

ROLL CALL

Harry Baumgartner, Jr.	Jerome Markley
Tyson Brooks	Tim Rohr
Chandler Gerber	John Schuhmacher
Jarrold Hahn	Paul Miller
Bill Horan	Melissa Woodworth
Kiera Lance	

Michael Lautzenheiser, Jr., Director

The April 2, 2023, meeting of the Area Plan Commission was called to order at 7:00 p.m. by Jerome Markley. All members were present for the roll call. Paul Miller was representing the Town of Poneto on Becky Stone-Smith’s behalf.

APPROVAL OF MINUTES:

Tyson Brooks made a motion to approve the minutes with changes from the March 2, 2023, meeting. Tim Rohr seconded the motion; the motion carried 11-0.

OLD ITEMS:

A 23-03-02 HARRISON TWP. SW/4 4-26N-12E CLAD LLC requests approval for a zoning change to R-3. The property is located at 1131 S Morgan (Oak Park Lots 69 & 70), Bluffton, IN 46714, and is zoned R-2.

The board waited for all petitions to be heard before continuing this petition one last time. It was said that if they didn’t show to the May meeting that they would need to refile.

Motion to continue to May meeting: Tyson Brooks
Second: Bill Horan
Vote: 11-0

NEW ITEMS:

A 23-04-03 UNION TWP. SW/4 13-28N-11E RGS Real Estate LLC requests an approval of a 58 space parking lot. The property is located at 705 W 900 N, Uniondale, IN 46791 and is zoned A-1.

Joel Hoehn, Stoodly Associates, represented the petition. He explained how the church was opening back up, and there was a need for more parking. There was discussion on layout, storm water drainage, lighting. It was mentioned that the Highway Department wanted to discuss driveway details prior to any work starting on the parking lot.

Condition: Highway Dept approval prior to work starting.
Motion to Approve: Bill Horan
Second: Tim Rohr
Vote: 11-0

A 23-04-04 LANCASTER TWP. NW/4 22-27N-12E City of Bluffton requests approval for the development of Lancaster Park. The property is located on Jackson Street 500’ east of SR 1 in Bluffton, IN 46714 and is zoned R-1.

Brandy Fiechter with the Bluffton Parks Department and Mark Reinhard with Engineering Resources represented the petition. Mr. Reinhard shared the details of the project with the board.

Mrs. Fiechter said that she is really excited to get this project started for the City of Bluffton. There was additional discussion on the drainage for the property. There was talk on the layout for the project. The public was given a chance to make comments or ask questions. There was no public input.

Motion to Approve: Tyson Brooks
Second: Chandler Gerber
Vote: 11-0

A 23-04-05 JEFFERSON TWP. SE/4 09-28N-12E Biggs, Inc requests a rezoning change to R-1. The property is 4.010 acres in the northwest area of SR 1 and Davis Rd, Ossian, IN 46777 and is zoned B-3.

Kevin Biggs from Biggs, Inc and Brett Miller from MLS Engineering represented the rezoning request. They discussed wanting to clean up the zoning to match the other ground for the proposed subdivision. There was discussion on the rezoning based on the comprehensive plan and land use. The public was given a chance to make comments or ask questions. There was no public input. Jerome Markley reviewed the motion options for the recommendation needed.

Motion to give a Do Pass Recommendation to Town of Ossian: Jarrod Hahn
Second: Melissa Woodworth
Vote: 11-0

A 23-04-06 JEFFERSON TWP. SE/4 09-28N-12E Biggs, Inc & DK Development LLC request approval for 168 Lot Major Subdivision. The property is located on farm ground in the northwest area of SR 1 and Davis Rd, Ossian, IN 46777 and is zoned R-1 & B-3.

Kevin Biggs from Biggs Inc and Brett Miller from MLS Engineering represented the major subdivision petition. They talked about the overall plan for the subdivision and phases for the subdivision. There was a discussion on road and street access along with sewer and lift station details. Mr. Miller gave details on drainage and detention ponds. There was talk about the timeline for the project with a fall start mentioned. Jerome Markley asked for any comments or questions from the public. There was a question about the entrance for SR 1, and if there would be a traffic lights. There was discussion on traffic studies and lights. Another question from the public was about road condition and maintenance of roads. It was said that no construction traffic would go through the existing home roads that would be connected to the new addition.

Conditions and Modifications: As stated in the highlighted portions of the Director's Opinion attached to the minutes.

Motion to Approve with conditions and modification: Jarrod Hahn
Second: Melissa Woodworth
Vote: 11-0

Board discussion on secondary approval that is needing to be granted.

Motion to allow Plat Committee to approve the Secondary Plat: Jarrod Hahn
Second: Tyson Brooks
Vote: 11-0

OTHER BUSINESS:

V2022-005 – Edward Berry & Jaclyn Knueven – 2581 S Hoosier Hwy., Bluffton

Michael Lautzenheiser gave an update on the violation. He said there are still items to clean up. Edward Berry said that due to the weather it's been difficult to complete the cleanup. There was a discussion on the timeline to complete the cleanup of the junk accumulation.

Motion to continue to May meeting: Tyson Brooks

Second: John Schuhmacher

Vote: 11-0

V2022-010 – Nicole S Shannon – 1026 S Scott, Bluffton

Michael Lautzenheiser gave the recap of the violation. He said that a contractor has not started any work. Jarrod Hahn asked about the street connection issue. Mr. Lautzenheiser said that it was a city issue and not the county's.

