

# Wells County Area Plan Commission

Wells County Zoning Ordinance  
Wells County Subdivision Control Ordinance  
Proposed Amendments 2023

**Amendment 1: Table of Contents: Removal of phrase communication tower.**

<b>ARTICLE 14:</b>	<b>DEVELOPMENT PLAN</b>	<b>63</b>
14-01	GENERAL	
14-02	PROCEDURE	
14-03	DESIGNEE	
14-04	RESIDENTIAL DEVELOPMENT PLANS	
14-05	GENERAL DEVELOPMENT PLANS	
14-06	CONFINED FEEDING OPERATION (CFO) OR MANURE LAGOON DEVELOPMENT PLAN	
14-07	<del>COMMUNICATION TOWER OR</del> WIND ENERGY CONVERSION SYSTEM TESTING FACILITIES (WECS TESTING FACILITIES) DEVELOPMENT PLAN	
14-08	SOLAR ENERGY SYSTEM (SES) DEVELOPMENT PLAN	
14-09	SMALL WIND ENERGY CONVERSION SYSTEM (SMALL WECS) OR MEDIUM WIND ENERGY CONVERSION SYSTEM (MEDIUM WECS) DEVELOPMENT PLAN	
14-10	CONFLICT OF SECTIONS	
14-11	WAIVER OF DEVELOPMENT REQUIREMENTS	
14-12	AMENDMENTS	
14-13	PLAT COMMITTEE REVIEW	
14-14	PUBLIC HEARING	
14-15	EXPIRATION	
14-16	APPEALS	

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# Wells County Area Plan Commission

Wells County Zoning Ordinance  
Wells County Subdivision Control Ordinance  
Proposed Amendments 2023

**Amendment 2: Fee Schedule: Establishing Fee for Pond Staff Development Plan and new combined legal add procedure.**

Table 4-01 Wells County Area Plan Commission Fee Schedule				
Fee Category	Fee Name	Fee	Fee Notes	Violation Fee
APC	Development Plan (APC)	\$200.00	N/A	X 2
APC	Large WECS	\$500.00	Per Turbine	X 2
APC	Rezoning	\$200.00	N/A	X2
APC	Major Subdivision	\$300.00	\$10.00 Per Lot	X 2
APC	Planned Unit Development	\$300.00	\$10.00 Per Lot	X 2
APC	Division of a Minor Subdivision	\$60.00	N/A	X 2
APC	Plat Committee Appeal	\$60.00	N/A	N/A
APC	SES Development Plan	\$500.00	Per Parcel	X 2
BZA	Variance, Special Exception, or Legal Non-Conforming (Structure or Use)	\$125.00	+ \$50.00 Per Additional Request	X 2
BZA	Appeal of Administrative Decision	\$60.00	N/A	N/A
PC	Minor Subdivision	\$60.00	N/A	X 2
PC	Addition	\$60.00	N/A	X 2
PC	Combine	\$60.00	N/A	X 2
<b>PC</b> <b>General</b>	<b>Pond Staff Development Plan Review</b>	\$60.00	N/A	X 2
General	Development Plan (Staff)	\$100.00	N/A	X 2
General	Medium WECS	\$250.00	Per Turbine	X 2
General	Small WECS	\$50.00	Per Turbine	X 2
General	Improvement Location Permit (less than or equal to 500 sq/ft)	\$40.00	Per Item	X 2
General	Improvement Location Permit (greater than 500 sq/ft)	\$60.00	Per Item	X 2
General	Ordinance Book Copies	\$15.00	N/A	N/A
General	Legal Advertisement (News-Banner / Ossian Journal)	<b>Price Set By Paper \$50.00</b>	N/A	N/A
General	Public Advertisement Sign	\$15.00	N/A	N/A
General	Digital Media Fee "CD or DVD"	\$1.00	Per Item	N/A
General	Special Plat Committee Meeting	\$325.00	N/A	N/A
General	Special Board of Zoning Appeals Meeting	\$550.00	N/A	N/A
General	Special Plan Commission Meeting	\$750.00	N/A	N/A

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# Wells County Area Plan Commission

## Wells County Zoning Ordinance Wells County Subdivision Control Ordinance Proposed Amendments 2023

### Amendment 3: Filing a Petition Table: Establishing new smaller print paper submittal and digital submittal requirements.

