.

**GRADING:** Any stripping, cutting, filling, or stockpiling of ground or any combination thereof.

**GRAIN ELEVATORS:** A non-farming commercial business with facilities for the buying, selling, or storage of non-mechanical farm supplies, grain, seed, fertilizer, chemicals, and items that are clearly agricultural in nature.

**GRASSED WATERWAYS:** A natural or constructed vegetated channel or swale used for safe disposal of surface runoff water.

**GREENHOUSE AND NURSERIES:** A parcel of land or structure used to raise flowers, fruit, vegetables, trees, and other vegetation in a controlled environment for commercial purposes.

**GROUND COVER:** Grasses or other plants grown to protect soil from wind or water erosion.

**GROUP HOME:** A residential structure housing multiple individuals that share common areas of the structure and that share certain residential expenses. **For the purposes of this ordinance residential drug and alcohol rehab facilities shall be considered group homes.**

**HARD SURFACE:** Is any surface such as roof, concrete, asphalt and stone that restricts the ability of water to penetrate into the ground. For the purposes of calculating hard surface sidewalks and walking paths that have a pervious surface on two opposite sides should not be counted towards the total amount of hard surface.

**HEARING (NON-PUBLIC):** A meeting of the Plat Committee that has no applicable notification standards and is in accordance with Indiana Code.

**HEARING (PUBLIC):** A meeting of the Plan Commission or the Board of Zoning Appeals that has applicable notification standards and is accordance with the governing agency's rules of procedure and applicable Indiana Code.

**HEARING SCHEDULE:** A schedule that is posted in the Area Planning Department and that includes date and time of the meeting dates for the governing agencies.

**HEIGHT:** The distance from the average ground elevation to the highest part of any structure.

**HISTORICAL MONUMENT:** A sign or marker used to signify a notable historic building, person, or event.

**HOME OCCUPATION:** An occupation carried on in (1) a dwelling unit of a primary structure which is clearly incidental and secondary to the use for dwelling purposes and does not change the character of the unit as a dwelling or (2) an accessory structure located in an Agricultural 1 (A-1) area only. An office primarily used for bookkeeping purposes shall not be considered a home occupation under this Zoning Ordinance.

**HORIZONTAL EXTENSION:** Any item attached to a WECS Tower, a WECS Testing Facility or Communications Tower that extends away from such WECS Tower, WECS Testing Facility or Communications Tower, including, without limitation, radio antenna, wind measuring equipment, guy wires and guy wire anchors.

**HOSPITALS:** A structure used for the care of patients including diagnostic equipment that may be necessary to provide care, convenience, and comfort of the patients with overnight facilities and food provided.

**HOTELS AND MOTELS:** A structure designed for temporary commercial lodging.

**IMPROVEMENT LOCATION PERMIT:** A permit issued by the office of the Plan Commission before any structure or pond in any zoning district may be constructed, reconstructed, moved, enlarged, or structurally altered.

**IMPROVEMENT LOCATION SURVEY:** A drawing prepared by a Professional Land Surveyor licensed by the State of Indiana of a parcel subject of a petition before any of the governing boards of the Area Plan Department.

**INDIANA CODE (I.C.):** Indiana State Law which oversees the creation and requirements of this Zoning Ordinance.

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM:** A private sanitary sewage disposal system designed to serve or accommodate one dwelling, business, or industry located on-site.

**SANITARY LANDFILL:** A parcel of land used for the disposal of accumulations of refuse or other discarded materials.

**SCHOOLS (PUBLIC OR PAROCHIAL):** A structure used for the public or private education of students.

**SECONDARY APPROVAL:** See APPROVAL (SECONDARY).

**SECRETARY (BOARD OR COMMITTEE):** See BOARD OR COMMITTEE SECRETARY.

**SECTION CORNER:** A corner established as part of the United States Public Land Surveying System used for the horizontal control in describing the land.

**SELF SERVICE LAUNDRY FACILITY:** A business that offers the cleaning or laundering of clothing or cloth fabric on a self-service basis. This definition is not meant to regulate private laundry facilities for tenants of single, two or multi-family dwellings even if the laundry facility is in a common location for multiple units.