Motion to send to attorney: Tim Rohr

Second: Tyson Brooks

Vote: 11-0

V2022-014 – Julie Duncan – 11520 N 750 E, Ossian

Michael Lautzenheiser gave the recap of the violations and said that the violation was closed. He mentioned a possible dispute between neighbors and the property line location, but based on the survey provided, the office closed the violation.

V2022-015 – Zachary Cobb – 3024 S Main, Liberty Center

and

V2022-016 – Anthony & Linda Kulb – 3038 S Main, Liberty Center

Michael Lautzenheiser gave the recap of the violations together as they both are dealing with junk accumulation on the shared property line. He said that there is still a lot of work to do. There was a discussion on the timeline. It was discussed that they would be given another 30 days, and then at the next meeting if it hasn't been resolved, it would be sent to the attorney.

Motion to continue to May meeting with letter stating 30 days given: Jarrod Hahn

Second: Melissa Woodworth

Vote: 11-0

V2022-020 – Douglas W Ginger – 8151 S 200 E, Keystone

Lori Farmer and Ashley O'Rielly were there on behalf of the violation. Mrs. O'Rielly talked about the items still needing to be cleaned up and mentioned the tractor cab which they didn't want to remove due to it being given to her brother. She said that they would be using the upcoming town cleanup day to get rid of the tires on the property. There was discussion on the tractor cab being allowed to stay on the property. It was determined that the tractor cab was no longer part of the violation.

Motion to continue to June meeting: Tyson Brooks

Second: Melissa Woodworth

Vote: 11-0

V2022-022 – Timothy Knight – 5777 W Oak Rd, Markle

Michael Lautzenheiser gave the recap of the violation and mentioned that the office hasn't received any communication. The board discussed the violation.

Motion to send to attorney: Tyson Brooks

Second: Tim Rohr

Vote: 11-0

V2022-025: Daystar Development – 17815 Wayne St., Zanesville

Michael Lautzenheiser gave a recap of the violation. He mentioned the office not getting any update before the meeting. John Schuhmacher said some items have been moved out, and more has been moved in. The board discussed the violation.

Motion to send to attorney: Tim Rohr

Second: Chandler Gerber

Vote: 11-0

V2022-026 – Isaiah & Dalia Medina-Geels – 5822 S Meridian Rd, Poneto

Michael Lautzenheiser gave a recap of the violation. Jarrod Hahn talked about the county regulated tile that is on the property and more than likely right under the lean-to in violation. The board discussed the violation.

Motion to continue to May w/ letter saying Drainage Board approval needed: Bill Horan

Second: Tyson Brooks

Vote: 11-0

V2022-027 – Jamie Barton – 803 S Main St., Bluffton

Jamie Barton was there to represent the violation. He gave the history of the violation and, he has a lawyer involved now. He talked about going before the Board of Zoning Appeals to request a variance. There was discussion on sight triangles and the time line needed.

Motion to continue to May meeting: Jarrod Hahn

Second: Paul Miller

Vote: 10-0-1 (Tyson Brooks abstained due to being the Board of Zoning Appeals President)

RULES OF PROCEDURE

There was a discussion on items in the rules of procedure and the changes that were made.

Motion to Adopt: Tim Rohr

Second: Tyson Brooks

Vote: 11-0

COMPREHENSIVE PLAN

No update given.

REVITALIZATION UPDATES

No update given.

HOUSING STUDY UPDATE

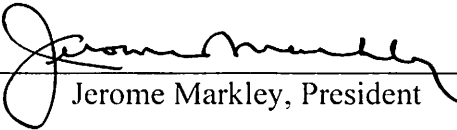
No update given.

ADVISORY:

The meeting was confirmed for May 4, 2023.

ADJOURN:

John Schuhmacher made a motion to adjourn the meeting. Chandler Gerber seconded the motion. The April 6, 2023, Area Plan Commission meeting adjourned at 9:42 p.m. with a vote of 11-0.



Jerome Markley, President

ATTEST:



Michael Lautzenheiser Jr., Secretary

BIGGS (TBD) SUBDIVISION

A 23-04-06 JEFFERSON TWP. SE/4 09-28N-12E Biggs, Inc & DK Development LLC request approval for 168 Lot Major Subdivision. The property is located on farm ground in the northwest area of SR 1 and Davis Rd, Ossian, IN 46777 and is zoned R-1 & B-3.

Detailed Findings of Fact

5-01 **Purpose:** Article I of the Indiana Constitution (*Bill of Rights*) protects the right of individual ownership of real property, and the Indiana Code reserves to local communities the power to plan and regulate real property, including but not limited to the platting and subdividing of real property and number of structures abutting public ways. To facilitate urban style divisions of property on future public ways and to provide for planned residential, business, and industrial development, this article shall provide for the creation of a Major Subdivision in a manner acceptable to community standards while preserving public health, welfare, and safety. While the following provisions are guidelines for designing a Major Subdivision, developers, prior to submitting a final proposal, are encouraged to bring tentative or innovated ideas to the office of the Director and the appropriate officials of the affected Local Legislative Body for consideration and free advice.

- (1) A Major Subdivision is defined as a division of property in a new public way.
- (2) A Public Way is defined as a dedicated right-of-way for vehicular movement, location of utilities, and placement of other necessary appurtenances for urban development.

FINDINGS: The primary plat of Biggs (TBD) Subdivision meets the purpose and definitions for a Major Subdivision and Public Way.

