

TITLE 1: AREA PLAN COMMISSION BOARD MEMBERSHIP ESTABLISHING ORDINANCE	7
ARTICLE 1: MEMBERSHIP	7
ARTICLE 2: GENERAL MEMBERSHIP REGULATIONS	8
TITLE 2: WELLS COUNTY ZONING ORDINANCE	14
PREAMBLE	14
ORDAINING CLAUSE	15
ARTICLE 1: BASIC PROVISIONS	23
1-01 TITLE	
1-02 AUTHORITY	
1-03 COMPLIANCE	
1-04 SERVABILITY	
1-05 JURISDICTION AREA	
1-06 APPLICATION	
ARTICLE 2: PURPOSE	23
ARTICLE 3: AREA PLANNING DEPARTMENT	24
3-01 PLANNING DEPARTMENT	
3-02 COMPOSITION OF THE PLAN COMMISSION	
3-03 APPOINTMENTS OF THE PLAN COMMISSION	
3-04 COMMITTEES OF THE PLAN COMMISSION	
3-05 JURISDICTION OF THE PLAN COMMISSION	
3-06 COMPOSITION OF THE PLAT COMMITTEE	
3-07 APPOINTMENTS OF THE PLAT COMMITTEE	
3-08 JURISDICTION OF THE PLAT COMMITTEE	
3-09 COMPOSITION OF THE BOARD OF ZONING APPEALS	
3-10 APPOINTMENTS OF THE BOARD OF ZONING APPEALS	
3-11 JURISDICTION OF THE BOARD OF ZONING APPEALS	
3-12 PLAN COMMISSION EXECUTIVE DIRECTOR	
3-13 PLAN COMMISSION STAFF	
3-14 JURISDICTION OF THE EXECUTIVE DIRECTOR AND STAFF	
3-15 CONFLICTS OF INTEREST	
3-16 INDIANA CODE	
ARTICLE 4: ADMINISTRATION	28
4-01 FEES	
4-02 IMPROVEMENT LOCATION PERMITS	
4-03 HEARING TYPES	
4-04 SCHEDULE OF HEARINGS FOR THE PLAN COMMISSION, PLAT COMMITTEE, AND BOARD OF ZONING APPEALS	
4-05 FILING A PETITION	
4-06 OFFICIAL ACTION OF THE PLAN COMMISSION, PLAT COMMITTEE, AND BOARD OF ZONING APPEALS	
ARTICLE 5: MEETING MINUTES	35
5-01 PURPOSE	
5-02 REQUIREMENTS	
5-03 APPROVAL OF MINUTES	
5-04 STORAGE OF APPROVED MINUTES	
5-05 PUBLIC ACCESS TO THE MINUTES	
5-06 APPEALS	
ARTICLE 6: FINDINGS OF FACTS AND RULING	36
6-01 PURPOSE	
6-02 PROCEDURE	
6-03 FORM	
6-04 REVIEW	
6-05 MODIFICATION	
6-06 CERTIFICATIONS	
6-07 RECORD KEEPING	

ARTICLE 7:	VIOLATIONS AND APPEALS	38
7-01	VIOLATIONS	
7-02	VIOLATION OF STATE OR FEDERAL REGULATIONS	
7-03	APPEALING A DECISION	
ARTICLE 8:	BOARD OF ZONING APPEALS	40
8-01	GENERAL	
8-02	PROCEDURE	
8-03	FINDINGS OF FACT AND RULING	
8-04	APPEALS	
8-05	VARIANCES	
8-06	IMPLEMENTATION OF A VARIANCE	
8-07	NON-CONFORMING	
8-08	SPECIAL EXCEPTIONS	
ARTICLE 9:	ZONING DISTRICTS	44
9-01	ZONE MAPS	
9-02	ZONING DISTRICTS	
9-03	DISTRICT BOUNDARIES	
9-04	AGRICULTURAL DISTRICTS	
9-05	BUSINESS DISTRICTS	
9-06	CONSERVATION DISTRICT	
9-07	INDUSTRIAL DISTRICTS	
9-08	LANDFILL	
9-09	MANUFACTURED HOME COMMUNITY	
9-10	MANUFACTURED HOME SUBDIVISION	
9-11	OVERLAY DISTRICT	
9-12	POWER PLANT OVERLAY DISTRICT	
9-13	RESIDENTIAL DISTRICTS	
9-14	REZONING	
9-15	PERMITTED USES	
9-16	SETBACK AND HEIGHT RESTRICTIONS FOR NEW STRUCTURES OR ADDITIONS TO PRE-EXISTING STRUCTURES	
ARTICLE 10:	ORDINANCE REVISIONS AND ZONING MAP CHANGES	53
10-01	GENERAL	
10-02	PROCEDURE TO AMEND OR PARTIALLY REPEAL ZONING ORDINANCE	
10-03	PROCEDURE TO AMEND ZONING MAP	
ARTICLE 11:	GENERAL REGULATIONS	54
11-01	<u>ACCESSORY STRUCTURES AND USES</u>	
11-02	FENCES	
11-03	HOME OCCUPATIONS	
11-04	MISCELLANEOUS LOT REQUIREMENTS	
11-05	OFF- street Public Way LOADING	
11-06	OFF- street Public Way PARKING	
11-07	PONDS	
11-08	SIGNS	
11-09	TEMPORARY STRUCTURES	
11-10	LIGHTING	
11-11	SIGHT TRIANGLES	
11-12	EASEMENT RESTRICTIONS	
11-13	FIRE PROTECTION	
11-14	RECREATIONAL VEHICLES	
ARTICLE 12:	LEFT BLANK INTENTIONALLY	59
ARTICLE 13:	MANUFACTURED HOMES	60
13-01	PURPOSE	
13-02	EXTERIOR APPEARANCE STANDARDS	
13-03	SUBDIVISIONS AND PARKS	
13-04	PERMITTED PLACEMENT OUTSIDE OF A MANUFACTURED HOME SUBDIVISION	
13-05	SCHEDULE OF USES IN ZONING DISTRICTS	
13-06	INSTALLATION STANDARDS	

ARTICLE 14:	DEVELOPMENT PLAN	64
14-01	GENERAL	
14-02	PROCEDURE	
14-03	DESIGNEE	
14-04	RESIDENTIAL DEVELOPMENT PLANS	
14-05	GENERAL DEVELOPMENT PLANS	
14-06	CONFINED ANIMAL FEEDING OPERATION (CFO) OR MANURE LAGOON DEVELOPMENT PLAN	
14-07	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	
ARTICLE 15:	LEFT BLANK INTENTIONALLY	80
ARTICLE 16:	LEFT BLANK INTENTIONALLY	81
ARTICLE 17:	PLANNED UNIT DEVELOPMENT (PUD)	82
17-01	PURPOSE	
17-02	PERMITTED ZONES	
17-03	PUD DEFINITION	
17-04	PROCEDURE	
17-05	FINDINGS OF FACT AND RULING	
17-06	PUD DISTRICT ORDINANCE	
17-07	PUD REQUIREMENTS	
17-08	CONDITIONS AND COMMITMENTS	
17-09	RECORDING OR EXPIRATION	
17-10	CERTIFICATES	
17-11	CONFLICT OF SECTIONS	
17-12	PERFORMANCE AND MAINTENANCE BONDS	
17-13	MODIFICATION OF REQUIREMENTS	
17-14	AMENDMENTS	
17-15	PLAT COMMITTEE REVIEW	
17-16	PUBLIC HEARING	
17-17	ENFORCEMENT	
17-18	MODIFICATION	
17-19	VACATING PLAT	
17-20	APPEALS	
ARTICLE 18:	DEFINITIONS	86
ARTICLE 19:	(LEFT BLANK INTENTIONALLY)	98
TITLE 3: WELLS COUNTY SUBDIVISION CONTROL ORDINANCE		99
PREAMBLE		99
ORDAINING CLAUSE		100
ARTICLE 1:	BASIC PROVISIONS	108
1-01	TITLE	
1-02	AUTHORITY	
1-03	COMPLIANCE	
1-04	SERVABILITY	
1-05	JURISDICTION AREA	
1-06	APPLICATION	
ARTICLE 2:	PURPOSE	108

ARTICLE 3:	PROCESS AND PROCEDURE FOR SUBDIVIDING LAND	109
3-01	GENERAL	
3-02	PETITION TYPES	
3-03	PROCEDURE	
3-04	FINDINGS OF FACT AND RULING	
3-05	FEES	
3-06	HEARING DATES	
3-07	LEGAL NOTIFICATION FOR HEARINGS	
3-08	PRIMARY APPROVAL	
3-09	CONDITIONS AND COMMITMENTS	
3-10	WAIVING AND MODIFYING SUBDIVISION CONTROL REQUIREMENTS	
3-11	CONFLICT OF SECTIONS	
3-12	APPEAL	
3-13	SECONDARY APPROVAL	
3-14	RECORDING OR EXPIRATION	
3-15	CERTIFICATES	
3-16	MODIFICATIONS	
3-17	AMENDMENTS	
3-18	IMPROVEMENT INSPECTIONS	
3-19	ENFORCEMENT	
3-20	VACATING A PLAT	
ARTICLE 4:	MINOR SUBDIVISIONS, COMBINES, AND ADDITIONS	113
4-01	PURPOSE	
4-02	JURISDICTION	
4-03	PERMITTED ZONES	
4-04	DEFINITIONS	
4-05	LOT SIZES AND SETBACKS FOR NEW LOTS AND PRE-EXISTING STRUCTURE	
4-06	MINOR SUBDIVISION REQUIREMENTS	
4-07	REQUIREMENTS TO SUBDIVIDE A MINOR SUBDIVISION	
4-08	COMBINE REQUIREMENTS	
4-09	ADDITION REQUIREMENTS	
4-10	CONFLICT OF SECTIONS	
ARTICLE 5:	MAJOR SUBDIVISIONS	117
5-01	PURPOSE	
5-02	PERMITTED ZONES	
5-03	COMMON STANDARDS FOR APPROVAL	
5-04	SPECIFIC INFRASTRUCTURE REQUIREMENTS FOR APPROVAL	
5-05	PERFORMANCE AND MAINTENANCE BONDS	
5-06	PLAT COMMITTEE REVIEW	
5-07	CONFLICT OF SECTIONS	
ARTICLE 6:	PUBLIC WAYS	120
6-01	PURPOSE	
6-02	DESIGN STANDARDS	
6-03	CONNECTIVITY	
6-04	CUL-DE-SACS	
6-05	TEMPORARY DEAD-END street Public Ways	
6-06	SIGNAGE	
6-07	VACATING A PLATTED PUBLIC WAY	
ARTICLE 7:	STORM WATER STANDARDS	122
7-01	PURPOSE	
7-02	JURISDICTION	
7-03	INCORPORATED REGULATIONS	
7-04	POLICY ON STORM WATER QUALITY MANAGEMENT	
7-05	GRADING AND BUILDING PAD ELEVATION POLICY	
7-06	ADJOINING PROPERTY IMPACTS POLICY	
7-07	CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS	
7-08	EASEMENT REQUIREMENTS FOR COUNTY REGULATED DRAIN PROJECTS	
7-09	PLACEMENT OF UTILITIES	
7-10	STRUCTURES NEAR COUNTY REGULATED DRAINS	
7-11	INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING	
ARTICLE 8:	SURVEY AND PLAT STANDARDS	126
8-01	PURPOSE	
8-02	MONUMENTING OF A PARCEL OR LOT	
8-03	MONUMENTING OF MAJOR SUBDIVISION OR PUD BOUNDARY SURVEY	
8-04	MONUMENTING OF PUBLIC WAYS	
8-05	SURVEY DATA	
8-06	LEGAL DESCRIPTION	
8-07	PLAT AND SURVEY PRINT OR DRAWING REQUIREMENTS	

ARTICLE 9:	LOCAL LEGISLATIVE BODIES	127
9-01	PURPOSE	
9-02	OFF-SITE IMPROVEMENTS	
9-03	FUTURE MAINTENANCE	
9-04	LANDSCAPE BUFFERS	
9-05	PEDESTRIAN WAYS	
9-06	OTHER	
9-07	IMPACT FEES	
TITLE 4:	WELLS COUNTY FLOOD DAMAGE PREVENTION ORDINANCE	129
ARTICLE 1.	STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS	129
Section A.	Statutory Authorization	
Section B.	Findings of Fact	
Section C.	Replacement of Wells County Ordinance for Flood Hazard Areas	
Section D.	Statement of Purpose	
Section E.	Methods of Reducing Flood Loss	
ARTICLE 2.	Definitions	130
ARTICLE 3.	General Provisions	138
Section A.	Lands to Which This Ordinance Applies	
Section B.	Basis for Establishing the Areas of Special Flood Hazard	
Section C.	Establishment of Floodplain Development Permit	
Section D.	Compliance	
Section E.	Abrogation and Greater Restrictions	
Section F.	Discrepancy between Mapped Floodplain and Actual Ground Elevations	
Section G.	Interpretation	
Section H.	Warning and Disclaimer of Liability	
Section I.	Penalties for Violation	
ARTICLE 4.	ADMINISTRATION	140
Section A.	Designation of Administrator	
Section B.	Floodplain Development Permit and Certification Requirements	
Section C.	Duties and Responsibilities of the Administrator	
Section E.	Map Maintenance Activities	
Section F.	Variance Procedures	
ARTICLE 5.	PROVISIONS FOR FLOOD HAZARD REDUCTION	147
Section A.	Floodplain Status Standards	
	1. Standards for Identified Floodways	
	2. Standards for Identified Fringe	
	3. Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringe	
	4. Standards for SFHAs not Identified on a Map	
Section B.	General Standards	
Section C.	Specific Standards	
	1. Building Protection Requirement	
	2. Residential Construction (excluding manufactured homes)	
	3. Non-Residential Construction	
	4. Manufactured Homes and Recreational Vehicles	
	5. Accessory Structures	
	6. Pavilions, Gazebos, Decks , Carports, and Similar Development	
	7. Above Ground Gas or Liquid Storage Tanks	
Section E.	Standards for Subdivision Proposals	
Section F.	Standards for Critical Facilities	
ARTICLE 6.	LEGAL STATUS PROVISIONS	156
Section A.	Severability	
Section B.	Effective Date	

TITLE 1: AREA PLAN COMMISSION BOARD MEMBERSHIP ESTABLISHING ORDINANCE

An Ordinance adopting the Area Plan Commission board membership for the Wells County Area Plan Commission.

Whereas, the County of Wells, the City of Bluffton, the Town of Ossian, the Town of Poneto, the Town of Uniondale, the Town of Vera Cruz, and the Town of Zanesville (hereinafter the “Wells County Area Plan Participants”) have previously enacted the Wells County Area Plan Commission, an Ordinance adopting the Area Plan Law; and

Whereas, the Wells County Area Plan Participants do hereby proclaim that IC 36-7-4-207 does not provide for equitable representation of the rural and urban population of Wells County; and

Whereas, IC 36-7-4-211 (a) provides that notwithstanding any other provision of the area planning law, the representation on any area plan commission may be changed by a similar ordinance adopted by the legislative body of each unit that is a participant in a planning department or by the legislative body of each unit that proposes to form a planning department; and

Whereas, IC 36-7-4-211 (b) provides that each ordinance adopted under this section must provide for at least one (1) representative from each unit that is a participant in the planning department;

NOW THEREFORE, BE IT ORDAINED BY THE WELLS COUNTY AREA PLAN PARTICIPANTS OF WELLS COUNTY, IN:

That, according to IC 36-7-4-211, the legislative bodies of the Wells County Area Plan Participants do hereby change the representation of the Area Plan Commission to consist of eleven (11) members as follows:

- 1 MEMBERSHIP:** This Ordinance hereby sets forth the membership of the Wells County Area Plan Commission (APC) in full compliance with IC 36-7-4-211.
 - 1.1** Wells County shall have five (5) members on the APC. These five (5) members shall be appointed in compliance with the following:
 - 1.1.1** Member One shall be appointed by the county executive from its membership or the county executive’s designee who is a resident of the county.
 - 1.1.2** Member Two shall be a citizen member who is a resident of the county and is appointed by the county executive.
 - 1.1.3** Member Three shall be appointed by the county fiscal body from its membership or the county fiscal body’s designee who is a resident of the county.
 - 1.1.4** Member Four shall be the county surveyor or the county surveyor’s designee.
 - 1.1.5** Member Five shall be the county agricultural extension educator.
 - 1.2** The participating cities and towns shall have six (6) members on the APC. These six (6) members shall be appointed in compliance with the following.
 - 1.2.1** Member Six shall be appointed by the legislative body of the City of Bluffton from its membership or the legislative body of the City of Bluffton’s designee who is a resident of the City of Bluffton.
 - 1.2.2** Member Seven shall be appointed by the legislative body of the Town of Ossian from its membership or the legislative body of the Town of Ossian’s designee who is a resident of the Town of Ossian.
 - 1.2.3** Member Eight shall be appointed by the legislative body of the Town of Zanesville from its membership or the legislative body of the Town of Zanesville’s designee who is a resident of the Town of Zanesville.
 - 1.2.4** Member Nine shall be appointed by the legislative body of the Town of Uniondale from its membership or the legislative body of the Town of Uniondale’s designee who is a resident of the Town of Uniondale.

- 1.2.5 Member Ten shall be appointed by the legislative body of the Town of Vera Cruz from its membership or the legislative body of the Town of Vera Cruz's designee who is a resident of the Town of Vera Cruz.
- 1.2.6 Member Eleven shall be appointed by the legislative body of the Town of Poneto from its membership or the legislative body of the Town of Poneto's designee who is a resident of the Town of Poneto.

2 GENERAL MEMBERSHIP REGULATIONS

- 2.1 Term Limits: This Ordinance hereby sets forth the term limits for the members of the APC as follows:
- 2.1.1 The term for a member from the membership of the city or **Town** legislative body, county executive, or county fiscal body shall be in conformance with IC 36-7-4-217.
- 2.1.2 The term for a member who is a designee of the city or **Town** legislative body, county executive, or county fiscal body shall be a yearly appointment. The representative serves until his or her successor is appointed and qualified. The representative is eligible for reappointment.
- 2.1.3 The term for Member Two shall be for four (4) years in conformance with IC 36-7-4-218.
- 2.2 Qualification of Citizen Members: This Ordinance shall include by reference all the citizen member qualification **Standards** as outlined in IC 36-7-4-216.
- 2.3 Removing Members: This Ordinance shall include by reference all the **Requirements** for removing a member as outlined in IC 36-7-4-218.
- 2.4 Membership Vacancies and Alternative Members: This Ordinance shall include by reference all **Requirements** dealing with member vacancies and alternative members as outlined in IC 36-7-4-220.
- 2.5 Membership Expenses: This Ordinance shall include by reference all **Requirements** dealing with membership expenses as outlined in IC 36-7-4-222.
- 2.6 Membership Mileage and Compensation: This Ordinance shall include by reference all **Requirements** dealing with mileage and compensation for the members as outlined in IC 36-7-4-222.5. All members shall receive a per diem as set by the County Fiscal Body for each regular or special meeting of the APC that the member attends.
- 2.7 Membership Disqualifications and Conflict of Interest: This Ordinance shall include by reference all **Requirements** dealing with disqualifications and conflict of interest as set forth by IC 36-7-4-223.

If any section, provision, or part of this Ordinance is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Petition Number: A14-09-22 Effective Date: October 16, 2014

The Area Plan Commission gives a (do pass recommendation), (do not pass recommendation), or (no recommendation) by a vote of 10 in favor and 0 opposed on this 4th day of September 2014.

Jerome Markley
Area Plan Commission President

Michael W. Lautzenheiser, Jr.
Area Plan Commission Director

BE IT ORDAINED BY THE COMMISSIONERS OF WELLS COUNTY, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Wells County, Indiana, and shall read as set forth and shall be enforced as an ordinance of Wells County, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: October 16, 2014

Passed by the Commissioners of Wells County, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____

Auditor

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLUFFTON, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of the City of Bluffton, Indiana, and shall read as set forth and shall be enforced as an ordinance of the City of Bluffton, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: October 16, 2014

Passed by the Common Council of the City of Bluffton, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

Sign _____

Print _____

Mayor

ATTEST:

Sign _____

Print _____

Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, this _____ day of _____, _____.

Sign _____

Print _____

Clerk-Treasurer

Approved by me this _____ day of _____, _____.

Sign _____

Print _____

Mayor

BE IT ORDAINED BY THE TOWN BOARD OF OSSIAN, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Ossian, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Ossian, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: October 16, 2014

Passed by the Town Board of the Town of Ossian, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____

Clerk-Treasurer

BE IT ORDAINED BY THE TOWN BOARD OF ZANESVILLE, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Zanesville, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Zanesville, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: October 16, 2014

Passed by the Town Board of the Town of Zanesville, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____

Clerk-Treasurer

BE IT ORDAINED BY THE TOWN BOARD OF UNIONDALE, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Uniondale, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Uniondale, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: October 16, 2014

Passed by the Town Board of the Town of Uniondale, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____

Clerk-Treasurer

BE IT ORDAINED BY THE TOWN BOARD OF VERA CRUZ, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Vera Cruz, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Vera Cruz, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: October 16, 2014

Passed by the Town Board of the Town of Vera Cruz, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____

Clerk-Treasurer

BE IT ORDAINED BY THE TOWN BOARD OF PONETO, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Poneto, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Poneto, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: October 16, 2014

Passed by the Town Board of the Town of Poneto, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____

Clerk Treasurer

TITLE 2: WELLS COUNTY ZONING ORDINANCE

An Ordinance establishing comprehensive zoning regulations for Wells County, Indiana, and providing for the administration, enforcement, and amendment thereof, following the provisions of Chapter 138 of the Acts of the General Assembly of Indiana, 1957, of I.C. 36-7 et. seq., and all acts supplemental and amendatory thereto, and for the repeal of all ordinances in conflict herewith.

WHEREAS the local legislative bodies of Wells County recognize:

- (1) The need to create and maintain conditions under which humans and nature can exist in productive harmony;
- (2) The profound impact of human activity on the interrelations of all components of the natural environment of Wells County, particularly the profound influences of the following:
 - (A) population growth,
 - (B) high-density urbanization,
 - (C) commercial and industrial expansion,
 - (D) standard and concentrated **Agriculture** practices,
 - (E) resource exploitation,
 - (F) and new and expanding technological advances;
- (3) the critical importance of maintaining public health, safety, and welfare of the people of Wells County and securing safety from fire, flood, and other dangers while fostering and promoting their residential, commercial, industrial, and social endeavors;
- (4) that each **Person** is entitled to enjoy a healthful environment, specifically the right to enjoy clean air, clean water, and a healthy land;
- (5) that each citizen of Wells County has a responsibility to contribute to the preservation and enhancement of Wells County as stated in these principles, and

WHEREAS the local legislative bodies of Wells County, according to the laws of Indiana, have created a **Plan Commission** to administer, enforce, and amend this Ordinance, and

WHEREAS the local legislative bodies have divided Wells County into **Zoning Districts** and have prepared regulations about such districts following a **Comprehensive Plan** as recorded in Misc. Records No. 58, Page 252 (July 27, 1993) in the Record's Office of Wells County, with the stated objectives of this Ordinance, and with reasonable consideration to existing conditions, the character of existing **Structure** and **Uses**, the most desirable **Use** for which the land in each district is adapted, and the conservation of property values throughout Wells County, and

WHEREAS the **Plan Commission** has held **Public Hearings** and conferences concerning this Ordinance and has submitted its recommendations to the local legislative bodies of Wells County, and

WHEREAS all **Requirements** of **I.C. 36-7 et. seq.**, and acts supplemental and amendatory thereto, concerning the preparation of this Ordinance and the subsequent action of the local legislative bodies of Wells County have been met.

ORDAINING CLAUSE

Petition Number: A24-09-17 Effective Date: _____

The Area Plan Commission gives a Do Pass Recommendation by a vote of 11 in favor and 0 opposed on this 26th day of September 2024.

Jerome Markley
Area Plan Commission President

Michael W. Lautzenheiser, Jr.
Area Plan Commission Director

BE IT ORDAINED BY THE COMMISSIONERS OF WELLS COUNTY, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Wells County, Indiana, and shall read as set forth and shall be enforced as an ordinance of Wells County, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Commissioners of Wells County, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____
Wells County Auditor

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLUFFTON, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of the City of Bluffton, Indiana, and shall read as set forth and shall be enforced as an ordinance of the City of Bluffton, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Common Council of the City of Bluffton, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

Sign _____

Print _____

Mayor

ATTEST:

Sign _____

Print _____

Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, this _____ day of _____, _____.

Sign _____

Print _____

Clerk-Treasurer

Approved by me this _____ day of _____, _____.

Sign _____

Print _____

Mayor

BE IT ORDAINED BY THE TOWN BOARD OF OSSIAN, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Ossian, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Ossian, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Town Board of the Town of Ossian, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____
Clerk-Treasurer

BE IT ORDAINED BY THE TOWN BOARD OF ZANESVILLE, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Zanesville, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Zanesville, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Town Board of the Town of Zanesville, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____
Clerk-Treasurer

BE IT ORDAINED BY THE TOWN BOARD OF UNIONDALE, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Uniondale, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Uniondale, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Town Board of the Town of Uniondale, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____
Clerk-Treasurer

BE IT ORDAINED BY THE TOWN BOARD OF VERA CRUZ, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Vera Cruz, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Vera Cruz, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Town Board of the Town of Vera Cruz, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____
Clerk-Treasurer

BE IT ORDAINED BY THE TOWN BOARD OF PONETO, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Poneto, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Poneto, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Town Board of the Town of Poneto, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____
Clerk-Treasurer

ARTICLE 1: BASIC PROVISIONS

- 1-01 TITLE:** The official title of this Zoning Ordinance is: “Wells County Zoning Ordinance, and may also be referred to as Zoning Ordinance or WCZO.”
- 1-02 AUTHORITY:** This Zoning Ordinance is adopted according to I.C. 36-7, et seq., and acts supplemental and amendatory thereto, and this Zoning Ordinance repeals all ordinances in conflict herewith.
- 1-03 COMPLIANCE:** No land or Structure shall be Used or be designed, nor shall any Structure be located, erected, constructed, reconstructed, moved, converted, or enlarged, nor shall any dimension or area of any property be physically altered except in full compliance with all the provisions of this Zoning Ordinance and after the lawful issuances of the permits required by this Zoning Ordinance.
- 1-04 SEVERABILITY:** If any provisions of this Zoning Ordinance or the application of any provisions to particular circumstances is held invalid, the remainder of this Zoning Ordinance or the application of such provisions to other circumstances shall not be affected.
- 1-05 JURISDICTION AREA:** The Jurisdiction of this Zoning Ordinance shall include Wells County and its incorporated Cities and Towns, exclude Markle Town limits in Wells County, and include Zanesville Town limits in Allen County.
- 1-06 APPLICATION:** It is not intended by this Zoning Ordinance to interfere with, abrogate, or amend any existing Easements, Covenants, or other agreements, between parties, nor is it intended by this Zoning Ordinance to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or ordinances, or any rules, regulations, or permits previously adopted or issued according to law relating to the Use of buildings or premises provided. However, where this Zoning Ordinance imposes a greater restriction upon the Use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, Covenants, or permits, the provisions of this Zoning Ordinance shall control; but where such private Covenants, permits, agreements, rules, or regulations impose a greater restriction than is imposed by this Zoning Ordinance, the greater restriction shall control.

ARTICLE 2: PURPOSE

- 2-01 PURPOSE:** This Zoning Ordinance is adopted following the Wells County Comprehensive Plan to carry out the purposes listed in IC 36-7-4-601, and any amendments thereto.

ARTICLE 3: AREA PLANNING DEPARTMENT

3-01 PLANNING DEPARTMENT:

- (1) Following I.C. 36-7-4, Sections 202(b) and 701(e), and any amendments thereto, Wells County has established an Area Planning Department having:
 - (A) a Plan Commission;
 - (B) a Plat Committee;
 - (C) a Board of Zoning Appeals;
 - (D) an Executive Director hereafter referred to as “Director”; and
 - (E) such Staff as the Plan Commission considers necessary.
- (2) Following I.C. 36-7-4-222, and any amendments thereto, if the Plan Commission determines that it is necessary or desirable for members or employees to join a professional organization or to attend a conference or interview dealing with planning or related problems, the Commission may pay the applicable membership fees and all actual expenses of the members or employees, if the amount has been appropriated by the Wells County Council.

3-02 COMPOSITION OF THE PLAN COMMISSION: The Plan Commission shall be composed in conformance with the Wells County Area Plan Commission Board Membership Establishing Ordinance.

3-03 APPOINTMENTS OF THE PLAN COMMISSION: The Plan Commission shall appoint the following positions at the first meeting of the year.

- (1) President of the Plan Commission who shall preside over the meetings and certify the Official Actions of the commission.
- (2) Vice President of the Plan Commission who shall act as President if the President is absent from the meeting.
- (3) Secretary of the Plan Commission who shall keep the minutes of the meeting and certify the Official Actions of the commission and who is not required to be a member of the Plan Commission.
- (4) The Secondary Approval Official must be a member of the Plan Commission, Plat Committee, or Plan Commission Staff.
- (5) Board of Zoning Appeals representative.
- (6) The Plan Commission budget review Committee is made up of the three members of the Plan Commission. The Committee shall review the office budget before submitting it to the County Council for approval.

3-04 COMMITTEES OF THE PLAN COMMISSION: Following I.C. 36-7-4, Sections 402(d), 407, and 408(a) and (b), the Plan Commission may create a special purpose Committee at any meeting.

3-05 JURISDICTION OF THE PLAN COMMISSION: The following items require Official Action by the Plan Commission:

- (1) Development Plans except as designated in Article 14 to the Plan Commission Staff.
- (2) Subdivisions
- (3) Rezoning (Final Approval by Local Legislative Body)
- (4) PUD (Final Approval by Local Legislative Body)
- (5) C&FO
- (6) Hearing items normally approved by the Plat Committee
- (7) Appeals of Plat Committee decisions

- 3-06 COMPOSITION OF PLAT COMMITTEE:** Following I.C. 36-7-4-701(e), and any amendment thereto, the Plan Commission shall appoint a Plat Committee whose representation and composition shall be as follows.
- (1) The Plat Committee shall consist of five (5) Persons, with at least one (1) of the members being a member of the Plan Commission.
 - (2) Members must reside within Wells County.
 - (3) Each appointment of a member of the Plat Committee is for a term of one (1) year, but the Plan Commission may remove a member of the Plat Committee. The Plan Commission must mail notice of the removal, along with written reasons, if any, for the removal, to the member at his residence address. A member who is removed may not appeal the removal to a court or otherwise.
- 3-07 APPOINTMENTS OF THE PLAT COMMITTEE:** The Plat Committee shall appoint the following positions at the first meeting of the year.
- (1) President of the Plat Committee who shall preside over the meetings and certify the Official Actions of the Plat Committee.
 - (2) Vice President of the Plat Committee who shall act as President if the President is absent from the meeting.
 - (3) Secretary of the Plat Committee who shall keep the minutes of the meeting and certify the Official Actions of the Plat Committee.
 - (4) The Secondary Approval Official is a member of the Plat Committee or Plan Commission Staff.
- 3-08 JURISDICTION OF THE PLAT COMMITTEE:** The following items require Official Action by the Plat Committee. Any action of the Plat Committee can also be performed by the Plan Commission.
- (1) approving Minor Subdivisions
 - (2) approving Combines
 - (3) approving Additions
 - (4) reviewing Development Plans
 - (5) reviewing Subdivisions
 - (6) reviewing PUDs
 - (7) reviewing CARFOs
- 3-09 COMPOSITION OF THE BOARD OF ZONING APPEALS:** Following I.C. 36-7-4-900 et. seq., and any amendments thereto, the representation and composition of the Board of Zoning Appeals shall be as follows:
- (1) The Board of Zoning Appeals shall consist of five (5) members.
 - (2) Members of the Board of Zoning Appeals shall serve four (4) year terms, except for the appointment of the Plan Commission, who shall serve a one (1) year term.
 - (3) The members of the Board of Zoning Appeals and their term expiration dates shall be as follows.
 - (A) One (1) citizen member appointed by the Plan Commission from its membership;
 - (A) One (1) citizen member, who shall not be a member of the Plan Commission and whose initial term shall expire on January 1, 2010, appointed by the executive of the largest municipality in Wells County;
 - (B) Two (2) citizen members of whom one (1) shall be a member of the Plan Commission and one (1) shall not be a member of the Plan Commission and whose initial terms shall expire on January 1, 2012, appointed by the Wells County legislative body; and
 - (C) One (1) citizen member who is not a member of the Plan Commission whose initial term shall expire on January 1, 2010, appointed by the executive of the second largest municipality in Wells County.

- (4) Appointments to the **Board of Zoning Appeals** shall be effective after the expiration of the previous appointees' term and before the first meeting of the **Board of Zoning Appeals** following the expiration of said term.
- (5) If a member of the **Board of Zoning Appeals** should resign or become ineligible to serve on the **Board of Zoning Appeals**, the respective appointing entity shall make a replacement appointment within thirty (30) days after said vacancy occurs. The replacement appointee shall serve until the expiration of the predecessor's term.
- (6) Members must reside within the corporate limits or county boundaries of the county, city, or **Town** that appointed said, member.
- (7) Following **I.C. 36-7-4-216**, and any amendments thereto, a "citizen member" shall not hold any elective or appointive office in municipal, county, state, or federal government or any of their political subdivisions. Each citizen member shall be appointed because of the member's knowledge and experience in community affairs, the member's awareness of the social, economic, agricultural, and industrial problems of the area, and the member's interest in the development and integration of the area.