**SELL-OFF:** A minor subdivision of property from a Primary Parcel which is located on an existing public way, has occurred after January 1, 1971, and is filed with the Plan Commission.

**SERVICE AREA:** The total area of any structure or designated enclosures to which the public routinely has access.

**SERVICE STATION:** A business where the primary function is the sale of gasoline, oil, and automotive service products and the minor service of vehicles.

**SETBACK:** The distance between the right-of-way of a public way or a property line to a principal and/or accessory structure. A right-of-way of a public way shall take precedent wherever it overlaps the property line. A setback shall be measured from the foundation of a building as long as the overhang including gutter does not project past the foundation by more than two (2) feet.

**SHADOW FLICKER:** the condition which occurs when the blades of a WECS pass between the sun and an observer, casting a readily observable moving shadow on the observer and his or her immediate environment.

**SHELTER BELT:** A Shelter Belt shall be defined as trees, shrubs, and earthen berm must reach a cumulative height of six (6) feet prior to startup of operation. Minimum of two rows of trees and shrubs, of fast and/or slow growing species, shall be needed.

**SIDE YARD:** See YARD, SIDE.

**SIGN:** A name, identification, description, display, or illustration which is affixed directly or indirectly to a structure or parcel of land and which directs attention to an object, product, place, person, institution, organization, or business.

**SIGHT ANGLES OR SIGHT TRIANGLES:** Regulations ensuring an area of unobstructed vision at public way intersections or the egress/ingress points from a parcel onto a public way.

**SLAUGHTERHOUSE, LARGE:** A commercial facility for the slaughtering and processing of over 5,000 domestic farm animals or deer (**20,000 poultry animals**) per year, and the refining of the byproducts.

**SLAUGHTERHOUSE, SMALL:** A commercial facility for the slaughtering and processing of less than or equal to 5,000 domestic farm animals or deer (**or 20,000 poultry animals**) per year, and the refining of their byproducts.

**SOIL SURVEY:** A general term for the systematic examination of soils in the field and in the laboratories, their description and classification, and the mapping of kinds and interpretation of soils according to their adaptability for various uses.

**SOLAR ENERGY FACILITY, LARGE:** Any free-standing solar array or solar arrays that have a combined nameplate power rated capacity of more than 1 MW of peak generating capacity.

**SOLAR ENERGY FACILITY, MEDIUM:** Any free-standing solar array or solar arrays that have a combined nameplate power rated capacity of greater than 10 KW or less than or equal to 1 MW of peak generating capacity.

**SOLAR ENERGY FACILITY, SMALL:** Any free-standing solar array or solar arrays that have a combined nameplate power rated capacity of less than or equal to 10 KW of peak generating capacity. A permit is not required for an array or arrays with a nameplate capacity of less than or equal to 1KW.

**SOLAR ENERGY FACILITY, STRUCTURE MOUNTED:** Any solar array or solar arrays that are mounted directly to the roof of a preexisting structure. This would be considered an expansion of the preexisting structure and would be permitted and/or approved as this ordinance directs. A permit is not required for an array or arrays with a nameplate capacity of less than or equal to 1KW.

**SORORITY HOUSING:** A structure used to provide lodging and boarding for female students in schools of higher learning, but not for transients.

**SPECIAL EXEMPTION:** A use or structure requiring official action from the Board of Zoning Appeals to be permitted.

**SPOT ZONING:** The process of singling out a single parcel of land for a use classification totally different from that of the surrounding area. The extension or expansion of an adjacent area of a zoning classification shall not be construed as spot zoning.

**STANDARDS:** The rules for materials, design, function, and implementation for public improvement and utilities as adopted by a Local Legislative Body or stated by this Zoning Ordinance.

**STORM SEWER:** A storm water collection system and underground lines controlled by a Local Legislative Body and used to collect and carry surface water away from an area.

**STORM WATER MANAGEMENT:** Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

**STORMWATER PLAN:** A plan stating how the excess storm water will be handled due to a Development Plan, Subdivision, PUD, or CAFO as required by this Zoning Ordinance.