5-02 **Permitted Zones:** A Major Subdivision shall be permitted in zoning districts as prescribed by the Zoning Ordinance.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is located on property currently zoned R-1 "Single-Family Residential" or being rezoned to R-1 "Single-Family Residential" from B-3 "General Business" which does allow for a Major Subdivision. Condition of the approval of the rezoning A23-04-05.

5-03 **Common Standards for Approval:** A proposed Major Subdivision may be approved if it complies with the following provisions.

- (1) The proposed Major Subdivision must conform to the objectives of the Comprehensive Plan.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is in an area that is designated for urban residential growth which is what is proposed.

- (2) The real property on which the proposed Major Subdivision is to be developed must be under single ownership and/or unified control.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is owned partially by Biggs, Inc. and partially by DK Development LLC. Condition of approval that the property in question be transferred completely to Biggs, Inc.

- (3) The proposed Major Subdivision must be of a type and so located as not to be detrimental to the surrounding properties and land uses.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is in an area zoned for urban and rural residential development. The proposed development is consistent with and not detrimental to those surrounding land uses as designed.

- (4) The proposed Major Subdivision shall not substantially diminish or impair the property values of the neighboring properties.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is in an area used as and zoned for urban and rural style residential development. It will act as a natural extension of the North Homestead addition. This development is consistent with current and future conditions and would not diminish or impair the property values of the neighboring properties in any way.

- (5) The proposed Major Subdivision shall not endanger the public health, welfare, or safety of the neighborhood in which it is to be located.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is being developed in a way that promotes the growth of responsible water and sewer infrastructure, improvements to the areas stormwater conditions, and the areas road connectivity and infrastructure all promoting public health, welfare, or safety in the neighborhood.

- (6) The proposed Major Subdivision shall present a traffic management plan that creates conditions favorable to public health, safety, and convenience and shall be harmonious with the Comprehensive Plan. The Plan Commission may require but not be limited to acceleration and deceleration lanes, passing blisters, site angles, and construction requirements.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is presenting a traffic management plan that promotes continued connectivity that will help promote conditions favorable to public health, safety, and convenience that is harmonious with the Comprehensive Plan. The Plan Commission is not proposing the use of any of the listed traffic control measures for this project.

- (7) The proposed Major Subdivision shall allow for the availability and coordination of essential utilities and other necessary appurtenances for urban development. The petitioner shall present written evidence that they have entered into a contract with the Local Legislative Body or appropriate utility agencies to install and extend necessary services to accommodate proposed division of a property.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is working with the Town of Ossian to extend water and sewer infrastructure for the proposed development. The Town of Ossian sign-off sheet will act as written evidence that such a contract has been entered into.

- (8) The petitioner shall present the final draft of any restrictive covenants or private restrictions to be adopted with the secondary approval of the Plat.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will include the final draft of any restrictive covenants or private restrictions for the Plan Commission Staff to the adoption of the secondary plat.

5-04 Specific Infrastructure, Lot, and Planning Requirements for Approval: Where stated in the following requirements, certain standards can be established by ordinance enacted by the Local Legislative Body to govern Major Subdivisions in their jurisdiction. If the Local Legislative Body has not established such standards, then the Plan Commission reserves the right to require the standards set forth by the Town of Ossian as the standards for approval.

(1) Easements:

- (A) Easements for utilities and drainage shall be provided to all lots of a Major Subdivision with access available to all portions of said easement.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is including utility and drainage easements for all lots as proposed.

- (B) Utility easements which run adjacent to existing or proposed rights-of-way shall be at least fifteen (15) feet of even width. Utility easements elsewhere in a proposed Major

FINDINGS: The primary plat of Biggs (TBD) Subdivision is providing easements that are at least fifteen (15) feet of even width.

- (C) The subdivision shall be at least twenty (20) feet of even width. If proposed utility easements are combined with existing utility easements, the combined widths shall total at least twenty (20) feet of even width.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is complying with this requirement as designed as no easement is not twenty (20) feet wide except for those that comply with 5-04 (B).

- (D) All farm tiles that are to be preserved and to remain on the subject property shall require a minimum easement of twenty (20) feet of even width.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is not depicting any farm tiles that would require an easement.

- (E) The process for vacating an easement 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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is not requesting any easement be vacated.

- (2) **Street Lights and Sidewalks:** Major Subdivision plans must meet the standards and requirements, if any, for street light fixtures and sidewalks as established by local legislative bodies. Said street light fixtures and sidewalks shall be located within the appropriate easements and rights-of-way.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is meeting all light and sidewalk requirements of the Town of Ossian.

- (3) **Utilities:** Major Subdivision plans must meet the standards and requirements, if any, established by the Local Legislative Body for water lines, sanitary sewers, storm water sewers, and any other utilities provided by the Local Legislative Body to the proposed Major Subdivision.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is meeting all requirements of the Town of Ossian for water lines, sanitary sewers, stormwater sewer, and any other utilities provided by the Town of Ossian to the proposed project.

- (4) **Signs:** The subdivider shall place a sign to identify the Major Subdivision at all points of ingress/egress off a preexisting Public Way into the Major Subdivision. The sign shall meet the sign requirements as defined in the Zoning Ordinance.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is only showing an identification sign at the intersection of Davis Rd & Jefferson St (SR 1). There is no sign located at the connections with McNeal or Dyar. This requested modification would require approval from the Wells County Area Plan Commission.

- (5) **Lot and Yard Requirements (A)** No lots shall derive direct vehicular access from an arterial public way.
(A) The Plan Commission may require driveways for new lots be designed and arranged to avoid the necessity for vehicles to back into traffic on a collector public way.