Table 4-05 (a)	Zoning Ordinance				Subdivision Control Ordinance			
	DP	RZ	BZA	PUD	Major	Minor	Com	Add
Petition Requirements for the Filing Deadline								
The documentation provided by the Area Planning Department shall be completed and filled out in a clear and concise manner and signed by at least 50% of the current property owner(s) prior to any official action by a governing body.	X	X	X	X	X	X	X	X
Filing fee	X	X	X	X	X	X	X	X
Advertisement fee	X*	X	X	X	X	X		
One (1) letter or legal sized site plan created in compliance with criteria for applying for an improvement location permit.			X					
One (1) plat, but the preferred size is legal or letter for record keeping purposes.						X		X
Three (3) 24" X 36" Five (5) 11" x 17" plats for Plat Committee, Director, and Local Legislative Body to review.	X			X	X			
Two (2) sets of 24" X 36" A digital plat drawing of the proposed project as requested by the Plat Committee, Director, Plan Commission, and the Local Legislative Body to review.	X			X	X			
A copy of the current deed as recorded in the Recorder's office for the property cited in the petition.	X	X	X	X	X		X	X
A copy of the primary parcel deed as recorded in the Recorder's office as of January 1, 1971.						X	X	
A copy of the Property Record Card from the Assessor's office for the property cited in the petition.	X	X	X	X	X	X	X	X
The status of all applicable permits or approvals from other regulatory agencies shall be brought to the attention of the governing agency.	X	X	X	X	X	X	X	X
A signed copy of the NOTICE OF AGRICULTURAL ACTIVITY form shall be filed with any petition on property zoned A-1 or A-R	X	X	X	X	X	X	X	X
A copy of the proposed PUD District Ordinance				X				
A copy of any proposed covenants or private restrictions for the petition				X	X	X		
	DP	RZ	BZA	PUD	Major	Minor	Com	Add

LEGEND: Development Plan (DP), Rezoning (RZ), Board of Zoning Appeals official actions (BZA), Planned Unit Development (PUD), Major Subdivisions (Major), Minor Subdivisions (Minor), Combines (Com), Additions (Add).

\*Not required for a development plan reviewed by the Plan Commission Staff.

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# Wells County Area Plan Commission

## Wells County Zoning Ordinance Wells County Subdivision Control Ordinance Proposed Amendments 2023

### Amendment 4: Filing a Petition Table: Establishing new smaller print paper submittal requirement.

Table 4-05 (c) Petition Requirements for Governing Agency's Meeting	Zoning Ordinance				Subdivision Control Ordinance			
	DP	RZ	BZA	PUD	Major	Minor	Com	Add
<p><del>Six (6) 24 inch x 36 inch</del> <b>14 – 11” x 17”</b> and a digital copy of the drawings of the plat of the proposed development must be submitted <b>one (1) day week</b> before the scheduled Plan Commission hearing date. These plats may contain any changes requested by the Plat Committee and will be used during the Plan Commission hearing.</p>	X*			X	X			
<p>A letter from the affected Local Legislative Body stating the proposed petition shall or shall not meet the standards set by the Local Legislative Body must be submitted one (1) day before the scheduled Plan Commission hearing date for said development or the date of the Plan Commission's Staff review.</p>	X			X	X			
<p>Public Meeting Advertisement shall be done in compliance with applicable Indiana Law and the Rules of Procedure adopted by the affected Governing Agency.</p>	X*	X	X	X	X	X	X	X
	DP	RZ	BZA	PUD	Major	Minor	Com	Add

LEGEND: Development Plan (**DP**), Rezoning (**RZ**), Board of Zoning Appeals official actions (**BZA**), Planned Unit Development (**PDU**), Major Subdivisions (**Major**), Minor Subdivisions (**Minor**), Combines (**Com**), Additions (**Add**).

\*Not required for a development plan reviewed by the Plan Commission Staff.