3-10 APPOINTMENTS OF THE BOARD OF ZONING APPEALS: The **Board of Zoning Appeals** shall appoint the following positions at the first meeting of the year.

- (1) **President** of the **Board of Zoning Appeals** who shall preside over the meetings and certify the **Official Actions** of the board.
- (2) **Vice President** of the **Board of Zoning Appeals** who shall act as **President** if the **President** is absent from the meeting.
- (3) **Secretary** of the **Board of Zoning Appeals** who shall keep the minutes of the meeting and certify the **Official Actions** of the board and who is not required to be a member of the **Board of Zoning Appeals**.

3-11 JURISDICTION OF THE BOARD OF ZONING APPEALS: The following items require **Official Action** by the **Board of Zoning Appeals**:

- (1) **Variances**
- (2) **Special Exceptions**
- (3) Non-Conforming (Expansion, Changes, and Reinstatement)
- (4) Hearing **Appeals** following Indiana Law and this **Zoning Ordinance**.

3-12 PLAN COMMISSION EXECUTIVE DIRECTOR:

- (1) Following **I.C. 36-7-4-311**, and any amendments thereto, the **Plan Commission** shall appoint an **Executive Director** for the area plan department and fix the **Director**'s compensation. To be qualified for the position, the **Executive Director** shall have training and experience in the field of planning and **Zoning**. The **Plan Commission** may not give any consideration to political affiliation in the appointment of the **Director**.
- (2) Following **I.C. 36-7-4-312**, and any amendments thereto, the duties of the **Director** shall be:
 - (A) propose annually a plan for the operation of the **Area Planning Department**;
 - (B) administer the plan as approved by the **Plan Commission**;
 - (C) supervise the general administration of the **Area Planning Department**;
 - (D) keep the records of the **Area Planning Department** and be responsible for the custody and preservation of all papers and documents of the **Area Planning Department**;
 - (E) subject to the approval of the **Plan Commission**, appoint and remove the employees of the **Area Planning Department**, according to the **Standards** and qualifications fixed by the **Plan Commission** and without regard to political affiliation;
 - (F) prepare and present to the **Plan Commission** an annual report at a **Public Hearing**; and
 - (G) perform such other duties as the **Plan Commission** may direct.

- 3-13 **PLAN COMMISSION STAFF:** The **Area Plan Commission Staff** shall be appointed following I.C. 36-7-4-402 (b), and any amendments thereto. The **Staff** shall carry out duties in support of the **Director, Plan Commission, Plat Committee, and Board of Zoning Appeals**. The **Plan Commission** shall prescribe the qualifications of, and with the department, which compensation must conform to salaries and compensations fixed before that time by the **Wells County Council**. The **Plan Commission** shall delegate authority to its employees to perform ministerial acts in all cases except where the final action of the **Plan Commission, Plat Committee, or Board of Zoning Appeals** is required by this Ordinance or state area planning law.
- 3-14 **JURISDICTION OF THE EXECUTIVE DIRECTOR AND STAFF:** Following Indiana Code 36-7-4-402, and any amendments thereto, the **Plan Commission** shall delegate authority to its employees to perform ministerial acts in all cases except where final action of the **Plan Commission, the Plat Committee, or the Board of Zoning Appeals** is required following Indiana Code and this Zoning Ordinance. The following items require **Official Action** by the **Executive Director and Staff** of the **Plan Commission**.
- (1) The **Director** shall approve all **Improvement Location Permits**.
 - (2) The **Director** shall approve all Development Plans as designated to the **Plan Commission Staff** in Article 14.
 - (3) The **Staff and Director** shall maintain all **Improvement Location Permits**.
 - (4) The **Director** shall enforce this Zoning Ordinance and the Subdivision Control Ordinance as approved by the **Plan Commission** and the local legislative bodies.
 - (5) The **Staff and Director** shall fulfill other functions in support of the **Plan Commission, Plat Committee, and Board of Zoning Appeals**.
- 3-15 **CONFLICTS OF INTEREST:** The following guidelines shall apply to prevent a valid **Conflict Of Interest** and a financial **Conflict Of Interest** concerning **Zoning** matters. No member of the Area Plan Department or a participating **Local Legislative Body** shall represent another **Person** in a hearing before the **Plan Commission, the Board of Zoning Appeals, the Plat Committee, or a Local Legislative Body** concerning a Zoning matter. A “Zoning matter” does not include the participation or adoption of a **Comprehensive Plan**. No member of the **Area Planning Department** or their **Immediate Family** shall take part in an **Official Action** of the **Area Planning Department** in which a valid **Conflict Of Interest** or a direct or indirect financial interest exists. The members of the affected **Local Legislative Body** may appoint an alternate or take action necessary to require an alternate if a **Conflict Of Interest** does occur. Said alternate’s name, address, and phone number shall be delivered to the **Plan Commission** two weeks before the **Scheduled Hearing**. The Findings of Facts and Ruling document for said hearing shall enter in its record the fact that said a person has such a disqualification and the name of the alternate if any is so designated, who participates in the hearing or decision in place of the disqualified **Person**.
- 3-16 **INDIANA CODE:** Any **Requirements**, functions, or duties of the **Area Planning Department** stated in I.C. 36-7-4, et seq., shall be incorporated into this Zoning Ordinance by reference.

ARTICLE 4: ADMINISTRATION

4-01 FEES: The **Plan Commission** hereby establishes and promulgates a schedule or reasonable **Fees** to defray the administrative costs connected with processing and hearing administrative appeals, **Petitions** for **Rezoning**, **Special Exceptions**, **Variances**, **Non-Conforming Uses**, **Development Plans**, **Improvement Location Permits**, and other **Official Actions** taken under this **Zoning Ordinance**. These **Fees** shall be posted in the **Area Planning Department** office.

(1) **Violation Fee:** Any **Petition** other than an **Appeal** or a request for a special meeting filed as a result of a **Violation** of this **Zoning Ordinance** or **Subdivision Control Ordinance** shall pay two times the fee listed in Table 4-01.

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 Development Plan	\$500.00	Per Turbine	X 2
APC	Large SES Development Plan	\$500.00	Per Parcel	X 2
APC	Rezoning	\$200.00	N/A	X2
APC	P-1 Rezoning	\$200.00	Per Parcel	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	\$200.00	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
General	Pond Staff Development Plan	\$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	\$50.00	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

- 4-02 **IMPROVEMENT LOCATION PERMITS:** An **Improvement Location Permit** shall be obtained before any **Structure**, **Sign**, or **Pond** in any **Zoning** classification district may be constructed, reconstructed, moved, enlarged, or structurally altered, including the construction of **Basements** and foundations, except as provided in this section.
- (1) Any new home permits occurring within areas **Zoned** for agricultural activities shall require the **Owner** of said property to sign a Notice of Agricultural Activity Form.
 - (2) An **Improvement Location Permit** is not required for the following; however, all other provisions of the **Wells County Zoning Ordinance** are applicable:
 - (A) Routine maintenance, repair, or remodeling of existing **Structures** not involving any change of **Use** or additional **Lot** coverage. However, additional stories shall be required to obtain a permit before construction has commenced.
 - (B) RESIDENTIAL DRIVEWAYS: An **Improvement Location Permit** is not required for the construction, expansion, or maintenance of residential driveways.
 - (C) LOT AND YARD IMPROVEMENTS: **Lot** and **Yard** improvements such as children's playhouses, uncovered concrete **Patios**, play equipment, retaining walls, sidewalks, **Fences**, and **Landscaping**. However, all **Decks** shall require a permit, and **Fences** shall meet the **Requirements** of this **Zoning Ordinance**.
 - (D) TEMPORARY STRUCTURES: an **Improvement Location Permit** is not required for **Temporary Structures**; however, before installation, construction, or placement of the **Temporary Structures**, a written statement shall be filed with the **Director** clearly stating the purpose of the **Temporary Structure**, where it is to be placed on the property, and when it will be removed. The **Director** shall make an approval or disapproval based on the **Requirements** for a **Temporary Structure** as prescribed by this **Zoning Ordinance**.
 - (E) TEMPORARY STRUCTURES: **Temporary Signs** and **Traffic Control Signs**. However, these items shall meet the **Requirements** of this **Zoning Ordinance**, including Articles 11-10.
 - (3) No permit shall be issued unless
 - (A) the proposed **Structure** or proposed **Use** of a **Structure** or land is in complete conformity with the provisions of this **Zoning Ordinance**;
 - (B) a written order is received from the **Board of Zoning Appeals**, the **Plan Commission**, or a Court following this **Zoning Ordinance** and Indiana Law; or
 - (4) If a **Septic** permit is required, then said permit, issued by the Wells County Department of Health, shall be presented to the **Plan Commission** before the issuance of an **Improvement Location Permit**.
 - (5) All applicants for permits shall be accompanied by a plot plan that is drawn to scale and shows the following items clearly and completely:
 - (A) the location, dimensions, and nature of the property;
 - (B) the location and dimensions of any existing or proposed **Structures**;
 - (C) all adjoining **Thoroughfares** and any existing or proposed access to these **Thoroughfares**;
 - (D) the existing and proposed **Use** of all **Structures** and land; and
 - (E) such other information as deemed to be necessary by the **Director** to determine conformance with this **Zoning Ordinance**.
 - (6) All applicants for permits shall be made by the recorded **Owner** (or the recorded **Owner's** contractor) of the **Lot** or **Parcel** on which the improvement is to be located.
 - (7) If the work described in any permit has not begun within one hundred eighty (180) days from the date of issuance thereof, said permit shall be null and void, and a written cancellation notice shall be sent to the property **Owner**. Extensions of this period may not be granted; however, the **Lot Owner** may file a new application for an **Improvement Location Permit** including payment of a new fee.
 - (8) If the work described in any permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire, and a written cancellation notice shall be sent to the property **Owner**. Further work shall not proceed unless a new permit is obtained. Extensions of this period may not be granted, and only one additional permit may be issued.

- 4-03 HEARING TYPES:** The goal of a hearing shall be to receive as much input as possible to fulfill the purpose of this Zoning Ordinance and the spirit of the Comprehensive Plan. Hearings to administer, enforce, and amend this Zoning Ordinance shall be as follows.
- (1) The Plan Commission has exclusive control over the approval of all Plats and replats involving land covered by the Subdivision Control Ordinance, including but not limited to Minor Subdivision, Combines, and Additions, and may approve or disapprove a Petition for a proposed Plat, replat, Major Subdivision, or Development Plan except as designed in Article 14 after the Public Hearing on the Petition.
 - (2) The Plan Commission may recommend for approval or disapproval of a proposed Rezoning, PUD, or ordinance revision to the appropriate Local Legislative Body after the Public Hearing on the proposed Rezoning, PUD, or ordinance revision.
 - (3) Following I.C. 36-7-4-701 (d) and (e), and any amendments thereto, the Plat Committee may grant Primary Approval of the subdivision of land that does not involve the opening of a new Public Way and that complies in all other respects with the Subdivision Control Ordinance and this Zoning Ordinance at a meeting without public notice and hearing, subject to Appeal to Plan Commission. The Plat Committee shall hold hearings to review and make recommendations to the Petitioner and the Plan Commission as to any proposed Development Plan, Major Subdivision, or PUD.
 - (4) The Board of Zoning Appeals shall have the power to hear and decide Appeals of actions by the Director or Staff of the Area Planning Department to administer this Zoning Ordinance or the Subdivision Control Ordinance.
 - (5) The Board of Zoning Appeals may approve or deny all Special Exceptions, Variances, and Non-Conforming Uses from the terms of this Zoning Ordinance, but only as specified in this Zoning Ordinance. The Board may impose reasonable conditions as a part of its approval.
 - (6) The Plan Commission's Staff has exclusive control over the approval or disapproval of designated Development Plans in Article 14 without a Public Hearing.
- 4-04 SCHEDULE OF HEARINGS FOR THE PLAN COMMISSION, PLAT COMMITTEE, AND BOARD OF ZONING APPEALS:** A hearing on a Petition submitted to the Plan Commission, Plat Committee, or Board of Zoning Appeals shall be held at the next regular meeting of the Petitioned Governing Agency unless there exists one of the following conditions.
- (1) The Filing deadline has passed for the next meeting.
 - (A) The Filing deadline for a Plan Commission or Board of Zoning Appeals hearing shall be by the same date as a regularly scheduled meeting. The Filing deadline is to request a hearing for the ensuing month's regular scheduled meeting.
 - (B) The Filing deadline for a Plat Committee's hearing shall be two (2) days before the next available Plat Committee meeting.
 - (2) There is an overcrowding of the Agenda for the next hearing.
 - (3) The Petitioner asks that the hearing be set to a later date.
 - (4) There are insufficient members present to constitute a majority of the Governing Agency.
 - (5) The Governing Agency requires more time to review the Petition before the hearing. However, the Governing Agency cannot continue the hearing without the Petitioner's consent for more than forty-five (45) days from the Filing date.
 - (6) With the consent of both the Petitioner and the Governing Agency, the hearing on the proposed Petition may be reset two (2) times before a new Petition shall be required unless the delay is no fault of the Petitioner. If a Petition for the proposed project is not brought to hearing by the Petitioner within the aforementioned time frame, the Petition shall be deemed dismissed.
 - (7) Notice of any hearing on a Petition shall be provided to all interested parties. By rule, who are interested parties, how notice is to be given to them, and who is required to give that notice shall be defined in the "Rules of Procedure" for the Governing Agency.
 - (8) An Agenda for a Public Hearing shall be made available to the public ten (10) days before the Public Hearing date of the Plan Commission and Board of Zoning Appeals.

4-05 FILING A PETITION: The following documents listed in TABLES (a, b, c, and d) are necessary for the Filing of a Petition for a Development Plan (D P), Rezoning (R Z), Board of Zoning Appeals Official Actions (BZA), Planned Unit Development (PUD), Major Subdivisions (Major), Minor Subdivisions (Minor), Combines (Com), and Additions (Add). Further information on the specific Petition Requirements is available in this Zoning Ordinance or the Subdivision Control Ordinance.

Table 4-05 (a)	Zoning Ordinance				Subdivision Control Ordinance			
<u>Petition Requirements</u> for the <u>Filing</u> Deadline	D P	R Z	BZA	PUD	Major	Minor	Com	Add
The documentation provided by the <u>Area Planning Department</u> shall be completed and filled out clearly and concisely and signed by at least 50% of the current property <u>Owner</u> (s) before any <u>Official Action</u> by a governing body.	X	X	X	X	X	X	X	X
<u>Filing</u> 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 the criteria for applying for an <u>Improvement Location Permit</u> .			X					
One (1) <u>Plat</u> , but the preferred size is legal or letter for record-keeping purposes.						X		X
Five (5) 11" x 17" <u>Plats</u> for <u>Plat Committee</u> , <u>Director</u> , and <u>Local Legislative Body</u> to review.	X			X	X			
Digital <u>Plat</u> drawings of the proposed project as requested by the <u>Plat Committee</u> , <u>Director</u> , <u>Plan Commission</u> , and the <u>Local Legislative Body</u> to review.	X			X	X			
A copy of the current <u>Deed</u> as recorded in the Recorder's office for the property cited in the <u>Petition</u> .	X	X	X	X	X		X	X
A copy of the <u>Primary Parcel Deed</u> 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 <u>Petition</u> .	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 <u>Governing Agency</u> .	X	X	X	X	X	X	X	X
A signed copy of the NOTICE OF AGRICULTURAL ACTIVITY form shall be filed with any <u>Petition</u> on property <u>Zoned</u> A-1 or A-R	X	X	X	X	X	X	X	X
A copy of the proposed <u>PUD</u> District Ordinance				X				
A copy of any proposed <u>Covenants</u> or private restrictions for the <u>Petition</u>				X	X	X		
	D P	R Z	BZA	PUD	Major	Minor	Com	Add

LEGEND: Development Plan (D P), Rezoning (R Z), 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.

Table 4-05 (b)	Zoning Ordinance		Subdivision Control Ordinance		
Plat Requirements	D P	PUD	Major	Minor	Add
The Survey shall be certified by a licensed Land Surveyor within the State of Indiana. The Survey shall meet the minimum Requirements established by Title 865, IAC 1-12-13 and 1-12-14, and any amendments thereto.	X	X	X	X	X
Title Block area for the seals and signatures for any applicable Professional Land Surveyors and Professional Engineers .	X	X	X	X	X
The location and size of all Structures and Ponds existing on adjacent property within twenty (20) feet of the new property lines of the proposed project		X	X	X	X
Project name, names and addresses of the Owner of the real estate and developer.	X	X	X		
A vicinity of the subject real property- Location Map	X	X	X		
Public improvements to be accepted by a Local Legislative Body shall be certified by a licensed Professional Engineer or Licensed Land Surveyors within the state of Indiana. The improvements shall meet the minimum Requirements established by the Subdivision Control Ordinance , written Standards established by an affected municipality, and applicable Indiana and Federal law.	X	X	X		
A Stormwater Plan that meets the minimum Requirements established by the Subdivision Control Ordinance .	X	X	X		
The nature, density, and intensity of the proposed Uses	X	X	X		
Lot numbers, Public Way names, and Local Legislative Body and Plan Commission approved physical addresses.		X	X		
Certificates as described in the Zoning Ordinance and Subdivision Control Ordinance .		X	X		
	D P	PUD	Major	Minor	Add

LEGEND: **Development Plan** (D P), **Rezoning** (R Z), **Board of Zoning Appeals Official Actions** (BZA), **Planned Unit Development** (PUD), **Major Subdivisions** (Major), **Minor Subdivisions** (Minor), **Combines** (Com), **Additions** (Add).

Table 4-05 (c)	Zoning Ordinance				Subdivision Control Ordinance			
Petition Requirements for Governing Agency 's Meeting	D P	R Z	BZA	PUD	Major	Minor	Com	Add
Fourteen 14 – 11” x 17” and a digital copy of the drawings of the Plat of the proposed development must be submitted one (1) week 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.	X*			X	X			
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.	X			X	X			
Public Meeting Advertisement shall be done in compliance with applicable Indiana Law and the Rules of Procedure adopted by the affected Governing Agency .	X*	X	X	X	X	X	X	X
	D P	R Z	BZA	PUD	Major	Minor	Com	Add

LEGEND: **Development Plan** (D P), **Rezoning** (R Z), **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**.

Table 4-05 (d)	Zoning Ordinance					Subdivision Control Ordinance			
<u>Petition Requirements After Official Action</u>	D P	R Z	BZA	PUD	Major	Minor	Com	Add	
Recording Fee (For any documents that require recording by state law)	X	X	X	X	X	X	X	X	
Advertisement of <u>Official Action</u> of the <u>Plat Committee</u> .						X			
After acceptance of a <u>Subdivision</u> or <u>PUD</u> , a digital plan in NAD_1983_StatePlane_Indiana_East_FIPS_1301_Feet coordinate system shall be submitted to the <u>Plan Commission</u> Office. The file format shall be transferable to ESRI GIS products. If such a digital <u>Plat</u> is not available due to software limitations, this requirement shall be voided.	X			X	X	X		X	
The written approvals for all applicable permits or approvals from other regulatory agencies shall be brought in before an <u>Improvement Location Permit</u> may be issued.	X	X	X	X	X	X	X	X	
The <u>Secondary Approval</u> official as designated by the <u>Subdivision Control Ordinance</u> shall review and approve all applications for <u>Secondary Approval</u> .					X	X	X	X	
All conditions of approval shall be met or waived before the issuance of <u>Secondary Approval</u> or an <u>Improvement Location Permit</u> . The proof of meeting or waiving of a condition of approval shall be submitted in writing.	X	X	X	X	X	X	X	X	
All applicable <u>Bonding</u> shall be submitted to the <u>Plan Commission</u> and the <u>Local Legislative Body</u> for approval before an <u>Improvement Location Permit</u> or <u>Secondary Approval</u> may be issued.	X			X	X				
All <u>Deeds</u> and recitals required by the <u>Subdivision Control Ordinance</u> for <u>Secondary Approval</u> shall be reviewed and certified by the <u>Secondary Approval</u> official before submittal for recording.					X	X	X	X	
After acceptance two (2) <u>Plat</u> copies shall be printed on Mylar or equivalent material at least two (2) mils in thickness and delivered to the Area Planning Office for the purpose of recording and <u>Secondary Approval</u> . The <u>Petitioner</u> shall have one of the two final copies recorded at the Recorder’s office within the applicable county.				X	X				
<u>Appeal</u> time in days after the <u>Official Action</u> has been made by the <u>Governing Agency</u> .	30	30	30	30	30	10	N/A	N/A	
	D P	R Z	BZA	PUD	Major	Minor	Com	Add	

LEGEND: **Development Plan** (D P), **Rezoning** (R Z), **Board of Zoning Appeals Official Actions** (BZA), **Planned Unit Development** (PUD), **Major Subdivisions** (Major), **Minor Subdivisions** (Minor), **Combines** (Com), **Additions** (Add).

- 4-06 OFFICIAL ACTION OF THE PLAN COMMISSION, PLAT COMMITTEE, AND BOARD OF ZONING APPEALS:** Official Actions of the Plan Commission, Plat Committee, and Board of Zoning Appeals shall require a majority vote of its total membership. The Official Action of said governing bodies shall meet the following guidelines.
- (1) The standard of review by the Governing Agency for a Petition shall be clear and concise.
 - (2) The proposed Petition shall be consistent with the Comprehensive Plan and must satisfy applicable Requirements specified in this Zoning Ordinance.
 - (3) The vote and decision of the Governing Agency on any Petition shall be accompanied by written Findings of Fact and Ruling document in support of the vote and decision of the Governing Agency and certification of the vote and, in case of a proposed Rezoning, PUD, or ordinance revision, the recommendation to the appropriate Local Legislative Body.
 - (4) At any time after the commencement of the hearing on a Petition, the vote on said Petition may be continued to the next available hearing date to allow for further evidence or testimony or to allow for further consideration by the Governing Agency.
 - (5) Any Petition may be tabled by the Governing Agency for a vote only and no additional testimony shall be presented.
 - (6) An identical or substantially identical Petition for the proposed project cannot be filed until at least twelve (12) months after a vote to deny a Petition.

ARTICLE 5: MEETING MINUTES

- 5-01 PURPOSE:** To provide historical information about Official Actions for the governing agencies, citizens of Wells County, and other interested parties, the minutes of the meeting of the Plan Commission, Plat Committee, and Board of Zoning Appeals shall be kept clearly and concisely.
- 5-02 REQUIREMENTS:** The following information shall be listed in the Meeting Minutes.
- (1) The name of the Governing Agency shall be listed at the top of the first page.
 - (2) The date and time of the meeting shall be listed just below the Governing Agency name.
 - (3) The list of the Governing Agency members present and absent from the meeting shall follow the date and time.
 - (4) Any members of the Governing Agency with a Conflict Of Interest shall be listed and the name of the replacement if any shall be listed.
 - (5) The Petitions shall be listed clearly on the left-hand side of the page.
 - (A) The Petition number shall be listed first.
 - (B) The name of the property Owner shall be listed after the Petition number.
 - (C) A brief Legal Description depicting the location of the Petition shall follow the property Owner's name.
 - (D) A brief description of the project shall follow the Legal Description.
 - (E) A summary of the discussion including relevant statements concerning the Petition from the Governing Agency, Petitioner(s), and audience member(s) shall follow the project description.
 - (F) A list of any conditions of approval shall follow the summary of the discussion.
 - (G) The list of the Governing Agency members who motioned if any shall follow the list of conditions.
 - (H) The vote shall be stated following the motions.
 - (6) Any actions a Governing Agency takes not involving a Petition shall follow the Petitions and shall be listed in the same fashion as the Petitions.
 - (7) The ending date and time shall be listed once the Governing Agency has voted to adjourn the meeting.
- 5-03 APPROVAL OF MINUTES:** The Governing Agency shall approve or amend the minutes from the following meeting. If the minutes are to be amended, the Governing Agency shall approve the minutes at their next regular meeting. The approval of the minutes shall be done by a majority vote of the members of the Governing Agency.
- 5-04 STORAGE OF APPROVED MINUTES:** The Plan Commission Office shall maintain a file of all the approved minutes from the subsequent governing agencies.
- 5-05 PUBLIC ACCESS TO THE MINUTES:** After the Meeting Minutes have been approved by the appropriate Governing Agency of the Area Planning Department, these Meeting Minutes shall be available for public access at the Area Planning Department office during normal business hours.
- 5-06 APPEALS:** If any Petitioners or other interested persons wish to have the minutes amended due to the omission of what they consider critical facts presented or statements made during a meeting of a Governing Agency of the Area Planning Department, they may present their request within sixty (60) days to the subject Governing Agency. The Governing Agency may act to amend said minutes as requested in the manner described in this Article.

ARTICLE 6: FINDINGS OF FACT AND RULING

- 6-01 PURPOSE:** To provide the specific written reasons supporting how the Petition fulfills the applicable Requirements of this Zoning Ordinance and the Subdivision Control Ordinance and the vote and decision of the Governing Agency.
- 6-02 PROCEDURE:** A proposed Written Findings of Fact and Ruling shall be prepared and filed with the Area Plan Commission when a Petition for a Development Plan, Rezoning, Board of Zoning Appeals Official Action, Planned Unit Development, Major Subdivision, Minor Subdivision, Combine, or Addition. The written findings of fact and ruling shall be prepared by the Petitioner or the Petitioner's agent; however, the findings of fact and ruling shall be written clearly and concisely and conform with this article. To assist the Petitioner or the Petitioner's agent the Area Planning Department may provide examples; fill in the blank documents, and/or documents showing the basic Requirements of a Findings of Fact and Ruling document. If a Petition is denied then the Plan Commission Director or the Plan Commission's attorney shall prepare the Findings of Fact and Ruling Document for the Petition.
- 6-03 FORM:**
- (1) **Preface:** Within the preface of the Findings of Fact and Ruling Document the following items shall be described in the following order. (A) "PETITION FOR (Petition Type) APPROVAL: (Petition Number)"
 - (A) "OWNER OF REAL ESTATE: (Owner's Name)"
 - (B) "LOCATED AT: (Site Address or Adjoining Street Public Way Names)"
 - (C) "DESCRIPTION: (Brief Legal Description)"
 - (D) "CURRENT ZONING CLASSIFICATION: (Zoning Type)"
 - (E) "PROPOSED (Petition Type): (Brief Petition Description)"
 - (F) "PRINT DATE: (Printing Date)"
 - (2) **Body:** Within the body of the Findings of Fact and Ruling Document the following items shall be described in the following order.
 - (A) "Comes now the (Governing Agency) and in support of granting (Petitioner) Petition for (Type of Petition) makes the following Findings of Fact, to wit:"
 - (B) "((Petitioner) filed a Petition for a (Type of Petition) as to the following described real estate located in _____ Township, Wells County, Indiana; more particularly described on Exhibit A attached hereto."
 - (C) Advertisement: (Except for Development Plans reviewed by the Plan Commission's Staff)
 - (a) **Public Hearing:** "Notice of the scheduled (Public Hearing date) Public Hearing on the Petition was duly published following I.C. 5-3-1 more than ten (10) days before the Public Hearing."
 - (b) **Development Plan, CAFO, Major Subdivision, or PUD:** "The Sign as required by the Plan Commission has been duly posted following the Rules of Procedure of the Plan Commission more than fourteen days before the Plan Commission hearing."
 - (D) Hearing: (Except for Development Plans reviewed by the Plan Commission's Staff)
 - (a) **Public Hearing:** "On (Public Hearing date), the (Governing Agency) conducted a Public Hearing on the Petition following the Rules of Procedure of the (Governing Agency), and the following evidence was heard.
 - (b) **Plat Committee Hearing:** "On (hearing date), the Wells County Plat Committee conducted a hearing on the Petition following the Rules of Procedure of the Wells County Plat Committee."
 - (E) The body shall continue to state the reasons how the proposed Petition satisfies or does not satisfy the Requirements set forth by the applicable provisions and Articles within this Ordinance and other applicable state/federal laws.
 - (F) In the case of a Variance, the hardship shall be clearly stated.

- (3) **Ruling**: The ruling section of the Findings of Fact and Ruling document shall contain the following items.
- (A) Any **Variances** approved by the **Board of Zoning Appeals**.
 - (B) Any Waivers.
 - (C) Any conditions or **Commitments**.
 - (D) “Wherefore, based upon the above findings of fact and the Motion of _____, duly seconded by _____, the **Petition** for a (type of **Petition**) by (**Petitioner**) is hereby (granted/denied) by a vote of _____ in favor and _____ opposed.” (Except for **Development Plans** reviewed by the **Plan Commission Staff**)
 - (E) “(Granted / Denied) this (day) day of (month), (year).”
 - (F) Signature line for (**Governing Agency**) **President**.
 - (G) Signature line for (**Governing Agency**) **Secretary**.
 - (H) Signature line for **Plan Commission Staff** instead of **President** and **Secretary** for **Development Plans** reviewed by the **Plan Commission Staff**.

- 6-04 **REVIEW**: A Findings of Fact and Ruling Document shall be made available for review by the **Petitioner**, **Petitioner**’s agent, or interested party within a reasonable time before and after the government agency’s hearing. The **Area Planning Department** may have any Findings of Fact and Ruling Document reviewed by the **Plan Commission**’s Attorney for any reason.
- 6-05 **MODIFICATION**: During a hearing of a **Governing Agency** prescribed by this **Zoning Ordinance**, the **Petitioner** or **Governing Agency** may request a modification to the Findings of Fact and Ruling Document as part of the **Official Action**. This modification shall be prepared by the **Director** or the Attorney of the **Plan Commission**.
- 6-06 **CERTIFICATION**: The **President** shall certify, the **Secretary** shall attest, and the **Governing Agency**’s seal shall be placed upon the Findings of Fact and Ruling Document after an **Official Action** has been made by the **Governing Agency** and all required modifications have been made. However, in the case of **Development Plans** reviewed by the **Plan Commission**’s **Staff**, the **Director** shall certify the Findings of Fact and Ruling Document.
- 6-07 **RECORD KEEPING**: The Findings of Fact and Ruling Documents shall be stored and maintained by the **Area Planning Department** in their public access files once the Findings of Fact and Ruling Documents have been certified.

ARTICLE 7: VIOLATIONS AND APPEALS

- 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 and signed complaint is made to the Enforcement Officer 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 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.
 - (4) Review of Alleged Violation: The Enforcement Officer shall then review the Violation to determine its validity through the preponderance of the evidence.
 - (5) Violator: The violator shall be defined as the legal Owner of the property where the Violation is occurring.
 - (6) Notification of Violator: In a case where the Enforcement Officer determines there is a Violation the following written notification will be given to the violator through standard mail. If written notification by standard mail fails to obtain a response within thirty (30) days from the violator then the written notification shall be plated at a conspicuous location on the property and/or shall be sent to the violator through certified mail.
 - (A) Date of Letter
 - (B) Violation Number (unique designator for the Violation)
 - (C) Affected Ordinance Section
 - (D) Description of Violation (may include photographs or drawings)
 - (E) List of Potential Options to Cure the Violation (may include Fees and fines)
 - (F) “The above-mentioned Violation must be cured within thirty (30) days of receiving this written notification.”
 - (G) “If no action is taken to cure the Violation or an administrative Appeal has not been filed within thirty (30) days of receiving this written notification the Enforcement Officer will ask the Plan Commission or Board of Zoning Appeals to authorize a civil action in conformance with IC 36-7-4-1014, IC 36-1-6-4, and IC 34-28-5-1, and any amendments thereto at their next available regular meeting.
 - (H) “Within thirty (30) days of receiving this written notification, you may file an Appeal of an administrative decision with the Board of Zoning Appeals if you feel that the Violation has been wrongly assessed.
 - (I) Contact Information for Enforcement Officer
 - (J) Signature of Enforcement Officer

- (7) **Penalties:** Upon compliance with the above-mentioned notification **Procedure**, the **Enforcement Officer** may ask the **Plan Commission** or **Board of Zoning Appeals** at their next available regular meeting to determine that the Violator has failed to make a substantial attempt to cure the **Violation** and has not filed an **Appeal** of an administrative decision. If the **Plan Commission** or **Board of Zoning Appeals** finds a failure to cure the **Violation** and no **Appeal** has been filed, then the **Plan Commission** or **Board of Zoning Appeals** can authorize the **Plan Commission**'s attorney to bring a civil action in conformance with IC 36-7-4-1014, IC 36-1-6-4, and IC 34-28-5-1, and any amendments thereto.

7-02 VIOLATION OF STATE OR FEDERAL REGULATIONS: If an approved **Development Plan**, **Major Subdivision**, or **PUD** has been cited for **Violation** of state or federal regulations that supersede the provisions of this **Zoning Ordinance**, the office of the **Area Planning Department** shall suspend issuing further **Improvement Location Permits** for the offending **Development Plan**, **Major Subdivision**, or **PUD** until said compliance has been acknowledged in writing by the appropriate state or federal agency or agent.