**STREAM CAPACITY:** The maximum amount of material a stream is able to transport.

- (6) The Improvement Location Survey shall show all existing structures. No existing primary or accessory structure shall be located within ~~twenty (20) feet of a~~ **the applicable setback of the** newly established property line. No existing well shall be located within fifty (50) feet of a newly established property line. All existing ponds shall meet the setback requirements set forth by the Zoning Ordinance to a newly established property line. Without limiting the foregoing, no newly established property line shall be closer to any existing WECS Projects, WECS Testing Facilities, Communication Towers, and other tall structures than the setbacks for such WECS Projects, WECS Testing Facilities, Communication Towers, and other tall structures as approved through a variance granted by the Board of Zoning Appeals or an approved Development Plan, unless a variance is granted by the Board of Zoning Appeals as required elsewhere in the Zoning Ordinance.
- (7) No Improvement Location Permit may be obtained before a Minor Subdivision has been approved by the Plan Commission or Plat Committee and recorded with the Recorder's office.
- (8) The lot or parcel home site size requirements for a Minor Subdivision shall conform to the requirements of the Zoning Ordinance. A home site size requirement shall not include:
  - (A) property designated as being in a flood fringe or floodway as determined by Area Planning Department using the best available data,
  - (B) any access strips deeded with a Minor Subdivision to allow for two-way traffic onto and off an existing public way, and
  - (C) any part of a regulated drain easement as determined by the Area Planning Department and the Wells County Surveyor's office using the best available data.
- (9) An easement and maintenance agreement for any shared driveway plans shall be shown on the plat or accompanying document for review by the governing agency approving the Minor Subdivision(s).
- (10) The road frontage requirements for a Minor Subdivision shall be as follows.
  - (A) Frontages shall conform to the requirements of the Zoning Ordinance.
  - (B) Frontage shall not come off of a public way ending in a dead end or cul-de-sac.
  - (C) A twenty-five (25) foot access strip shall be approved if the property is located more than two hundred (200) feet from an existing public way. The twenty-five (25) foot access strip must be deeded together with the property to be subdivided.
  - (D) Frontages for a Minor Subdivision shall have at least twenty-five (25) feet of actual frontage that is not designated as part of the floodway or flood fringe by the State of Indiana. Determinations of the floodway and flood fringe elevations will be in accordance with the rules and procedures for Floodplain Management of the Zoning Ordinance. Any other natural or man-made feature which limits the use of the road frontage shall meet the same requirements of this section. The Area Planning Department shall determine these limits using the best available information.
  - (E) If the access way onto the property crosses an open county regulated drain, sizing and approval of the crossing shall be required by the Wells County Drainage Board before approval.
- (11) A Minor Subdivision that fronts on any roadway without platter or fee simple right-of-way shall grant a portion of said Minor Subdivision ad public right-of-way to the affected local government agency with jurisdiction of said roadways.
  - (A) Dimension: 30 feet unless the functional classification of the roadway designated a greater right-of-way width in the Wells County Thoroughfare Plan.
  - (B) Documentation: This shall be done by using the approved right-of-way grant documentation by the affected local government agency with jurisdiction of said roadways.

**4-06 Requirements to Subdivide a Minor Subdivision:** A Minor Subdivision may be subdivided under one of the following two conditions.

- (1) A petitioned Minor Subdivision, which involves a subdivision from a Primary Parcel, may be further subdivided if it complies with the following requirements.
  - (A) The petitioner and buyer agree in writing how the remaining Minor Subdivision rights shall

## ARTICLE 6: Public Ways - Roads

**6-01 Purpose:** To provide for adequate ingress and egress for Major Subdivisions, PUDs, and Development Plans, while increasing connectivity for existing and future developments while preserving public health, wellbeing, and safety.