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# Wells County Area Plan Commission

## Wells County Zoning Ordinance Wells County Subdivision Control Ordinance

Proposed Amendments 2023

**Amendment 5: Violation: Requiring signed complaints for ordinance violations and fixing the name of the flood ordinance.**

- 7-01 VIOLATIONS:** Violations of the terms of the Wells County Zoning Ordinance, Wells County Subdivision Control Ordinance or the Wells County Flood Damage Prevention Ordinance, or Markle Ordinance for Flood Hazard Areas, as well as any conditions or commitments made by the Plan Commission, Board of Zoning Appeals, Plat Committee, of the Plan Commission Staff, shall be handled as follows:
- (1) Enforcement Officer: The enforcement officer shall be the Plan Commission Director.
  - (2) Notification: The notification procedure for alerting the Enforcement Officer of a violation is as follows:
    - (A) The Enforcement Officer shall actively enforce violations of Plan Commission petitions, Board of Zoning Appeals petitions, Plat Committee petitions, Plan Commission staff petitions, improvement location permits, and floodplain development permits issued through the ordinance listed above.
    - (B) The Enforcement Officer may actively review flood-related violations on properties within the jurisdiction of the Wells County Flood Damage Prevention Ordinance or Markle Ordinance for Flood Hazard Areas.
    - (C) The Enforcement Officer can only review violations not specifically listed in (A) and (B) if a written **or oral and signed** complaint is made to the enforcement office by any interested party.
  - (3) Right of Entry: The right of entry law shall be as follows:
    - (A) Any of the above-mentioned petitions or permits act as permission to enter the property for inspection.
    - (B) Any flood-related issue not covered in (A) shall follow the right of entry rule listed in the ~~Wells County or Markle Ordinance for Flood Hazard Areas~~ **Wells County Flood Damage Prevention Ordinance**.
    - (C) Any other inspection shall be done from publically controlled property including but limited to municipally owned property, right-of-ways, or easements.

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# Wells County Area Plan Commission

Wells County Zoning Ordinance  
Wells County Subdivision Control Ordinance  
Proposed Amendments 2023

**Amendment 6: Permitted Use Table: Establishing Battery Energy Storage Systems.**

TABLE 9-15 (Part 1 of 5) Permitted Uses in Zoning Districts																
Development Plan Required = Highlighted Text   SE = Special Exception   x = Multiple On One Lot																
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
<b>Accessory Uses (If required by Article 14)</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<b>Accessory Structure General (If required by Article 14)</b>	X	X	X	X	X	X	X	X	X						X	X
<b>Accessory Structure Residential (If required by Article 14)</b>										X	X	X	X	X		
<b>Agriculture</b>	X	X				X									X	
<b>Airport</b>	X	X					X	X								
<b>Antique Restoration</b>			X	X	X		X	X								
<b>Asphalt Manufacturing Plant</b>								X								
<b>Automobile Sales &amp; Service</b>			X	X	X		X	X								
<b>Auto &amp; Truck Repair</b>					X		X	X								
<b>Bank / Credit Union</b>			X	X	X		X									
<b>Battery Energy Storage System (Grid Scale)</b>																X
<b>Battery Energy Storage System (User Scale)</b>	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
<b>Boarding House</b>													X	X		
<b>Brewery</b>	SE	SE	SE	SE	SE		X									
<b>Brewery, Micro-</b>	X	X	X	X	X		X									
<b>Bulk Fuel Storage (Private)</b>	X	X			X		X	X								
<b>Bulk Fuel Storage (Commercial)</b>		X			X		X	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

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# Wells County Area Plan Commission

## Wells County Zoning Ordinance Wells County Subdivision Control Ordinance Proposed Amendments 2023

### Amendment 7: Permitted Use Table: Expanding the permitted districts for day care centers.

TABLE 9-15 (Part 2 of 5) Permitted Uses in Zoning Districts																
Development Plan Required = <b>Highlighted Text</b>   SE = Special Exception   <sub>x</sub> = Multiple On One Lot																
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
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					SE	X								
Condominiums													X	X		
Convenience Store			X	X	X		X									
Crematorium		X					X	X								
Day Care Center			X	X	X											