FINDINGS: The primary plat of Biggs (TBD) Subdivision does not have any lots that will have driveways on any collector public ways.

- (B) The Plan Commission may require that two or more new lots be served by a common driveway in order to limit the possible traffic hazards from multiple accesses to a public way.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will not be required to have any shared driveways.

- (C) Lots with road frontage on more than one public way excluding alleys shall be fifty (50) percent larger than the minimum lot size required by the Zoning Ordinance.

FINDINGS: The primary plat of Biggs (TBD) Subdivision meets this requirement for lots with road frontage on 2 or more sides.

- (D) Lots with road frontage on the turnaround of a cul-de-sac shall be fifty (50) percent larger than the minimum lot size required by the Zoning Ordinance.

FINDINGS: The primary plat of Biggs (TBD) Subdivision meets this requirement for lots located on a cul-de-sac.

- (E) A plated lot in a Major Subdivision may be located behind other plated lots if a twenty-five (25) foot wide access strip that is contiguous with an existing Public Way is plated with said lot and if proposed lot has been approved in writing by the Local Legislative Body under whose jurisdiction the Major Subdivision is to be located.

FINDINGS: The primary plat of Biggs (TBD) Subdivision meets this requirement as not lots are located behind them. The only pieces of the project located behind other lots are the Detention Basins which is accessed by fifteen (25) foot wide strips. These are not plated lots for development purposes.

- (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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision meets this requirement as there are no WECS, Communication Towers, or other tall structures located in our near to the project site.

- (G) All other applicable provisions as prescribed elsewhere in the Zoning Ordinance or Subdivision Control Ordinance.
 - a) **Public Ways - Roads:** provisions as prescribed elsewhere in this Subdivision Control Ordinance.

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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is compliant with the general purpose of the public ways – roads requirements of Article 6 of the Wells County Subdivision Control Ordinance.

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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is compliant with the definition of Public Way.

- (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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is granting a total of forty (40) feet of right-of-way along Jefferson St in compliance with this requirement.

- (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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is not requesting any financial assistance for the development of this project unless agreed to ahead of time by the Town of Ossian.

- (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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is compliant with this requirement. The written approval will be the Town of Ossian's sign-off sheet.

- (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 Town of Ossian as the standards for approval.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is compliant with the section as the new public ways will meet the design standards for the Town of Ossian. Written approval will be in the form of the Town of Ossian's sign-off sheet.

- (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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is not requiring any waivers of this section.

- (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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is not requesting any financial assistance for this project unless expressly agreed upon ahead of time by the Town of Ossian.

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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is compliant with this requirement as it is laid out in a way that connects with all neighboring properties except that of the neighboring property on the other side of the railroad.

- (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 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 six hundred (600) 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.
 - (B) Centerlines of rights-of-way for said points of ingress/egress shall be a minimum of 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.
 - (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 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.
 - (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.

***FINDINGS:** The primary plat of Biggs (TBD) Subdivision is in compliance with this section as it is providing the three required point of ingress/egress as well as providing 2 stubs to the neighboring property to the north. The connections to the extension of Dyar and McNeal are not 600 feet apart. This would require a modification approval. This is the best option to give ample opportunity for this project to connect with Jefferson St. (SR 1) and with the neighboring properties. They are required to connect to these locations by ordinance.*

- (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.

***FINDINGS:** The primary plat of Biggs (TBD) Subdivision complies with this requirement as there are no other existing rights-of-ways on the adjacent property to connect to.*

- (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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision complies with this requirement as all proposed right-of-way will be improved.

- (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.
 - c) 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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision includes right of way stubs to the north undeveloped property, but not the west undeveloped property due to the railroad track. There are 2 stubs to the north undeveloped property. They are greater than 600 feet apart. This will require a modification. This request is similar to the approvals we have made for other recent major subdivisions.

- (7) 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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is needing a modification to allow this requirement to be exceeded in length. They are greater than 600 feet apart. This will require a modification. This request is similar to the approvals we have made for other recent major subdivisions.

- (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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is needing a modification to allow this requirement to be exceeded in length. They are greater than 500 feet apart. This will require a modification. This request is similar to the approvals we have made for other recent major subdivisions.

- 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 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 fifty (50) feet and a right-of-way radius of sixty (60) feet.
 - (4) 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.
 - (5) The names of cul-de-sacs shall be designated as "Courts."

FINDINGS: The primary plat of Biggs (TBD) Subdivision is needing a waiver from this requirement as the proposed cul-de-sac is 860 feet in length. This request is similar to the approvals we have made for other recent major subdivisions.

- 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 of the affected Local Legislative Body.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is requesting a waiver from this requirement as the only dead-end right-of-way will not service any homes and may remain unimproved depending on the decisions of the developer. This modification will take Wells County Area Plan Commission and Common Council of the Town of Ossian approvals.

- 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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will allow and pay for the necessary signage as required by this ordinance.

- 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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will not be requesting any vacating of platted public ways.

5-04 (5) (G) b) **Storm Water Standards:** provisions as prescribed elsewhere in this Subdivision Control Ordinance.

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.

***FINDINGS:** The primary plat of Biggs (TBD) Subdivision will meet the purpose of Article 7: Storm Water Standards.*

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.