7-03 APPEALING A DECISION: Any **Petitioner** or interested party may **Appeal** any decision rendered by the **Plan Commission**, the **Plat Committee**, the **Board of Zoning Appeals**, the **Director**, or the **Staff** of the Planning Department.

- (1) **Appealing a Decision of the Executive Director or Staff:** The **Board of Zoning Appeals** shall have the power to hear and decide **Appeals** from any order, requirement, decision, grant, or refusal made by the **Director** or the **Staff** in the administration of this **Zoning Ordinance** (other than concerning approval or denial of a **Development Plan** as authorized by this **Zoning Ordinance**) following **I.C.** 36-7-4-900, et. seq., and any amendments thereto. The **Appeal** shall be filed with the **Board of Zoning Appeals** within thirty (30) days that the **Director** or the **Staff** made said order, requirement, decision, grant, or refusal. The **Filing** of the **Appeal** shall be done following the "Rules of **Procedure**" of the **Board of Zoning Appeals**.
- (2) **Appealing a Decision of the Plat Committee:** Following **I.C.** 36-7-4-701(d) and 708(a), and any amendments thereto, the **Plan Commission** shall have the power to hear and decide **Appeals** of any **Official Action** of the **Plat Committee**. After any **Primary Approval** of a **Minor Subdivision**, the **Area Planning Department Staff** shall provide due notice to interested parties following the "Rules of **Procedure**" of the **Plat Committee**. An **Appeal** of any **Plat Committee** decision shall be filed with the **Plan Commission** within ten (10) days from the date of notification of the **Plat Committee**'s **Official Action**. The **Filing** of the **Appeal** shall be done following the "Rules of **Procedure**" of the **Plan Commission**.
- (3) **Appealing a Decision of the Plan Commission or Board of Zoning Appeals:** Each decision of the **Plan Commission** or the **Board of Zoning Appeals** is subject to review by certiorari. Each **Person** aggrieved by a decision of the **Plan Commission** or **Board of Zoning Appeals** may file with the Circuit or Superior Court of the county in which the premise affected is located, a verified **Petition** setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. No change of venue from the county in which the premise affected is located may be had in any cause arising under this section. The **Person** shall file the **Petition** with the court within thirty (30) days after the date of that decision of the **Plan Commission** or the **Board of Zoning Appeals**.
- (4) **Appealing a Decision of the Staff concerning a Development Plan:** Following **I.C.** 36-7-4-1404(a)(3), and any amendments thereto, the **Plan Commission** shall have the power to hear and decide **Appeals** of any decision of the **Area Planning Department Staff** concerning approval or denial of a **Development Plan** as authorized by this **Zoning Ordinance**. An **Appeal** of any such decision shall be filed with the **Plan Commission** within thirty (30) days from the date of notification of the **Staff**'s **Official Action**. The **Filing** of the **Appeal** shall be done following the "Rules of **Procedure**" of the **Plan Commission**.

ARTICLE 8: BOARD OF ZONING APPEALS

- 8-01 GENERAL:** The Board of Zoning Appeals shall act following I.C. 36-7-4-900, et. seq., and any amendments thereto. A Board of Zoning Appeals shall be appointed and said Board shall adopt rules to govern its Procedures. The Board of Zoning Appeals shall hold meetings, keep minutes, and, according to notice, shall conduct hearings, take testimony, and render decisions in writing, all as required by law and this ordinance. When permitting any Appeal, Variance, expansion, change, or reinstatement of a Non-Conforming Use, the Board of Zoning Appeals may impose such conditions and Requirements as it deems necessary for the protection of adjacent property and the public interest. Whenever a Public Hearing is conducted according to a Petition filed by the Board of Zoning Appeals, a notice of said Public Hearing shall be made as directed by the rules of the Board of Zoning Appeals, a copy of which is available through the Plan Commission Office.
- 8-02 PROCEDURE:** Whenever a BZA 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 this Zoning Ordinance and this Article.
- 8-03 FINDINGS OF FACT AND RULING:** A proposed findings of fact and ruling document that complies with the Requirements outlined in Article 6 of this Ordinance shall be filed with the Area Plan Office two (2) weeks before the Public Hearing on said Petition.
- 8-04 APPEALS:** The Board of Zoning Appeals shall hear and determine Appeals from and review:
- (1) Any order, requirement, decision, or determination made by an administrative official or Staff member under the Zoning Ordinance;
 - (2) any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission concerning the Enforcement of the Zoning Ordinance; or
 - (3) any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission concerning the Enforcement of an ordinance adopted under this Article requiring the procurement of an improvement location or occupancy permit.
- 8-05 VARIANCES:** Upon appeal by a Petitioner, the Board of Zoning Appeals shall have the power to authorize Variances from the development Standards of this Zoning Ordinance and to attach such conditions and Commitments to the Variances as it deems necessary to assure compliance with the purpose of this Zoning Ordinance. A Variance may be permitted if all the following Requirements are met.
- (1) The Petitioner files for a Variance with the Board of Zoning Appeals, notice is given to all interested parties, and a Public Hearing is held.
 - (2) The Variance shall not be injurious to the public health, safety, morals, and general welfare of the community.
 - (3) The Use and value of the area adjacent to the property included in the Variance shall not be affected in a substantially adverse manner.
 - (4) The strict application of the terms of this Zoning Ordinance will result in practical difficulties in the Use of the property included in the Variance. Practical difficulties shall exclude a financial hardship or any project that creates a visual impression that is inconsistent with the environment of the neighborhood.
 - (5) Any approval of a Structure regulated under I.C. 8-21-10, Regulation of Tall Structures, shall meet the provisions established in I.C. 8-21-10.
 - (6) The Board of Zoning Appeals shall not issue a Variance for a development requirement found in the Subdivision Control Ordinance.

- 8-06 IMPLEMENTATION OF A VARIANCE:** A Variance from the terms of this Zoning Ordinance must be fully constructed, implemented, or placed into existence within thirty-six (36) months of being granted. If the Variance is not fully constructed, implemented, or placed into existence within said thirty-six (36) month period, the Variance shall terminate, and the applicant or current landowner shall be required to file a new Petition if they still wish to obtain said Variance.
- 8-07 NON-CONFORMING:** This section regulates the legal status of any Structure, Lot, or Use regarding the regulations of the Zoning Ordinance, Subdivision Control Ordinance, or Flood Damage Prevention Ordinance.
- (1) Legal: Any Structure, Lot, or Use that is in complete compliance with all applicable Requirements of the Zoning Ordinance, Subdivision Control Ordinance, and Flood Damage Prevention Ordinance shall be considered a legal Structure, Lot, or Use.
 - (2) Illegal Non-Conforming: Any Structure, Lot, or Use that came into existence after the adoption of the applicable requirement(s) of the Zoning Ordinance, Subdivision Control Ordinance, and Flood Damage Prevention Ordinance that is not in compliance with, shall be considered an illegal Non-Conforming Structure, Lot, or Use. An illegal Non-Conforming Structure, Lot, or Use is considered a Common Nuisance and violates this Zoning Ordinance, Subdivision Control Ordinance, or Flood Damage Prevention Ordinance.
 - (3) Legal Non-Conforming: Any Structure, Lot, or Use that came into existence before the adoption of the applicable requirement(s) of the Zoning Ordinance, Subdivision Control Ordinance, and Flood Damage Prevention Ordinance that is not in compliance with, shall be considered a legal Non-Conforming Structure, Lot, or Use. The following regulations apply to all legal Non-Conforming Structures, Lots, or Uses.
 - (A) Expansion: The following provisions apply to the expansion of a legal Non-Conforming Structure, Lot, or Use.
 - a) Structure - A legal Non-Conforming Structure may be expanded if it does not increase the Violation in any way and complies with all other applicable Requirements. (i.e. A structure that is violating a Setback can be expanded as long as the expansion does not get any closer to the property line.) If the expansion increases the Violation or violates another applicable requirement in any way then a Variance approval would be required.
 - b) Lot - A legal non-conforming Lot may be expanded in compliance with the Subdivision Control Ordinance and with all other applicable Requirements.
 - c) Use - A legal Non-Conforming Use may not be expanded.
 - (B) Change: The following provisions apply to the change of a legal Non-Conforming Structure, Lot, or Use.
 - a) Structure - A legal Non-Conforming Structure may be changed in compliance with the reinstatement section and with all other applicable Requirements.
 - b) Lot - A legal non-conforming Lot may be expanded in compliance with the Subdivision Control Ordinance and with all other applicable Requirements.
 - c) Use - A legal Non-Conforming Use may be changed if the changed Use continues to fall under the same Use definition, per the Zoning Ordinance, as the prior original legal Non-Conforming Use. (i.e. If the prior Use was Light Manufacturing then it can only be changed to Light Manufacturing.)
 - (C) Termination: The following provisions apply to the termination of a legal Non-Conforming Structure, Use, or Lot.
 - a) Structure - A legal Non-Conforming Structure shall be considered terminated is a Structure is removed from the site for any reason for twelve (12) consecutive months.
 - b) Lot - A legal nonconforming Lot shall be considered terminated at the time it is altered in size. All alterations shall conform to the Subdivision Control Ordinance and with all other applicable Requirements.
 - c) Use - A legal Non-Conforming Use shall be considered terminated if the Use ceases for any reason for twelve (12) consecutive months.

- (D) Reinstatement: A legal **Non-Conforming Structure**, **Lot**, or **Use** may be reinstated before the termination date as provided by the following provisions.
- a) **Structure** - A legal **Non-Conforming Structure** may be reinstated before the termination date if the **Structure** does not increase the **Violation** in any way and complies with all other applicable **Requirements**. (i.e. A **Structure** that is violating a **Setback** can be expanded as long as the expansion does not get any closer to the property line.) If the reinstatement increases the **Violation** or violates another applicable requirement in any way then a **Variance** approval would be required.
 - b) **Lot**- A legal non-conforming **Lot** may not be reinstated.
 - c) Use- A legal **Non-Conforming Use** may be reinstated if the **Use** continues to fall under the same **Use** definition, per the **Zoning Ordinance**, as the prior original legal **Non-Conforming Use**. (i.e. If the prior **Use** was **Light Manufacturing** then it can only be reinstated as **Light Manufacturing**.)

8-08 SPECIAL EXCEPTIONS

- (1) Only those **Uses** identified in each **Zoning District** shall be permitted; however, the **Board of Zoning Appeals** shall have the discretion to grant the following **Special Exception(s)**.
- (A) Housing in an approved Business or Religious Development
- (a) The housing must be located on the same **Parcel** as the approved Business or Religious Development.
 - (b) The housing must only be for the living quarters of the **Owner** or agent of the **Owner** responsible for the management of the premises.
- (B) **Manufactured Home** to occupy the same **Parcel** as another existing dwelling. In the A-1 and A-R **Zoning Districts**, a **Manufactured Home** may occupy the same property as an existing dwelling as an **Accessory Dwelling** with said **Special Exception** approval. All previous **Special Exceptions** for temporary **Manufactured Homes** approved by the **Board of Zoning Appeals** shall be considered approved **Accessory Dwellings** and are no longer required to follow previous removal timelines.
- (C) **Concrete Manufacturing Plant** in an A-1 or I-1 **Zoning District**.
- (a) The **Concrete Manufacturing Plant** must be located on the **Parcel** or directly adjacent to the **Parcel** containing a **Mineral Excavation** facility.
 - (b) The **Owner** or operator of the **Concrete Manufacturing Plant** must have written approval from all Local Legislative Bodies responsible for the maintenance of the **roadways Public Way** that will be **Used** to gain access to and from the **Parcel** from an **Interstate Public Way, Other Expressway Public Way, Other Freeway Public Way, Other Principal Arterial Public Way, Minor Arterial Public Way, or Major Collector Public Way** road. Said approval shall include a statement from the **Local Legislative Body** that all designated **roadways Public Ways** leading to the **arterial roadway above listed Public Way** are capable of accommodating the traffic created by the operation of the plant and an agreement specifically identifying the party responsible for all necessary upgrades or repairs.
 - (c) The **Concrete Manufacturing Plant** shall go through the **Development Plan Procedure** upon receiving **Special Exception** approval.

- (2) Grant of Special Exceptions:
- (A) The **Board of Zoning Appeals**' authority to grant a **Special Exception** is subject to the following **Requirements**.
- (a) A **Petition** for **Special Exception** shall be filed with the **Board of Zoning Appeals** by the **Owner** of the **Parcel** real estate in which the **Special Exception** is sought. The **Petition** shall include a proposed Findings of Fact in support of the **Special Exception**.
- (b) A **Public Hearing** shall be held and all interested parties shall receive notice in the same manner as the **Variance Petition**.
- (c) A demonstration by the **Petitioner** and a determination by the board that:
- (i) The proposed **Use** will not be injurious to the public health, safety, comfort, morals, convenience, or general welfare of the community;
- (ii) The proposed **Use** will not injure or adversely affect the **Use** or value of other property in the immediate area in a substantially adverse manner; and,
- (iii) The proposed **Use** will be consistent with the general character of the **Zoning District**, land **Uses** authorized therein, the spirit of the **Wells County Zoning Ordinance**, and the **Wells County Comprehensive Plan**.
- (3) Conditions for the Grant of a Special Exception
- (A) The grant of a **Special Exception** shall be subject to the following conditions:
- (a) The proposed **Use** shall conform to all development **Standards** of the applicable **Zoning District**.
- (b) The proposed **Use** shall conform to all conditions attached to the **Special Exception** by the Board. Such conditions may include any reasonable site, development, operational, and performance **Standards**, **Requirements**, and restrictions deemed necessary to ensure compliance with the Findings of Fact determinations. The granting of a **Special Exception** may be for a limited period, as specified by the Board.
- (4) Changes, Expansions, and Terminations
- (A) A **Special Exception** may not be extended, expanded, or changed unless the **Person** seeking the extension, expansion, or change **Petitions** the Board in the same manner as a new **Special Exception** according to this **Zo Ordinance**.
- (B) A **Special Exception** granted by the Board shall be considered terminated for any of the following reasons:
- (a) The **Special Exception** has not commenced within twelve (12) months from the date on which it was granted;
- (b) The **Special Exception** has not been completed within twenty-four (24) months from the date in which it was granted; or,
- (c) The **Special Exception** has ceased, for any reason, for one continuous year.
- (C) A **Special Exception** that has been terminated for any reason shall not be reinstated except by the approval of the Board upon the **Filing** of a new **Petition** for **Special Exception** described in this **Zoning Ordinance**.

ARTICLE 9: ZONING DISTRICTS

- 9-01 ZONE MAPS:** A "Zone Map" of the City of Bluffton, the Town of Ossian, the Town of Poneto, the Town of Uniondale, the Town of Vera Cruz, the Town of Zanesville, and each township in Wells County is hereby adopted as a part of this **Zoning Ordinance**. The Zone Maps shall be kept on file and available for examination at the office of the **Area Planning Department**.
- 9-02 ZONING DISTRICTS:** Wells County shall be divided into the districts stated in this **Zoning Ordinance** and shown by the district boundaries on the Zone Maps. These districts are as follows:
- (1) "A-R" Agriculture-Residential
 - (2) "A-1" Agriculture-Intensive
 - (3) "B-1" Central Business District (CBD)
 - (4) "B-2" Service Business
 - (5) "B-3" General Business
 - (6) "C-1" Conservation
 - (7) "I-1" Light Industrial
 - (8) "I-2" Heavy Industrial
 - (9) "L-1" Landfill
 - (10) "M-1" Manufactured Home Community
 - (11) "M-2" Manufactured Home Subdivision
 - (12) "R-1" Residential
 - (13) "R-2" Residential
 - (14) "R-3" Residential
 - (15) "S-1" Suburban Residential
 - (16) "P-1" Power Plant Overlay District
- 9-03 DISTRICT BOUNDARIES:** District boundaries shown within the lines of **street Public Ways**, streams, and transportation rights-of-way shall be deemed to follow their centerlines. The vacation of **street Public Ways** shall not affect the location of such district boundaries. When the **Director** cannot determine the location of a district boundary by such centerlines, the scale, or dimensions stated on the Zone Map or by the fact that it coincides with a property line, the **Director** shall refuse to determine said location, and the **Board of Zoning Appeals**, upon **Appeal**, shall interpret the location of the district boundary concerning the scale of the Zone Map and the purposes outlined in all relevant provisions of this **Zoning Ordinance**.
- 9-04 AGRICULTURE DISTRICTS:** The district designated for Agriculture Residential **Use**, "A-R", is intended for areas adjacent to incorporated **Cities** and **Towns** where future expansion of public **Utilities** is possible. The district designated for Agriculture-Intensive **Use**, "A-1", is intended for areas that cannot feasibly be served with public water and sewer facilities. Agriculture-Intensive districts shall preserve and protect agricultural land from undesirable urban growth while permitting limited residential development on large-size **Lots** that provide adequate space for private water and sewage facilities. Agriculture Residential Districts shall act as buffers between the densely developed towns and Agriculture-intensive districts. Limited residential development shall be compatible with either of these districts as governed by provisions for **Minor Subdivision**, **Major Subdivisions**, or **PUDs** as defined by this **Zoning Ordinance** and the **Subdivision Control Ordinance**.

- 9-05 BUSINESS DISTRICTS:** The districts designated for business, "B-1", "B-2", and "B-3", are limited to business, public, and certain residential Uses. By establishing compact districts for such Uses, more efficient traffic movement, parking facilities, and fire and police protection may be provided. Industrial Uses are excluded to reduce the hazards caused by extensive truck and rail movements normally associated with such Uses. The purpose of these districts is to provide unified shopping districts conveniently located. The district designated for "B-1" (Central Business District) is the area of an incorporated city or Town such as the downtown area as platted at the time of the incorporation of the City or Town. The district designated "B-2" is an area Zoned mostly for service-oriented business. The district designated "B-3" is Zoned for a variety of businesses.
- 9-06 CONSERVATION DISTRICT:** The district designated for conservation, "C-1", is limited to agricultural, recreational, and certain other open land Uses. The purpose of the district is to prevent the development of land that is unsuitable for development because of topography, soil conditions, floodplains, or other natural features.
- 9-07 INDUSTRIAL DISTRICTS:** The districts designated for industry, "I-1" and "I-2", provide suitable space for existing industries and their expansion as well as for future industrial development. Performance Standards, parking specifications, and Yard regulations are outlined in this Zoning Ordinance to ensure safe industrial development that is compatible with adjacent Use. The locations of the districts are near railroads or highways Public Ways to meet the transportation needs of industry. The light industrial district, "I-1", provides space for industries that do not cause conditions that would be objectionable characteristics to surrounding property. Greater separation is required between the industries and the residential or business Uses in the "I-2" district than is necessary for the "I-1" district.
- 9-08 LANDFILL:** The district designated for landfill, "L-1", shall be an overlay district in which Sanitary Landfill shall be allowed to be located after approval of a Development Plan.
- 9-09 MANUFACTURED HOME COMMUNITY:** The district designated for a Manufactured Home community, "M-1", is a Parcel of land platted according to all Requirements of this Zoning Ordinance and Subdivision Control Ordinance, on which three (3) or more Manufactured Homes are occupied as residences and that is platted according to all the Requirements of this Zoning Ordinance, Subdivision Control Ordinance, and regulations of the State of Indiana that govern such Manufactured Home residency.
- 9-10 Manufactured Home SUBDIVISION:** The district designated for a Manufactured Home Subdivision, "M-2", is a Parcel of land platted for a Subdivision into Lots designed or intended to be conveyed by Deed to individual owners for residential occupancy primarily by Manufactured Homes and is platted according to all the Requirements of this Zoning Ordinance, Subdivision Control Ordinance, and the State of Indiana that govern such Manufactured Home residency on which three (3) or more Manufactured Homes are occupied as residences.
- 9-11 OVERLAY DISTRICT:** An overlay district is a Zoning District classification that co-exists with an underlying Zoning District classification. In any district that is overlaid by a PUD district, all Permitted Uses and/or Special Exceptions shall be treated as Non-Conforming Uses, unless it is a Permitted Use under the overlay district.
- 9-12 POWER PLANT OVERLAY DISTRICT:** The overlay district designated for large-scale electric power production, "P-1" is to add the possibility of large-scale electric Power Plants in such areas. A Power Plant Overlay District can only be applied for on property currently Zoned A-1 "Agriculture-Intensive," I-1 "Light Industrial," or I-2 "Heavy Industrial."

- 9-13 RESIDENTIAL DISTRICTS:** Districts designated for residential Use, "R-1", "R-2", "R-3", and "S-1", are limited to dwellings and public or semi-public Uses which are normally associated with residential districts and which would not detract from the residential character of the neighborhood. The purpose of these four districts is to create an attractive, stable, and orderly residential environment. However, the families per dwelling and the Lot and Yard Requirements are different in the four districts to provide for various housing needs and desires of the citizens.
- 9-14 REZONING:** To rezone property, the following criteria shall be met.
- (1) The Requirements outlined in IC 36-7-4-603 and amendments thereto are hereby incorporated into this ordinance.
 - (2) As part of a Rezoning Petition, the Plan Commission can recommend proposed Commitments to be included in the approval of a Rezoning Petition by the applicable legislative body.
- 9-15 PERMITTED USES:** The Permitted Uses for each district are shown in the following table, Table 9-15. Unless specifically defined by this Ordinance, the Uses listed for the various districts shall be according to the common meaning of the term. Permitted Uses under this Zoning Ordinance shall be subject to all the conditions and Requirements of this Zoning Ordinance. Development Plans shall be required in all Zoning Districts unless excluded under this Zoning Ordinance. Any Use not specified in this section shall be considered to be not permitted by this Zoning Ordinance.

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
Accessory Structures (If required by Article 14)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Accessory Structure General (If required by Article 14)	X	X	X	X	X	X	X	X	X						X	X
Accessory Structure Residential (If required by Article 14)										X	X	X	X	X		
Accessory Use	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Agriculture	X	X				X									X	
Airport	X	X					X	X								
Aerobic Digester		X														
Antique Restoration			X	X	X		X	X								
Asphalt Manufacturing Plant Facility								X								
Automobile Sales And Service			X	X	X		X	X								
Auto & Truck Repair Automobile And/Or Truck Body Repair Garage					X		X	X								
Bank / Credit Union			X	X	X		X									
Battery Energy Storage System (Grid Scale)																X
Battery Energy Storage System (User Scale)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Boarding House													X	X		
Brewery	SE	SE	SE	SE	SE		X									
Brewery, Micro	X	X	X	X	X		X									
Bulk Fuel Storage, Private	X	X	X	X	X		X	X								
Bulk Fuel Storage, Commercial	X	X	X	X	X		X	X								
Bulk Fuel Storage, Residential	X	X								X	X	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

TABLE 9-15 (Part 2 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
CAFO		x														
Campground	X	X				X										
Car Wash			x	x	x		x									
Cemeteries	X	X		X	X	X						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 and Grounds			X	X	X							X	X	X	X	
Communication Tower	x	x					x	x								
Community Garden	x	x	x	x	x	x				x	x	x	x	x	x	
Concrete Manufacturing Plant		SE					S E	X								
Condominiums													x	x		
Convenience Store			X	X	X		X									
Crematorium		X					X	X								
Data Center							x	x								
Day Care Center			X	X	X									x		
Development Plan	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Distillery	SE	SE	SE	SE	SE		X									
Distillery, Micro-	X	X	X	X	X		X									
Drive-In Business			X	X	X											
Drive-In Theater					x											
Dry Cleaning and Laundry Plant					X		X	X								
Dump Station Or Transfer Station								X								
Dwelling, Accessory	X	X								X	X		X	X	X	
Dwelling, Central Business District			X													
Dwelling, Condominium (x Max 2 Units) (x More than 4 Units)													x	x		
Dwelling, Four-Family (Multiple On One Lot)														x		
Dwelling, Multiple-Family														X		
Dwelling, Single-Family (Multiple On One Lot)	X	X										X	X	x	X	
Dwelling, Three-Family (Multiple On One Lot)														x		
Dwelling, Two-Family (Multiple On One Lot)													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

Text: This text is a defined word in ARTICLE 18: DEFINITIONS Amendment Style: **New Text** ~~Removed Text~~

TABLE 9-15 (Part 3 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
Eating & Drinking Establishment			X	X	X											
Entertainment Establishment			X	X	X		X									
Essential services	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Farm Implements Sales, Service, and Repair	X	X			X		X	X								
Farm Sales Of Fertilizer, Farm Seeds, And Farm Chemicals	X	X					X	X								
Farmers Market	X	X	X	X	X		X									
Farmers Market, Temporary	X	X	X	X	X		X								X	
Food Production or Processing, Retail			X	X	X		X									
Food Production or Processing, Wholesale							X	X								
Fraternity Housing	X	X										X	X	X	X	
Funeral Home			X	X	X											
Garbage Collectors								X								
Gasoline & Oil Retail Sales			X	X	X		X									
Golf Course	X	X										X	X	X	X	
Government Facility	X	X	X	X	X	X	X	X		X	X	X	X	X	X	
Grain Elevators	X	X					X	X								
Greenhouse and Nurseries	X	X		X	X											
Group Home (Multiple On One Lot)														X _x		
Hospital			X	X	X		X									
Hotels and Motels				X	X		X									
Junkyard								X								
Kennel	X	X		X	X											
Livestock Auction And Stockyard		X														
Machine or Welding Shop	X	X			X		X	X								
Manufactured Home Type 1 (Multiple On One Lot)	X	X								X	X _x	X	X	X	X	
Manufactured Home Type 2 (Multiple On One Lot)	SE	SE								X	X _x			SE		
Manufactured Home Type 3 (Multiple On One Lot)	SE	SE								X	X _x					
Manufactured Home Subdivision											X					
USES	A-R	A-1	B-1	B-2	B-3	C-1	I-1	I-2	L-1	M-1	M-2	R-1	R-2	R-3	S-1	P-1

TABLE 9-15 (Part 4 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
Manufacturing, Heavy								X								
Manufacturing, Light							X	X								
Manure Lagoon		X														
Manure Lagoon, Satellite		X														
Mall or Shopping Center				X	X											
Mineral Excavation		X						X								
Municipal Building	X	X	X	X	X		X	X	X	X	X	X	X	X	X	
Nature Preserves	X	X				X										
Nursery School			X	X	X							X	X	X	X	
Nursing Home	X	X												X		
Office Complex			X	X	X		X									
Office, Professional			X	X	X		X									
Parking Lot	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Parks & Play Grounds (Public)	X	X	X	X	X	X				X	X	X	X	X	X	
Personal And Professional Service			X	X	X		X									
Ponds (Recreational)	X	X													X	
Power Plant																X
Print Shop			X	X	X		X									
Public Transportation Terminal					X		X	X								
Public Way	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
PUD	X		X	X	X	X	X	X	X	X	X	X	X	X	X	
Racetrack								X								
Recreation, Commercial	X	X	X	X	X		X								X	
Recreation, Non-Commercial Public	X	X	X	X	X	X				X	X	X	X	X	X	
Recreational Vehicle Park	X	X									X					
Recycling Center Collection Point, Permanent							X	X	X							
Recycling Collection Point, Temporary	X	X	X	X	X		X	X	X	X	X	X	X	X	X	
Research and Testing Laboratory					X		X	X								
Restaurant			X	X	X											
Retail Business			X	X	X		X									
Retirement Home	X	X			X									X		
Riding Stable	X															
Sanitary Landfill									X							
Schools, Commercial			X	X	X											
School, Public and Parochial	X	X	X	X	X							X	X	X	X	
Self-Service Laundry Facility			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

Text: This text is a defined word in ARTICLE 18: DEFINITIONS Amendment Style: **New Text** **Removed Text**

TABLE 9-15 (Part 5 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
Service Station			X	X	X		X									
Sign	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Slaughterhouse, Large								X								
Slaughterhouse, Small		SE					X	X								
Solar Energy Facility, Large															SE	X
Solar Energy Facility, Medium	SE	X	X	X	X	X	X	X	X					SE	SE	
Solar Energy Facility, Small	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Solar Energy Facility, Structure Mounted (If structure mounted on would require Development Plan)	X _x	X _x	X _x	X _x	X _x	X _x	X _x	X _x	X _x	X _x	X _x	X _x	X _x	X _x	X _x	
Sorority Housing	X	X										X	X	X	X	
Subdivision, Major	X		X	X	X	X	X	X	X	X	X	X	X	X	X	
Subdivision, Minor, Combine, or Addition	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Supervised Homes (Multiple On One Lot)	X	X										X	X	X _x	X	
Supply Yard								X								
Swimming Pool, Commercial	X	X										X	X	X	X	
Tank Bulk Storage	X	X					X	X								
Theater			X	X	X											
Towers (Communication)	X	X					X	X								
Truck and Railroad Terminals							X	X								
U-Store					X		X	X								
Veterinarian Clinic/Hospital			X	X	X		X									
Warehouse					X		X	X								
Water and Wastewater Treatment Plants	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
WECS Testing Facility	X	X					X	X								
WECS, Large																
WECS, Medium	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
WECS, Small	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Winery	SE	SE	SE	SE	SE		X									
Winery, Micro-	X	X	X	X	X		X									
Wholesale Business					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

9-16 SETBACK AND HEIGHT RESTRICTIONS FOR NEW STRUCTURES OR ADDITIONS TO PRE-EXISTING STRUCTURES. 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, Setbacks and Height Restrictions for New Structures or Additions to Pre-existing Structures		
<p>(1) A <u>Setback</u> shall be measured from the nearest property line or public <u>Right-Of-Way</u> to the foundation of any <u>Structure</u> as long as the overhang including the gutter does not project past the foundation more than two (2) feet.</p> <p>(2) <u>Heights</u> shall be measured <u>as defined in this ordinance from the highest section of the structure to the average land elevation of the parcel on which said structure is located.</u></p> <p>(3) The <u>Right-Of-Way</u> dimension shall be defined for rural <u>Major Collector Public Way</u> and rural <u>Minor Arterial Public Ways roadways</u> as forty (40) feet from the center of the <u>road Public Way</u>. The <u>Right-Of-Way</u> dimension shall be defined for rural <u>Other Principal Arterial Public Ways</u> as fifty (50) feet from the center of the <u>road Public Way</u> or the center of the nearest two lanes in a divided highway design, whichever is greater. The <u>Right-Of-Way</u> dimension shall be defined for rural <u>Other Expressways Public Way and Other Freeway Public Way</u> as sixty (60) feet from the center of the <u>Public Way</u> or center of the nearest two lanes in divided highway design, whichever is greater.</p> <p>(4) No <u>Structure</u> except <u>WECS Projects</u>, <u>WECS Testing Facilities</u>, and <u>Communication Towers</u> shall be erected above the maximum <u>Height</u> requirement for each <u>Zoning</u> type described in this <u>Zoning Ordinance</u>. No <u>Structure</u> may be erected within any district whose <u>Height</u> would place it in proximity to commercial power transmission lines.</p> <p>(5) Primary and <u>Accessory Structures</u> <u>Used</u> for the parking of <u>Vehicle</u>s may not be less than twenty (20) feet from a property line when a vehicular ingress and/or egress point faces a public <u>Right-Of-Way</u> unless said public <u>Right-Of-Way</u> is an <u>Alley Public Way</u>.</p>		
Zoning Districts	Property Line / Right-of-Way Setbacks (Feet)	Maximum Structure Height (Feet)
A-1 (Unincorporated Areas Only)	P.L. = 20 ROW = The greater of 30' from ROW or 60 from the center of the <u>road Public Way</u>	100
A-R, S-1, C-1 & (Incorporated Areas Only A-1)	P.L. = 5 ROW = The greater of 30' from ROW or 60 from the center of the <u>road Public Way</u>	100
B-1 (CBD)	0	100
B-2, B-3, I-1 & I-2	P.L. = 5 ROW = The greater of 5 or platted/deeded building line	100
R-1	P.L. = 5 ROW = The greater of 30' or platted/deeded building line	35
R-2, R-3, M-1 & M-2	P.L. = 5 ROW = The greater of 5 or platted/deeded building line	35
L-1	IDEM Standards	100
P-1	Use Base District	Use Base District

ARTICLE 10: ORDINANCE REVISIONS AND ZONING MAP CHANGES

- 10-01 GENERAL:** Any proposal to adopt a replacement Zoning Ordinance after repealing the entire existing Zoning Ordinance, including amendments and zone maps for a jurisdiction, shall follow the Procedure stated in I.C. 36-7-4-600 et. seq. and any amendments thereto.
- 10-02 PROCEDURE TO AMEND OR PARTIALLY REPEAL ZONING ORDINANCE:** This Zoning Ordinance shall be amended or partially repealed following I.C. 36-7-4-607 and any amendments thereto.
- 10-03 PROCEDURE TO AMEND ZONING MAP:** The zone map incorporated by reference into this Zoning Ordinance shall be amended following I.C. 36-7-4-608 and any amendments thereto. For additional provisions concerning PUD or Rezoning see elsewhere in this Zoning Ordinance.

ARTICLE 11: GENERAL REGULATIONS

11-01 ACCESSORY STRUCTURES AND USES: Accessory Structures and Structures are permitted in all districts in conjunction with a Primary Use or Structure provided the Accessory Structure 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 L-1 Zoning Districts. Such Accessory Structures shall require an Improvement Location Permit.
 - (B) A truck body or semi-trailer may be utilized as an Accessory Structure as a Special Exception in the A-R, S-1, C-1, B-1, B-2, and B-3 Zoning Districts. Such an Accessory Structure shall require an Improvement Location Permit.
- (3) Migrant worker's housing facilities may be permitted as an Accessory Structure 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 C&FO.
- (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.