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# Wells County Area Plan Commission

Wells County Zoning Ordinance  
Wells County Subdivision Control Ordinance  
Proposed Amendments 2023

**Amendment 8: Permitted Use Table: Allow “Farm Implement Sales, Service, & Repair” to occur in B-3 zoning where it is similar to other compatible uses.**

TABLE 9-15 (Part 3 of 5) Permitted Uses in Zoning Districts																
Development Plan Required = <span style="background-color: #e0e0e0;">Highlighted Text</span>   SE = Special Exception   <sub>x</sub> = Multiple On One Lot																
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
<b>Eating &amp; Drinking Establishment</b>			X	X	X											
<b>Essential services</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<b>Farm Implements Sales, Service, &amp; Repair</b>	X	X			<span style="background-color: yellow;">X</span>		X	X								

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# Wells County Area Plan Commission

## Wells County Zoning Ordinance Wells County Subdivision Control Ordinance Proposed Amendments 2023

**Amendment 9: Lot Size, Setback, and Height Restrictions Table: Removal of lot size and road frontage requirements from the table and redefining to affect new structures and additions to structures. Establishing right of way setbacks for rural major collectors, rural minor arterial, and rural other principal arterial. Items being moved to subdivision control ordinance.**

**9-16 LOT SIZES, SETBACK, AND HEIGHT RESTRICTIONS FOR NEW STRUCTURES OR ADDITIONS TO PRE-EXISTING STRUCTURES.** Lot sizes and setbacks Setbacks and height restrictions for new structures or additions to pre-existing structures shall be as follows for the Zoning Districts designated in this Zoning Ordinance. Except as stated elsewhere in this Zoning Ordinance.

**Table 9-16, Lot Sizes, Setbacks, and Height Restrictions for New Structures or Additions to Pre-existing Structures**

- (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 the 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 two (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) The right-of-way dimension shall be defined for Rural Major Collector and Rural Minor Arterial roadways as forty (40) feet from the center of the road. The right-of-way dimension shall be defined for Rural Other Principal Arterial as fifty (50) feet from the center of the road.**
- (5) 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 proximity to commercial power transmission lines.
- (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 a public right-of-way unless said public right-of-way is an alley.

Zoning Districts	Minimum Lot Size (Acres)	Minimum Road Frontage (Feet)	Property Line / Right-of-Way Setbacks (Feet)	Maximum Structure Height (Feet)
A-1 (Unincorporated Areas Only)	<del>2 or .5</del>	<del>25</del>	P.L. = 20 ROW = The greater of 30' from ROW or 60 from the center of the road	100
A-R, S-1, C-1 & (Incorporated Areas Only A-1)	<del>2 or .5</del>	<del>25</del>	P.L. = 5 ROW = The greater of 30' from ROW or 60 from the center of the road	100
B-1 (CBD)	<del>N/A</del>	<del>N/A</del>	0	100
B-2, B-3, I-1 & I-2	<del>N/A</del>	<del>25</del>	P.L. = 5 ROW = The greater of 5 or platted/deeded building line	100
R-1	<del>N/A</del>	<del>25</del>	P.L. = 5 ROW = The greater of 30' or platted/deeded building line	35
R-2, R-3, M-1 & M-2	<del>N/A</del>	<del>25</del>	P.L. = 5 ROW = The greater of 5 or platted/deeded building line	35
L-1	<del>10</del>	<del>25</del>	IDEM Standards	100
P-1	<del>Use Base District</del>	<del>Use Base District</del>	Use Base District	Use Base District

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# Wells County Area Plan Commission

Wells County Zoning Ordinance  
Wells County Subdivision Control Ordinance  
Proposed Amendments 2023

**Amendment 10: Ponds: Establishing the pond staff approved development plan.**

**11-07 PONDS:** Ponds shall require a permit as stated in section 4-02 of this Zoning Ordinance. **Ponds shall be approved as a staff development plan under Article 14 of this ordinance.** The Plat Committee shall **review** ~~approve~~ the size and location of ponds **prior to staff approval** as follows.