### 6-02 Design Standards.

- (1) A Public Way shall be defined as a dedicated right-of-way for vehicular traffic, pedestrian traffic, the location of utilities, and placement of other necessary appurtenances for urban development.
- (2) The petitioner of a Minor Subdivision, Major Subdivision, PUD, or Development Plan shall dedicate to the affected Local Legislative Body the appropriate one-half (1/2) right-of-way width, as established by the Local Legislative Body, for the type of public way on which the subject parcel of the petition is located. If no published standards are enacted by the Local Legislative Body, the Plan Commission shall establish the right-of-way standard. The Plan Commission or Local Legislative Body may require increased right-of-way if anticipated traffic flow or drainage needs warrant such increased width. The dedicated one-half (1/2) right-of-way shall serve as the affected public way's frontage for the Minor Subdivision, Major Subdivision, PUD, or Development Plan.
- (3) As conditions for approval of a Development Plan, Major Subdivision, or PUD, the Plan Commission or the Local Legislative Body affected by a proposed project may require the owner of said project to pay some or all costs for improvements within said right-of-way necessary to comply with minimum road and drainage standards or with the anticipated traffic flow or increased drainage needs.
- (4) A petitioner must secure written approval from the Local Legislative Body in whose jurisdiction the proposed project shall be built that the method and design of points of ingress and/or egress onto affected public ways meet the standards of said Local Legislative Body. If the Local Legislative Body does not have their own published standards, then the Plan Commission shall require the points of ingress and/or egress for a Development Plan, Major Subdivision, PUD, or other proposed development to have passing blisters and acceleration and deceleration lanes when said access points are located on arterial or collector public ways. The Plan Commission or affected Local Legislative Body may require passing blisters and acceleration and deceleration lanes on local public ways if warranted by anticipated traffic flow.
- (5) A petitioner shall secure written approval from the Local Legislative Body affected by any proposed new Public Way that the design and construction of said Public Way shall meet the standards of said Local Legislative Body. If the Local Legislative Body does not have their own published standards, then the Plan Commission reserves the right to require the standards set forth by the City of Bluffton as the standards for approval.
- (6) The Plan Commission may waive any of the provisions for Public Ways if the Plan Commission has received written approval for such waiving from the Local Legislative Body affected by the proposed changes.
- (7) No Local Legislative Body is obligated to accept or pay for public way improvements for the purpose of making the private land suitable for development.

**6-03 Connectivity.** Any proposed development – Major Subdivision, PUD, or other Development Plan - with new public ways shall meet the following connectivity requirements. The Plan Commission may waive any of the following provisions if the Plan Commission has received written approval for such waiving from the Local Legislative Body affected by the proposed project.

**(1) Public ways shall whenever possible be installed in a grid pattern.**

**(2) Subdivision of twenty-five (25) or fewer parcels.**

**(A) A development of twenty-five (25) or fewer parcels, lots, or interests shall have at least one (1) point of ingress/egress to an existing collector or arterial public way.**

**(B) A development of seven (7) to twenty-five (25) parcels, lots, or interests shall have an additional point of ingress/egress to either an existing public way or stubbed to adjacent**