11-02 FENCES: Unless a Local Legislative Body enacts an ordinance to establish more stringent standards for Fences in its jurisdiction, no Improvement Location Permit shall be required for Fences, but Fences shall meet the 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 Fences in the A-R, A-1, S-1, or C-1 Zoning Districts that do not utilize solid privacy Fence-style panels.
- (3) Fences shall not obstruct any portion of the sight triangle.

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 are 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 to distract from the residential character of the neighborhood.
- (5) The Home Occupation shall provide off-~~street~~ **Public Way** 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 following 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) Junkyards
 - (C) Other Junk accumulation activities

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

- (1) A property with legal Non-Conforming Structures regarding Setbacks or Heights can expand said existing Structure or build new Structures at the pre-existing Setback or Height on said property as long as the pre-existing 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.

11-05 OFF-STREET PUBLIC WAY LOADING: Every building shall provide off-street Public Way loading berths of a size and arrangement appropriate for the types of Vehicles required to deliver or distribute materials. Or merchandise to that building. Loading or unloading shall not be permitted within public rights-of-way without written authorization from the Director.

11-06 OFF-STREET PUBLIC WAY PARKING: Off-street Public Way 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 Public Way parking shall be designed to avoid an undue burden on on-street Public Way parking while minimizing it 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.

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 the size and location of Ponds before Staff approval 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 pre-Existing 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 the Owner of said Pond at the Owner's expense shall reconstruct or reroute said ditch, drain, or Watercourse to provide the same volume of drainage as existed before 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 ~~pre~~ Existing Grade.

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, including Traffic Control Signs, 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 in 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 Setback 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 pre-existing 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~~ Public Way Parking Spaces of the adjacent roadway Public Ways.
 - (iv) Written acknowledgment of the Sign or awning must be obtained by the 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 well-being 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~~ Traffic Control 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~~ Traffic Control Signage that directs traffic to different sections of a building or property.
 - (H) It shall comply with the Height restrictions for the applicable Zoning District.

11-09 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 the Multiple Dwelling Units section of this Article.

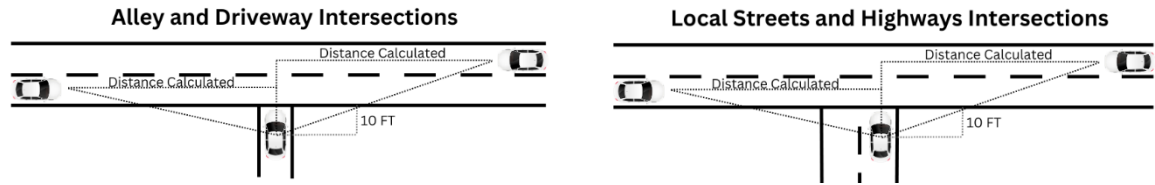
11-10 LIGHTING:

- (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 before 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 impair the vision of the driver of any motor Vehicle or which otherwise interfere with any driver's operation of a motor Vehicle.
- (3) All lighting shall be accomplished in a manner that does not cause an undue distraction, confusion, or hazard to vehicular traffic or neighbors; strobe lights are prohibited unless required by the Federal Aviation Administration.

11-11 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 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) **Alley Public Ways** & driveways should be considered design speed of 15 mph for 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

- (3) The provisions of this section shall not apply to official warning **Signs** or signals necessary to public safety.

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**.

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.

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 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. Before the end of the one (1) year, a 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 a **Permitted Use** of 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 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) year by the **Board of Zoning Appeals** if said **Owner** intends to construct a new principal dwelling on the **Lot**, remodel, or rebuild a pre-existing 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 the period restrictions.

ARTICLE 12: LEFT BLANK INTENTIONALLY

ARTICLE 13: MANUFACTURED HOUSING

13-01 PURPOSE: To encourage the provision of alternative modest-income housing, this Zoning Ordinance shall permit the Use of Manufactured Homes (a.k.a., Mobile Homes); in certain Zoning Districts in which similar dwellings constructed on the site are permitted.

- (1) A “Manufactured Home” is a factory-built, Single-Family Dwelling and conforms to the federal government’s U.S. Code Title 42, Chapter 70, Manufactured Home Construction and Safety Standards Act (the HUD Code), rather than local building codes. The HUD Code is enforced by the Department of Housing and Urban Development (HUD).
- (2) I.C. 22-12-1-16 references the meaning of a “Manufactured Home” set forth in U.S. Code 42-70-5402 which states that a “Manufactured Home” means a Structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be Used as a dwelling with or without a Permanent Foundation when connected to the required Utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any Structure which meets all the Requirements of this paragraph except the size Requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the Standards established under this chapter; and except that such term shall not include any self-propelled Recreational Vehicle. In short, all Manufactured Homes are built on a non-removable steel chassis and are transported to the building site on their wheels.
- (3) As defined by I.C. 16-41-27-4, a “Mobile Home” is a factory-built dwelling built before June 15, 1976, to standards other than the HUD-Code and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Before the term “Manufactured Home” was established by federal regulations, a factory-built home was generically referred to as a “Mobile Home.” As Used in this Zoning Ordinance, “Mobile Home” shall have the same meaning as “Manufactured Home.”

13-02 EXTERIOR APPEARANCE STANDARDS: Manufactured Homes are subject to the Requirements and Procedures set forth herein to assure acceptable similarity in exterior appearance between such Manufactured Homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby Lots in the same Zoning District. Types of Manufactured Homes, as established by this Zoning Ordinance, and their Requirements for approval including Standards established by the American National Standards Institution / National Fire Protection Association (ANSI/NFPA) are as follows.

(1) TYPE I MANUFACTURED HOME:

- (A) Shall have more than nine hundred and fifty (950) square feet of Living Space in a double-section unit;
- (B) Photographs of the unit must be made available to Plan Commission Staff before moving the Manufactured Home onto the site to verify that the Manufactured Home is in good condition;
- (C) shall be placed onto a Permanent Foundation and anchored to the ground following the provisions of this Zoning Ordinance for ~~one- Single-Family Dwellings~~ and Two-Family Dwellings and to the manufacturer's specifications;
- (D) shall have wheels, axles, and hitch mechanisms removed;
- (E) shall have Utilities connected, following the provisions of this Zoning Ordinance for ~~one- Single-Family Dwellings~~ and Two-Family Dwellings and manufacturer’s specifications; and
- (F) shall have compatible siding material and roofing materials of a type customarily Used on site-constructed residences. The Plan Commission Director may compile a list of approved materials meeting this compatibility test.

(2) **TYPE II MANUFACTURED HOME:**

- (A) Shall have more than nine hundred fifty (950) square feet of Living Space in a single or Expando Unit;
- (B) Photographs of the unit must be made available to Plan Commission Staff before moving the Manufactured Home onto the site to verify that the Manufactured Home is in good condition;
- (C) shall be placed onto a support system and be enclosed with a Permanent Perimeter Enclosure, following approved Installation Standards as specified in this Article;
- (D) shall be anchored to the ground, following the manufacturer's specifications or the ANSI/NFPA Installation Standards;
- (E) shall have Utilities connected, following the provisions of this Zoning Ordinance for one-Single-Family Dwellings and Two-Family Dwellings and manufacturer's specifications; and
- (F) shall have compatible siding material and roofing materials of a type customarily Used on site-constructed residences. The Plan Commission Director may compile a list of approved materials meeting this compatibility test.

(3) **TYPE III MANUFACTURED HOME:**

- (A) Shall have equal to or less than nine hundred and fifty (950) square feet of Living Space;
- (B) Photographs of the unit must be made available to Plan Commission Staff before moving the Manufactured Home onto the site to verify that the Manufactured Home is in good condition;
- (C) shall be placed onto a support system and be enclosed with Foundation Siding/Skirting, following approved Installation Standards as specified in this Article;
- (D) shall be anchored to the ground, following the manufacturer's specifications or the ANSI/NFPA Installation Standards; and
- (E) shall have Utilities connected, following the manufacturer's specifications or the ANSI/NFPA Installation Standards.

13-03 SUBDIVISIONS AND PARKS:

- (1) Manufactured Home Subdivisions must meet the Requirements as established for Zoning Districts M-1 and M-2 and for Subdivision Control Ordinance.
- (2) Mobile Home Parks, where permitted, shall require a Development Plan and shall follow I.C. 16-41-27 et. seq., 410 I.A.C. 6-6 et. seq., and all acts supplemental and amendatory thereto, and provisions and regulations established by the Indiana State Board of Health Regulations, as amended. A Development Plan shall contain the following Requirements.
 - (A) The minimum area of a Mobile Home Park shall be five (5) acres.
 - (B) The Mobile Home Park shall be divided into Lots, one Lot per Mobile Home, and an accurate Plat shall be submitted indicating the size and location of each Lot.
 - (C) Each Lot shall have a minimum area of thirty-six hundred (3,600) square feet and a minimum width of forty (40) feet.
 - (D) Not less than ten (10) percent of the gross area of the Mobile Home Park shall be improved for recreational activities for the residents of the park.
 - (E) There shall be no dead-end street Public Ways less than twenty-four (24) feet in width and excess of one hundred fifty (150) feet in length for Vehicle traffic within the Mobile Home Park. Turnarounds at the end of dead-end street Public Ways shall have a diameter of at least one hundred twenty (120) feet to accommodate emergency response Vehicles.
 - (F) One-way street Public Ways shall be at least twelve (12) feet wide and two-way street Public Ways shall be at least twenty (24) feet wide. If on street Public Way parking is provided, each parking lane shall be at least an additional eight (8) feet wide.
 - (G) At least one (1) auto Parking Space for each Lot shall be provided within the property lines of the Mobile Home Park.
 - (H) Overflow parking shall be provided at a rate of one (1) space for each three Lots.

- (I) Lighting for **street Public Way**s and walkways, **Utilities**, sewage and refuse disposal, and other **Essential Services** shall meet the **Standards** as established by the **Indiana Code** and the Indiana State Board of Health.
- (J) Coin-operated laundries, laundry, and dry-cleaning pick-up stations, and other commercial convenience establishments may be permitted in **Mobile Home Parks** provided:
 - a) they are subordinate to the residential character of the park;
 - b) they are located, designed, and intended to serve only the needs of persons living in the park;
 - c) the establishments and the parking areas related to their **Use** shall not occupy more than twenty (20) percent of the total area of the park; and
 - d) the establishments shall present no visible evidence of their commercial nature to areas outside the park.
- (K) Each **Mobile Home** site shall be provided with a pad consisting of either a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are **Used**, the area between the ribbons shall be filled with a layer of crushed rock that is four (4) inches thick.
- (L) The **Mobile Home Park** shall meet all applicable **Requirements** of this **Zoning Ordinance**.

13-04 PERMITTED PLACEMENT OUTSIDE OF A MANUFACTURED HOME SUBDIVISION:

- (1) The establishment, location, and **Use** of an individual **Manufactured Home** as a permanent residence may be approved in a **Zoning District** where such **Use** is permitted in the Schedule of **Uses**, as outlined in Table 13-05. Such homes shall:
 - (A) meet the appropriate Exterior Appearance Standards, as outlined in this **Zoning Ordinance**;
 - (B) meet the **Requirements** and limitations that apply to such residential **Use** in said **Zoning District**, and
 - (C) Secure all required permits and conform to the **Comprehensive Plan** and other ordinances of those local legislative bodies participating in the **Plan Commission**.
- (2) A **Manufactured Home** or **Mobile Home** placed and maintained on a **Parcel** of land and deemed to be a legal **Non-Conforming Use** before the adoption of this **Zoning Ordinance** shall continue to be a legal **Non-Conforming Use**. If the legal **Non-Conforming Use** is discontinued for more than twelve (12) months, the **Parcel** of land thereafter must be **Used** in conformity with all provisions of this **Zoning Ordinance**.
- (3) Thereafter, upon application to and approval by the **Plan Commission Director**, a manufactured or **Mobile Home** deemed a legal **Non-Conforming Use** may be replaced provided the replacement is of an equal or a higher type and is following the provisions of this **Zoning Ordinance**. Equal or higher type means that a TYPE III **Manufactured Home** could be replaced with a TYPE I, II, or III **Manufactured Home**; a TYPE II **Manufactured Home** could be replaced with a TYPE I or II **Manufactured Home**; a TYPE I **Manufactured Home** could be replaced with a TYPE I **Manufactured Home**.
- (4) See the General Regulations Article of this **Zoning Ordinance** about temporary **Mobile Home** usage.

13-05 SCHEDULE OF USES IN ZONING DISTRICTS: See **Permitted Use** Table.

13-06 INSTALLATION STANDARDS:

- (1) **PERMANENT FOUNDATION:** Each mobile or **Manufactured Home** site shall be provided with a pad consisting of either a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are **Used**, the area between the ribbons shall be filled with a layer of crushed rock that is four (4) inches thick.

- (2) **PERMANENT PERIMETER ENCLOSURE:** Those Manufactured Homes designated in this Zoning Ordinance as requiring a Permanent Perimeter Enclosure must be set onto an excavated area with foundations, footings, and crawl space or Basement walls constructed following the provisions of this Zoning Ordinance for one- Single-Family Dwellings and Two-Family Dwellings. The space between the floor joists of the home and the excavated under-floor grade shall be completely enclosed with the Permanent Perimeter Enclosure (except for required openings). A Permanent Perimeter Enclosure shall consist of weather-resistant, non-combustible, or self-extinguishing materials that blend with the exterior siding of the home.
- (3) **FOUNDATION SIDING/SKIRTING FOR TEMPORARY STRUCTURES:** All Manufactured Homes or Mobile Homes without a Permanent Perimeter Enclosure shall have an approved Foundation Siding/Skirting enclosing the entire perimeter of the home. Foundation Siding/Skirting and backup framing shall be weather-resistant, non-combustible, or self-extinguishing materials that blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above the Finished Grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed following the manufacturer's recommendations or approved equal Standards.
- (4) **SUPPORT SYSTEM:**
- (A) **TYPE I MANUFACTURED HOMES:** All TYPE I Manufactured Home load-bearing foundations shall be installed in conformance with the provisions of this Zoning Ordinance for one- Single-Family Dwellings and Two-Family Dwellings and with the manufacturer's installation specifications.
- (B) **TYPE II and III MANUFACTURED HOMES:** All TYPE II and III Manufactured Homes not placed on a Permanent Foundation shall be installed with a foundation siding on a support system in conformance with the manufacturer's installation specifications or with the support systems regulations in the ANSI/NFPA Installation Standards.
- (5) **TIE-DOWN:** Tie-down means sufficient anchorage to resist flotation, collapse, or lateral movement of any Mobile Home. At a minimum, such anchorage shall consist of the following.
- (A) Over-the-top ties shall be provided at each of the four (4) corners of the Mobile Home, with two (2) additional ties per side at intermediate locations while Mobile Homes that are less-than-fifty (50) feet long shall require only one (1) additional tie per side (OR)
- (B) Frame ties shall be provided at each corner of the Mobile Home with five (5) additional per side at intermediate points while Mobile Homes that are less-than-fifty (50) feet long shall require only four (4) additional ties per side.
- (C) Each component of the Anchoring System shall be capable of carrying a force of forty-eight hundred (4,800) pounds.
- (D) Any addition(s) to the Mobile Home shall be similarly anchored.

ARTICLE 14: DEVELOPMENT PLAN

- 14-01 GENERAL:** Section 9-14 of the Zoning Ordinance hereby designates Zoning Districts where a Development Plan is required. The Plan Commission or its designee shall have exclusive authority to approve or disapprove Development Plans and their modifications on real property in a designated Zoning District within this Zoning Ordinance's jurisdiction.
- 14-02 PROCEDURE:** Whenever a Development Plan required under this article is desired the Owner(s) of the subject real estate shall file with the Plan Commission or its designee the appropriate forms, Surveys, and Fees as prescribed in Article 4 of this Zoning Ordinance, by this Article, and in conformance with applicable Approval Agency's rules of Procedure.
- 14-03 DESIGNEE:** The Plan Commission authorizes the Plan Commission's Staff to act as its designee for certain Development Plans as stated in this Article per IC 36-7-4-1402 (c), and any amendments thereto. These Development Plans shall not require a Public Hearing.
- (1) **Designee Duties and Procedures:** The Plan Commission's Staff shall follow duties and Procedures outlined in Article 4 of this Zoning Ordinance and the Rules of Procedure of the Plan Commission.
- (2) **Designee Appeal:** A decision made by the Plan Commission's Staff may be Appealed directly to the Plan Commission as long as the Appeal is filed within thirty (30) days of the Staff's decision and is filed in compliance with Article 7 of this Zoning Ordinance and the Rules of Procedure of the Plan Commission.
- 14-04 RESIDENTIAL DEVELOPMENT PLANS:** A Residential Development Plan is required as follows:
- (1) **Jurisdiction:** The following items require a Residential Development Plan:
- (A) Any Multiple-Family Dwelling residential development.
- (B) Any time more than one (1) Single-Family Dwelling, Two-Family Dwelling, Three-Family Dwelling, Four-Family Dwelling, Condominium Dwelling, Supervised Homes, Group Homes, or Type I, II, or III Manufactured Home is to be located on the same Parcel with one (1) or more Single-Family Dwellings, Two-Family Dwellings, Three-Family Dwellings, Four-Family Dwellings, Condominium Dwelling, Supervised Homes, Group Homes, Multiple-Family Dwelling or Type I, II or III Manufactured Homes. This shall not include the placement of an Accessory Dwelling on the site with another dwelling.
- (C) Any modification made to a previously approved Development Plan that would now require a Residential Development Plan per this section or any modification that previously did not require a Development Plan that now requires a Residential Development Plan per this section. A modification shall be defined as any changes or expansion made to items 14-04(1)(A) – 14-04(1)(B).
- (2) **Approval Agency:** Residential Development Plan s shall be reviewed by either the Plan Commission or the Plan Commission's Staff as stated below:
- (A) The Plan Commission shall review new Residential Development Plans and modifications that create a substantial increase in the pre-existing Impervious Surface for the affected Parcel. A substantial increase shall be defined as any development that increases the pre-existing Impervious Surface for the affected Parcel by greater than twenty-five (25) percent. The pre-existing Impervious Surface shall be defined as the amount of Impervious Surface approved under the last Development Plan for the affected Parcel, or for developments that predate the requirement for a Development Plan it shall be defined as the amount of Impervious Surface existing on the affected Parcel as of September 11, 2015. (FORMULA=Proposed Additional Hard Surface / Pre-existing Hard Surface = Percentage Increase of Hard Surface)

- (B) The **Plan Commission's Staff** shall review new Residential **Development Plans** and modifications that create a non-substantial increase in the pre-existing **Impervious Surface** for the affected **Parcel**. A non-substantial increase shall be defined as any development that increases the pre-existing **Impervious Surface** for the affected **Parcel** by less than or equal to twenty-five (25) percent; However, this requirement does not include developments that meet the exemption standard in section 14-04(3). The pre-existing **Impervious Surface** shall be defined as the amount of **Impervious Surface** approved under the last **Development Plan** for the affected **Parcel**, or for developments that predate the requirement for a **Development Plan** it shall be defined as the amount of **Impervious Surface** existing on the affected **Parcel** as of September 11, 2015. (FORMULA=Proposed Additional **Hard Surface** / Pre-existing **Hard Surface** = Percentage Increase of **Hard Surface**)
- (3) **EXEMPTION:** Residential **Development Plans** shall not be required if the proposal increases the net amount of pre-existing **Impervious Surface** by less than or equal to 500 square feet, and the proposal does not violate or cause a **Violation** of any of the **Requirements** of this section. The pre-existing **Impervious Surface** shall be defined as the amount of **Impervious Surface** approved under the last **Development Plan** for the affected **Parcel**, or for developments that predate the requirement for a **Development Plan** it shall be defined as the amount of **Impervious Surface** existing on the affected **Parcel** as of September 11, 2015.
- (4) **DEVELOPMENT REQUIREMENTS:** The Residential **Development Plan** shall be in conformance with the following development **Requirements**.
- (A) The following **Requirements** guarantee the compatibility of the development with surrounding land **Uses**:
- a) The property shall be **Zoned** R-3, except for a **Petition** regarding **Manufactured Homes** which shall be **Zoned** M-1.
 - b) If the **Petitioned** property abuts property **Zoned** B-1, B-2, B-3, I-1, I-2, or L-1 one of the following buffers shall be installed along the affected property line. However, no portion of the buffer can be located in an **Easement**, **Right-Of-Way**, or sight triangle.
 - 1) A minimum of a six (6) foot tall privacy **Fence** or wall.
 - 2) A minimum of a six (6) foot tall earthen mound.
 - 3) A minimum of two (2) staggered rows that are a minimum of six (6) foot tall coniferous trees.
 - 4) Any combination of the above-listed options equaling at least six (6) feet tall.
- (B) The following **Requirements** guarantee the development's adequate availability and coordination of water, sanitary sewers, and storm water drainage.
- a) Any publicly maintained **Utilities** shall be installed in compliance with the adopted **Standards** of the affected community. Written proof shall be obtained from the affected community that the plans meet their minimum **Standards**.
 - b) Any publicly maintained **Utilities** shall be located in a recorded utility **Easement** in favor of the affected community which meets the **Easement Standards** outlined in **Zoning Ordinance** and **Subdivision Control Ordinance**.
 - c) All taps made to any publicly maintained **Utilities** shall be done in compliance with the adopted **Standards** of the affected community. Written proof shall be obtained from the affected community that the plans meet their minimum **Standards**.
 - d) The proposed development shall meet the Storm Water **Standards** of the **Subdivision Control Ordinance** and any adopted **Standards** of the affected community. Written proof shall be obtained from the affected community that the plans meet their minimum **Standards**.
 - e) Any publicly maintained storm water drainage facilities shall be located in a recorded storm water **Easement** in favor of the affected community which meets the **Easement Standards** outlined in the **Zoning Ordinance** and **Subdivision Control Ordinance**.

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

a) **street Public Way and Highway** Access Points

- 1) Any driveway access point made to a publicly maintained **street Public Way** shall be constructed in conformance with the adopted **Standards** of the affected community. Written proof shall be obtained from the affected community that the plans meet their minimum **Standards**.
- 2) Driveway accesses should be located directly across from other driveway accesses on the other side of the **street Public Way** from the driveway accesses unless the **Approval Agency** finds it not to be feasible.
- 3) **No driveways will be allowed on Interstate Public Ways, Other Expressway Public Ways, or Other Freeway Public Ways.**
- 4) Anytime driveway access is required on an **Other Principal Arterial Public Way or Minor Arterial Public Way** ~~arterial-street~~ the **Use** of one (1) of the following access reduction methods shall be installed.

a) A **Frontage road Public Way** or rear ~~collector~~ **road Public Way** shall be installed that shall be dedicated to the affected community and built to their adopted **Standards** and as follows.

- 1) One (1) driveway access to the **Public Way** ~~arterial-street~~ shall be permitted per five hundred (500) foot section of the **Frontage road Public Way** or rear ~~collector~~ **road Public Way**.
- 2) If multiple driveway accesses connect the **Frontage road Public Way** or rear collector **road Public Way** to the **Public Way** ~~arterial-street~~, they should be located as far apart as possible.
- 3) The **Frontage road Public Way** or rear ~~collector~~ **road Public Way** shall be stubbed to undeveloped properties.

b) A shared driveway system shall be installed that shall be located in an ingress/egress **Easement** that includes a maintenance agreement that would be recorded as follows:

- 1) One (1) driveway access to the **Public Way** ~~arterial-street~~ shall be permitted per five hundred (500) feet of **road Public Way Frontage**.
- 2) If there are multiple driveway accesses connecting the shared driveway system to the **Public Way** ~~arterial-street~~ then they should be located as far apart from each other as possible.
- 3) Driveway accesses should be located across from other driveway accesses on the other side of the **Public Way** ~~arterial-street~~ from the driveway accesses.

b) Capacity of Adjacent **Public Ways Streets, Highways, Entrances and Streets**

- 1) The installation of driveway access improvements (**Deceleration Lanes**, **Acceleration Lanes**, passing blisters, **Crosswalks**, and center turn lanes) shall be required if qualifications found within the most recent version of the Indiana Department of Transportation's Driveway Permit Manual or Indiana Department of Transportation's Indiana Design Manual have been met for the specific form of driveway access improvement.

c) Heavy Haul Route

- 1) Any **Development Plan** shall provide a written Highway/Street Department-approved heavy haul route for construction traffic.

(D) All **Setback Requirements** shall be met as required by this **Zoning Ordinance**.

(E) All **Height Requirements** shall be met as required by this **Zoning Ordinance**.

(F) All **Accessory Structure Requirements** shall be met as required by this **Zoning Ordinance**.

(G) All **Fence Requirements** shall be met as required by this **Zoning Ordinance**.

(H) All off-~~street~~ **Public Way** loading **Requirements** shall be met as required by this **Zoning Ordinance**.

- (I) All off-~~street~~ **Public Way** parking **Requirements** shall be met as required by this **Zoning Ordinance**.
- (J) All **Pond Requirements** shall be met as required by this **Zoning Ordinance**.
- (K) All **Sign Requirements** shall be met as required by this **Zoning Ordinance**.
- (L) All **Easement Requirements** shall be met as required by this **Zoning Ordinance**.
- (M) All lighting **Requirements** shall be met as required by this **Zoning Ordinance**.
- (N) All sight triangle **Requirements** shall be met as required by this **Zoning Ordinance**.
- (O) All **Temporary Structures** shall be met as required by this **Zoning Ordinance**.
- (P) All sidewalks shall meet the minimum **Requirements** set forth by the Americans with Disabilities Act (ADA). If a sidewalk is located in a public **Right-Of-Way** it shall be installed to the affected community's **Standards**. Written proof shall be obtained from the affected community that the plans meet their minimum **Standards**.
- (Q) All development shall comply with all local and state floodplain regulations.

14-05 GENERAL DEVELOPMENT PLANS: A General **Development Plan** is required as follows:

- (1) **Jurisdiction:** The following items require a General **Development Plan**:
 - (A) Any time a **Primary Structure** is being proposed for a **Use** designated as requiring a **Development Plan** in Section 9-14 of this **Zoning Ordinance**, which does not fall under the **Jurisdiction** of any other type of **Development Plan** as set forth by this Article.
 - (B) Any **Parking Lot**, **Accessory Structure**, or Storm drainage facility located on the same **Parcel** as item 14-05(1)(A).
 - (C) Any modification made to a previously approved **Development Plan** that would now require a General **Development Plan** per this section or any modification that previously did not require a **Development Plan** that now requires a General **Development Plan** per this section. A modification shall be defined as any changes or expansion made to items 14-05(1)(A) – 14-05(1)(B).
- (2) **Approval Agency:** General **Development Plan** s shall be reviewed by either the **Plan Commission** or the **Plan Commission's Staff** as stated below:
 - (A) The **Plan Commission** shall review new General **Development Plans** and modifications that create a substantial increase in the pre-existing **Impervious Surface** for the affected **Parcel**. A substantial increase shall be defined as any development that increases the pre-existing **Impervious Surface** for the affected **Parcel** by greater than twenty-five (25) percent. The pre-existing **Impervious Surface** shall be defined as the amount of **Impervious Surface** approved under the last **Development Plan** for the affected **Parcel**, or for developments that predate the requirement for a **Development Plan** it shall be defined as the amount of **Impervious Surface** existing on the affected **Parcel** as of September 11, 2015.
(FORMULA=Proposed Additional **Hard Surface** / Pre-existing **Hard Surface** = Percentage Increase of **Hard Surface**)
 - (B) The **Plan Commission's Staff** shall review new General **Development Plans** and modifications that create a non-substantial increase in the pre-existing **Impervious Surface** for the affected **Parcel**. A non-substantial increase shall be defined as any development that increases the pre-existing **Impervious Surface** for the affected **Parcel** by less than or equal to twenty-five (25) percent. The pre-existing **Impervious Surface** shall be defined as the amount of **Impervious Surface** approved under the last **Development Plan** for the affected **Parcel**, or for developments that predate the requirement for a **Development Plan** it shall be defined as the amount of **Impervious Surface** existing on the affected **Parcel** as of September 11, 2015. (FORMULA=Proposed Additional **Hard Surface** / Pre-existing **Hard Surface** = Percentage Increase of **Hard Surface**)
- (3) **Exemption:** General **Development Plans** shall not be required if the proposal increases the net amount of pre-existing **Impervious Surface** by less than or equal to 500 square feet, and the proposal does not violate or cause a **Violation** of any of the **Requirements** of this section. The pre-existing **Impervious Surface** shall be defined as the amount of **Impervious Surface** approved under the last **Development Plan** for the affected **Parcel**, or for developments that predate the requirement for a **Development Plan** it shall be defined as the amount of **Impervious Surface** existing on the affected **Parcel** as of September 11, 2015.

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

(A) The following Requirements guarantee the compatibility of the development with surrounding land Uses:

- (a) The property shall be Zoned incompatibility with the Permitted Use section of the Zoning Ordinance.
- (b) If the Petitioned property abuts property Zoned R-1, R-2, R-3, S-1, M-1, M-1, or A-R one of the following buffers shall be installed along the affected property line. However, no portion of the buffer can be located in an Easement, Right-Of-Way, or sight triangle.
 - 1) A minimum of a six (6) foot tall privacy Fence or wall.
 - 2) A minimum of a six (6) foot tall earthen mound.
 - 3) A minimum of two (2) staggered rows that are a minimum of six (6) foot tall coniferous trees
 - 4) Any combination of the above-listed options equaling at least six (6) feet tall.

(B) An industrial Use must be designed to comply with the Objectionable Noise definition unless that property is Zoned I-2.

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

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

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

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

(E) The Requirements as stated in sections 14-04(4)(D) – 14-04(4)(Q).

14-06 CONFINED FEEDING OPERATION (CFO) OR MANURE LAGOON DEVELOPMENT PLAN: A CFO Development

is required as follows:

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

(A) At least three hundred (300) cattle as well as meeting the definition for confined feeding as outlined in IC 13-11-2-39.

(B) At least six hundred (600) swine or sheep as well as meeting the definition for confined feeding as outlined in IC 13-11-2-39.

(C) At least thirty thousand (30,000) fowl as well as meeting the definition for confined feeding as outlined in IC 13-11-2-39.

(D) At least five hundred (500) horses as well as meeting the definition for confined feeding as outlined in IC 13-11-2-39.

(E) Any Manure Lagoon.

(F) Any Satellite Manure Lagoon.

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

- (2) **Approval Agency:** CFO or Manure Lagoon Development Plans shall be reviewed by either the Plan Commission or the Plan Commission's Staff as stated below:
- (A) The Plan Commission shall review new CFO or Manure Lagoon Development Plans and modifications as follows:
- (a) CFO: CFO Petition that creates a substantial increase in the number of livestock raised on the affected Parcel. A substantial increase shall be defined as any development that increases the pre-existing number of livestock raised on the affected Parcel by greater than ten (10) percent. A pre-existing number of livestock shall be defined as the amount of livestock approved under the last Development Plan for the affected Parcel, or for developments that predate the Requirements for a Development Plan shall be defined as the amount of livestock existing on the affected Parcel as of September 11, 2015.
 - (b) Manure Lagoon: Manure Lagoon Petition that creates a substantial increase in the net manure storage capacity on the affected Parcel. A substantial increase shall be defined as any development that increases the pre-existing net manure storage capacity on the affected Parcel by greater than ten (10) percent. Pre-existing net manure storage capacity shall be defined as the net manure storage capacity approved under the last Development Plan for the affected Parcel, or for developments that predate the Requirements for a Development Plan shall be defined as the amount of net storage capacity existing on the affected Parcel as of September 11, 2015.
- (B) The Plan Commission's Staff shall review the new CFO or Manure Lagoon Development Plans and modifications as follows:
- (a) CFO: CFO Petitions that create a non-substantial increase in the number of livestock raised on the affected Parcel. A non-substantial increase shall be defined as any development that increases the pre-existing number of livestock raised on the affected Parcel by less than or equal to ten (10) percent. A pre-existing number of livestock shall be defined as the amount of livestock approved under the last Development Plan for the affected Parcel, or for developments that predate the Requirements for a Development Plan shall be defined as the amount of livestock existing on the affected Parcel as of September 11, 2015.
 - (b) Manure Lagoons: Manure Lagoon Petition that creates a non-substantial increase in the net manure storage capacity on the affected Parcel. A non-substantial increase shall be defined as any development that increases the pre-existing net manure storage capacity on the affected Parcel by less than or equal to ten (10) percent. Pre-existing net manure storage capacity shall be defined as the net manure storage capacity approved under the last Development Plan for the affected Parcel, or for developments that predate the Requirements for a Development Plan shall be defined as the amount of net storage capacity existing on the affected Parcel as of September 11, 2015.
- (3) **Exemption:** CFO or Manure Lagoon Development Plans shall not be required if the proposal increases the net amount of pre-existing Impervious Surface by less than or equal to 500 square feet, and the proposal does not violate or cause a Violation of any of the Requirements of this section. The pre-existing Impervious Surface shall be defined as the amount of Impervious Surface approved under the last Development Plan for the affected Parcel, or for developments that predate the requirement for a Development Plan it shall be defined as the amount of Impervious Surface existing on the affected Parcel as of September 11, 2015.
- (4) **DEVELOPMENT REQUIREMENTS:** The CFO or Manure Lagoon Development Plan shall be in conformance with the following development Requirements.
- (A) The following Requirements guarantee the compatibility of the development with surrounding land Uses:
- (a) The Zoning District shall be A-1 for CFO or Manure Lagoon.