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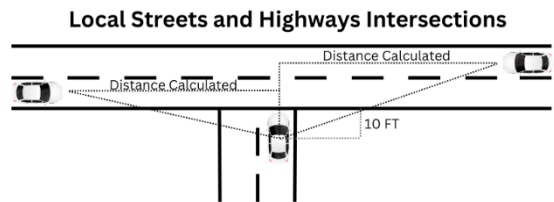
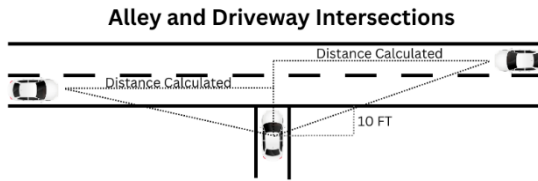
# Wells County Area Plan Commission

## Wells County Zoning Ordinance Wells County Subdivision Control Ordinance Proposed Amendments 2023

### Amendment 11: Sight Triangles: Establishing in ordinance guidelines for measuring sight triangles.

**11-11 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 sight triangle shall be measured following INDOT design manual standards, as follows:
  - (A) The position of the driver's eye shall be located 10 feet back from the stop sign, stop line, back of sidewalk, or natural stopping location whichever is applicable at the location of the measurement at a driveway.
  - (B) Alleys and driveways should be considered design speed 15 mph for the purposes of this section.



(C) All other intersections: The distance down the centerline of the travel lane in question shall be measured based on the following table.

Design Speed (mph)	Sight Distance (ft)
15	145
20	195
25	240
30	290
35	335
40	385
45	430
50	480
55	530
60	575
65	625

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# Wells County Area Plan Commission

## Wells County Zoning Ordinance Wells County Subdivision Control Ordinance Proposed Amendments 2023

**Amendment 12: Communication Towers and Wind Energy Conversion Systems Testing Facilities: Removing communication towers and mentions of “towers” from 14-07 as we no longer allowed to regulate them.**

**14-07 ~~COMMUNICATION TOWERS OR~~ WIND ENERGY CONVERSION SYSTEM TESTING FACILITIES (WECS TESTING FACILITIES) DEVELOPMENT PLAN:** A ~~Communication Tower or~~ WECS Testing Facility Development Plan is required as follows: .....

**Amendment 13: Solar Energy Systems (SES) Development Plan Setbacks: Allow solar installations to cross internal participating property lines.**

**(C) Setbacks:**

- a) Non-Participating Property Line Setbacks: A SES Facility shall be at least two hundred (200) feet from a non-participating property line.
- b) Participating Property Line Setbacks: A SES Facility **can be located across participating property lines.** ~~shall meet the minimum setbacks of the applicable zoning district.~~

**Amendment 14: Solar Energy Systems (SES) Development Plan Electric Wires: Allow an option for collection systems to cross under a public right of way or county drainage easement**

- (N) Electric Wires: The electric collection system shall be located underground, except for transformers, inverters, substations, and controls. The collection system is required to be above ground **or comply with the underground clearance requirements set forth by the Wells County Highway Department (public right-of-way) or Wells County Drainage Board (drainage easements) and clearly marked with warning signage at the crossing location to be located underground** if it is located in a public-right-way or county drainage easement. The transmission system shall be located above ground.

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# Wells County Area Plan Commission

## Wells County Zoning Ordinance

### Wells County Subdivision Control Ordinance

Proposed Amendments 2023

#### **Amendment 15: Small Wind Energy Conversion Systems (Small WECS) or Medium Wind Energy Conversion System (Medium WECS) Development Plan: Remove conflicting terms and replace with proper terms.**

- (i) Proof of Approvals of Other Local, State, and Federal Agencies: At the time of filing, an update shall be given stating what applicable local, state and federal agencies are reviewing this development. Prior to the issuance of an improvement location permit for a ~~Communication Tower or WECS Testing Facility~~ **Small WECS or Medium WECS**, the following agencies approvals, if applicable, shall be submitted to the staff of the Area Planning Department:
- 1) FAA
  - 2) U.S. Fish and Wildlife
  - 3) Indiana Department of Environmental Management
  - 4) U.S. Army Corp of Engineers
  - 5) Federal Communication Commission
  - 6) Soil and Water Conservation District
  - 7) Any other applicable local, state, and federal agencies affecting the development.