- undeveloped property for future connection.
- ~~(C)~~ Centerlines of rights-of-way for said points of ingress/egress shall be a minimum of ~~three hundred fifty (350)~~ **three hundred fifty (350)** feet apart.
- (3) Subdivision of twenty-six (26) to sixty (60) parcels.
- (A) A development of twenty-six (26) to sixty (60) parcels, lots, or interests shall have at least two (2) points of ingress/egress **to existing public ways**, either
- a) ~~two (2) to an existing collector or arterial public way or~~
- b) ~~one (1) to an existing collector or arterial public way and one (1) to an existing public way.~~
- (B) Centerlines of rights-of-way for said points of ingress/egress shall be a minimum of ~~three hundred fifty (350)~~ **six hundred (600)** feet apart.
- (4) Subdivision of sixty-one (61) to one hundred (100) parcels.
- (A) A development of sixty-one (61) to one hundred (100) parcels, lots, or interests shall have at least two (2) points of ingress/egress **to existing public ways**, either
- a) ~~two (2) to an existing collector or arterial public way or~~
- b) ~~one (1) to an existing collector or arterial public way and one (1) to an existing public way.~~
- (B) A development of sixty-one (61) to one hundred (100) parcels, lots, or interests shall have an additional point of ingress/egress to either an existing public way or stubbed to adjacent undeveloped property for future connection.
- (C) Centerlines of rights-of-way for said points of ingress/egress shall be a minimum of ~~three hundred fifty (350)~~ **six hundred (600)** feet apart.
- (5) Subdivision of more than one hundred (100) parcels.
- (A) A development of more than one hundred (100) parcels, lots, or interests shall have at least three (3) points of ingress/egress **to existing public ways**, either
- a) ~~three (3) to an existing collector or arterial public way,~~
- b) ~~two (2) to an existing collector or arterial public way and one (1) to an existing public way, or~~
- e) ~~one (1) to an existing collector or arterial public way and two (2) to an existing public way.~~
- (B) A development of more than one hundred (100) parcels, lots, or interests shall have an additional point of ingress/egress to either an existing public way or stubbed to adjacent undeveloped property for future connection.
- ~~(C)~~ Centerlines of rights-of-way for said points of ingress/egress shall be a minimum of ~~three hundred fifty (350)~~ **six hundred (600)** feet apart.
- (6) Connectivity with Adjacent Property. In addition to preceding four subsections proposed public rights-of-way within a development shall conform to the following.
- (A) Said right-of-way shall connect to any existing right-of-way on adjacent property that terminates at **or shares** a common property line with said proposed development.
- (B) Developer shall improve any right-of-way existing to the developer's proposed development boundary if said right-of-way is used as public access to one (1) or more lots or interests in said development.
- (C) Developer shall provide right-of-way stubs to property lines of adjacent undeveloped land following these requirements.
- a) ~~Said stub extensions shall be a minimum of fifty (50) feet of even width and shall not exceed one hundred (100) feet in length.~~
- b) ~~Said stub extensions shall not serve as road frontage for more than one (1) platted lot or interest on either side of said extension and shall not provide sole road frontage for more than one (1) platted lot in said development.~~
- c) Right-of-way extensions shall be no greater than ~~one thousand (1000)~~ **six hundred (600)** feet apart following the aggregate surveyed dimension of the perimeter of said development.
- d) The Plan Commission may require such stubs at ends of cul-de-sacs to ensure



connectivity.

- e) The Plan Commission may waive these right-of-way stubs requirements if it deems connectivity does not serve the best interests of the surrounding area and the affected Local Legislative Body agrees in writing.
- f) Said right-of-way stubs to provide for a future public way do not require improvement unless said stub is to be used for access to one (1) or more lots or interests.
- g) **Said right-of-way stubs shall have a temporary cul-de-sac installed unless the affected Local Legislative Body agrees in writing.**

(7) Connectivity within a Development. No new internal public way shall exceed ~~one thousand (1000)~~ **six hundred (600)** feet without creating an intersection with another existing or new public way that is neither a Cul-De-Sac nor a dead-end public way.

(8) Intersections. The minimum distance between centerlines of parallel or approximately parallel public ways intersecting a third public way from opposite directions shall be two hundred (200) feet. This design distance shall apply when at least one of the three public ways is to be a new public way.

**6-04 Cul-De-Sacs:** A *Cul-de-sac* is defined as a public way that has only one (1) point of ingress/egress and that terminates in a turnaround. A cul-de-sac shall conform to the following.

(1) **Projects shall be developed in a pattern that minimizes the use of cul-de-sacs and maximizes the amount of through connectivity within the project and to neighboring properties.**

(2) A cul-de-sac shall not be longer than ~~three hundred fifty (350)~~ **six hundred (600)** feet. The measurement shall be from the center of the closest intersection to the center of the turnaround.

(3) To accompany fire and emergency vehicles, a turnaround of a cul-de-sac shall have a minimum outside curb radius of ~~sixty (60)~~ **fifty (50)** feet and a right-of-way radius of ~~eighty (80)~~ **sixty (60)** feet.