(b) Minimum Setbacks:

- 1) A CFO or Manure Lagoon shall be at least eight hundred (800) feet from any residential Structure that is not located on the CFO's Parcel.
 - 2) A CFO or Manure Lagoon shall be at least two thousand six hundred forty (2640) feet from any commercial or industrial Structure.
 - 3) A CFO or Manure Lagoon shall be at least five thousand two hundred eighty (5280) feet from any educational institution.
 - 4) A CFO or Manure Lagoon shall be at least two thousand six hundred forty (2640) feet from any religious institution.
 - 5) A CFO or Manure Lagoon shall be at least five hundred (500) feet from an open Legal Drain, stream, or river without a twenty (20) foot filter strip.
 - 6) A CFO or Manure Lagoon shall be at least three hundred (300) feet from an open Legal Drain, stream, or river with a twenty (20) foot filter strip.
 - 7) A CFO or Manure Lagoon shall be at least two thousand six hundred forty (2640) feet from any R-1, R-2, R-3, S-1, A-R, or PUD Zoning Districts types.
 - 8) A CFO or Manure Lagoon shall be at least five thousand two hundred eighty (5280) feet from any municipal boundary.
 - 9) A CFO or Manure Lagoon shall be at least two thousand six hundred forty (2640) feet from any Non-Incorporated town Plat with a post office.
 - 10) A CFO or Manure Lagoon shall be at least two thousand six hundred forty (2640) feet from any Public Use Area.
 - 11) A CFO or Manure Lagoon shall be at least five hundred (500) feet from any well other than to service the CFO, Manure Lagoon, or other Structures (including a residence) located on the same Parcel as the CFO or Manure Lagoon.
 - 12) A CFO or Manure Lagoon shall be at least three hundred (300) feet from a property line, except if the reduction of the three hundred (300) foot Setback would benefit the Setback from a residential Structure that is not located on the subject Parcel. A CFO or Manure Lagoon's property line Setback may be lowered to a minimum of one hundred (100) feet under this provision.
- (c) A CFO or Manure Lagoon shall adopt and implement an environmental management system (EMS) recognized by the Indiana Department of Environmental Management - OR - the Natural Resource Conservation Service (NRCS) approved soil conservation plan for all acreage on which manure is applied.
- (d) A CFO or Manure Lagoon shall have an Indiana Department of Environmental Management-approved manure management plan. If an emergency causes the approved manure management plan to be violated, the Approval Agency shall be notified.
- (e) A CFO or Manure Lagoon shall have an Indiana Department of Environmental Management approved closure plan.
- (f) A Manure Lagoon shall include engineered construction plans that meet the Indiana Department of Environmental Management's design Standards for a Manure Lagoon or a Satellite Manure Lagoon must be provided to the Approval Agency upon Filing a Petition. If due to capacity the Manure Lagoon or Satellite Manure Lagoon falls outside the jurisdiction of the Indiana Department of Environmental Management, engineered plans which meet the United States Department of Agriculture's technical Standards for a Manure Lagoon or a Satellite Manure Lagoon must be provided to the Approval Agency upon Filing a Petition. All planning and construction for such a project shall be done under the supervision of the Natural Resources Conservation Service (NRCS). Detailed as-built inspection reports shall be submitted to the Approval Agency to prove compliance with this section before utilizing the Manure Lagoon or Satellite Manure Lagoon. All required plans and reports shall be prepared by an Engineer who is licensed in the State of Indiana.

- (g) A **CFO** or **Manure Lagoon** shall have a suitable truck turnaround area so that semi-trailers do not have to back into the facility from the **road Public Way** or back into the **road Public Way** from the facility. The truck turnaround shall be completely within the applicable property. Any turns shall be a minimum of a sixty-foot outside radius. The truck turnaround also should incorporate **Parking Spaces** for each truck remaining overnight. The parking area shall not be part of the truck turnaround area. The truck turnaround and parking area shall be covered with an all-weather surface to prevent the caking of mud on truck wheels.
- (h) POINTS: A **CFO** or **Manure Lagoon** shall score a minimum of two hundred twenty (220) points as defined in the following point system.
- 1) Additional separation distance, above minimum **Setback**, from the proposed **CFO** or **Manure Lagoon** to the closest residence, not owned by the **Owner** of the **CFO** or **Manure Lagoon**. Every ten (10) feet of additional separation up to one thousand two hundred (1,200) feet shall be worth .75 points. Every ten (10) feet of additional separation beyond one thousand two hundred (1,200) feet, but less than one thousand six hundred (1,600) feet shall be worth 1 point. Every ten (10) feet of additional separation beyond one thousand six hundred (1,600) feet, but less than two thousand (2,000) feet shall be worth 1.25 points. Every ten (10) feet of additional separation beyond two thousand (2,000) feet shall be worth 1.5 points.
 - a) The **Setback** shall be measured from the proposed **CFO Structure** or **Manure Lagoon** to the closest residence, not owned by the **Owner** of the **CFO** or **Manure Lagoon**.
 - b) The **Owner** of a residence, not owned by the **Owner** of the **CFO** or **Manure Lagoon**, may waive their residence from counting towards this **Setback** without a point penalty to the **Petitioner**, provided that a fully executed and recorded written waiver agreement is secured from the affected residence **Owner** and **Approval Agency** approves the waiver.
 - 2) A **CFO** or **Manure Lagoon** may implement one or more of the following odor abatement measures. At any time after approval of the **CFO** or **Manure Lagoon**, any approved odor abatement measure may be interchanged with something of equal or greater value.
 - a) A **CFO** or **Manure Lagoon** may implement an Anaerobic Digester to receive one hundred (100) points.
 - b) A **CFO** or **Manure Lagoon** may implement a Tier 1 odor abatement measure to receive sixty (60) points for the first measure fifty (50) points for the second measure and forty (40) points for each additional measure. The following is a list of acceptable Tier 1 odor abatements being greater than twenty-five (25) percent effective.
 1. Filtration (biofiltration or biofilters installed on continuous or nearly continuously running exhaust ventilation fans)
 2. Permeable cover or impermeable cover for manure storage or lagoon.
 3. The liquid manure storage **Structure** is **Covered**.
 4. **Enclosed Mortality Composting**.
 5. Other strategies approved by the Purdue Agricultural Air Quality Laboratory (PAAQL)

- c) A **CFO** or **Manure Lagoon** may implement a Tier 2 odor abatement measure to receive forty (40) points for the first measure thirty (30) points for the second measure and twenty (20) points for each additional measure. The following is a list of acceptable Tier 2 odor abatements being up to twenty-five (25) percent effective.
 1. Utilization of **Landscaping** around **CFO** or **Manure Lagoon (Shelter Belts)**
 2. Windbreak Walls
 3. Solid separation
 4. Other strategies approved by the Purdue Agricultural Air Quality Laboratory (PAAQL)
- 3) Adoption and implementation of liquid manure injection as the only form of manure application practice for the **CFO** or **Manure Lagoon**. The Applicant may use the twenty-four (24) hour application of solid manure to comply with this section if the livestock type does not naturally lend itself to liquid manure injection. This section shall be worth seventy (70) points.
- 4) A permit applicant has held an interest in a **CFO** or **Manure Lagoon** for five (5) years or more. The applicant does not have in the last five (5) years an **Environmental Violation** that resulted in a discharge or manure. This section shall be worth twenty (20) points.
- 5) The applicant demonstrates community support from fifty-one (51) percent of the property **Owners** who are not the applicant and the applicant's **Immediate Family** and who are within a two (2) mile radius, and from a local elected official or state legislator. This section shall be worth twenty (20) points.
- 6) The applicant demonstrates that all land in the IDEM-approved manure management plan with open drainage features has a filter strip a minimum of twenty (20) feet of even width. This section shall be worth twenty (20) points.
- 7) If a waiver is granted by the **Approval Agency** for one (1) or more of the minimum **Requirements** listed in this section the following point penalty shall be assessed. The first waiver shall be worth negative ten (-10) points. Each following waiver shall be worth a negative twenty (-20) points.
- 8) The **Setbacks** for manure application shall meet the minimum **Standards** set forth by the Indiana Department of Environmental Management and the Indiana State Chemist or their successors. This section is subject only to enforcement by the Indiana Department of Environmental Management and the Indiana State Chemist or their successors.
 - (i) Any **CFO** or **Manure Lagoon** that receives approval automatically shall agree to a commitment to maintain a point level at or above two hundred twenty (220) points for the life of the property.
- (B) The following **Requirements** guarantee the development's adequate availability and coordination of water, sanitary sewers, and storm water drainage.
 - (a) Requirement as stated in sections 14-04(4)(B)(a) – 14-04(4)(B)(e).
- (C) The following **Requirements** guarantee that the development's management of traffic is in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
 - (a) Requirement as stated in sections 14-04(4)(C)(a) – 14-04(4)(C)(c).
- (D) The **Requirements** as stated in sections 14-04(4)(D) – 14-04(4)(Q).

14-07 WIND ENERGY CONVERSION SYSTEM TESTING FACILITIES (WECS TESTING FACILITIES) DEVELOPMENT PLAN: A WECS Testing Facility Development Plan is required as follows:

- (1) Jurisdiction:** The following items require a WECS Testing Facility Development Plan:
- (A)** Any WECS Testing Facility.
 - (B)** Any modification made to a previously approved WECS Testing Facility Development Plan that would now require a WECS Testing Facility WECS Testing Facility Development Plan per this section or any modification that previously did not require a WECS Testing Facility Development Plan that now requires a WECS Testing Facility WECS Testing Facility Development Plan per this section. A modification shall be defined as the replacement of the entire facility or any development that increases the overall Height of the facility. Overall all Height shall be measured from the mean ground elevation at the base of the facility to the highest point reached by the facility.
- (2) Approval Agency:** WECS Testing Facility Development Plans shall be reviewed by either the Plan Commission or the Plan Commission's Staff as stated below:
- (A)** The Plan Commission will review any WECS Testing Facility WECS Testing Facility Development Plan or its modification that is greater than 200 feet in total Height as measured from the mean ground elevation at the base of the facility to the highest point reached by the facility.
 - (B)** The Plan Commission's Staff will review any WECS Testing Facility Development Plan or its modification that is less than or equal to 200 feet in total Height as measured from the mean ground elevation at the base of the facility to the highest point reached by the facility.
- (3) DEVELOPMENT REQUIREMENTS:** The WECS Testing Facility Development Plan shall be in conformance with the following development Requirements.
- (A)** The following Requirements guarantee the compatibility of the development with surrounding land Uses:
 - (a)** Use: The property shall be Zoned in compatibility with the Permitted Use section of the Zoning Ordinance.
 - (b)** Specifications: Construction information and specifications, including the equipment name, Height, hazard signage, a copy of the standard product specification sheet, and maintenance schedule must be provided.
 - (c)** Property Line Setback: The property line Setback is equal to 1.1 times the length of the highest point reached by the WECS Testing Facility on the property.
 - 1) Distance measurements shall be taken from the center of the WECS Testing Facility to the property line.
 - 2) A facility may be designed to only meet the guy-wire and Horizontal Extensions Setback provided that a fully executed and recorded written waiver agreement is secured from the affected adjoining landowner and the Approval Agency approves the waiver.
 - (d)** Public road Public Way Right-Of-Way Setback: The public road Public Way Right-Of-Way Setback is equal to 1.1 times the length of the highest point reached by the WECS Testing Facility on the property.
 - 1) Distance measurements shall be taken from the center of the WECS Testing Facility to the property line.
 - 2) A facility may be designed to only meet the guy-wire and Horizontal Extensions Setback provided that a fully executed and recorded written waiver agreement is secured from the affected community and the Approval Agency approves the waiver.
 - (e)** Guy-wire sand Horizontal Extension Setback: The furthest Horizontal Extension, including guy-wires, shall be Setback a distance of at least twenty (20) feet from all property lines and public road Public Way rights-of-way.
 - (f)** Color and Finish: The WECS Testing Facility shall be white, gray, or other Approval Agency-approved non-obtrusive color.
 - (g)** Climb Prevention: The WECS Testing Facility shall be designed and constructed in a manner to prevent climbing from the ground to at least fifteen (15) feet vertically.

- (h) FAA and Lighting: There is no limitation on Height, except those Height limitations imposed by the Federal Aviation Administration (FAA) rules. All FAA-required lighting including lighting intensity and frequency of strobe, shall adhere to, but not exceed, Requirements established by the FAA permits and regulations. The FAA-required lighting shall utilize a vertical aiming device.
- (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. Before the issuance of an Improvement Location Permit for a WECS Testing Facility, 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.
- (j) Hazard Signage: All electric devices shall have proper warning Signage. A list of the electric equipment and standard Signage shall be made part of the Filing.
- (k) Guy-wire Warning: All guy-wire support shall be marked in such a manner that the first eight (8) feet from the ground level are covered with high visibility yellow or orange. Under no circumstance shall a Fence be considered adequate for this requirement. If a WECS Testing Facility is one hundred (100) feet in Height or greater, the 1/3 and 2/3 points of the outside most guy-wire supports shall be marked with a high visibility yellow or orange marker ball.
- (l) Electric Lines: Any electric lines installed as part of the Petition shall be located underground.
- (m) Signage: Signs shall not be permitted on the WECS Testing Facility except for warning and hazard Signs as required by law or this Zoning Ordinance. Any standard symbol or design that identifies the manufacturer shall not be considered a Sign for this Zoning Ordinance.
- (n) Emergency Contact Sign: A standard metal road Public Way Sign including the Owner of the WECS Testing Facility's name, emergency contact phone number, and physical address shall be posted at the entrance of the access drive to the unit. The Sign shall be posted just outside of the public road Public Way Right-Of-Way and sight triangle.
- (o) Interference: A WECS Testing Facility shall be designed, constructed, and operated so as not to interfere with local broadcast television, telecommunication, communication, or microwave transmissions. If the Owner or Operator receives a written complaint related to interference the Owner or Operator shall alleviate the complaint within thirty (30) days.
- (p) Materials Handling, Storage, and Disposal:
 - 1) Solid Wastes: All solid wastes, whether generated from supplies, equipment, parts, packaging, operation, or maintenance of the WECS Testing Facility, including parts and equipment related to the construction, operation, or maintenance of the WECS Testing Facility shall be removed from the site promptly and disposed of following all federal, state and local laws.
 - 2) Hazardous Materials: All hazardous materials or waste related to the construction, operation, and/or maintenance of any WECS Testing Facility shall be handled, stored, transported, and disposed of following all applicable local, state, and federal laws.
- (B) The following Requirements guarantee the development's adequate availability and coordination of water, sanitary sewers, and stormwater drainage.
 - (a) Requirement as stated in sections 14-04(4)(B)(a) – 14-04(4)(B)(e).

- (C) The following **Requirements** guarantee that the development's management of traffic is in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
- (a) Requirement as stated in sections 14-04(4)(C)(a) – 14-04(4)(C)(c).
- (D) The **Requirements** as stated in section 14-04(4)(E).
- (E) The **Requirements** as stated in sections 14-04(4)(G) – 14-04(4)(Q).

14-08 SOLAR ENERGY SYSTEM (SES) DEVELOPMENT PLAN: A SES **Development Plan** is required as follows:

- (1) **Jurisdiction:** Any time a **Large Solar Energy System Facility** is being developed, an SES **Development Plan** is required.
- (2) **Approval Agency:** The **Plan Commission** will review any SES **Development Plan** or its modifications.
- (3) **Development Requirements:** The SES **Development Plan** shall be in conformance with the following development **Requirements**.
 - (A) **Additional Public Notice Requirement:** The SES developer shall send via USPS Priority Mail a notification letter stating the SES developer's intentions to develop an SES near their property. The notification letter must be sent to all properties within one (1) mile of any participating property in this SES development. The SES developer shall submit as part of the initial **Rezoning** application the address list, USPS Tracking Numbers, and USPS Certificate of Mailing.
 - (B) **Overlay District:** All properties that are participating in the SES **Development Plan** shall be **Rezoned** to include the **Power Plant** Overlay District "P-1."
 - (C) **Setbacks:**
 - a) **Non-Participating Property Line Setbacks:** An SES Facility shall be at least two hundred (200) feet from a non-participating property line.
 - b) **Participating Property Line Setbacks:** An SES Facility can be located across participating property lines.
 - c) **Non-Participating Pre-existing Residence Setbacks:** An SES Facility shall be at least four hundred (400) feet from a non-participating pre-existing residence.
 - d) **Participating Residence Setbacks:** There are no required **Setbacks** from a participating residence.
 - e) **Noise Generating Equipment Setback:** Any pieces of equipment (such as inverters) that create a potentially objectionable sound level during normal operation shall meet the following **Setback** to a non-participating pre-existing residential dwelling. The **Setback** is measured as follows:

Sound Level (dBA) Setback Table		
Notes: (1) Measured at five (5) feet from the equipment; (2) Calculated using the Inverse Square Law; (3) 35 (dBA) is considered an accepted noise level in a rural setting. http://hyperphysics.phy-astr.gsu.edu/hbase/Acoustic/isprob2.html		
Minimum (dBA)	Maximum (dBA)	Setback (Feet)
Exceeds 73	76	560
Exceeds 76	79	790
Exceeds 79	82	1120
Exceeds 82	85	1580
 - f) **Setback Exclusions:** **Setbacks** exclude driveways, perimeter fencing, visual buffers, poles, and wires necessary to connect the facility to an electric utility or between participating properties.
 - g) **Participating:** Participating shall be defined as a property that is under a recorded lease or signed and recorded contract with the SES Facility developer or **Owner**.
 - (D) **Height:** No part of the solar panel may be over twenty-five (25) feet tall as measured from the average ground level directly below the panel to the top of each panel at its maximum tilt in the vertical direction.
 - (E) **Maximum Vibrations:** Any item that could create vibrations as part of an SES Facility shall be located centrally within the SES Facility to reduce any potential impacts on non-participating properties.

- (F) **Interference With Reception:** An SES Facility shall be constructed and operated so that it does not interfere with television, microwave, GPS, military defense radar, navigational, or radio reception to neighboring areas.
- (G) **Glare:** An SES Facility at no time shall create glare on any non-participating property.
- (H) **Equipment:** All components of the SES Facility shall be new, commercially available equipment. Used, experimental, or proto-type equipment still in testing shall require a waiver approved by the APC.
- (I) **Fencing:** The SES Facility shall be completely Fenced in with perimeter fencing and locked gates that are at least six (6) feet in Height.
- (J) **Appearance:** An SES Facility, including all Accessory Structure buildings, shall, to the extent possible, Use materials and colors that will blend them into the surrounding built environment.
- (K) **Waste Management:** All solid waste, whether generated from supplies, equipment, parts, packaging, operation, or maintenance of the facility (including old parts and equipment) shall be removed from the site promptly consistent with industry Standards. All hazardous waste generated by the operation and maintenance of the facility, including but not limited to lubricating materials, cleaning materials, or such shall be handled in a manner consistent with all local, state, and federal rules and regulations and shall not be allowed to seep into the ground or come in contact with any open water.
- (L) **Visual Buffers:** A visual buffer shall be installed between a non-participating pre-existing residence and the SES Facility. This includes non-participating pre-existing residences located across a public Right-Of-Way. The visual buffer can be comprised of natural vegetation or plantings to provide a reasonable visual buffer and lighting buffer for the non-participating pre-existing residences. The buffer shall cover the entire viewshed from the non-participating pre-existing residence to the SES Facility. The buffer must be a minimum of six (6) feet in Height when installed and must be designed to grow to be a minimum of twenty (20) feet in Height.
- (M) **Emergency Contact Signage:** A standard metal road Public Way Sign including the Owner of the SES Facility's name, emergency contact phone number, and physical site address shall be posted at each entrance to the facility. The Sign shall be posted just outside of the public road Public Way Right-Of-Way and sight triangle.
- (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 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.
- (O) **Drainage Infrastructure:** All damages including, but not limited to waterways, drainage ditches, field tiles, and/or any other Infrastructures caused by the construction or maintenance of the SES Facility, must be completely repaired to original or better condition, and so as not to impede the flow of water. All repairs must be completed in a reasonable amount of time as agreed upon between the county and the applicant, Owner, and/or operator.
- (P) **Liability Insurance:** The Owner or operator of the SES Facility shall maintain a current general liability policy covering bodily injury and property damage and name Wells County as an additional insured with limits of at least two million dollars per occurrence and five million dollars in the aggregate with a deductible of no more than five thousand dollars.
- (Q) The following agreements must be agreed upon by the local legislative and fiscal governmental agencies and must be signed and recorded before the issuance of any local permits for the SES Facility.
- road Public Way Usage / Repair Agreement
 - Economic Development Agreement
 - Decommissioning Agreement

- (R) The following **Requirements** guarantee the development's adequate availability and coordination of water, sanitary sewers, and stormwater drainage.
 - (a) Requirement as stated in sections 14-04(4)(B)(a) – 14-04(4)(B)(e).
- (S) The following **Requirements** guarantee that the development's management of traffic is in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
 - (a) Requirement as stated in sections 14-04(4)(C)(a) – 14-04(4)(C)(c).
- (T) The **Requirements** as stated in section 14-04(4)(D) – (Q).

14-09 SMALL WIND ENERGY CONVERSION SYSTEM (SMALL WECS) OR MEDIUM WIND ENERGY CONVERSION SYSTEM (MEDIUM WECS) DEVELOPMENT PLAN: A Small WECS Development Plan is required as follows:

- (1) **Jurisdiction:** The following items require a **Small WECS** and **Medium WECS Development Plan**:
 - (A) Any **Small WECS**.
 - (B) Any **Medium WECS**.
 - (C) Any modification made to a previously approved **Development Plan** that would now require a **Small WECS** or **Medium WECS Development Plan** per this section or any modification that previously did not require a **Development Plan** that now requires a **Small WECS** or **Medium WECS Development Plan** per this section. A modification shall be defined as the replacement of entire the **WECS**, or any development that increases the overall **Height** of the **WECS** as measured from the mean ground elevation at the base of the **WECS** to the highest point reached by the blade or tower whichever is greater.
- (2) **Approval Agency:** **Small WECS** or **Medium WECS Development Plan** s shall be reviewed by either the **Plan Commission** or the **Plan Commission's Staff** as stated below:
 - (A) The **Plan Commission** will review any **Small WECS** or **Medium WECS Development Plan** or its modification that creates greater than 100 megawatts in net nameplate electrical production on the affected property – Or – any **Small WECS** or **Medium WECS** that is equal to or greater than 200 feet in total **Height**. Total **Height** shall be defined as the measurement from the mean ground elevation at the base of the **WECS** to the highest point reached by the blade or tower whichever is greater.
 - (B) The **Plan Commission's Staff** will review any **Small WECS** or **Medium WECS Development Plan** or its modification that creates less than or equal to 100 megawatts in net nameplate electrical production on the affected property and must be less than 200 feet in total **Height**. Total **Height** shall be defined as the measurement from the mean ground elevation at the base of the **WECS** to the highest point reached by the blade or tower whichever is greater.
- (3) **Exemption:** **Small WECS** and **Medium WECS Development Plan** s shall not be required if the proposal is only to replace portions of the **WECS** that do not result in increased nameplate electric capacity or additional **Height** as measured from the mean ground elevation at the base of the **WECS** to the highest point reached by the blade or tower whichever is greater.
- (4) **DEVELOPMENT REQUIREMENTS:** The **Small WECS** and **Medium WECS Development Plan** shall be in conformance with the following development **Requirements**.
 - (A) The following **Requirements** guarantee the compatibility of the development with surrounding land **Uses**:
 - (a) **Use:** The property shall be **Zoned** in compatibility with the permitted **Use** section of the **Zoning Ordinance**.
 - (b) **Specifications:** Construction information and specifications, including the equipment name, **Height**, hazard **Signage**, a copy of the standard product specification sheet, and maintenance schedule, must be provided.

- (c) Property Line Setback: The property line Setback is equal to 1.1 times the length of the highest point reached by the Small WECS or Medium WECS on the property.
 - 1) Distance measurements shall be taken from the center of the Small WECS or Medium WECS to the property line.
 - 2) A WECS may be designed to only meet the guy-wire and Horizontal Extensions Setback provided that a fully executed and recorded written waiver agreement is secured from the affected adjoining landowner and the Approval Agency approves the waiver.
- (d) ~~Public road~~ Public Way Right-Of-Way Setback: The public ~~road~~ Public Way Right-Of-Way Setback is equal to 1.1 times the length of the highest point reached by the Small WECS or Medium WECS on the property.
 - 1) Distance measurements shall be taken from the center of the Small WECS or Medium WECS to the property line.
 - 2) A WECS may be designed to only meet the guy-wire and Horizontal Extensions Setback provided that a fully executed and recorded written waiver agreement is secured from the affected community and the Approval Agency approves the waiver.
- (e) Guy-wire and Horizontal Extension Setback: The furthest Horizontal Extension, including guy-wires, shall be Setback a distance of at least twenty (20) feet from all property lines and public ~~road~~ Public Way rights-of-way.
- (f) Color and Finish: The Small WECS or Medium WECS shall be white, gray, or other Approval Agency-approved non-obtrusive color.
- (g) Climb Prevention: The Small WECS or Medium WECS shall be designed and constructed in a manner to prevent climbing from the ground to at least fifteen (15) feet vertically.
- (h) FAA and Lighting: There is no limitation on Height, except those Height limitations imposed by the Federal Aviation Administration (FAA) rules. All FAA-required lighting including lighting intensity and frequency of strobe, shall adhere to, but not exceed, Requirements established by the FAA permits and regulations. The FAA-required lighting shall utilize a vertical aiming device.
- (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. Before the issuance of an Improvement Location Permit for a Small WECS or Medium WECS, the following agency 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.
- (j) Hazard Signage: All electric devices shall have proper warning Signage. A list of the electric equipment and standard Signage shall be made part of the Filing.
- (k) Guy-wire Warning: All guy-wire support shall be marked in such a manner that the first eight (8) feet from the ground level are covered with high visibility yellow or orange. Under no circumstance shall a Fence be considered adequate for this requirement. If a Small WECS or Medium WECS is one hundred (100) feet in Height or greater, the 1/3 and 2/3 points of the outside most guy-wire supports shall be marked with a high visibility yellow or orange marker ball.
- (l) Electric Lines: Any electric lines installed as part of the Petition shall be located underground.

- (m) Signage: Signs shall not be permitted on Small WECS or Medium WECS except for warning and hazard Signs as required by law or this Zoning Ordinance. Any standard symbol or design that identifies the manufacturer shall not be considered a Sign for this Zoning Ordinance.
- (n) Emergency Contact Sign: A standard metal road Public Way Sign including the Owner of the Small WECS or Medium WECS name, emergency contact phone number, and physical address shall be posted at the entrance of the access drive to the unit. The Sign shall be posted just outside of the public road Public Way Right-Of-Way and sight triangle.
- (o) Interference: A Small or Medium WECS shall be designed, constructed, and operated so as not to interfere with local broadcast television, telecommunication, communication, or microwave transmissions. If the Owner or Operator receives a written complaint related to interference the Owner or Operator shall alleviate the complaint within thirty (30) days.
- (p) Materials Handling, Storage, and Disposal:
 - 1) Solid Wastes: All solid wastes whether generated from supplies, equipment, parts, packaging, operation, or maintenance of the Small WECS or Medium WECS, including parts and equipment related to the construction, operation, or maintenance of the Small WECS or Medium WECS shall be removed from the site promptly and disposed of following all federal, state and local laws.
 - 2) Hazardous Materials: All hazardous materials or waste related to the construction, operation, and/or maintenance of any Small WECS or Medium WECS shall be handled, stored, transported, and disposed of following all applicable local, state, and federal laws.
- (B) The following Requirements guarantee the development's adequate availability and coordination of water, sanitary sewers, and storm water drainage.
 - (a) Requirement as stated in sections 14-04(4)(B)(a) – 14-04(4)(B)(e).
- (C) The following Requirements guarantee that the development's management of traffic is in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
 - (a) Requirement as stated in sections 14-04(4)(C)(a) – 14-04(4)(C)(c).
- (D) The Requirements as stated in section 14-04(4)(E).
- (E) The Requirements as stated in sections 14-04(4)(G) – 14-04(4)(Q).

14-10 CONFLICT OF SECTIONS: Any restrictions, rules, Standards, and conditions imposed by other sections of this Zoning Ordinance that 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 Zoning Ordinance, then the provisions of this Article shall be controlled.

14-11 WAIVER OF DEVELOPMENT REQUIREMENTS:

- (1) Following I.C. 36-7-4-1402(b) (3), any or all Requirements defined in this Article and any or all Requirements incorporated by reference in this Article, except those related to Use, may be waived by the Plan Commission or Plan Commission's Staff after hearing evidence and arguments for any Development Plan if:
 - (A) the waiver is justified because of topographic or other special conditions unique to the property involved, in contradistinction to mere inconvenience or financial disadvantage;
 - (B) the waiver will not adversely affect the reasonable development of adjacent properties;
 - (C) the waiver grant will not be detrimental to the public health, safety, and general welfare of the community;
 - (D) the waiver does not materially affect the spirit and purpose of this Zoning Ordinance; and
 - (E) the waiver request is signed by the property Owner.
- (2) If the waiver affects future or existing public utilities and public ways, it must be approved in writing by the affected Local Legislative Body as a condition for approval.

- 14-12 **AMENDMENTS:** A Development Plan may be amended at any time before a decision thereon by the Approval Agency as to non-material matters. Material Amendments are Amendments that substantially change the scope or purpose of the Development Plan. A material Amendment shall include making a significant change to the Development Plan that would prevent interested parties from receiving proper notice regarding the scope or purpose of the plan. A material Amendment may also include making a significant change to the Development that would change Approval Agency jurisdictions. In these cases, any other significantly similar Amendment shall require a new Development Plan Filing in compliance with this Article.
- 14-13 **PLAT COMMITTEE REVIEW:** The Plan Commission may designate a Plat Committee or create a special purpose Committee to review and make a recommendation to the Petitioner and the Plan Commission as to any Development Plan under the approval Jurisdiction of the Plan Commission. Appropriate representatives of the affected Local Legislative Body shall be invited to attend said Plat Committee review meeting.
- 14-14 **PUBLIC HEARING:** The Plan Commission's Public Hearing shall be held in according to with this Zoning Ordinance and Plan Commission's rules of Procedure.
- 14-15 **EXPIRATION:** The approval for a Development Plan made by the Approval Agency shall expire if the approved development has not been started (site has been staked, earthwork has commenced or applicable Improvement Location Permit has been issued) within two (2) years or substantially completed within ten (10) years.
- 14-16 **APPEALS:** The decision of the Plan Commission as to any Development Plan Petition may be Appealed following this Zoning Ordinance and applicable Indiana Code.

ARTICLE 15: LEFT BLANK INTENTIONALLY

ARTICLE 16: LEFT BLANK INTENTIONALLY

ARTICLE 17: PLANNED UNIT DEVELOPMENT (PUD)

- 17-01 PURPOSE:** Article 1 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 not limited to the Use and improvement of real property and the location and condition of Structures and other improvements and the platting and Subdividing of real property and several Structures abutting Public Ways. Following I.C. 36-7-4-1500 et. seq., and all acts supplemental and amendatory thereto, the purpose of a Planned Unit Development, hereinafter referred to as PUD, is to facilitate creative and innovative developments in areas properly designated as “PUD Districts,” which shall be compatible with the Comprehensive Plan.
- 17-02 PERMITTED ZONES:** A PUD is allowed in all Zoning Districts. A PUD District is an overlay district as defined in this Zoning Ordinance and shall be designated in the same manner as an amendment to the zone maps as defined in this Zoning Ordinance.
- 17-03 PUD DEFINITION:** A Planned Unit Development (PUD) is a development that may accommodate multiple Uses and Structures in such a way as to be compatible with other land Uses and Structures within the development and with surrounding land Uses while allowing for substantial flexibility in planning and design. A PUD encourages original and imaginative development design which preserves the natural amenities of the subject property and provides for the general welfare of the surrounding community.
- 17-04 PROCEDURE:** Whenever a PUD 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 this Zoning Ordinance and this Article.
- 17-05 FINDINGS OF FACT AND RULING:** A proposed findings of fact and ruling document that complies with the Requirements outlined in Article 6 of this Ordinance shall be filed with the Area Plan Office two (2) weeks before the Public Hearing on said Petition.
- 17-06 PUD DISTRICT ORDINANCE:** Whenever a PUD is desired, the Owners of the subject real estate shall file with the Plan Commission a “PUD DISTRICT ORDINANCE.” The Filings shall be done following the provisions of this Zoning Ordinance. The adoption and Amendment of a PUD District Ordinance are a legislative act executed by the affected Local Legislative Body.
- (1) A PUD District Ordinance is an ordinance that does the following:
 - (A) designates a Parcel of real property as a PUD District;
 - (B) specifies Uses or a range of Uses permitted in the PUD District;
 - (C) specifies development Requirements in the PUD District;
 - (D) specifies the plan documentation and supporting information that may be required;
 - (E) specifies any limitation applicable to a PUD District; and
 - (F) meets other conditions and Requirements required by this Zoning Ordinance and the Subdivision Control Ordinance.
 - (2) The Plan Commission shall hold a Public Hearing to review the proposed PUD following the provisions of this Article and shall make a recommendation to the Local Legislative Body having Jurisdiction over the subject real estate to approve or disapprove the proposed PUD District Ordinance in the same manner as for a zone map amendment.
 - (3) When adopting or amending a PUD District Ordinance, the Local Legislative Body may
 - (A) impose reasonable conditions on a proposed planned unit development;
 - (B) require, as a condition for the issuance of an Improvement Location Permit, the furnishing of a Bond or a satisfactorily written assurance guaranteeing the timely completion of any proposed public improvements in the PUD or serving the PUD;

- (C) Allow or require the **Owners** of the subject real estate to make a written commitment in the manner authorized in this Article.
- (4) The form and application are available at the office of the **Area Planning Department**.