***FINDINGS:** The primary plat of Biggs (TBD) Subdivision is a Major Subdivision so that it falls within the jurisdiction of Article 7: Storm Water Standards.*

7-03 **Incorporated Regulations:** If a Local Legislative Body has their own published stricter standards for storm water, then said storm water standards shall be adhered to when a project falls within the Local Legislative Body's jurisdiction. The Local Legislative Body is responsible for verifying compliance in regards to their stricter standards for storm water. The Local Legislative Body must respond to the Area Plan Commission Office in writing prior to the public hearing or for staff approved development plans within a minimum of three (3) weeks from the date of submittal of said petition or compliance will be assumed.

***FINDINGS:** The primary plat of Biggs (TBD) Subdivision will meet all standards outlined in Article 7: Storm Water Standards as well as any stricter standards set for by the Town 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

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will meet this requirement for the predeveloped outlet point that is being used for the detention basin for this project.*

- (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.

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will meet this requirement as they will demonstrate in the stormwater plan and associated calculations how they will bypass offsite stormwater moving through the site.*

- (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 than 5:1.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will comply with this section as they will demonstrate in the stormwater plan and associated calculations.

- (4) **DOWNSTREAM RESTRICTIONS:** In the event, the downstream receiving channel or storm sewer system is inadequate to accommodate the post-developed release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of receiving downstream channel or storm sewer system. Additional detention, as determined by the Plan Commission, shall be required to store that portion of the runoff exceeding the capacity of the receiving sewers or waterways.
- (A) If the proposed Development Plan, Major Subdivision, or PUD makes up only a portion of the undeveloped watershed upstream of the limiting restriction, the allowable release rate for the project shall be in direct proportion to the ratio of its drainage area to the drainage area of the entire watershed upstream of the restriction.

FINDINGS: The primary plat of Biggs (TBD) Subdivision is limited on the release rate of the newly reconstructed Bessie Porter county tile.

- (B) The allowable release rates may be further reduced by the Plan Commission if on-site or off-site conditions warrant the reduction.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will comply with this section as there are no expected on-site or off-site conditions to warrant such action.

- (C) Notwithstanding the foregoing, if the Plan Commission, Wells County Drainage Board, or Local Legislative Body determines within three years after final approval of the storm water plans that the downstream receiving channel or storm sewer system are inadequate to accommodate the as-built development and have been damaged thereby, or if the subject as-built system is inadequate to accommodate upstream runoff or has caused damage to upstream channel or storm sewer system, the Owner, Developer, or Contractor shall be required to take such corrective actions as the Plan Commission, Wells County Drainage Board, or Local Legislative Body shall determine to be reasonably necessary to remedy such damages and enable such channels and storm sewers to accommodate the as-built drainage system.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section if any issues are found within three years of the final approvals of the stormwater plans.

- (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) Notwithstanding the provisions of above section, those site developments where the stormwater management system has been designated such that:
 - a) after combining flows from both the off-site and on-site drainage areas, there will be no increase in the total peak discharge from the developed site during the 2, 10, or 100-year storm events; and
 - b) the volume of runoff for each project site outlet has not been increased for the entire range of storm events, up to the 100-year storm event; and
 - c) the flow width and velocity at the property boundary line for each sub-basin is less than or equal to that flow width and velocity which existed prior to the development (for the entire range of storm events, up to the 100-year storm events).

FINDINGS: The primary plat of Biggs (TBD) Subdivision is not requesting an exemption of the detention requirements.

7-05 Grading and Building Pad Elevation Policy: Maximum yard slopes shall be no steeper than 3:1 where soil has been disturbed during construction processes. Top of the foundation must be no less than six (6) inches above finished grade and a minimum of fifteen (15) inches above an adjacent road elevation unless a written variance is granted by the Plan Commission.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section as demonstrated by the final grading and building pad elevations for this project.

- (1) For all structures located in the SFHA as shown on the current Flood Insurance Rate Map (FIRM) or best available information available to the Plan Commission, the lowest floor elevations of all residential, commercial, agricultural, and industrial buildings, shall be such that all floors, including basement, shall be at the flood protection grade and therefore have two (2) feet of freeboard above the 100-year flood elevation.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section as there is no SFHA on our near the site.

- (2) The Lowest Adjacent Grade for residential buildings outside a FEMA or IDNR designated floodplain shall have two feet of freeboard above the flooding source's 100-year flood elevation under proposed conditions unless the flooding source is a rear-yard swale. When the flooding source is a rear-yard swale, the Lowest Adjacent Grade for residential buildings shall have two (2) feet of freeboard above the 100-year flood under proposed conditions or be separated by a minimum distance of twenty-five (25) feet from the proposed condition 100-year flood boundary.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section as there are no FEMA or IDNR designated floodplains on or near the site.

- (3) The Lowest Adjacent Grade (including walkout basement floor elevation) for all residential buildings adjacent to ponds shall be set a minimum of two (2) feet above the 100-year pond elevation or two feet above the emergency overflow weir elevation, whichever is higher.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section as all of the residential units located next to ponds will be two (2) feet above the 100-year pond elevation or two (2) feet above the emergency overflow weir elevation whichever is higher based on the detailed grading plans and building pad elevations for this project.

- (4) Overflow paths throughout the development resulting from a 100-year storm event shall be determined, clearly shown on the plans, and contained in permanent drainage easements with a minimum width of thirty (30) feet and the centerline of the easement being the centerline of the flow path. No fences, landscaping, or land alterations shall be constructed within the easement areas that may impede the free flow of storm water. Building pad elevations for all residential, commercial, and industrial buildings adjacent to the overflow shall be constructed at an elevation that provides at least one (1) foot of freeboard above the anticipated overflow water surface elevations.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section as the overflow path will be marked, located in an easement, and unobstructed. All residential buildings in this project will be located at an elevation with at least one (1) foot of freeboard above the anticipated overflow water surface. This information will be certified as part of the detailed grading plans and building pad elevations for this project.