~~(4) To facilitate snow removal, no more than three driveways shall be allowed along the circumference of the curbed turnaround.~~

~~(A) If a driveway is for a single lot, the driveway shall not exceed twenty (24) feet in width at the curb.~~

~~(B) If two (2) lots use a common driveway, the maximum width of said common driveway shall not exceed thirty two (32) feet at the curb.~~

(5) If a Local Legislative Body does not have their own published stricter standards for cul-de-sacs, then the standards set forth herein shall govern.

(6) The names of cul-de-sacs shall be designated as "Courts."

**6-05 Temporary Dead-End Streets.** So as to provide adequate fire and emergency protection, any dead-end improved public right-of-way that exceeds one hundred (100) feet in length and that is designed to be extended or connected to a future public right-of-way shall have a gravel turnaround constructed at its termination that satisfies the dimensional requirements prescribed in this Article for a turnaround for a cul-de-sac. Plan Commission may waive this requirement if such waiver is agreed to in writing by the fire agency of the affected Local Legislative Body.

**6-06 Signage:** Once the first permit has been granted for a primary structure, the Local Legislative Body shall have the right to order and install the necessary street signs and traffic control signs for the proposed Major Subdivision, PUD, or Development Plan, and such signage shall be the expense of the developer.

**6-07 Vacating a Platted Public Way:** The process for vacating a public way on a recorded plat shall be done in accordance with I.C. 36-7-3, et. seq., and any other applicable provisions of the Indiana Code.

## ARTICLE 7: Storm Water Standards

- 7-01 Purpose:** To regulate the stormwater release from newly developed sites in a way to minimize the impact to existing development.
- 7-02 Jurisdiction:** The storage and controlled release of excess storm water runoff shall be required for all Development Plans, Major Subdivisions, and PUD(s) located within the jurisdiction of this Ordinance.
- 7-03 Incorporated Regulations:** The Town of Ossian's Storm Water Design Standards shall be met for all projects within the corporate limits of Ossian.
- 7-04 Policy on Storm Water Quantity Management:** The storm water drainage system shall be separated and independent of any sanitary sewer system.

- (1) **DETENTION POLICY:** It is recognized that most streams and drainage channels serving Wells County do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, except for situations provided for in this Article, the storage and controlled release of excess storm water runoff shall be required for all Development Plans, Major Subdivisions, and PUD(s). In general, the post-developed release rates shall be no greater than the general release rate provided in the following table. For sites where the pre-developed area has more than one (1) outlet, the release rates shall be computed based on pre-developed discharge to each outlet point.

General Release Rates (CFS/acre) Based on Pre-Developed Condition Curve Number at Each Outlet Point		
Curve Number	10-Year	100-Year
< 65	0.07	0.23
66-69	0.13	0.33
70-73	0.2	0.43
74-77	0.27	0.53
78-81	0.34	0.63
82-85	0.44	0.75
> 86	0.55	0.87

- (2) Runoff from all upstream tributary areas (off-site land areas) may be bypassed around the detention/retention facility without attenuation. Such runoff may also be routed through the detention/retention facility, provided that a separate outlet system or channel is incorporated for the safe passage of such flows, i.e., not through the primary outlet of a detention facility. Unless the pond is being designed as a regional detention facility, the primary outlet structure shall be sized and the invert elevation of the emergency overflow weir determined according to the on-site runoff only. Once the size and location of the primary outlet structure as well as the invert elevation of the emergency overflow weir is determined by considering on-site runoff, the 100-year pond elevation is determined by routing the entire inflow, on-site and off-site, through the pond.
- (3) Note that the efficiency of the detention/retention facility in controlling the on-site runoff may be severely affected if the off-site area is considerably larger than the on-site area. As general guidance, on-line detention may not be effective in controlling on-site runoff where the ratio of off-site area to on-site area is larger than 5:1. Additional detention (above and beyond that required for the on-site area) may be required by the Plan Commission when the ratio of off-site area to on-site area is larger the 5:1.