17-07 PUD REQUIREMENTS: The **Plan Commission** may recommend approval of a proposed **PUD** District if the **PUD** meets or complies with the following detailed **Requirements**.

- (1) The **PUD** shall conform to the objectives of the **Comprehensive Plan**.
- (2) The real property on which a **PUD** is to be developed must be under single **Ownership** and/or unified control.
- (3) The **PUD** shall not be detrimental to the surrounding properties and land **Uses**, nor shall a **PUD** substantially diminish or impair the property values of the neighborhood.
- (4) The **PUD** shall not endanger the public health, welfare, or safety of the neighborhood in which it is to be located.
- (5) The **PUD** shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
- (6) Scale, building materials, and building style of the **Structures** and land **Uses** between **Structures** located within the **PUD** shall be sufficient to allow for a total visual impression and environment of the neighborhood.
- (7) Each portion of the **PUD** shall comply with the building **Setback** lines, **Height Requirements**, and **Lot Sizes** as prescribed by the **PUD** District Ordinance. The building **Setback** lines, **Height Requirements**, and **Lot Sizes** shall pay reasonable regard to the existing and surrounding zoning types.
- (8) The **PUD** 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 Lanes** and **Deceleration Lanes**, passing blisters, sight angles, **Crosswalks**, and construction **Requirements**.
- (9) **Vehicle** access and parking within the **PUD** shall be organized to minimize congestion in the neighborhood.
- (10) The proposed **PUD** 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 **Utilities** to install and extend necessary services to accommodate the proposed division of a property.
- (11) The **Petitioner** shall present the final draft of any restrictive **Covenants**.
- (12) Any applicable provisions, rules, restrictions, **Standards**, and conditions imposed by other provisions and Articles of this **Zoning Ordinance** are incorporated by reference as **PUD Requirements** and include but are not limited to the following.
 - (A) **LOTS AND YARD REQUIREMENTS**: provisions as prescribed in the **PUD** District Ordinance which pays reasonable regard to the **Zoning Ordinance**.
 - (B) **STORM WATER STANDARDS**: provisions as prescribed elsewhere in the **Subdivision Control Ordinance**.
 - (C) **GENERAL REGULATIONS**: provisions as prescribed in the **PUD** District Ordinance which pays reasonable regard to the **Zoning Ordinance**.
 - (D) **WELLS COUNTY ORDINANCE FOR FLOOD HAZARD AREAS**
 - (E) **SURVEY STANDARDS** provisions as prescribed elsewhere in the **Subdivision Control Ordinance**.
 - (F) **PERFORMANCE STANDARDS**: provisions as prescribed elsewhere in this **Zoning Ordinance**.
 - (G) **PUBLIC WAYS—ROADS**: provisions as prescribed elsewhere in the **Subdivision Control Ordinance**.
 - (H) **SUBDIVISION CONTROL**: provisions as prescribed elsewhere in the **Subdivision Control Ordinance**.

- 17-08 CONDITIONS AND COMMITMENTS:** At any time before voting and the decision by the Plan Commission, the Petitioner may make or be required to make as a condition of approval written Commitments restricting the Use of or binding the Petitioner to future action as to the real estate that is the subject of the PUD. Any such written Commitments shall be made a part of the written findings of fact. All written Commitments shall be duly recorded, at the Petitioner's expense, in the office of the Recorder of the County in which the subject real estate lies, if the PUD is subsequently adopted by the appropriate legislative body.
- 17-09 RECORDING OR EXPIRATION:** The Petitioner shall present the original copy of the approved Plat with all required certificates with signatures affixed thereon for recording to the Office of the Recorder of the County in which the subject real estate lies. Unless the Plat is duly recorded within ninety (90) days from the date of the approval by the Local Legislative Body for the PUD, the approval of the PUD shall expire and shall be of no effect until subsequently reinstated.
- 17-10 CERTIFICATES:** The following six (6) certificates shall be affixed to the recorded Plat and are available at the office of the Area Planning Department.
- (1) CERTIFICATE OF PUBLIC NOTICE
 - (2) CERTIFICATE OF DEDICATION
 - (3) CERTIFICATE OF ACKNOWLEDGMENT
 - (4) LAND SURVEYOR'S CERTIFICATE
 - (5) CERTIFICATE OF PRIMARY APPROVAL
 - (6) CERTIFICATE OF INTENT TO ACCEPT
- 17-11 CONFLICT OF SECTIONS:** Any restrictions, rules, Standards, and conditions imposed by other sections of this Zoning Ordinance that 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 the Zoning Ordinance, then the provisions of this Article shall be controlling.
- 17-12 PERFORMANCE AND MAINTENANCE BONDS:** Performance and maintenance Bonds and guarantees shall be filed following the Subdivision Control Ordinance.
- 17-13 MODIFICATION OF REQUIREMENTS:**
- (1) Following I.C. 36-7-4-1511(b), any or all Requirements defined in this Article and any or all Requirements incorporated by reference in this Article may be waived by the Plan Commission after hearing evidence and arguments at the public hearing for a PUD if:
 - (A) the modification is justified because of topographic or other special conditions unique to the property involved, in contradistinction to mere inconvenience or financial disadvantage;
 - (B) the modification will not adversely affect the reasonable development of adjacent properties;
 - (C) modification grant will not be detrimental to the public health, safety, and general welfare of the community;
 - (D) the modification does not materially affect the spirit and purpose of this Zoning Ordinance; and
 - (E) the modification is coupled with a written commitment by the Petitioner that alleviates the need for said requirement(s).
 - (2) As a condition for approval, said modification(s) must be approved in writing by the affected Local Legislative Body if the modification(s) affects future or existing public Utilities and Public Ways.
- 17-14 AMENDMENTS:** A PUD Plan may be amended at any time before a decision thereon by the Plan Commission as to non-material matters. Material Amendments are Amendments that substantially change the scope or purpose of the PUD such as to prevent an interested party from receiving proper notice. Material Amendments shall only be approved after proper public notice and hearing.

- 17-15 PLAT COMMITTEE REVIEW:** The Plat Committee shall review all proposed PUDs to make recommendations and answer questions before the hearing before the Plan Commission. Appropriate representatives of the affected Local Legislative Body shall be invited to attend said Plat Committee review meeting.
- 17-16 PUBLIC HEARING:** A PUD District Ordinance may be recommended for approval or disapproval by the appropriate Local Legislative Body after the Public Hearing on the PUD District Ordinance. A recommendation to the Local Legislative Body for approval or disapproval of a PUD District Ordinance shall require a vote by a majority of the members of the Plan Commission. The Public Hearing shall be conducted following this Zoning Ordinance.
- 17-17 ENFORCEMENT:** A Violation of the terms, conditions, Commitments, or restrictions of an approved Subdivision shall be enforced following this Ordinance.
- 17-18 MODIFICATION:** A PUD that has already been approved by the Plan Commission and the appropriate Local Legislative Body may be modified at a later date by complying with the same Procedures required for the original approval of a PUD. However, with a modification, the Plan Commission Director may waive any required drawings, forms, Surveys, or other required accompaniments to the Petition that do not involve directly the requested modification.
- 17-19 VACATING PLAT:** The process for vacating a recorded Plat shall be done following the applicable Indiana Code.
- 17-20 APPEALS:** An Appeal of the decision of any Governing Agency shall be done following this Zoning Ordinance.

ARTICLE 18: DEFINITIONS

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

ACCELERATION LANE: A tapered section of pavement that is located adjacent to the right lane of the traveled portion of a Public Way at the exit access from a Traffic Generator and that is used by Vehicles to obtain the desired speed to merge with the traffic flow of the Public Way.

ACCESSORY STRUCTURE: See STRUCTURE (ACCESSORY).

ACCESSORY STRUCTURE: See USE (ACCESSORY).

ADDITION: The act of adding a portion of an existing Parcel to another existing contiguous Parcel that is located on an existing Public Way.

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

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

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

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

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

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

ANSI/NFPA: Standards for installation of Manufactured Homes as established and copyrighted by the American National Standards Institution / National Fire Protection Association.

ANIMAL, DOMESTIC: A household domestic animal including, but not limited to rabbits, chickens, cats, and dogs that are normally housed within the confines of a residential property. Commercially raised farm livestock, for this Zoning Ordinance, shall not be considered as domestic animals.

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

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

APC: Wells County Area Plan Commission.

APPEAL: A grievance taken, following this Zoning Ordinance and applicable Indiana Code, against an Official Action of a Governing Agency or employee of the Area Planning Department.

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

APPROVAL, PRIMARY: Initial approval from the Plan Commission or Plat Committee for a Petition following the Subdivision Control Ordinance and applicable Indiana Code. AKA PRIMARY APPROVAL

APPROVAL, SECONDARY: Final approval is given by the designated Secondary Approval official following the Subdivision Control Ordinance and applicable Indiana Code. AKA SECONDARY APPROVAL

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

ARTERIAL PUBLIC WAY: See Public Way, Arterial.

ASPHALT MANUFACTURING FACILITY: A Parcel of land and Structure Used to store raw materials for the Manufacturing of asphalt, to manufacture asphalt, and to store asphalt products.

AUTOMOBILE SALES AND SERVICE: Any sales or service of automobiles, trucks, motorcycles, ATVs, or any motorized Vehicles.

AUTOMOBILE AND/OR TRUCK BODY REPAIR GARAGES: A Structure where automobiles or trucks are fixed, painted, or refurbished.

BANK / CREDIT UNION: A Structure Used as a bank or credit union.

BASEMENT: A story having more than fifty percent (50%) of its clear Height below the normal topography.

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. It 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 to support the energy needs of the electric grid.

BOARD OR COMMITTEE PRESIDENT: An appointed position by the governing body created and given Jurisdiction by this Zoning Ordinance and applicable Indiana Code. AKA BOARD PRESIDENT, COMMITTEE PRESIDENT, or PRESIDENT

BOARD OR COMMITTEE SECRETARY: An appointed position by the governing body created and given Jurisdiction by this Zoning Ordinance and applicable Indiana Code. AKA BOARD SECRETARY, COMMITTEE SECRETARY, or SECRETARY

BOARD OR COMMITTEE VICE PRESIDENT: An appointed position by the governing body created and given Jurisdiction by this Zoning Ordinance and applicable Indiana Code. AKA BOARD VICE PRESIDENT, COMMITTEE VICE PRESIDENT, or VICE PRESIDENT

~~**BOARD OF ZONING APPEALS:** The Wells County Board of Zoning Appeals.~~

BOARDING HOUSE: A residential used as a substitute home providing foster care for orphans, delinquents, handicapped persons, or others with special needs.

BOND: Any evidence of indebtedness payable to a Local Legislative Body and the Plan Commission to issue the installation, performance, and longevity of improvements which will be accepted by the Local Legislative Body.

BREWERY: A facility for the brewing of beer or mead that produces greater than 15,000 barrels per year. It may often include a tasting room, event space, and retail space to sell the beer or mead and related items to patrons on-site.

BREWERY, MICRO: A facility for the brewing of beer or mead that produces less than or equal to 15,000 barrels per year. It may often include a tasting room, event space, and retail space to sell the beer or mead and related items to patrons on-site. AKA MICRO BREWERY

BULK FUEL STORAGE, PRIVATE: A commercial, industrial, or agricultural Parcel of land containing tanks or facilities suitable for the storage of flammable products, materials, or flammable compressed gas, where the fuel is used directly by the landowner or their tenant and not for commercial sale purposes. AKA PRIVATE BULK FUEL STORAGE

BULK FUEL STORAGE, COMMERCIAL: A commercial, industrial, or agricultural Parcel of land containing tanks or facilities suitable for the storage of flammable products, materials, or flammable compressed gas, where the fuel is used for commercial sale purposes. AKA COMECIAL BULK FUEL STORAGE

BULK FUEL STORAGE, RESIDENTIAL: A residential Parcel of land containing tanks or facilities suitable for storage of flammable products, materials, or flammable compressed gas, where the fuel is used directly by the landowner or their tenant and not for commercial sale purposes. AKA RESIDENTIAL BULK FUEL STORAGE

~~**BZA:** Wells County Board of Zoning Appeals.~~

~~**CAFO:** See Concentrated Animal Feeding Operation.~~

CAR WASH: A Parcel of land or Structure containing equipment for washing the interior or exterior of cars or other Vehicles. This definition includes automotive detailing shops.

CEMETERIES: A Parcel of land or Structure used for the burial of humans and/or animals.

CHURCH: A Parcel of land or Structure used to conduct religious services.

CITY: An incorporated governmental unit with sufficient population to be accorded the status of "city" under Indiana Law. AKA CITIES

CLINIC, MEDICAL: Any establishment where human patients are examined and treated by doctors or dentists but not Hospitalized overnight; a medical or dental facility where medical or dental apparatuses are made and/or fitted on the premises. AKA MEDICAL CLINIC

CLUB: An establishment operated for social, recreational, or educational purposes but open only to members and their guests, but and not regularly to the general public.

~~**COLLECTOR PUBLIC WAY:** See PUBLIC WAY (COLLECTOR).~~

COLLEGE BUILDINGS AND GROUNDS: A post-high school educational facility for students, whether domiciled in dorms, Fraternity houses, Sorority, or off-campus.

COMBINE The act of Deeding together two (2) existing Parcels into one (1) or more Parcels which are located on an existing Public Way.

~~**COMMERCIAL RECREATION:** Recreational activities operated for pecuniary gain.~~

~~**COMMERCIAL SCHOOLS:** A structure for housing a school or educational facility that derives its remuneration from the student.~~

COMMITMENTS: A written promise or guarantee is given by a Petitioner to the Plan Commission or Board of Zoning Appeals as a condition for approval of a petition.

COMMITTEE: Special purpose group appointed by the Plan Commission following this Zoning Ordinance and applicable Indiana Code.

COMMON NUISANCE: Any Structure or Use that violates this Zoning Ordinance.

Text: This text is a defined word in ARTICLE 18: DEFINITIONS Amendment Style: New Text Removed Text

COMMUNICATION TOWER: A Communication Tower is a tower or other device used to broadcast, receive, transmit, repeat, or disseminate electronic signals for communication. This section includes towers that fall under IC 36-7-5.2, Regulations of Amateur Radio Preemption, or any amendments thereto.

COMMUNITY GARDEN: A private or public facility for cultivating fruits, flowers, vegetables, or ornamental plants by more than one person or family. A Community Garden can include both outdoor and indoor operations.

COMPREHENSIVE PLAN: The most recent Comprehensive Plan of Wells County which is on file with the Wells County Recorder and the Area Planning Department and which is a separate document from the Zoning Ordinance.

CONCENTRATED ANIMAL CONFINED FEEDING OPERATION: As defined by 327 I.A.C. 5-4-3, a Lot or facility, other than an aquatic animal production facility, that exceeds a certain number, as established by state law, of individual animals and where (1) those animals have been, are, or will be stabled or confined and fed or maintained for a total of at least forty-five (45) days in any twelve (12) month period and (2) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over at least fifty percent (50%) of the Lot or facility. For this ordinance, this definition will also include both onsite and satellite manure storage facilities. **AKA CFO**

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

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

CONFLICT OF INTEREST: Any time a member of a Governing Agency or employee of the Area Planning Department has direct or indirect financial ties to a Petition submitted to the Area Planning Department.

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

CONTOUR INTERVAL: The vertical distance between contour lines.

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

CONVENIENCE STORE: A Retail Business selling such items as candy, grocery items, pop, sundries, hardware, and pharmaceuticals in conjunction with gasoline, oil, and automotive products, but that does not provide for the service or repair of Vehicles.

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

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

COVENANTS: Limitation on the usage of Lots within a Subdivision in various ways proposed by the Subdivider and recorded with the Plat. **AKA RESTRICTIVE COVENANTS**

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

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

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

CROSSWALK: A designated portion of a public Right-Of-Way that crosses a public Right-Of-Way to furnish access for pedestrians to adjacent Public Ways or properties.

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

DATA CENTER: A data center is a Structure or a grouping of Structures that houses computer systems and associated components for building, running, and delivering applications and services. It also stores and manages the data associated with those applications and services.

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

DECELERATION LANE: A tapered section of pavement that is located adjacent to the right lane of the traveled portion of a Public Way and that is used by Vehicles to reduce their speed for a turn onto entrance access to a Traffic Generator.

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

DEED: A legal document acting as the Vehicle for the sale and purchase of parcels or Lots.

DEVELOPMENT PLAN: A specific plan for the development of real property per IC 36-7-4-1400 series

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

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

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

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

DRIVE-IN THEATER: An outdoor area and associated Structures where the public drive-in customers can view films or theatrical events.

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

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

DWELLING, ACCESSORY: A residential dwelling located on a property with a pre-existing residential dwelling that is located in a pre-existing or newly constructed Accessory Structure. There shall only be one (1) Accessory Dwelling per Parcel. **AKA ACCESSORY DWELLING**

DWELLING, CENTRAL BUSINESS DISTRICT UNIT: One or more residential Dwelling Unit(s) in a Structure but are not located on the first floor, ground level, or in the Basement. **AKA CENTRAL BUSINESS DISTRICT DWELLING**

DWELLING, CONDOMINIUM: Individual ownership of a single unit in a multi-unit Structure or complex of Structures as defined in the Indiana Horizontal Property Regime Law and amendments thereto. **AKA CONDOMINIUM DWELLING**

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

DWELLING, MULTIPLE-FAMILY: A residential Structure designed for five (5) or more families. **AKA MULTIPLE-FAMILY DWELLING**

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

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

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

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

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

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

ENCLOSED MORTALITY COMPOSTING: A self-contained roofed Structure with walls on 3 of the 4 sides with a gated entrance to be used for mortality composting in conjunction with a confined animal feeding operation.

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

ENFORCEMENT OFFICER: The enforcement officer is the position granted authority by the Zoning Ordinance and Subdivision Control Ordinances to enforce their Requirements per the Zoning Ordinance, Subdivision Control Ordinances, and Indiana Code.

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

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

ENTERTAINMENT ESTABLISHMENT: Any establishment (indoors or outdoors) where entertainment, either passive or active, is provided for the pleasure of the patrons, either independent or in conjunction with any other use. Such entertainment includes but is not limited to vocal and instrumental music, dancing, karaoke, comedy, and acting.

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

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

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

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

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

EXISTING GRADE: The vertical and horizontal location of the existing ground surface before Excavation or filling.

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

FAMILY: One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a Boarding House, lodging house, Club, Fraternity, Sorority, Hotel, or Motel.

FAMILY, IMMEDIATE: A person's parents, siblings, spouse, and children AKA IMMEDIATE FAMILY

FARM IMPLEMENTS SALES, SERVICE, AND REPAIR: A business, Parcel of land, or Structure where farm equipment is sold, serviced, or repaired.

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

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

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

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

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

FILING: The act of delivering all the required documentation and Fees to the office of the Area Planning Department to Petition the applicable Governing Agency for an Official Action.

FILL Any material used to build up the ground surface or alter the Existing Grade.

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

FLOOR AREA OF A STRUCTURE: The Floor Area is the area as measured by the length and width of the Structure. Each floor, including the Basement, shall be a separate floor area.

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

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

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

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

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

FRONT YARD: See YARD (FRONT).

FRONTAGE: See road Public Way FRONTAGE.

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

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

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

GOLF COURSE: A Parcel of land that is so landscaped and designed for the game of golf, including all Structures necessary for the operation of a Golf Course, such as clubhouses and maintenance Structures.

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

GOVERNMENT FACILITY: A community Structure or use including but not limited to community centers, fire stations, police stations, EMS stations, 911 Facilities, jails, libraries, street departments, highway departments, utility departments, or any government buildings.

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

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

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

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

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

GROUND COVER: ~~Grasses or other plants grown to protect soil from wind or water Erosion.~~

Text: This text is a defined word in ARTICLE 18: DEFINITIONS Amendment Style: New Text ~~Removed Text~~

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

HARD SURFACE: Any surface such as a roof, concrete, asphalt, or stone that restricts the ability of water to penetrate the ground. To calculate Hard Surface, sidewalks and walk paths that have a pervious surface on two opposite sides should not be counted towards the total amount of Hard Surface. **AKA IMPERVIOUS SURFACE**

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

HEARING, PUBLIC: A meeting of the Plan Commission or the Board of Zoning Appeals that has applicable notification Standards and is following the Governing Agency's rules of Procedure and applicable Indiana Code. **AKA PUBLIC HEARING**

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

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

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

HOME OCCUPATION: An occupation carried on in (1) a Dwelling Unit of a Primary Structure which is incidental and secondary to the Use for dwelling purposes and does not change the character of the unit as a dwelling or (2) an Accessory Structure located in an Agricultural 1 (A-1) area only. An office primarily used for bookkeeping purposes shall not be considered a Home Occupation under this Zoning Ordinance.

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

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

HOTELS AND MOTELS: A Structure designed for temporary commercial lodging. **AKA HOTEL or MOTEL**

IMPROVEMENT LOCATION PERMIT: A permit issued by the office of the Plan Commission before any Structure or Pond in any Zoning District may be constructed, reconstructed, moved, enlarged, or structurally altered.

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

INDIANA CODE: Indiana State Law which oversees the creation and Requirements of this Zoning Ordinance. **AKAK I.C.**

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

INFRASTRUCTURE: The fundamental facilities and systems serving counties, Cities, and Towns.

INTERSTATE PUBLIC WAY: ~~See Public Way, Interstate.~~

JUNK: 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 or being dismantled located in the yard of a property is considered Junk. Yard is to be defined for this definition as the area of the property located outside of the Structures on the property.

JUNKYARD: Any place where Junk, waste, discarded, or salvaged materials are bought, exchanged, sold, stored, baled, packed, disassembled, or handled, including an automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment or used or salvaged materials as a part of a Manufacturing operations. Any site in which Vehicles are cannibalized shall be determined to be a Junkyard.

JURISDICTION: The area designated by the local legislative bodies is to be governed by this Zoning Ordinance.

KENNEL: A Structure, Parcel of land, or portion thereof on which more than four (4) dogs, cats or other household Domestic Animals over four (4) months of age are maintained, boarded, bred, or cared for in return for remuneration or are kept for sale.

LAND SURVEYOR: A Land Surveyor licensed in compliance with the laws of the State of Indiana.

LANDSCAPING: The location and design of grass, shrubs, and trees placed deliberately on a Parcel or Lot. Landscaping shall also include decretive elevation changes.

LEGAL ACCESS: An access to a Parcel of land from a Public Way.

LEGAL DESCRIPTION: A description recognized by law that describes property by references to government Surveys, coordinated systems, or recorded maps and is sufficient to locate the property without oral testimony.

LEGAL DRAIN: An open or a tiled ditch, as defined by the Indiana Statute, which the provisions of that statute make subject to the jurisdiction and control of the Wells County Drainage Board.

LEGISLATIVE BODY: See LOCAL LEGISLATIVE BODY.

LIVING SPACE: The area of a residential dwelling used for human habitation.

LIVESTOCK AUCTION AND STOCKYARD: A Parcel of land or Structure for the housing and sale of animals for marketing purposes whether for slaughter or sale for feeding purposes.

LOCAL FISCAL BODY: The fiscal body of an incorporated Town, City, or county of Wells County.

LOCAL LEGISLATIVE BODY: The legislative body of an incorporated Town, City, or county of Wells County.

LOCAL ROADS PUBLIC WAY: See PUBLIC WAY (LOCAL) Public Way, Local Roads.

LOCATION MAP: A map depicting the location of a Petition and showing landmarks, City or Town names, and major Public Ways.

LOT: A portion of a Subdivision or other land intended as a unit for transfer of ownership.

LOT AREA SIZE: The square footage or acreage of a Lot.

MACHINE OR WELDING SHOP: A Structure where equipment may be built, rebuilt, or repaired on site.

MAJOR COLLECTOR PUBLIC WAY: See Public Way, Major Collector.

MANUFACTURED HOME: A factory-built Single-Family Dwelling that conforms to the federal government's Manufactured Home Construction and Safety Standards Act (the HUD Code), is built on a non-removable steel chassis, and is transported to the building site on its wheels. AKA MOBILE HOME

MANUFACTURED HOME COMMUNITY (PARK): A Parcel of land on which five (5) or more Manufactured Home or Mobile Homes are occupied as residences following this Zoning Ordinance. AKA MOBILE HOME PARK

MANUFACTURED HOME SUBDIVISION: A Parcel of land platted for a Subdivision according to all Requirements of this Zoning Ordinance and designed or intended for Lots to be conveyed by Deed to individual Owners for residential occupancy primarily by Manufactured Homes.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY ACT (HUD CODE): Rules and regulations adopted and governed by the U.S. Department of Housing and Urban Development (HUD) and regulations and interpretations of said code by the Indiana Department of Fire Prevention and Building Safety; all of which became effective for mobile/Manufactured Home construction on June 15, 1976. AKA HUD CODE

MANUFACTURING: The process and converting of raw, unfinished, or finished materials or products or any of these into a different character or for use for a different purpose; also industries furnishing labor in the case of Manufacturing or refinishing of manufactured articles.

MANUFACTURING, HEAVY: The Manufacturing, processing, assembling, fabrication, or repairing of any materials which may produce such Objectionable Noise, vibration, electrical disturbance, air pollution, water pollution, heat, glare, waste matter, odor, or fire hazard to neighboring property. There may also be the outside storage of raw materials, processed materials, recycled materials, and manufactured goods. Furthermore, there may be Manufacturing operations that occur outside of a Structure. AKA HEAVY MANUFACTURING

MANUFACTURING, LIGHT: The Manufacturing, processing, assembling, fabrication, or repairing of any materials or products where no continuous process involved will produce Objectionable Noise, vibration, electrical disturbance, air pollution, water pollution, heat, glare, waste matter, odor, or fire hazard which will disturb or endanger any neighboring property. There also may be the outside storage of processed materials and manufactured goods. The Manufacturing process shall fully occur within a Structure. AKA LIGHT MANUFACTURING

MANURE LAGOON: A natural or artificial pool or Pond, existing or newly constructed, for storage/treatment of excrement, especially of animals, or other refuse used as fertilizer.

MANURE LAGOON, SATELLITE: A Manure Lagoon not located on the same Parcel as an existing animal feeding operation. AKA SATELLITE MANURE LAGOON

MALL OR SHOPPING CENTER: A group of not less than five (5) continuous retail stores, originally planned and developed as a single unit, having a total ground Floor Area of not less than sixty thousand (60,000) square feet with immediate adjoining off-~~street~~ Public Way parking facilities.

MEETING MINUTES: A written document summarizing the hearing of a Governing Agency created following this Zoning Ordinance and applicable Indiana Code.

MINERAL EXCAVATION: The mining of stone, gravel, ore, oil, gas, and similar materials by drilling, Excavation, or underground mining.

MINOR ARTERIAL PUBLIC WAY: See Public Way, Minor Arterial.

MINOR COLLECTOR PUBLIC WAY: See Public Way, Minor Collector.

MOBILE HOME: By federal law, a factory built dwelling built before June 15, 1976, to standards other than the HUD Code and acceptable under applicable state codes in effect at the time of construction or introduction of the Manufactured Home into the state. The term is often used interchangeably with "Manufactured Home."

MOBILE HOME PARK: See MANUFACTURED HOME COMMUNITY.

MONUMENT: See SURVEY MONUMENT.

MUNICIPAL BUILDING: A structure housing a Local Legislative Body office or a non-commercial public use, including police, fire, and utility Structures.

NATURE PRESERVE OR RESERVE: A Parcel of land used for the preservation of game or vegetation by either public or private organizations.

NATURAL RESOURCES: The Indiana Department of Natural Resources.

NO ACCESS NOTATION: A strip of land adjacent to a Public Way that is denied access to said Public Way.

NON-COMMERCIAL RECREATION: A park or playground with recreational equipment and facilities where there is no charge or donation for the use of such grounds, equipment, or facilities.

NON-CONFORMING STRUCTURE: See STRUCTURE (NON-CONFORMING).

NON-CONFORMING USE: See USE (NON-CONFORMING).

NOISE, AMBIENT: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any alleged Objectionable Noise. In this context, the Ambient Noise level constitutes the normal or existing level of environmental noise at a given location. **AKA AMBIENT NOISE**

NOISE, OBJECTIONABLE: A noise created from an industrial Use that is greater than ten (10) dB(A) (Decibels A-weighted) above the Ambient Noise level as measured at neighboring non-industrial Zoned areas. This does not include noises that are required to be compliant with safety regulations, such as backup alarms. This does not include noises from vehicles coming and going from the industrial Use. **AKA OBJECTIONABLE NOISE**

NURSERY SCHOOL: A Structure used for non-overnight accommodation for pre-school children.

NURSING HOME: A Structure to provide care where food, lodging, medical care, physical therapy, and physical rehabilitation services are provided for aged and infirm people.

OCCUPIED SPACE: The total area of earth horizontally covered by the structure, excluding Accessory Structures, such as, but not limited to, garages, concrete patios, and porches.

OFF-STREET PUBLIC WAY PARKING: Parking Spaces that are not located on any public Right-Of-Way.

OFFICE COMPLEX: A Structure where services are rendered to the public including the directing headquarters of an enterprise or organization comprised of individual offices.

OFFICE, PROFESSIONAL: A Structure where services are rendered to the public by a licensed professional, including but not limited to doctors, attorneys, and dentists.

OFFICIAL ACTION: A vote to approve or disapprove any Petition following this Zoning Ordinance and applicable Indiana Code.

OWNER: Any individual, firm, association, syndicate, co-partnership, or corporation having proprietary interests in a Parcel of land.

PARCEL: A legally defined and recognized piece of real estate.

PARCEL (PRIMARY): shall be defined as a Tract of land recorded as of January 1, 1971. **AKA PRIMARY PARCEL**

PARKING LOT: An open area other than a Public Way for the parking of Vehicles and available for public or employee parking Use whether for compensation or as an accommodation for clients or customers.

PARKING SPACE: An area designated for the parking of a single Vehicle.

PATIO: A recreation area that adjoins a dwelling at grade level.

PERMANENT FOUNDATION: Any structural system made of concrete blocks, poured cement, or treated wood and capable of transposing loads from the walls of a Structure to the ground to a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

PERMANENT PERIMETER ENCLOSURE: A structural system completely enclosing the space between the floor joists of the Structure and the ground.

PERSON: An individual, firm, partnership, corporation, company, association, joint-stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other legal representative.

PERSONAL AND PROFESSIONAL SERVICE: A service rendered to the public by a professional licensed by the State of Indiana or other governmental licensing agency or division.

PETITION: The Filing of an applicable request to a Governing Agency for Official Action as described in this Zoning Ordinance.

PETITIONER: The Parcel or Lot Owner who is requesting Official Action by a Governing Agency of the Area Planning Department.

PLANNED UNIT DEVELOPMENT (PUD): A development that allows for flexibility of design of Subdividing real estate as permitted by this Zoning Ordinance and applicable Indiana Code. **AKA PUD**

PLAT: An Improvement Location Survey that contains all the applicable Requirements following this Zoning Ordinance and Subdivision Control Ordinance for the development or Subdivision of land and that is intended to be filed for record.

PLAT COMMITTEE: A Committee appointed by the Plan Commission to review Development Plans and Subdivisions and approve Sell-Offs, Combines, and Additions. **AKA WELLS COUNTY PLAT COMMITTEE**

PLAN COMMISSION: The Wells County Area Plan Commission.

POND: A body of water that is considered a Structure that shall be used for recreation, irrigation, retention, or detention in a stormwater drainage system as permitted by and following this Zoning Ordinance. A Pond Structure includes any elevation changes created because of the Excavation and moving soil.

POWER PLANT: A plant, including engines, dynamos, etc., and the building or buildings necessary for the generation of electricity. The power plant definition would include small modular reactors (SMR) and other types of power plants that the factory built.

PRESIDENT (BOARD OR COMMITTEE): See Board Or Committee President.

PRIMARY PARCEL: See PARCEL (PRIMARY).

Text: This text is a defined word in ARTICLE 18: DEFINITIONS Amendment Style: New Text Removed Text

PRIMARY OR PRINCIPAL STRUCTURE: See STRUCTURE (PRIMARY).