7-06 Adjoining Property Impacts Policy: Design and construction of the stormwater facility shall provide for the discharge of the storm water runoff from off-site land areas as well as the storm water from the area being developed (on-site land areas) to an acceptable outlet(s) (as determined by the Plan Commission) having the capacity to receive upstream (off-site) and on-site drainage. The flow path from the development outfall(s) to a regulated drain or natural waterway (as determined by the Plan Commission) shall be provided in an exhibit that includes topographic information. Any existing field tile encountered during the construction shall also be incorporated into the proposed storm water drainage system or tied to an acceptable outlet. In addition, no activities conducted as part of the development shall be allowed to obstruct the free flow of flood waters from an upstream property.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section as the stormwater will outfall directly into the newly reconstructed Bessie Porter regulated drain per the detailed storm drainage plans while still being located on the developer's property.

- (1) Where the outfall from storm water drainage system of any development flows through real estate not owned by the developer prior to reaching a regulated drain or natural waterway (as determined by the Plan Commission), no approval shall be granted for stormwater drainage system until all owners of real estate crossed by the outfall either consent in writing to the use of their real estate or are notified in writing of a hearing before the Plan Commission with respect to the proposed use. Written notice of the time and place of the hearing shall be made by 1) mailing a copy of the notice by registered or certified mail, return receipt requested to such person's residence, place of business or employment with return receipt requested and returned showing receipt of such notice; 2) delivering a copy of such notice to the owner, or 3) leaving a copy of notice at the owner's dwelling house or usual place of abode. Such notice shall be personally delivered or mailed not less than seven (7) nor more than fourteen (14) days prior to the hearing. Proof of delivery of notice to each landowner shall be filed by affidavit, by the developer, with the Plan Commission prior to the hearing.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section as the stormwater will outfall directly into the newly reconstructed Bessie Porter regulated drain per the detailed storm drainage plans while still being located on the developer's property.

- (2) Connection to a state drainage system is allowed only with written approval from the Indiana State Highway Department. Connection to a County legal drain is allowed only with written approval of the Wells County Drainage Board in accordance with the Indiana Code requirements for local drains. Connection to a County road ditch is allowed only with written approval from the Wells County Highway Department and Wells County Drainage Board.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section as the stormwater will outfall directly into the newly reconstructed Bessie Porter regulated drain which has received approval from the Wells County Drainage Board.

- (3) If an adequate outlet is not located on site, then off-site drainage improvements may be required. Those improvements may include but are not limited to extending storm sewers, clearing, dredging and/or removal of obstructions to open drains or natural water courses, and the removal or replacement of undersized culvert pipes as required by the Plan Commission.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section as the stormwater will outfall directly into the newly reconstructed Bessie Porter regulated drain which was upgraded partially to allow for this development.

7-07 Calculations and Design Standards and Specifications: The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications as established by sound engineering practices and Local Legislative Body standards.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section as the detailed stormwater plans and calculations will demonstrate sound engineering practices as well as Town of Ossian standards.

7-08 Easement Requirements for County Regulated Drain Projects: This section refers to regulated drain easement requirements for projects located within the county's jurisdiction. When the Wells County Drainage Board determines it is necessary to establish a new regulated drain, each developer must provide the necessary information and meet the requirements of the 1965 Indiana Drainage Code, as amended, for the establishment of a new Regulated Drain. Necessary easements for adequate maintenance shall be determined by the Wells County Drainage Board if not already established by this Ordinance.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section as it will meet all easement requirements for county-regulated drain projects. The Bessie Porter regulated drain ends near the south boundary of this project site. No new county-regulated drain will be established.

7-09 Placement of Utilities: No utility company may disturb existing storm drainage facilities without the consent of the Wells County Surveyor, whose decisions may be appealed to the Wells County Drainage Board. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed by this Subdivision Control Ordinance and any other applicable laws.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section as no utilities will disturb storm drainage in accordance with this section.

7-10 Structures Near County Regulated Drains: For Regulated Drains unless otherwise approved by the Wells County Drainage Board, no permanent structure (including fences) shall be erected within seventy-five (75) feet measured at right angles from 1) the existing top edge of each bank of an open Regulated Drain, as determined by the Wells County Surveyor; or 2) the centerline of a tiled Regulated Drain.

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will be compliant with this section as no fencing or permanent structures will be located with the drainage easement for the Bessie Porter legal drain unless they are been approved ahead of time by the Wells County Drainage Board.*

7-11 Inspection, Maintenance, Record Keeping, and Reporting: After the approval of the stormwater management plan by the Plan Commission and the commencement of construction activities, the Wells County Surveyor or Plan Commission Director has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter and the terms and conditions of the approved plan.

- (1) If deficiencies are found during the inspection, the owner of the facility will be required to take all necessary measures to correct such deficiencies within one hundred eighty (180) days. If the owner fails to correct the deficiencies within the allowed time period, the Plan Commission may undertake the work and collect the cost and attorney fees, from the owner using lien rights if necessary in accordance with this Ordinance.
- (2) Assignment of responsibility for maintaining facilities serving more than one lot or parcel shall be documented by appropriate easements or covenants to property deeds unless responsibilities are formally accepted by a public body and determined before the final storm water plan is approved.