## ARTICLE 8: Survey and Plat Standards

- 8-01 Purpose:** To provide a standard for plats and surveys within the jurisdiction of this Subdivision Control Ordinance and to ensure that survey markers remain in the field for use by governing agencies and private citizens.
- 8-02 Monumenting of a Parcel or Lot:** The parcel or lot shall be monumented following the standards established by Title 865, IAC 1-12-18, 1-12-24, all other applicable State provisions, and any amendments thereto.
- 8-03 Monumenting of a Major Subdivision or PUD Boundary Survey:** The Major Subdivision or PUD boundary survey shall be monumented using the following standards.
- ~~(1) A twenty four (24) inch section of six (6) inch or greater diameter concrete marker containing a 5/8 inch or greater diameter section of rebar or pipe with an appropriate metal cap set flush to the monument shall be placed at the cardinal corners of a Major Subdivision or PUD boundary survey. The Plan Commission may approve other similar durable monuments.~~
  - ~~(2) The cardinal corners of a Major Subdivision or PUD boundary survey that are located in an improved road/street in a public way shall be monumented as prescribed for monumenting of public ways.~~
  - ~~(3) The cardinal corners shall be the corners of the subject parcel of a Major Subdivision or PUD, not to exceed eight (8) cardinal corners per boundary survey. If the cardinal corners of a boundary shape exceed eight (8) cardinal corners, the Director of the Area Planning Department shall determine the cardinal corners to be monumented, said number not to exceed eight (8).~~
  - ~~(4) The boundary survey monuments shall contain survey grade elevation data clearly printed on the metal cap to act as a benchmark.~~
  - (5) **Exterior and interior** lots shall follow the standards for monumenting a parcel or lot.
  - (6) The approximate or survey grade state plane coordinate either calculated or collected shall be listed for all property corners. The state plane coordinate data shall be stated as approximated or survey grade. Approximate state plane coordinate data are available at the Wells County Surveyor's Office.
- 8-04 Monumenting of Public Ways:** The new public way centerlines proposed within a Major Subdivision or PUD shall be monumented using the following standards.
- (1) A monument shall be placed at the following locations.
    - (A) At the beginning and ending of all curves along the center of a public way.
    - (B) At the intersection of the centerline of two public ways.
  - (2) The approximate or survey grade state plane coordinate either calculated or collected shall be listed for all public way monuments. The state plane coordinate data shall be stated as approximated or survey grade. Approximate state plane coordinate data are available at the Wells County Surveyor's Office.
- 8-05 Survey Data.** All survey data to be included on plats shall meet the requirements established in Title 865, IAC 1-12-13, 1-12-14, and other applicable state regulations, and any amendments thereto.
- 8-06 Legal Description:** The legal description shall be on the Plat. The legal description may be located on separate document for a Minor Subdivision, Addition, or Combine

**8-07 — Setbacks from New Survey Lines:** The Survey or Plat shall show all existing structures. No existing primary or accessory structure on the real estate being subdivided shall be located within twenty (20) feet of a newly established property line or such greater setback as may have been established for such existing structure pursuant to this Zoning Ordinance. No existing pond or well on the real estate being subdivided shall be located within fifty (50) feet of a newly established property line. The structures shall also meet all minimum setbacks for the applicable zoning type. No improvement location permit may be obtained before a Selloff or Addition has been approved by the Plat Committee or Plan Commission and recorded with the Recorder's Office of the County in which the subject real estate is located.

**8-08 Plat and Survey Print or Drawing Requirements:** The following paper size, line quality, and font requirements shall be required for any plat or survey.

- (1) A Plat shall be 24 inches X 36 inches for any Development Plan, Major Subdivision, PUD, WECS Project, or CAFO.
- (2) A Plat or Survey may be any size, but it is preferred due to record keeping for the plat to be either 8 ½ inches X 11 inches or 8 ½ inches X 14 inches for any Minor Subdivision, Addition, or Combine.
- (3) All lettering on a Plat shall be at least in size ten (10) font and in Times New Roman or comparable type. All lettering shall be in black print except for the title area.
- (4) A final approved copy of the Plat for a Major Subdivision shall be printed on Mylar or equivalent material at least two (2) mils in thickness.