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# Wells County Area Plan Commission

## Wells County Zoning Ordinance Wells County Subdivision Control Ordinance Proposed Amendments 2023

**Amendment 16: Definitions: Establish definitions for Battery Energy Storage systems.**

**BATTERY ENERGY STORAGE SYSTEM (USER SCALE):** A battery energy storage system (User Scale) are devices that enable energy to be stored and then released when the power is needed that is designed to only support the power needs of the power customer where the installation is located.

**BATTERY ENERGY STORAGE SYSTEM (GRID SCALE):** A battery energy storage system (Grid Scale) are devices that enable energy to be stored and then released when the power is needed that is designed support the energy needs of the electric grid.

**Amendment 17: Definitions: Redefine the definition of junk.**

**JUNK:** ~~Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or zinc, and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles and cans, or old used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes and crates, used pipe or pipe fixtures, used automobiles, trucks, or airplanes, tires, and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.~~

Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or zinc, and all other scrap metals and their alloys, bones, rags, used cloth, used rubber, used rope, used tinfoil, used boxes, used crates, trash, construction materials not part of an active approved construction project, used bricks, used concrete blocks, used pipe and pipe fixtures, used tires, automobile parts, truck parts, airplane parts, boat parts, or parts of any other type of motorized vehicle or equipment located in the yard of a property is considered junk. Used automobiles, trucks, airplanes, boats, or any other type of motorized vehicle or equipment that is not operational in its current condition or being dismantled located in the yard of a property is considered junk, unless it is located on a gravel, concrete, or paved driveway and covered with a tarp or vehicle cover that is in good condition and the area around and under the item is adequately maintained. The remains of a structure that has or is in the process of falling down or being dismantled located in the yard of a property is considered junk. Yard is to be defined for the purposes of this definition as the area of the property located outside of the structures on the property.

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# Wells County Area Plan Commission

## Wells County Zoning Ordinance Wells County Subdivision Control Ordinance Proposed Amendments 2023

**Amendment 18: Processes and Procedures for Subdividing Land: Establishing a Division of a Minor Subdivision as it's own petition type and allowing it to be approved by the Plat Committee. Clarifying the desired filing procedures for petitions.**

**3-02 Petition Types:** The following table states the ~~five (5)~~ **six (6)** standard petition types and what

Petition Type	Governing Agency
Major Subdivision	Plan Commission
Minor Subdivision	Plat Committee
<b>Division of a Minor Subdivision</b>	<b>Plat Committee</b>
Addition	Plat Committee
Combine	Plat Committee
Petition to Vacate or Replat Private Property	Plan Commission

governing agency approves them.

**Table 3-02**

**3-03 Procedure:** Whenever a Major Subdivision, Minor Subdivision, **Division of a Minor Subdivision**, Addition, or Combine Petition is desired, the seller(s)/owner(s) of the subject real estate shall file with the Plan Commission the appropriate forms, surveys, and fees as prescribed in Article 4 of the Zoning Ordinance and this Article.

**3-04 Findings of Fact and Ruling:** A proposed findings of fact and ruling document that complies with the requirements set forth in Article 6 of ~~this~~ **the Zoning Ordinance** shall be filed with the Area Plan Office ~~as stated in the following:~~ **at the time of filing.**

~~(1) For a Major Subdivision, the findings of fact and ruling document shall be delivered two (2) weeks before the public hearing on said petition.~~

~~(2) For a Minor Subdivision, Addition, or Combine the findings of fact and ruling document shall be delivered at the time of filing.~~

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# Wells County Area Plan Commission

Wells County Zoning Ordinance  
Wells County Subdivision Control Ordinance  
Proposed Amendments 2023

**Amendment 19: Minor Subdivision, Combines, and Additions: Defining a Division of a Minor Subdivision and further clarifying the definition of a combine.**

## **4-04 Definitions:**

- (1) A **Minor Subdivision** (commonly referred to as a Sell-Off) shall be defined as a division of property from a Primary Parcel, and both are located on an existing Public Way. A Minor Subdivision is a subdivision of property which has occurred after January 1, 1971, and is filed with the Plan Commission.
- (2) **A Division of a Minor Subdivision is a Minor Subdivision from an existing Minor Subdivision.**
- (3) A **Combine** shall be defined as the act of deeding together two (2) **or more** existing parcels into one (1) parcel which is located on an existing Public Way.