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will be compliant with this section as the developer has agreed to comply with all requirements of this section regarding inspection, maintenance, record keeping, and reporting.*

5-04 (5) (G) b Wells County Ordinance For Flood Hazard Areas

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will be compliant with the requirements of the Wells County Ordinance For Flood Hazard Areas as there are no Special Flood Hazard Areas (SFHAs) in our near the project area.*

5-04 (5) (G) c) **General Regulations:** provisions as prescribed elsewhere in the Zoning Ordinance.

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) Manufactured homes shall not be used for accessory structures.
- (2) 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 I-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.
- (3) 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.
- (4) 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.
- (5) An accessory structure in the A-1 zoning district can meet a 5-foot setback from a property line if it is less than 14 feet tall and less than 500 square feet in size.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with all the requirements subject to R-1 "Single-Family Residential" zoning as they regard to Wells County Zoning Ordinance requirements for accessory structures and uses within this development as demonstrated in the design plans and within the restrictive covenants. The restrictive covenants can be stricter than the requirements of this section.

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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with all the requirements subject to R-1 "Single-Family Residential" zoning as they regard to Wells County Zoning Ordinance requirements for fences within this development as demonstrated in the design plans and within the restrictive covenants. The restrictive covenants can be stricter than the requirements of this section.

11-03 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 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 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.
- (5) The home occupation shall provide off-street parking and shall not create any traffic congestion in the neighborhood.
- (6) 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.
- (7) 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.
 - (B) 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.
 - (C) 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.
- (8) The following business shall **NOT** qualify as a Home Occupation.
 - (A) Garbage/ Recycling Collectors
 - (B) Junk Yards
 - (C) Other junk accumulation activities

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will be compliant with all the requirements subject to R-1 "Single-Family Residential" zoning as they regard to Wells County Zoning Ordinance requirements for home occupations within this development as demonstrated in the design plans and within the restrictive covenants. The restrictive covenants can be stricter than the requirements of this section.*

11-04 MISCELLANEOUS LOT REQUIREMENTS: The Plan Commission office shall impose the following miscellaneous regulations.

- (1) 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.
- (2) 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.

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will be compliant with all the requirements subject to R-1 "Single-Family Residential" zoning as they regard to Wells County Zoning Ordinance requirements for miscellaneous lot requirements.*

11-05 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.

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will be compliant with all the requirements subject to R-1 "Single-Family Residential" zoning as they regard to Wells County Zoning Ordinance requirements for off-street loading within this development as demonstrated in the design plans and within the restrictive covenants. The restrictive covenants can be stricter than the requirements of this section.*

11-06 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.

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will be compliant with all the requirements subject to R-1 "Single-Family Residential" zoning as they regard to Wells County Zoning Ordinance requirements for off-street parking within this development. The necessary off-street parking will be available within the garage and driveway of each residential unit.*

11-07 **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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will require a modification of the waters edge setback to the Detention Basins. The setback requirement is 50 feet. The proposed reduction is to reduce it as depicted on the plans. The 50-foot setback is set to protect ponds and farmers from dealing with issues regarding drainage and agricultural chemical usage near the pond. As this is a fully residential area this setback can be reduced without damaging the intent of the ordinance. This petition requires a modification of the pond setback requirement by the Wells County Area Plan Commission.

11-08 **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 the intended viewer is not on 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.
 - (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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision requires a waiver. The entry sign on the property will larger than the the allowable 16 square feet. They would be requesting to seek a waiver from this requirement sot that they can have similar sign to what has been approved at other recently developed subdivisions.

11-09 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.

***FINDINGS:** The primary plat of Biggs (TBD) Subdivision will be compliant with all the requirements subject to R-1 "Single-Family Residential" zoning as they regard to Wells County Zoning Ordinance requirements for temporary structures as demonstrated in the detailed plans and the restrictive covenants. The restrictive covenants can be stricter than the requirements of this section.*

11-10 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.

***FINDINGS:** The primary plat of Biggs (TBD) Subdivision will be compliant with all the requirements subject to R-1 "Single-Family Residential" zoning as they regard to Wells County Zoning Ordinance requirements for lighting as demonstrated in the detailed plans and the restrictive covenants. The restrictive covenants can be stricter than the requirements of this section.*

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 site triangle shall be measured following INDOT design manual standards.
- (3) The provisions of this section shall not apply to official warning signs or signals necessary to the public safety.

***FINDINGS:** The primary plat of Biggs (TBD) Subdivision will be compliant with all the requirements subject to R-1 “Single-Family Residential” zoning as they regard to Wells County Zoning Ordinance requirements for sight triangles as demonstrated in the detailed plans and the restrictive covenants. The restrictive covenants can be stricter than the requirements of this section.*

11-12 EASEMENT RESTRICTIONS: No structure, 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.

***FINDINGS:** The primary plat of Biggs (TBD) Subdivision will be compliant with all the requirements subject to R-1 “Single-Family Residential” zoning as they regard to Wells County Zoning Ordinance requirements for an easement as demonstrated in the detailed plans and the restrictive covenants. The restrictive covenants can be stricter than the requirements of this section.*

11-13 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.