PRINT SHOPS: A commercial operation that requires the use of printing presses or the contemporary equivalent.

PROCEDURE: A specific set of regulations describing the Filing regulations and hearing guidelines for a Petition following this Zoning Ordinance.

PUBLIC PARKS AND PLAYGROUND: A parcel of land maintained and used by a Local Legislative Body for recreational uses.

PUBLIC PLACE: Any Parcel of land or Structure owned by a Federal, State, County, or Municipal government or a political subdivision.

PUBLIC TRANSPORTATION TERMINAL: A business or location that provides for the embarkation or disembarkation of passengers from a paid transportation service, such as buses or taxis.

PUBLIC WAY: A dedicated Right-Of-Way for vehicular movement, location of Utilities, and placement of other necessary appurtenances for urban development.

PUBLIC WAY, INTERSTATE: A Public Way that meets the definition of interstate in the most recent Federal Highways Administration's functional classification concepts, criteria, and procedure document. Public Ways designated on our most recent functional classification map as urban or rural interstate are determined to meet this criteria. AKA INTERSTATE PUBLIC WAY or INTERSTATE

PUBLIC WAY, OTHER FREEWAY: A Public Way that meets the definition of freeway in the most recent Federal Highways Administration's functional classification concepts, criteria, and procedure document. Public Ways designated on our most recent functional classification map as urban or rural freeways are determined to meet this criteria. AKA OTHER FREEWAY PUBLIC WAY or OTHER FREEWAY

PUBLIC WAY, OTHER EXPRESSWAY: A Public Way that meets the definition of expressway in the most recent Federal Highways Administration's functional classification concepts, criteria, and procedure document. Public Ways designated on our most recent functional classification map as urban or rural expressways are determined to meet this criteria. AKA OTHER EXPRESSWAY PUBLIC WAY or OTHER EXPRESSWAY

PUBLIC WAY, OTHER PRINCIPAL ARTERIAL: A Public Way that meets the definition of other principal arterial in the most recent Federal Highways Administration's functional classification concepts, criteria, and procedure document. Public Ways designated on our most recent functional classification map as urban or rural other principal arterial are determined to meet this criteria. AKA OTHER PRINCIPAL ARTERIAL PUBLIC WAY or OTHER PRINCIPAL ARTERIAL

PUBLIC WAY, MINOR ARTERIAL: A Public Way that meets the definition of minor arterial in the most recent Federal Highways Administration's functional classification concepts, criteria, and procedure document. Public Ways designated on our most recent functional classification map as urban or rural minor arterial are determined to meet this criteria. AKA MINOR ARTERIAL PUBLIC WAY or MINOR ARTERIAL

PUBLIC WAY, MAJOR COLLECTOR: A Public Way that meets the definition of major collector in the most recent Federal Highways Administration's functional classification concepts, criteria, and procedure document. Public Ways designated on our most recent functional classification map as urban or rural major collector are determined to meet this criteria. AKA MAJOR COLLECTOR PUBLIC WAY or MAJOR COLLECTOR

PUBLIC WAY, MINOR COLLECTOR: A Public Way that meets the definition of minor collector in the most recent Federal Highways Administration's functional classification concepts, criteria, and procedure document. Public Ways designated on our most recent functional classification map as urban or rural minor collector are determined to meet this criteria. AKA MINOR COLLECTOR PUBLIC WAY or MINOR COLLECTOR

PUBLIC WAY, LOCAL ROADS: A Public Way that meets the definition of local roads in the most recent Federal Highways Administration's functional classification concepts, criteria, and procedure document. Public Ways designated on our most recent functional classification map as urban or rural local roads are determined to meet this criteria. AKA LOCAL ROADS PUBLIC WAY or LOCAL ROADS

PUBLIC WAY, ALLEY: A Public Way providing secondary means of access to abutting lands. AKA ALLEY PUBLIC WAY or ALLEY.

PUD: See PLANNED UNIT DEVELOPMENT.

REAR YARD: See YARD (REAR).

RACETRACK: A facility consisting of a paved, gravel, turf, or dirt raceway used primarily for the sports of automobile or animal racing. A racetrack may include seating, concession areas, accessory offices, suites, and parking facilities but does not include residences or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, "shakedown" tracks, or other similar facilities) but which does not include seating, concession areas, or retail facilities for the general public.

RECREATION, COMMERCIAL: A park or facility with recreational equipment and facilities where there is a charge or donation for the use of such grounds, equipment, or facilities.

RECREATION, PUBLIC: A park, playground, or facility with recreational equipment and facilities operated by a Local Legislative Body for recreational uses.

RECREATIONAL VEHICLE: A portable vehicular Structure designed for travel, recreation, camping, or vacation purposes, either having its motor power or mounted onto or driven by any other Vehicle and including, but not limited to, travel and camping trailers, truck campers, and motor homes. AKA RV

RECREATION ~~AL~~ VEHICLE PARK: A Parcel of land used for the commercial parking of two (2) or more Recreational Vehicles.

RECYCLING COLLECTION POINT (PERMANENT): A Parcel of land and/or Structure that is used for the collection of recyclables permanently.

RECYCLING COLLECTION POINT (TEMPORARY): A Parcel of land and/or Structure that is used for the collection of recyclables periodically by a not-for-profit organization, a fraternal group, a School district, or a Church group.

REGULATED DRAIN: An open or a tiled ditch, as defined by the Indiana Statute, which the provisions of that statute make subject to the Jurisdiction and control of the Wells County Drainage Board.

REQUIREMENTS: Specific rules, Procedures, and STANDARDS set forth by this Zoning Ordinance and the minimum STANDARDS of applicable Indiana Code.

RESEARCH AND TESTING LABORATORY: A Structure or Parcel of land for experimentation of products, chemicals, or grains for the private or public benefit.

RESTAURANT: A retail business for the preparation of food for sale to the public. A Structure or Use where food and beverages are sold, prepared, and served to the public.

RESTRICTIVE COVENANTS: See COVENANTS.

RETAIL BUSINESS: A Structure open to the public for the retail sales of merchandise or personal property and services.

RETIREMENT HOME: A Structure designed for the housing of elderly and/or retired people.

REZONING: Following this Zoning Ordinance and applicable Indiana Code, the changing of the Zoning District is defined as a Lot or Parcel. AKA REZONED

RIDING STABLE: A Structure or Parcel of land where horses are kept for riding and boarding purposes.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a Public Way, pedestrian way, Crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or sewer main, special Landscaping, drainage Swale, or other special Uses.

~~ROAD~~ PUBLIC WAY FRONTAGE: The width of a Lot measured along a continuous and straight line connecting the side Lot lines at a point where said side Lot lines intersect the Right-Of-Way line of a street, road, or highway Public Way from which such Lot has Legal Access. AKA FRONTAGE

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

SCHOOL (PUBLIC OR PAROCHIAL): A Parcel or Structure used for the public or private education of students.

SECRETARY (BOARD OR COMMITTEE): See Board Or Committee Secretary.

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

SELF-SERVICE LAUNDRY FACILITY: A business that offers the cleaning or laundering of clothing or cloth fabric on a self-service basis. This definition is not meant to regulate private laundry facilities for tenants of Single-Family Dwellings, Two-Family Dwellings, Three-Family Dwellings, Four-Family Dwellings, Condominium Dwellings, Supervised Homes, Group Homes, or Multiple-Family Dwellings even if the laundry facility is in a common location for multiple units.

SELL-OFF: A Minor Subdivision of property from a Primary Parcel which is located on an existing Public Way, has occurred after January 1, 1971, and is filed with the Plan Commission. AKA MINOR SUBDIVISION

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

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

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

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

SHELTER BELT: A Shelter Belt shall be defined as trees, shrubs, and earthen berm that must reach a cumulative Height of six (6) feet before the startup of operation. A minimum of two rows of trees and shrubs, of fast and/or slow-growing species, shall be needed.

SIDE YARD: See YARD, SIDE.

SIGN: A name, identification, description, display, or illustration that is affixed directly or indirectly to a Structure or Parcel of land and which directs attention to an object, product, place, Person, institution, organization, or business.

SIGHT ANGLES OR SIGHT TRIANGLES: Regulations ensuring an area of unobstructed vision at Public Way intersections or the egress/ingress points from a Parcel onto a Public Way.

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

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

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

SOLAR ENERGY FACILITY, LARGE: Any free-standing solar array or solar arrays that have a combined nameplate power rated capacity of more than 10 MW (megawatts) of peak generating capacity. **AKA LARGE SOLAR ENERGY SYSTEM**

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

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

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

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

SPECIAL EXCEPTION EXEMPTION: A Use or Structure requiring Official Action from the Board of Zoning Appeals to be permitted.

SPOT ZONING: The process of singling out a single Parcel of land for a Use classification different from that of the surrounding area. The extension or expansion of an adjacent area of a zoning classification shall not be construed as Spot Zoning.

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

STORM SEWER: A storm water collection system and underground lines controlled privately, by the Wells County Drainage Board, or by a Local Legislative Body and used to collect and carry surface water away from an area.

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

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

STREAM CAPACITY: ~~The maximum amount of material a stream can transport.~~

STRUCTURE: Anything constructed or erected on location or otherwise, the Use of which requires a fixed location on the ground, including, but not limited to, additions to Structures, carports, wood Decks, porches, swimming pools, Ponds, radio and television and Communication Towers, WECS Projects, and other building features but not including sidewalks, drives, Fences, uncovered concrete Patios, satellite dishes, and private television towers for residences.

STRUCTURE, GENERAL ACCESSORY: A Structure incidental and subordinate to the Principal Structure and located on the same Parcel of real estate as the Primary Structure, including, but not limited to a pool, Deck, carport, gazebo, shed, garage, barn. **AKA ACCESSORY STRUCTURE or ACCESSORY STRUCTURE GENERAL**

STRUCTURE, RESIDENTIAL ACCESSORY: A Structure incidental and subordinate to the Principal Structure and located on the same Parcel of real estate as the Primary Structure, including, but not limited to a pool, Deck, carport, gazebo, shed, garage, barn. This Structure shall have a footprint of less than or equal to 1,500 square feet. This Structure shall not be taller than the tallest point of the Principal Structure on the same property or the Principal Structure on a contiguous neighbor's property. Contiguous neighbor shall be defined as the next property located north, northeast, east, southeast, south, southwest, west, or northwest of the property being developed. **AKA ACCESSORY STRUCTURE or ACCESSORY STRUCTURE RESIDENTIAL**

STRUCTURE, NON-CONFORMING: A Structure designed, converted, or adapted for Use before the adoption of this Zoning Ordinance and not conforming to the provisions of this Zoning Ordinance. **AKA NON-CONFORMING STRUCTURE**

STRUCTURE, PRIMARY: A Structure used to contain the Primary Use of a Parcel of land. **AKA PRIMARY STRUCTURE or PRINCIPAL STRUCTURE**

SUBDIVIDER: Any Person who undertakes the Subdividing of land as defined herein.

SUBDIVIDING: The Subdividing of real estate into two or more new Parcels or Lots.

SUBDIVISION: The Subdividing of real estate by way of Major Subdivision or Minor Subdivision into Lots, Parcels, or interests as permitted by this Subdivision Control Ordinance.

SUDVISION, MAJOR: A Major Subdivision is defined as a division of property on a new Public Way or does not meet the standards for a Minor Subdivision. **AKA MAJOR SUBDIVISION**

SUBDIVISION, MINOR: A Minor Subdivision of property from a Primary Parcel which is located on an existing Public Way, has occurred after January 1, 1971, and is filed with the Plan Commission. **AKA SELL-OFF**

SUBDIVISION BENCHMARK: ~~A monument placed within a Subdivision by a registered Land Surveyor and denoting the boundaries and elevation of said Subdivision.~~

SUBDIVISION CONTROL ORDINANCE: The Subdivision Control Ordinance legislates the Subdividing of land.

SUBSURFACE DRAINAGE: A system of pipes, tiles, conduits, or tubing installed beneath the ground surface and used to collect groundwater from individual Parcels, Lots, Subdivisions, or building footings to an outlet of sufficient size to handle the expected volume of water.

SUPERVISED HOMES: A Single-Family Dwelling for the housing of people not related by blood or law, and under the custody, control, tutelage, supervision, or authority of any legal entity.

SUPPLY YARD: A commercial establishment storing or offering for sale wholesale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. A Supply Yard does not include the wrecking, salvage, cannibalizing, dismantling, or storing of automobiles or similar Vehicles.

SURFACE DRAINAGE: A system by which the storm water run-off is routed to an outlet of sufficient size to handle the expected volume of water. This would include the proper Grading of Parking Lots, Public Ways, driveways, Yards, etc. so that storm water runoff is removed without pounding and flows to a Subsurface Drainage, drainage Swale, open ditch, or Storm Sewer of sufficient size to handle the anticipated volume of water.

SURVEY: A map of a Parcel of land showing, but not limited to, features, Contours, and boundaries of that Parcel.

SURVEY BOUNDARY: A Survey showing the exterior boundaries of a Parcel of land.

SURVEY GRADE: Survey information obtained and monumented that meets the minimum Standards for precision and accuracy as prescribed by local, state, and federal agencies.

SURVEY MONUMENT: A physical structure that marks the location of a corner or other Survey point. AKA **MONUMENT**

SWALE: A linear, shallow depression in the ground surface that conveys drainage water but offers no impediment to traffic.

SWIMMING POOL, COMMERCIAL: A swimming facility used for pecuniary gain or in connection with a commercial establishment.

TANK BULK STORAGE: A cylindrical Structure for the bulk storage of dangerous and/or noxious liquids and/or compressed gasses. However, the storage of compressed gasses and/or liquids as an integral part of the service rendered by a Medical Clinic or Hospital or for the storage of fuels used for heating purposes, but not for resale shall not be considered bulk storage tanks for zoning purposes.

TEMPORARY SIGN: A Sign that serves as a short-term solution for advertisement and can be both easily erected and removed from its location. The Director shall be the one to determine if the Sign shall be considered temporary or permanent.

TEMPORARY STRUCTURE: A Structure that serves as a short-term solution for storage, workspace, or other similar activities.

THEATER: A Structure used for the viewing of films or theatrical events by the public.

THOROUGHFARE: The entire Right-Of-Way for public Use of a Public Way or Public Place that is included in the Thoroughfare Plan of a unit and all surface and subsurface improvements on said Right-Of-Way such as sidewalks, curbs, shoulders, and utility lines and mains.

THOROUGHFARE PLAN, OFFICIAL: The part of the Wells County Comprehensive Plan, now or hereafter adopted, which includes a major Public Way and highway plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed Public Ways, highways, and other Thoroughfares. **AKA** **THOROUGHFARE PLAN and OFFICIAL THOROUGHFARE PLAN**

TOWN: An incorporated governmental unit with sufficient population to be accorded the status of "Town" under Indiana Law.

TRACT: shall be defined as a unit of real property with a separately defined Legal Description within a Deed.

TRAFFIC CONTROL SIGN (PUBLIC): A Sign placed by a government agency to give motorists information about laws, warnings, street Public Way names, destinations, distances, and other similar items, **or a A Sign placed by a private entity to give motorists information about traffic patterns on a Parking Lot or property.**

TRAFFIC CONTROL SIGN (PRIVATE): **A Sign placed by a private entity to give motorists information about traffic patterns on a Parking Lot or property.**

TRAFFIC GENERATOR: A Use, such as but not limited to, shopping centers and malls, Schools, ballparks, recreation areas, business areas, industry, Subdivisions, apartment complexes, or any Use which in the opinion of the Plan Commission may increase the traffic congestion or increase safety hazards to be detrimental to the safety of the public.

TRAVEL TRAILER: **A mobile vehicle with wheels designed for overnight living or camping purposes, capable of being towed by a passenger automobile, and having an overall length of less than thirty (30') feet and an overall width of less than eight (8) feet.**

TRUCK AND RAILROAD TERMINALS: An enterprise where freight is received and then broken down for distribution locally or collected and assembled for shipment. Railroad terminals may serve as passenger terminals.

USE: The purpose or activity for which the parcel of land or Structure for which it is designated, arranged, or intended or for which it is occupied or maintained.

USE, ACCESSORY: A Use customarily incidental and subordinate to the **principal Primary Use** and located on the same Parcel as the **principal Primary Use**. **AKA ACCESSORY USE**

USE, NON-CONFORMING: Any Use or arrangement of land or Structures legally existing before the adoption of this Zoning Ordinance and not conforming to the provisions of this Zoning Ordinance. **AKA NON-CONFORMING USE**

USE, PERMITTED: Uses allowed in Zoning Districts following this Zoning Ordinance and applicable Indiana Code. **AKA PERMITTED USE**

USE, PRIMARY: The main Permitted Use of a Lot, Parcel, or Structure thereon for which it is designated, arranged, or intended or for which it is occupied and maintained. **AKA PRIMARY USE**

U-STORE: A non-commercial warehouse for the storage of personal property, household goods, and other non-commercial merchandise. A U-Store unit shall be compartmentalized with no access to adjoining units. A large Structure may be converted into a U-Store, and each unit shall not be connected to any other unit by a passageway. A Structure or group of Structures consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of property. **AKA SELF-SERVICE STORAGE FACILITY**

UTILITIES: Public and private Infrastructure including but not limited to sewer, electric, storm, water, and other utilities.

UTILITIES, ESSENTIAL: Public sewer, Public electric, Public or Private storm, and Public or Private water. **AKA ESSENTIAL UTILITIES**

VARIANCE: Granting less than the minimum Requirements as allowed by this Zoning Ordinance and applicable Indiana Code.

VELOCITY: The distance water flows in a certain period, usually measured in feet per second.

VEHICLE: A motorized or non-motorized device in, upon, or by which a Person, livestock, property, or personal property is or may be transported or drawn upon a Public Way or moved about.

VETERINARIAN CLINIC/HOSPITAL: Any Structure in which a licensed veterinarian practices their profession.

VICE PRESIDENT (BOARD OR COMMITTEE): See Board Or Committee Vice President.

VIOLATION: Anything that is noncompliant with this Zoning Ordinance.

VISUAL SIGHT ANGLE OR SIGHT TRIANGLE: See SIGHT ANGLES OR SIGHT TRIANGLES.

WAREHOUSE: A Structure or Parcel of land on which personal property is stored. A Warehouse may be in conjunction with a retail or wholesale operation.

WATERCOURSE: a channel, either natural or human-made, with well-defined banks and bottom through which water flows and has flowed immemorial not necessarily all the time, but ordinarily and permanently for substantial periods of each year.

WATER AND WASTEWATER TREATMENT PLANTS: A Structure or facility where water and/or wastewater (sewage) are treated and processed for the health and safety of the public by either a Local Legislative Body or private enterprise.

WATERSHED: All land and water within the confines of a drainage divide.

WATER TABLE: A gently curved surface below the ground marking the top of the water-saturated zone and the bottom of the unsaturated zone.

WECS (WIND ENERGY CONVERSION SYSTEM) means all necessary devices that together convert wind energy into electricity and store or deliver that electricity to a utility's transmission lines, including but not limited to the rotor, nacelle, generator, WECS Tower, electrical components, foundation, transformer, and electrical cabling from the WECS Tower, substation, wind farm collection system, communications facilities and other required facilities and equipment. **AKA WIND ENERGY CONVERSION SYSTEM**

WECS, LARGE: is a utility size WECS which has a nameplate power rated capacity of more than 100 KW of peak generation capacity. **AKA LARGE WECS**

WECS, MEDIUM: is a WECS, which has a nameplate power rated capacity of greater than 10 KW and not more than 100 KW peak generation capacity and which is intended to primarily reduce on-site consumption of utility power. **AKA MEDIUM WECS**

WECS PROJECT: means one (1) or more WECS on a single property or aggregate properties as specified in an application for Development Plan Approval.

WECS, SMALL: is a WECS that has a nameplate power rated capacity of not more than 10 KW or less peak generation capacity and which is intended to primarily reduce on-site consumption of utility power. **AKA SMALL WECS**

WECS TESTING FACILITY: is a meteorological tower or other device used to create feasibility models for WECS Projects. **AKA WECS TESTING FACILITIES**

WECS TOWER: means the monopole, freestanding, or guyed Structure that supports the energy capture, conversion, storage, or transfer components of a WECS.

WELLS COUNTY AREA PLAN COMMISSION: AKA AREA PLAN COMMISSION, PLAN COMMISSION or APC.

WELLS COUNTY AREA PLAN COMMISSION OFFICE: Office that holds all the records, maps, and minutes of the Plan Commission, the Board of Zoning Appeals, and the Plat Committee. **AKA AREA PLAN COMMISSION OFFICE or PLAN COMMISSION OFFICE**

WELLS COUNTY AREA PLAN COMMISSION EXECUTIVE DIRECTOR: Director as created and given Jurisdiction by this Zoning Ordinance and applicable Indiana Code. **AKA DIRECTOR, EXECUTIVE DIRECTOR, or PLAN COMMISSION DIRECTOR**

WELLS COUNTY AREA PLAN COMMISSION EXECUTIVE STAFF: Employees of the Plan Commission as created and given Jurisdiction by this Zoning Ordinance and applicable Indiana Code. **AKA AREA PLANNING DEPARTMENT STAFF, PLAN COMMISSION STAFF, and STAFF**

WELLS COUNTY AREA PLANNING DEPARTMENT: Created to implement and enforce the Zoning Ordinance and Composed of the Plan Commission, the Plat Committee, the Board of Zoning Appeals, the Executive Director, and the Staff of the Plan Commission. **AKA AREA PLANNING DEPARTMENT, PLANNING DEPARTMENT and PLANNING DEPARTMENT**

WELLS COUNTY BOARD OF ZONING APPEALS: AKA BOARD OF ZONING APPEALS or BZA.

WELLS COUNTY COMPREHENSIVE PLAN: Comprehensive Plan, which is a separate document from the Zoning Ordinance. AKA COMPREHENSIVE PLAN

WELLS COUNTY DRAINAGE BOARD: Created and given Jurisdiction, as defined by Indiana Code, to oversee Storm Water Management of unincorporated areas of Wells County.

~~WELLS COUNTY PLAT COMMITTEE: Plat Committee.~~

WELLS COUNTY SURVEYOR: Elected official whose Jurisdiction is following this Zoning Ordinance and applicable Indiana Code.

WELLS COUNTY ZONING MAP: Zoning Map that represents the Zoning Districts as approved by the local legislative bodies governed by the Plan Commission; the Zoning Map is maintained, stored, and available at the Plan Commission Office. AKA ZONING MAP

WELLS COUNTY ZONING ORDINANCE: The ~~is~~ Zoning Ordinance legislates the intent of the Comprehensive Plan. AKA ZONING ORDINANCE

WHOLESALE BUSINESS: A business where merchandise or personal property is sold to a Retail Business.

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

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

~~WITNESS MONUMENT/MARKER: A marker or Monument that is set as a reference to the actual corner when it is not possible or practical to set the actual corner.~~

YARD: On the same Parcel of land with a Structure, an open space unoccupied and unobstructed by Structures, except as otherwise permitted by the Zoning Ordinance.

YARD, FRONT: The Yard-space extending across the full length of the Front Yard Lot line, which is a Right-Of-Way line, between the Side Yard Lot lines and not containing any Structures or storage areas between a Structure or storage area, and a Public Way street, road, or Right-Of-Way. AKA FRONT YARD

YARD, REAR: That Yard-area of a Lot at the opposite end of the Lot from the Front Yard and that encompasses the space between the Rear Yard Lot line and the foundation of a Structure nearest to the Rear Yard Lot line and extending along the full length of the Rear Yard Lot line between the Side Yard Lot lines. AKA REAR YARD

YARD, SIDE: A Yard extending along a side from the ~~front~~ Front Yard to the Rear Yard. AKA SIDE YARD

ZONING: The designation of Parcels and Lots with a specific set of Uses to promote positive community growth patterns. AKA ZONED

ZONING DISTRICTS: Zoning designations of specific land areas as shown on the Zoning Map and with specific size, Setbacks, and Permitted Use Requirements as defined by this Zoning Ordinance and applicable Indiana Code. AKA ZONING DISTRICT

~~ZONING ORDINANCE: The Zoning Ordinance legislates the intent of the Comprehensive Plan.~~

ARTICLE 19: LEFT BLANK INTENTIONALLY

TITLE 3: WELLS COUNTY SUBDIVISION CONTROL ORDINANCE

PREAMBLE

An ordinance adopting, as part of the Comprehensive Plan of the County of Wells and its incorporated areas excluding Markle Town limits in Wells County and including Zanesville Town limits in Allen County, provisions for the control of the subdividing of real property within the area over which the Wells County Area Plan Commission has Jurisdiction following I.C. 36-7-4-700, et. seq., and all acts supplemental and amendatory thereto.

Whereas, the Wells County Plan Commission has established a Comprehensive Plan of Wells County and its participating local legislative bodies, as recorded in Misc. Records No. 58, Page 252 (July 27, 1993) in the Recorder's Office of Wells County, and

Whereas, such a Comprehensive Plan is designed to promote

- (1) the need to create and maintain conditions under which humans and nature can exist in productive harmony;
- (2) the critical importance of maintaining public health, safety, and welfare of the people of Wells County and securing safety from fire, flood, and other dangers while fostering and promoting their residential, commercial, industrial, and social endeavors;
- (3) each Person's right to enjoy a healthful environment, specifically the right to enjoy clean air, clean water, and a healthy land, and

Whereas, the Wells County Plan Commission shall include provisions for the control of the Subdivision of land, and

Whereas, the Wells County Plan Commission has held Public Hearings and conferences concerning this Subdivision Control Ordinance and has submitted its recommendations to the County's local legislative bodies, and

Whereas, all Requirements of I.C. 36-7 et. seq., and all acts supplemental and amendatory thereto, concerning the preparation of this Subdivision Control Ordinance and the subsequent action of the County's local legislative bodies have been met.

ORDAINING CLAUSE

Petition Number: A 23-12-22 Effective Date: _____

The Area Plan Commission gives a Do Pass Recommendation by a vote of 11 in favor and 0 opposed on this 7th day of December, 2023.

Jerome Markley
Area Plan Commission President

Michael W. Lautzenheiser, Jr.
Area Plan Commission Director

BE IT ORDAINED BY THE COMMISSIONERS OF WELLS COUNTY, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Wells County, Indiana, and shall read as set forth and shall be enforced as an ordinance of Wells County, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Commissioners of Wells County, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____
Auditor

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLUFFTON, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of the City of Bluffton, Indiana, and shall read as set forth and shall be enforced as an ordinance of the City of Bluffton, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Common Council of the City of Bluffton, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

Sign _____

Print _____

Mayor

ATTEST:

Sign _____

Print _____

Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, this _____ day of _____, _____.

Sign _____

Print _____

Clerk-Treasurer

Approved by me this _____ day of _____, _____.

Sign _____

Print _____

Mayor

BE IT ORDAINED BY THE TOWN BOARD OF OSSIAN, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Ossian, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Ossian, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Town Board of the Town of Ossian, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____

Clerk-Treasurer

BE IT ORDAINED BY THE TOWN BOARD OF ZANESVILLE, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Zanesville, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Zanesville, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Town Board of the Town of Zanesville, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____

Clerk-Treasurer

BE IT ORDAINED BY THE TOWN BOARD OF UNIONDALE, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Uniondale, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Uniondale, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Town Board of the Town of Uniondale, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____

Clerk-Treasurer

BE IT ORDAINED BY THE TOWN BOARD OF VERA CRUZ, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Vera Cruz, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Vera Cruz, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Town Board of the Town of Vera Cruz, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____

Clerk-Treasurer

BE IT ORDAINED BY THE TOWN BOARD OF PONETO, INDIANA AS FOLLOWS:

Section 1: This ORDINANCE shall be added to the Code of Ordinances of Poneto, Indiana, and shall read as set forth and shall be enforced as an ordinance of the Town of Poneto, Indiana.

Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number _____ Effective Date: _____

Passed by the Town Board of the Town of Poneto, Indiana this _____ day of _____, _____, by the following vote:

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign _____

Print _____

Clerk-Treasurer

ARTICLE 1: Basic Provisions

- 1-01 Title:** The official title of this Ordinance is: “Wells County Subdivision Control Ordinance, and may also be referred to as Subdivision Control Ordinance or WCSCO”
- 1-02 Authority:** This Subdivision Control Ordinance is adopted according to I.C. 36-7-4-700, et seq., and acts supplemental and amendatory thereto.
- 1-03 Compliance:** No land shall be subdivided nor shall any dimension or area of any property be physically altered except in full compliance with all the provisions of this Subdivision Control Ordinance and after the lawful issuance of the approvals required by this Subdivision Control Ordinance.
- 1-04 Severability:** If any provision of this Subdivision Control Ordinance or the application of any provisions to particular circumstances is held invalid, the remainder of the Subdivision Control Ordinance or the application of such provisions to other circumstances shall not be affected.
- 1-05 Jurisdiction Area:** The Jurisdiction of the Subdivision Control Ordinance shall include Wells County and its incorporated Towns, exclude Markle Town limits in Wells County, and include Zanesville Town limits in Allen County.
- 1-06 Application:** It is not intended by this Subdivision Control Ordinance to interfere with, abrogate, or amend any existing Easements, Covenants, or other agreements, between parties, nor is it intended by this Subdivision Control Ordinance to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or ordinances, or any rules, regulations, or approvals previously adopted or issued according to law relating to the Subdividing of land. However, where this Subdivision Control Ordinance imposes a greater restriction upon the Subdividing of land is imposed or required by such existing provisions of law or by such rules, regulations, agreements, Covenants, or approvals, the provisions of this Subdivision Control Ordinance shall control; but where such private Covenants, permits, agreements, rules, or regulations impose a greater restriction than is imposed by this Subdivision Control Ordinance, the greater restriction shall control.

ARTICLE 2: Purpose

- 2-01 Purpose:** This Subdivision Control Ordinance is adopted following the Wells County Comprehensive Plan and Zoning Ordinance to carry out the purposes listed in IC 36-7-4-700, and any amendments thereto.

ARTICLE 3: Process and Procedure for Subdividing Land

- 3-01 General:** Article 1 of the Indiana Constitution (*Bill of Rights*) protects the right for 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 Subdividing of real property, following I.C. 36-7-2-2 and I.C. 36-7-4-700, et seq., and acts supplemental and amendatory thereto.
- 3-02 Petition Types:** The following table states the six (6) standard Petition types and what Governing Agency approves them.

Table 3-02

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

- 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 outlined in Article 6 of the Zoning Ordinance shall be filed with the Area Plan Office 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.
- 3-05 Fees:** The Plan Commission shall establish a uniform schedule of Fees proportioned to the cost of checking and verifying the Petitions. An applicant shall pay the specified fee upon the Filing of an application for approval. These Fees shall be posted in the Area Planning Department office.
- 3-06 Hearing Dates:** Upon receipt of a Petition for Primary Approval, the Plan Commission Staff shall review the Petition for technical conformity with the Standards prescribed in this Subdivision Control Ordinance. Within thirty (30) days after receipt, the Staff shall announce the date for a hearing before the Plan Commission or Plat Committee and provide for Legal Notification of Hearings following this Subdivision Control Ordinance. The goal of the hearing shall be to receive as much input as possible to fulfill the purpose of this Subdivision Control Ordinance and Comprehensive Plan. The Plan Commission and Plat Committee shall prescribe Rules of Procedures for setting hearing dates and for the conduct of hearings.

- 3-07 Legal Notification of Hearings:** After the Staff has announced a date for a hearing before the Plan Commission or Plat Committee, the Staff shall notify the Petitioner in writing, and the following legal notifications shall be at the expense of the Petitioner.
- (1) If a Petition is for a Plan Commission hearing, the Staff shall
 - (A) give notice of the hearing by publication following I.C. 5-3-1 when applicable and
 - (B) provide due notice to interested parties at least ten (10) days before the date set for the hearing. The Plan Commission shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.
 - (2) If a Petition is for a Plat Committee hearing, the Staff shall
 - (A) provide for due notice to interested parties for at least ten (10) consecutive days after Official Action has been taken by the Plat Committee for Minor Subdivision and
 - (B) provide written notice to all interested parties who have contacted the Area Planning Department during the ten (10) day notice period.
- 3-08 Primary Approval:** Primary Approval of a proposed Major Subdivision, Minor Subdivision, Combine, or Addition may be granted as follows.
- (1) The Petition that does not involve the opening of a new Public Way and that complies in all other respects with this Subdivision Control Ordinance and the Zoning Ordinance may be granted Primary Approval by the Plat Committee without public notice or hearing.
 - (2) The Petition that involves the opening of a new Public Way must be granted Primary Approval by the Plan Commission.
- 3-09 Conditions and Commitments:** At any time before the vote and decision by the Plan Commission or Plat Committee, the Petitioner may make or be required to make as a condition of approval written Commitments based on the Requirements specified in the Subdivision Control Ordinance and Zoning Ordinance that apply to the Subdivision of land or to a Combine or Addition of existing Tracts. Any such written Commitments shall be part of the Findings of Fact and Ruling Document and recorded, at the Petitioner's expense, in the office of the Recorder of the County in which the subject real estate lies. As a condition for Primary Approval of a Major Subdivision or Minor Subdivision, Addition, or Combine, the Plan Commission or Plat Committee, after hearing evidence and arguments at the hearing, may specify:
- (1) provisions for Lot Size, width, depth, number, and location;
 - (2) how Public Ways shall be laid out, graded, and improved, and the coordination of new Public Ways with current and planned Public Ways;
 - (3) a provision for water, sanitary and Storm Sewers, and other municipal services.
 - (4) a provision for drainage design;
 - (5) a provision for the allocation of areas to be used as Public Ways, park Recreation, Public Schools, public and semipublic buildings, homes, businesses, and Utilities, and any other Standards related to the purpose of the Comprehensive Plan;
 - (6) provisions for other services as specified in this Subdivision Control Ordinance;
- 3-10 Waiving and Modifying Subdivision Control Requirements:** The Requirements and conditional Requirements as specified by this Subdivision Control Ordinance may be waived or modified following I.C. 36-7-4-701(f) and 702, subject to the following.
- (1) Any condition imposed by the Plan Commission or Plat Committee for Primary Approval of a Major Subdivision or Minor Subdivision, Addition, or Combination may be waived by the affected Local Legislative Body. Each legislative body shall prescribe a Procedure under which a Person may apply for a waiver of a Primary Approval condition. Such a waiver shall be part of the Findings of Fact and Ruling Document and recorded, at the Petitioner's expense, in the office of the Recorder of the County in which the subject real estate lies.