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# Wells County Area Plan Commission

Wells County Zoning Ordinance  
 Wells County Subdivision Control Ordinance  
 Proposed Amendments 2023

**Amendment 20: Lot Sizes and Setbacks for Pre-existing Structures: Establishing the new table in the Subdivision Control Ordinance allowing these items to be under the full jurisdiction of the Plat Committee.**

**4-05 LOT SIZES AND SETBACKS FOR NEW LOTS AND PRE-EXISTING STRUCTURES**  
 Lot Size and Setback restrictions for pre-existing structures shall be as follows for the Zoning Districts designated in this Zoning Ordinance. Except as stated elsewhere in this Zoning Ordinance.

**Table 4-05, Lot Sizes and Setbacks for Pre-existing Structures**

- (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) In the A-1, A-R, S-1, and C-1 zoning districts the minimum lot size shall be two (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.

Zoning Districts	Minimum Lot Size (Acres)	Minimum Road Frontage (Feet)	Property Line / Right-of-Way Setbacks (Feet)
A-1 (Unincorporated Areas Only)	2 or .5	25	P.L. = 20
A-R, S-1, C-1 & (Incorporated Areas Only A-1)	2 or .5	25	P.L. = 5
B-1 (CBD)	N/A	N/A	0
B-2, B-3, I-1 & I-2	N/A	25	P.L. = 5
R-1	N/A	25	P.L. = 5
R-2, R-3, M-1 & M-2	N/A	25	P.L. = 5
L-1	10	25	IDEM Standards
P-1	Use Base District	Use Base District	Use Base District

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# Wells County Area Plan Commission

## Wells County Zoning Ordinance Wells County Subdivision Control Ordinance Proposed Amendments 2023

### **Amendment 20: Minor Subdivision, Combines, and Additions: Removing the term communication towers.**

- (6) The Improvement Location Survey shall show all existing structures. No existing primary or accessory structure shall be located within 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.

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# Wells County Area Plan Commission

Wells County Zoning Ordinance  
Wells County Subdivision Control Ordinance  
Proposed Amendments 2023

**Amendment 21: Minor Subdivision, Combines, and Additions: Establishing a Division of a Minor Subdivision requirements and removing the previously used waiver approval process.**

**4-07** ~~Requirements to Subdivide a Minor Division of a Minor Subdivision Requirements:~~ 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 be divided between the Primary Parcel and the Minor Subdivision.
  - (B) Minor Subdivision rights shall not be assigned to a Minor Subdivision that lacks the conditions to satisfy the requirements for further minor subdividing.
  - (C) The following statement shall be made part of the deed conveying the Minor Subdivision and of the Findings of Fact and Ruling Document for recording, “There are (number - both numerically and spelled out) Minor Subdivisions remaining from this Primary Parcel. The Primary Parcel shall retain the rights to (number – both numerically and spelled out) of the remaining Minor Subdivision(s) and the Minor Subdivision shall retain the rights to (number – both numerically and spelled out) of the remaining Minor Subdivision(s).”
- (2) A Minor Subdivision without any assigned Minor Subdivision rights can receive one (1) additional Minor Subdivision ~~with a waiver approved by the Plan Commission~~ if the proposed subdivision meets the requirements for a Minor Subdivision and the following requirements.
  - (A) The Minor Subdivision to be subdivided shall not have been intentionally designed to take advantage of this provision.
  - (B) The Minor Subdivision to be subdivided shall be ten (10) acres or greater in total area.
  - (C) The Minor Subdivision to be subdivided shall have two (2) times the road frontage requirement prescribed under this section.