***FINDINGS:** The primary plat of Biggs (TBD) Subdivision will be compliant with all the requirements subject to R-1 “Single-Family Residential” zoning as they regard to Wells County Zoning Ordinance and Town of Ossian requirements for fire protection.*

11-14 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. The owner may apply for no more than one (1) extension for the one (1) year maximum time limit.
- (3) RV to Type III Manufactured Home: An RV would be considered a Type III Manufactured Home per this Zoning Ordinance if one of the following circumstances exists:
 - (A) The RV fails to be fully licensed and ready for highway use (defined as having its wheels and tongue installed, attached to the site only by quick-disconnect-type utilities and security devices, and having no permanent attached additions); or
 - (B) The RV violated on the time period restrictions.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with all the requirements subject to R-1 "Single-Family Residential" zoning as they regard to Wells County Zoning Ordinance requirements for recreational vehicles as demonstrated in the detailed plans and the restrictive covenants. The restrictive covenants can be stricter than the requirements of this section.

5-04 (5) (G) c) Survey Standards: provisions as prescribed elsewhere in this Subdivision Control Ordinance.

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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with the purpose of Article 8: Survey and Plat Standards as stated in the presentation materials and physical monumenting of the project.

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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with the monumenting requirements outlined in the Indiana Administrative code as stated in the plans and physical monumenting of the project.

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) Exterior and interior lots shall follow the standards for monumenting a parcel or lot.
- (2) 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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section including the physical monumenting of the site and providing state plane coordinates to the Wells County Surveyors office for all property corners as depicted in the plan and physical monumenting of the project.

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.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section including the physical monumenting of the right-of-way and providing coordinates to the Wells County Surveyors office for the right-of-way as depicted in the plan and physical monumenting of the project.

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.

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will be compliant with this section regarding all required survey data addressed in the Indiana Administrative Code as depicted in the project plans.*

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

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will be compliant with this section as the legal description is located on the plat for this project.*

8-07 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.

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will be compliant with this section regarding plats, survey prints, and drawing requirements as demonstrated in the submitted plans and future plans submitted for review and recording.*

5-04 (5) (G) f Performance Standards: provisions as prescribed elsewhere in this Zoning Ordinance.

FINDINGS: *The primary plat of Biggs (TBD) Subdivision will be compliant this section regarding performance standards as this section has been removed from the Wells County Zoning Ordinance.*

5-05 Bonds:

- (1) Performance Bond: A performance bond shall be required for any incomplete or unfinished public infrastructure at the time of recording of the secondary plat.
 - (A) A performance bond shall be enacted by the developer within 30 days of the date of recording of the secondary plat.
 - (B) Public infrastructure shall include but not be limited to streets, sanitary piping, storm water piping, water mains, sidewalks and erosion control that will be accepted by the affected local legislative body.
 - (C) The performance bond shall only be in effect for public infrastructure that complies with the location requirements set forth in IC 36-7-4-709(g), and any amendments thereto.
 - (D) A performance bond may be in the form of a bond or other surety that is acceptable to the Plan Commission and affected the local legislative body.
 - (E) The performance bond shall be released as follows:
 - (a) An annual partial release schedule as set forth in IC 36-7-4-709(h)(2), and any amendments thereto, and
 - (b) The performance bond shall be released in full upon the completion of the public infrastructure to the satisfaction of the Plan Commission and affected the local legislative body.
 - (F) The performance bond shall be in the amount as set forth in IC 36-7-4-709(i), and any amendments thereto.
 - (G) The performance bond shall be in writing and shall include language regarding when bond may be used that is acceptable to the Plan Commission and affected the local legislative body.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section regarding performance bonds for items not completed before the secondary plat. The performance bond will meet all requirements outlined in the Wells County Subdivision Control Ordinance and Indiana Code.

- (2) Maintenance Bond: A maintenance bond shall be required for any public infrastructure as defined in 4-07 (1)(B) that was completed prior to the recording of the secondary plat or any public infrastructure that has been completed and had its performance bond released.
- (A) A maintenance bond shall be enacted by the developer as follows:
- (a) Within thirty (30) days of the date of the recording of the secondary plat for public infrastructure that was completed to the satisfaction of the Plan Commission and affected local legislative body prior to the recording of the secondary plat, or
 - (b) Within thirty (30) days of the date of the release of the performance bond for the public infrastructure.
- (B) A maintenance bond shall only be in effect for public infrastructure that complies with the location requirements set forth in IC 36-7-4-709(g), and any amendments thereto.
- (C) A maintenance bond may be in the form of a bond or other surety that is acceptable to the Plan Commission and affected the local legislative body.
- (D) A maintenance bond shall be in effect for eighteen (18) months. Upon completion of the eighteen (18) month period, it shall be considered released.
- (E) A maintenance bond shall be twenty-five (25) percent of the amount set forth in IC 36-7-4-709(i), and any amendment thereto.
- (F) The maintenance bond shall be in writing and shall include language regarding when bond may be used that is acceptable to the Plan Commission and affected the local legislative body.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section regarding maintenance bonds for eighteen (18) months after they are certified complete. The maintenance bond will meet all requirements set forth in the Wells County Subdivision Control Ordinance and Indiana Code.

5-06 Plat Committee Review: The Plat Committee shall review all proposed Major Subdivisions to make recommendations and answer questions prior to the hearing before the Plan Commission. Appropriate representatives of the affected Local Legislative Body shall be invited to attend said Plat Committee review meeting.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section regarding plat committee review as demonstrated during the April 15, 2021, Plat Committee Meeting.

5-07 Conflict of Sections: Any restrictions, rules, and standards, and conditions imposed by other sections of this Subdivision Control Ordinance which are not in conflict with the requirements of this Article shall remain in full force and effect. If there are conflicts between this Article and other sections of this Subdivision Control Ordinance or the Zoning Ordinance, then the provisions of this Article shall be controlling.

FINDINGS: The primary plat of Biggs (TBD) Subdivision will be compliant with this section.