- (2) The **Plan Commission** or **Plat Committee**, after hearing evidence and arguments at the **Public Hearing**, may make modifications to any or all **Requirements** prescribed in the **Subdivision Control Ordinance** that are not covered by the preceding subsection one (1) subject to the following:
- (A) the modification is justified because of topographic or other special conditions unique to the property involved, in contradistinction to mere inconvenience or financial disadvantage;
 - (B) the modification will not adversely affect the reasonable development of adjacent properties;
 - (C) modification grant will not be detrimental to the public health, safety, and general welfare of the community;
 - (D) the modification does not materially affect the spirit and purpose of this **Subdivision Control Ordinance**; and
 - (E) The modification does not lower the **Subdivision Control Ordinance's Requirements** below those prescribed by the **Zoning Ordinance**. Any such modification would need **Variance** approval from the **Board of Zoning Appeals**.
- (3) As a condition for approval said modification must be approved in writing by the affected **Local Legislative Body** if the modification affects future or existing public **Utilities** and **Public Ways**.

3-11 Conflict of Sections: Any restrictions, rules, **Standards**, and conditions imposed by other sections of this **Subdivision Control Ordinance** or the **Zoning Ordinance** that are not in conflict with the requirement 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.

3-12 Appeal: Any **Person** aggrieved by a decision of the **Plat Committee** or **Plan Commission** may **Appeal** as follows.

A **Plat Committee's** decision to approve or disapprove a **Petition** that does not involve the opening of a new **Public Way** shall be subject to **Appeal** to the **Plan Commission**. An interested party may appeal to the **Plan Commission** by **Filing** a notice of **Appeal** with the **Plan Commission** not more than ten (10) days after the **Plat Committee's** action has been advertised to the interested parties. The notice shall be given and a hearing held by the **Plan Commission** in the same manner as in the case of the **Plat Committee**.

- (1) The **Primary Approval** or disapproval of a **Petition** by the **Plan Commission** or the imposition of a condition on **Primary Approval** is a final decision of the **Plan Commission** that may be reviewed as provided by **I.C. 36-7-4-1016**, and any amendments thereto. Any **Person** aggrieved by a decision of the **Plan Commission** may **Appeal** to the Wells County Circuit Court for final judgment if a verified **Petition** setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality is filed within thirty (30) days from the final action of the **Plan Commission**. The court shall reverse, affirm, or modify the decision of the **Plan Commission**. This **Appeal** must be taken in the same manner and on the same terms as **Appeals** in other civil actions. The judicial review shall not be a de novo hearing.

3-13 Secondary Approval:

- (1) Following **I.C. 36-7-4-710 (d)**, and any amendments thereto, no **Plat** of a **Subdivision** shall be filed with the County Auditor or recorded with the County Recorder until said **Plat** has been granted **Secondary Approval**, signed, and certified by the **Plan Commission** or its designee.
- (2) Following **I.C. 36-7-4-710 (a)**, and any amendments thereto, the **Plan Commission** and **Plat Committee** may delegate to the **Plat Committee** or **Area Planning Department Staff** the authority to grant **Secondary Approval** for an applicable **Petition**.
- (3) The **Secondary Approval** official shall review the application and then certify it after determining that the following criteria have been met:

Table 3-13

Criteria	Major	Minor	Addition	Combine
That the Appeal time after Primary Approval has expired	30 days	10 days	N/A	N/A
The applicable Fees and materials are submitted for recording	X	X	X	X
That all conditions set by the Plan Commission or Plat Committee have been completed and affixed to the Deed or Findings of Fact and Ruling Document for recording	X	X	X	X
All applicable Requirements have been met as prescribed in the Subdivision Control Ordinance and the Zoning Ordinance .	X	X	X	X
All Deeds have been stamped and verified before recording.		X	X	X

3-14 Recording or Expiration:

- (1) A **Petitioner** has two (2) years after **Primary Approval** of a **Petition** that does not involve the opening of a new **Public Way** to receive **Secondary Approval** and record the approved **Minor Subdivision**, **Combine**, or **Addition** in the office of the Recorder of the County in which the subject real estate lies.
- (2) A **Petitioner** shall record, with all required certificates with signatures affixed thereon, the original copy of the approved **Plat** of the approved **Major Subdivision** that involves the opening of a new **Public Way** in the office of the Recorder of the County in which the subject real estate lies. Unless the **Plat** is duly recorded within ninety (90) days from the date of **Secondary Approval**, the **Plan Commission**'s approval of the **Plat** shall expire and shall be of no effect until subsequently reinstated.

3-15 Certificates: The following seven (7) certificates shall be affixed to the recorded plat of an approved **Subdivision** of land that involves the opening of a new **Public Way** and is available at the office of the **Area Planning Department**.

- (1) **Certificate of Public Notice**
- (2) **Certificate of Dedication**
- (3) **Certificate of Acknowledgement**
- (4) **Land Surveyor's Certificate**
- (5) **Certificate of Primary Approval**
- (6) **Certificate of Secondary Approval**
- (7) **Certificate of Intent to Accept**

3-16 Modification: A **Subdivision** of land that has already been approved by the **Plat Committee** or **Plan Commission** may be modified at a later date by complying with the same **Procedures** required for the original approval of a **Subdivision** of land. However, with a modification, the **Director** may waive any required drawings, forms, **Surveys**, or other required accompaniments to the **Petition** that do not involve directly the requested modification.

3-17 Amendments: A **Plat** may be amended at any time before a decision thereon by the **Plan Commission** or **Plat Committee** as to non-material matters. Material **Amendments** are **Amendments** that substantially change the scope or purpose of a **Subdivision**, **Combine**, or **Addition** and shall only be approved after notice and hearing as prescribed in this **Subdivision Control Ordinance**.

3-18 Improvement Inspections: The **Plan Commission** designates that (1) the **Plan Commission Director** or County Surveyor and (2) a designee(s) from the **Local Legislative Body** shall inspect the site to verify that all improvements and installations have been constructed and completed as required by the **Subdivision Control Ordinance**. An improvement inspection is needed to release the performance and maintenance **Bonds**.

- 3-19 Enforcement:** No Subdivision of land or Combine or Addition shall be recorded or sold without primary and Secondary Approval as prescribed by the Subdivision Control Ordinance. Any such action shall be handled under the same provisions to enforce a Violation of the Zoning Ordinance.
- 3-20 Vacating a Plat:** The Plan Commission, or Plat Committee if so designated by the Plan Commission to act on its behalf, has exclusive control over the vacation of Plats or parts of Plats by Owners of said land in said Plats, following I.C. 36-7-3 et seq., and all acts supplemental and amendatory thereto.

ARTICLE 4: Minor Subdivisions, Combines, and Additions

- 4-01 Purpose:** Article 1 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 Subdividing of real property. To facilitate Subdividing, combining, and adding to property on existing Public Ways, this article shall provide for the creation of new or the adjusting of existing Parcel lines while preserving public health, public welfare, and public safety of the altered Parcels and the surrounding real estate Owners and occupants.
- 4-02 Jurisdiction:** A Minor Subdivision, Combine, or Addition shall be required at any time within the Jurisdiction of this Subdivision Control Ordinance that property is to be physically altered in shape while not involving the opening of a new Public Way.
- 4-03 Permitted Zones:** A Minor Subdivision, Combine, or Addition shall be permitted in Zoning Districts as prescribed by the Zoning Ordinance.
- 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 that 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 that is located on an existing Public Way.
 - (4) An Addition shall be defined as the act of adding a portion of an existing Parcel to another existing contiguous Parcel that is located on an existing Public Way.
 - (5) A Public Way shall be defined as a dedicated Right-Of-Way for vehicular traffic, pedestrian traffic, the location of Utilities, and placements of other necessary appurtenances for urban development.
 - (6) A Primary Parcel shall be defined as a Tract of land recorded as of January 1, 1971.
 - (7) A Tract shall be defined as a unit of real property with a separately defined Legal Description within a Deed.
 - (8) road Public Way Frontage shall be defined as the property line of a Parcel that borders a Public Way. road Public Way Frontage shall not be less than twenty-five (25) feet to allow for two-way traffic onto and off the defined Public Way.

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			
<p>(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.</p> <p>(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.</p>			
Zoning Districts	Minimum Lot Size (Acres)	Minimum road Public Way 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

4-06 Minor Subdivision Requirements: A **Minor Subdivision** from a **Primary Parcel** may be approved if it meets or complies with the following.

- (1) A **Primary Parcel** shall have six (6) **Minor Subdivisions** if the **Primary Parcel** meets the **Requirements** for ~~road~~ **Public Way** **Frontage**, **Lot Size**, and other applicable **Requirements** prescribed in this Article.
- (2) A **Minor Subdivision** shall not divide **Ponds**, **Structures**, **Septic Systems**, or wells.
- (3) A **Minor Subdivision** shall not extend beyond its **Primary Parcel** lines without **Filing** for an additional **Combine** or **Addition**.
- (4) A **Minor Subdivision** shall not create a portion of the **Primary Parcel** that is not contiguous to the whole of the **Primary Parcel**.
- (5) During the process of **Filing** for a **Minor Subdivision**, if a **Primary Parcel** has not been designated by a previous **Minor Subdivision**, the **Petitioner** shall designate the **Primary Parcel** and **Minor Subdivision**.

- (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, and other tall Structures than the Setbacks for such WECS Projects, WECS Testing Facilities, and other tall Structures as approved through a Variance granted by the Board of Zoning Appeals or an approved Development Plan, unless a Variance is granted by the Board of Zoning Appeals as required elsewhere in the Zoning Ordinance.
- (7) No Improvement Location Permit may be obtained before a Minor Subdivision has been approved by the Plan Commission or Plat Committee and recorded with the Recorder's office.
- (8) The Lot or Parcel home site size Requirements for a Minor Subdivision shall conform to the Requirements of the Zoning Ordinance. A home site size requirement shall not include:
- (A) property designated as being in a flood fringe or floodway as determined by the Area Planning Department using the best available data,
 - (B) any access strips Deeded with a Minor Subdivision to allow for two-way traffic onto and off an existing Public Way, and
 - (C) Any part of a Regulated Drain Easement as determined by the Area Planning Department and the Wells County Surveyor's office using the best available data.
- (9) An Easement and maintenance agreement for any shared driveway plans shall be shown on the Plat or accompanying document for review by the Governing Agency approving the Minor Subdivision(s).
- (10) The road Public Way Frontage Requirements for a Minor Subdivision shall be as follows.
- (A) Frontages shall conform to the Requirements of the Zoning Ordinance.
 - (B) Frontage shall not come off of a Public Way ending in a dead end or Cul-De-Sac.
 - (C) A twenty-five (25) foot access strip shall be approved if the property is located more than two hundred (200) feet from an existing Public Way. The twenty-five (25) foot access strip must be Deeded together with the property to be subdivided.
 - (D) Frontages for a Minor Subdivision shall have at least twenty-five (25) feet of actual frontage that is not designated as part of the floodway or flood fringe by the State of Indiana. Determinations of the floodway and flood fringe elevations will follow the rules and Procedures for Floodplain Management of the Zoning Ordinance. Any other natural or man-made feature which limits the Use of the road Public Way Frontage shall meet the same Requirements of this section. The Area Planning Department shall determine these limits using the best available information.
 - (E) If the accessway onto the property crosses an open county-Regulated Drain, sizing, and approval of the crossing shall be required by the Wells County Drainage Board before approval.
- (11) A Minor Subdivision that fronts on any roadway Public Way without platted or fee simple Right-Of-Way shall grant a portion of said Minor Subdivision as a public Right-Of-Way to the affected local government agency with Jurisdiction of said roadway Public Ways.
- (A) Dimension: 30 feet unless the functional classification of the roadway Public Way designated a greater Right-Of-Way width in the Wells County Thoroughfare Plan.
 - (B) Documentation: This shall be done by using the approved Right-Of-Way grant documentation by the affected local government agency with jurisdiction of said roadway Public Ways.

- 4-07 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 Subdivision.
 - (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 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 Public Way Frontage requirement prescribed under this section.

- 4-08 Combine Requirements:** A Combine may be approved if it meets or complies with the following Requirements.
- (1) A Combine may occur between any two (2) or more Parcels that are contiguous to each other. Two (2) or more Parcels shall be considered contiguous if they share at least twenty-five (25) feet of uninterrupted border.
 - (2) The Deed that Combines the property shall have this following paragraph on the Deed:
"Hereafter, the within described real estate shall not be conveyed other than in conjunction with the _____ - acre Tract of real estate described in a certain Deed dated _____, _____, recorded in Deed Record _____, page _____, of the records of Wells County, Indiana unless approval to do otherwise is first obtained from the Plan Commission or its successor(s)".
 - (3) Combining Parcels shall return any Minor Subdivision rights to the Primary Parcel if the Combine involves a Primary Parcel as prescribed in this Article.
 - (4) Combining Primary Parcels shall not add Minor Subdivision rights together.

- 4-09 Addition Requirements:** An Addition may be approved if it meets or complies with the following Requirements.
- (1) An Addition may occur between any two (2) or more Parcels that are contiguous to each other. Two (2) or more Parcels shall be considered contiguous if they share at least twenty-five (25) feet of uninterrupted border.
 - (2) The Deed that adds the property together shall have this following paragraph on the Deed:
"Hereafter, the within described real estate shall not be conveyed other than in conjunction with the _____ - acre Tract of real estate described in a certain Deed dated _____, _____, recorded in Deed Record _____, page _____, of the records of Wells County, Indiana unless approval to do otherwise is first obtained from the Plan Commission or its successor(s)".
 - (3) An Addition shall not leave any conforming affected Parcels that fail to satisfy the existing Lot Size, road Public Way Frontage, and Setback Requirements for a Minor Subdivision as prescribed in this Article.

4-10 Conflict of Sections: Any restrictions, rules, Standards, and conditions imposed by other sections of this Subdivision Control Ordinance or the Zoning Ordinance that 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.

ARTICLE 5: Major Subdivision

- 5-01 Purpose:** Article 1 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 several 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, before submitting a final proposal, are encouraged to bring tentative or innovative 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 on a new Public Way or does not meet the standards for a Minor Subdivision.
 - (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.
- 5-02 Permitted Zones:** A Major Subdivision shall be permitted in Zoning Districts as prescribed by the Zoning Ordinance.
- 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.
 - (2) The real property on which the proposed Major Subdivision is to be developed must be under single ownership and/or unified control.
 - (3) The proposed Major Subdivision must be of a type, and so located so as not to be detrimental to the surrounding properties and land Uses.
 - (4) The proposed Major Subdivision shall not substantially diminish or impair the property values of the neighboring properties.
 - (5) The proposed Major Subdivision shall not endanger the public health, welfare, or safety of the neighborhood in which it is to be located.
 - (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, Crosswalks, sight angles, and construction Requirements.
 - (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 the proposed division of a property.
 - (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.
- 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 City of Bluffton 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.
 - (B) Utility Easements that 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

- (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.
- (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.
- (E) The process for vacating an **Easement** on a recorded **Plat** shall be done following **I.C. 36-7-3**, et. seq., and any other applicable provisions of the **Indiana Code**.
- (2) **Street Public Way Lights and Sidewalks:** **Major Subdivision** plans must meet the **Standards** and **Requirements**, if any, for **street Public Way** light fixtures and sidewalks as established by local legislative bodies. Said **street Public Way** light fixtures and sidewalks shall be located within the appropriate **Easements** and rights-of-way.
- (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**.
- (4) **Signs:** The **Subdivider** shall place a **Sign** to identify the **Major Subdivision** at all points of ingress/egress of a pre-existing **Public Way** into the **Major Subdivision**. The **Sign** shall meet the sign **Requirements** as defined in the **Zoning Ordinance**.
- (5) **Lot and Yard Requirements**
- (A) No **Lots** shall derive direct vehicular access from an **Interstate Public Way, Other Expressway Public Way, Other Freeway Public Way, Other Principal Arterial Public Way, Minor Arterial Public Way, or Major Collector Public Way**.
- (B) The **Plan Commission** may require driveways for new **Lots** to be designed and arranged to avoid the necessity for **Vehicles** to back into traffic on a **Minor Collector Public Way**.
- (C) The **Plan Commission** may require that a common driveway serve two or more new **Lots** to limit the possible traffic hazards from multiple accesses to a **Public Way**.
- (D) **Lots** with **road Public Way Frontage** on more than one **Public Way** excluding **Alley Public Ways** shall be fifty (50) percent larger than the minimum **Lot Size** required by the **Zoning Ordinance**.
- (E) **Lots** with **road Public Way 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**.
- (F) 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 the proposed **Lot** has been approved in writing by the **Local Legislative Body** under whose **Jurisdiction** the **Major Subdivision** is to be located.
- (G) No **Lot** or **Parcel** line in a **Major Subdivision** shall be closer to any existing **WECS Projects, WECS Testing Facilities**, and other tall **Structures** than the **Setbacks** for such **WECS Projects, WECS Testing Facilities**, 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**.
- (H) All other applicable provisions as prescribed elsewhere in the **Zoning Ordinance** or **Subdivision Control Ordinance**.
- Public Ways** ~~**Roads**~~: provisions as prescribed elsewhere in this **Subdivision Control Ordinance**.
 - Storm Water Standards:** provisions as prescribed elsewhere in this **Subdivision Control Ordinance**.
 - Wells County Ordinance For Flood Hazard Areas**
 - General Regulations:** provisions as prescribed elsewhere in the **Zoning Ordinance**.
 - Survey Standards:** provisions as prescribed elsewhere in this **Subdivision Control Ordinance**.
 - Performance Standards:** provisions as prescribed elsewhere in the **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 **street Public Way**s, 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** outlined 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 affects 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 the local legislative body.
- (F) The performance **Bond** shall be in the amount as outlined 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 the **Bond** may be used that is acceptable to the **Plan Commission** and affects the **Local Legislative Body**.
- (2) Maintenance **Bond**: A maintenance **Bond** shall be required for any public **Infrastructure** as defined in 4-07 (1)(B) that was completed before 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** before 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** outlined 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 affects 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 outlined 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 the **Bond** may be used that is acceptable to the **Plan Commission** and affects the **Local Legislative Body**.

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

5-07 Conflict of Sections: Any restrictions, rules, **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.

ARTICLE 6: Public Ways ~~–Roads~~

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

6-02 Design Standards.

- (1) A Public Way shall be defined as a dedicated Right-Of-Way for vehicular traffic, pedestrian traffic, the location of Utilities, and the placement of other necessary appurtenances for urban development.
- (2) The Petitioner of a Minor Subdivision, Major Subdivision, PUD, or Development Plan shall dedicate to the affected Local Legislative Body the appropriate one-half (1/2) Right-Of-Way width, as established by the Local Legislative Body, for the type of Public Way on which the subject Parcel of the Petition is located. If no published Standards are enacted by the Local Legislative Body, the Plan Commission shall establish the Right-Of-Way standard. The Plan Commission or Local Legislative Body may require increased Right-Of-Way if anticipated traffic flow or drainage needs warrant such increased width. The dedicated one-half (1/2) Right-Of-Way shall serve as the affected Public Way's Frontage for the Minor Subdivision, Major Subdivision, PUD, or Development Plan.
- (3) As conditions for approval of a Development Plan, Major Subdivision, or PUD, the Plan Commission or the Local Legislative Body affected by a proposed project may require the Owner of said project to pay some or all costs for improvements within said Right-Of-Way necessary to comply with minimum road Public Way and drainage Standards or with the anticipated traffic flow or increased drainage needs.
- (4) A Petitioner must secure written approval from the Local Legislative Body in whose Jurisdiction the proposed project shall be built that the method and design of points of ingress and/or egress onto affected public ways meet the Standards of said Local Legislative Body. If the Local Legislative Body does not have its 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 Other Principal Arterial Public Way, Minor Arterial Public Way, Major Collector Public Way, or Minor Collector Public Ways. The Plan Commission or affected Local Legislative Body may require passing blisters and Acceleration Lanes and Deceleration Lanes on Local Public Ways if warranted by anticipated traffic flow. No ingress and/or egress shall be permitted on Interstate Public Ways, Expressway Public Ways, and Freeway Public Ways.
- (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 its own published Standards, then the Plan Commission reserves the right to require the Standards set forth by the City of Bluffton as the Standards for approval.
- (6) The Plan Commission may waive any of the provisions for Public Ways if the Plan Commission has received written approval for such waiving from the Local Legislative Body affected by the proposed changes.
- (7) No Local Legislative Body is obligated to accept or pay for Public Way improvements to make the private land suitable for development.

- 6-03 Connectivity.** Any proposed development – Major Subdivision, PUD, or other Development Plan - with new Public Ways shall meet the following connectivity Requirements. The Plan Commission may waive any of the following provisions if the Plan Commission has received written approval for such waiving from the Local Legislative Body affected by the proposed project.
- (1) 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.
 - (4) All projects must provide a future public-way connection to any undeveloped neighboring Parcels.
 - (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 the 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.
- 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 its 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.”
- 6-05 Temporary Dead-End Street Public Ways.** To provide adequate fire and emergency protection, any dead-end improved public Right-Of-Way that exceeds one hundred (100) feet in length and that is designed to be extended or connected to a future public Right-Of-Way shall have a gravel turnaround constructed at its termination that satisfies the dimensional Requirements prescribed in this Article for a turnaround for a Cul-De-Sac. Plan Commission may waive this requirement if such waiver is agreed to in writing by the affected Local Legislative Body.
- 6-06 Signage:** Once the first permit has been granted for a Primary Structure, the Local Legislative Body shall have the right to order and install the necessary street Public Way Signs and Traffic Control Signs for the proposed Major Subdivision, PUD, or Development Plan, and such Signage shall be the expense of the developer.
- 6-07 Vacating a Platted Public Way:** The process for vacating a Public Way on a recorded Plat shall be done following I.C. 36-7-3, et. seq., and any other applicable provisions of the Indiana Code.

ARTICLE 7: Storm Water Standards

- 7-01 Purpose:** To regulate the stormwater release from newly developed sites in a way to minimize the impact on existing development.
- 7-02 Jurisdiction:** The storage and controlled release of excess storm water runoff shall be required for all Development Plans, Major Subdivisions, and PUD(s) located within the Jurisdiction of this Ordinance.
- 7-03 Incorporated Regulations:** If a Local Legislative Body has its 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 before 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.
- 7-04 Policy on Storm Water Quantity Management:** The storm water drainage system shall be separated and independent of any sanitary sewer system.
- (1) DETENTION POLICY:** It is recognized that most streams and drainage channels serving Wells County do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, except for situations provided for in this Article, the storage and controlled release of excess storm water runoff shall be required for all Development Plans, Major Subdivisions, and PUD(s). In general, the post-developed release rates shall be no greater than the general release rate provided in the following table. For sites where the pre-developed area has more than one (1) outlet, the release rates shall be computed based on pre-developed discharge to each outlet point.

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

- (2)** Runoff from all upstream tributary areas (off-site land areas) may be bypassed around the detention/retention facility without attenuation. Such runoff may also be routed through the detention/retention facility, provided that a separate outlet system or channel is incorporated for the safe passage of such flows, i.e., not through the primary outlet of a detention facility. Unless the Pond is being designed as a regional detention facility, the primary outlet Structure shall be sized, and the invert elevation of the emergency overflow weir determined according to the on-site runoff only. Once the size and location of the primary outlet Structure as well as the invert elevation of the emergency overflow weir is determined by considering on-site runoff, the 100-year Pond elevation is determined by routing the entire inflow, on-site and off-site, through the Pond.

- (3) Note that the efficiency of the detention/retention facility in controlling the on-site runoff may be severely affected if the off-site area is considerably larger than the on-site area. As general guidance, on-line detention may not be effective in controlling on-site runoff where the ratio of off-site area to on-site area is larger than 5:1. Additional detention (above and beyond that required for the on-site area) may be required by the Plan Commission when the ratio of off-site area to on-site area is larger than 5:1.
- (4) **ONSITE RESTRICTIONS:** A verification is needed to prove that projects have adequately designed Surface Drainage and Subsurface Drainage systems to manage storm drainage collection throughout the property, both upstream and downstream of the stormwater detention facility.
- (5) **DOWNSTEAM RESTRICTIONS:** In the event, that 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.
- (B) The allowable release rates may be further reduced by the Plan Commission if on-site or off-site conditions warrant the reduction.
- (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 is inadequate to accommodate the as-built development and has 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.
- (6) **EXEMPTIONS FOR DETENTION REQUIREMENTS:** Detention shall not be required for the following.
- (A) Land alterations were the primary basis on which a stormwater drainage plan is required is the construction, enlargement, or location (on a Permanent Foundation) of 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 within the 100-year flood elevation for that body of water and all required state and federal approvals are complete before permitting.
- (D) Notwithstanding the provisions of the above section, those site developments where the stormwater management system has been designated such that:
- 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
 - 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
 - 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 that existed before the development (for the entire range of storm events, up to the 100-year storm events).

- 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. The top of the foundation must be no less than six (6) inches above the **Finished Grade** and a minimum of fifteen (15) inches above an adjacent **road Public Way** elevation unless a written **Variance** is granted by the **Plan Commission**.
- (1) For all **Structures** located in the SFHA as shown on the current Flood Insurance Rate Map (FIRM) or the 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.
 - (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.
 - (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.
 - (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.
- 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.
- (1) Where the outfall from the stormwater drainage system of any development flows through real estate not owned by the developer before 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** concerning 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 the 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 before the hearing. Proof of delivery of notice to each landowner shall be filed by affidavit, by the developer, with the **Plan Commission** before the hearing.

- (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 the written approval of the Wells County Drainage Board following the Indiana Code Requirements for local drains. Connection to a County road Public Way ditch is allowed only with written approval from the Wells County Highway Department and 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.

- 7-07 **Calculations and Design Standards and Specifications:** The calculation methods as well as the type, sizing, and placement of all storm water facilities shall meet the design criteria, Standards, and specifications as established by sound engineering practices and Local Legislative Body 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.
- 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 prescribed by this Subdivision Control Ordinance and any other applicable laws.
- 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.
- 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 period, the Plan Commission may undertake the work and collect the cost and attorney Fees, from the Owner using lien rights if necessary following 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.

ARTICLE 8: Survey and Plat Standards

- 8-01 Purpose:** To provide a standard for Plats and Surveys within the Jurisdiction of this Subdivision Control Ordinance and to ensure that Survey markers remain in the field for Use by governing agencies and private citizens.
- 8-02 Monumenting of a Parcel or Lot:** The Parcel or Lot shall be Monumented following the Standards established by Title 865, IAC 1-12-18, 1-12-24, all other applicable State provisions, and any amendments thereto.
- 8-03 Monumenting of a Major Subdivision or PUD Boundary Survey:** The Major Subdivision or PUD boundary Survey shall be Monumented using the following Standards.
- (1) 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 coordinates data shall be stated as approximated or Survey grade. Approximate state plane coordinates data are available at the Wells County Surveyor's Office.
- 8-04 Monumenting of Public Ways:** The new Public Way centerlines proposed within a Major Subdivision or PUD shall be Monumented using the following Standards.
- (1) A Monument shall be placed at the following locations.
 - (A) At the beginning and end 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 coordinates data shall be stated as approximated or Survey grade. Approximate state plane coordinates data are available at the Wells County Surveyor's Office.
- 8-05 Survey Data.** All Survey data to be included on Plats shall meet the Requirements established in Title 865, IAC 1-12-13, 1-12-14, and other applicable state regulations, and any amendments thereto.
- 8-06 Legal Description:** The Legal Description shall be on the Plat. The Legal Description may be located on a separate document for a Minor Subdivision, Addition, or Combine.
- 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.

ARTICLE 9: Local Legislative Bodies

- 9-01 Purpose:** Before enactment of this Ordinance, when reviewing for approval or disapproval of a Petition for a proposed development, the Plan Commission had the power to enforce the following provisions and Standards. If a Local Legislative Body has not enacted an ordinance to establish and enforce provisions and Standards more stringent than those prescribed in this Subdivision Control Ordinance or the Zoning Ordinance, the Plan Commission may require the Petitioner for a Development Plan, Major Subdivision, PUD, or other proposed developments to do any of the following if the Plan Commission deems such action necessary for the proposed project and preserves the spirit and purpose of this Ordinance and the Comprehensive Plan.
- 9-02 Off-Site Improvements:** In reviewing the Petition for a Development Plan, Major Subdivision, PUD, or other proposed development, the Plan Commission may require the Petitioner to make and pay for improvements that are located off-site from the subject property of the Petition and that are deemed necessary by the Plan Commission to serve the proposed project. No Local Legislative Body shall be obligated to make improvements to make the private land suitable for development.
- 9-03 Future Maintenance:** With any Petition for a Development Plan, Major Subdivision, PUD, or other proposed development, the Plan Commission may require the Petitioner to submit plans for anticipated annual costs and adequate methods to maintain certain improvements built for the proposed project. Such improvements may include but not be limited to recreation facilities, open space, private pedestrian ways, Parking Lots, private sewage and water systems, and drainage facilities including but not limited to lagoons, detention areas, retention Ponds, and infiltration facilities.
- 9-04 Landscape Buffers:** Major Subdivisions and PUDs containing land Zoned for business Use or any proposed development on property Zoned for business may be required to contain a landscape buffer area at least fifteen (15) feet in depth along all Lot lines abutting land Zoned as a residential district. Major Subdivisions and PUDs containing land Zoned for industrial Use or any proposed development on property Zoned for industrial may be required to contain a landscape buffer area at least twenty-five (25) feet in depth along all Lot lines abutting land Zoned as a residential district. To satisfy this requirement, a Petition for a Major Subdivision, PUD, or Development Plan must include a plan showing the planting details, including the type(s) and Height (s) of vegetation and the caliper of trees to be planted. Such a landscape buffer must be at least six (6) feet in Height and must consist of materials that will form a dense screen within two (2) years. An opaque Fence may be constructed to accomplish this purpose; the design and materials of the Fence must be shown on the submitted plan(s).
- 9-05 Pedestrian Ways:** The Plan Commission may require paved pedestrian ways not less than six (6) feet in width to be located through proposed developments and at the end of Cul-De-Sacs if deemed desirable to provide for circulation or access to neighboring Uses. Standards for such paved pedestrian ways shall conform to Standards established by the Local Legislative Body affected by the proposed development. If no Standards exist the Plan Commission reserves the right to require the Standards set forth by the City of Bluffton. In determining whether pedestrian ways are required, the Plan Commission shall consider methods of maintaining such pedestrian ways and their usefulness in providing access to any common open space, water areas, recreation areas, Schools, surrounding Uses, existing pedestrian/bike trails or paths, and other residential areas including those within a proposed Major Subdivision or PUD.

- 9-06 **Other:** The local legislative bodies that are under the Jurisdiction of the Plan Commission may establish Standards as provided in the following provisions of this Subdivision Control Ordinance and the Zoning Ordinance.
- (1) **BONDS FOR DEVELOPMENT PLANS:** provisions as prescribed elsewhere in the Zoning Ordinance.
 - (2) **WAIVER OF CERTAIN SUBDIVISION CONDITIONS:** provisions as prescribed elsewhere in this Subdivision Control Ordinance.
 - (3) **FENCES:** provisions as prescribed elsewhere in the Zoning Ordinance.
 - (4) **SIGNS:** provisions as prescribed elsewhere in the Zoning Ordinance.
 - (5) **Street Public Way LIGHTING AND SIDEWALKS:** provisions as prescribed elsewhere in this Subdivision Control Ordinance.
 - (6) **UTILITIES:** provisions as prescribed elsewhere in this Subdivision Control Ordinance.
 - (7) **PUBLIC WAYS —ROADS:** provisions as prescribed elsewhere in this Subdivision Control Ordinance.
 - (8) **IMPACT DRAINAGE AREAS:** provision as prescribed in the Storm Water Control Article in this Subdivision Control Ordinance.
- 9-07 **Impact Fees:** Local legislative bodies may establish Impact Fees as provided by the Indiana law, I.C. 36-7-4-1300 et. seq.