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# Wells County Area Plan Commission

Wells County Zoning Ordinance  
Wells County Subdivision Control Ordinance  
Proposed Amendments 2023

**Amendment 22: Minor Subdivision, Combines, and Additions: Removing term Communication Towers.**

- (F) No lot or parcel line in a Major Subdivision 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.

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# Wells County Area Plan Commission

## Wells County Zoning Ordinance Wells County Subdivision Control Ordinance Proposed Amendments 2023

### Amendment 23: Public Ways – Roads – Changing the way we determine our connectivity requirements.

**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) **The proposed** public ways shall whenever possible be installed in a grid pattern.
- (2) **A project must connect to all pre-existing public ways and unimproved right-of-ways directly abutting the property including those in future phases of ongoing neighboring projects.**
- (3) **All projects with more than twenty five (25) parcels, lots, or interests shall have a minimum of two (2) connections to existing public ways.**
  - (A) **One (1) future public way connection must be supplied for fifty (50) feet to thirteen hundred forty (1,340) feet of shared property line with said undeveloped neighboring parcel.**
  - (B) **Two (2) future public way connections must be supplied for greater than thirteen hundred forty (1,340) feet to two thousand six hundred seventy (2,670) feet of shared property line with said undeveloped neighboring parcel.**
  - (C) **Three (3) future public way connections must be supplied for greater than two thousand six hundred seventy (2,670) feet plus of shared property line with said undeveloped neighboring parcel.**
  - (D) **This connection must be fully improved if it serves as the frontage for more than two (2) parcels, lots, or interests within the project.**
  - (E) **Temporary turnarounds must be provided if said connection serves more than six (6) parcels, lots, or interests within the project.**
- ~~(4) Subdivision of twenty-five (25) or fewer parcels.~~
  - ~~(F) 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 public way.~~
  - ~~(G) 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.~~
  - ~~(H) Centerlines of rights-of-way for said points of ingress/egress shall be a minimum of six hundred (600) feet apart.~~
- ~~(5) 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.~~
  - ~~(B) Centerlines of rights-of-way for said points of ingress/egress shall be a minimum of six hundred (600) feet apart.~~
- ~~(6) 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.~~
  - ~~(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~~

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# Wells County Area Plan Commission

## Wells County Zoning Ordinance Wells County Subdivision Control Ordinance Proposed Amendments 2023

- adjacent undeveloped property for future connection.
- ~~(C) Centerlines of rights of way for said points of ingress/egress shall be a minimum of six hundred (600) feet apart.~~
- ~~(7) 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.~~
- ~~(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 six hundred (600) feet apart.~~
- ~~(8) 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) Right of way extensions shall be no greater than six hundred (600) feet apart following the aggregate surveyed dimension of the perimeter of said development.~~
- ~~b) 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.~~
- ~~d) 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.~~
- ~~e) Said improved right of way stubs shall have a temporary cul-de-sac installed unless the affected Local Legislative Body agrees in writing otherwise.~~
- ~~(9) Connectivity within a Development. No new internal public way shall exceed 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.~~
- ~~(10) 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.~~

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# Wells County Area Plan Commission

Wells County Zoning Ordinance  
Wells County Subdivision Control Ordinance  
Proposed Amendments 2023

**Amendment 24: Storm Water Standards – Exemptions – Codifying our 2 stage ditch exemption.**

- (5) EXEMPTIONS FOR DETENTION REQUIREMENTS: Detention shall not be required for the following.
- (A) Land alterations were the primary basis on which stormwater drainage plan is required is the construction, enlargement, or location (on a permanent foundation) any structures that do not require a Development Plan.
  - (B) Approved fill areas or one-time additions to existing commercial buildings that do not increase the amount of impervious area on-site by more than a total of 0.25 acres, provided the existing runoff patterns and flow capacity of the property will not be altered by the filling operation.
  - (C) **A two (2) stage ditch is installed with 1.5 times the required storage below the 100 year flood elevation for that body of water and all required state and federal approvals are complete prior to permitting.**

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