

Area Plan Commission Board Member Establishing Ordinance
Wells County Zoning Ordinance
Wells County Subdivision Control Ordinance
Wells County Flood Damage Prevention Ordinance



Jurisdictions:

Wells County, Indiana | City of Bluffton, Indiana
Town of Ossian, Indiana | Town of Zanesville, Indiana
Town of Uniondale, Indiana | Town of Poneto, Indiana
Town of Vera Cruz, Indiana

Prepared By:

Wells County Area Plan Commission
223 W. Washington St.
Bluffton, IN 46714

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"Building a stronger community through proactive planning!"

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Rina E. Stuck
Wells County Recorder IN
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WCZFMO – Wells County Zoning and Floodplain Management Ordinance (2008-2013)

WCSCO – Wells County Subdivision Control Ordinance

APCBMEO – Area Plan Commission Board Membership Establishing Ordinance

WCZO – Wells County Zoning Ordinance

WCOFHA – Wells County Ordinance for Flood Hazard Areas (2014-2022)

WCFDPO – Wells County Flood Damage Prevention Ordinance

Date	Ordinance	Amendment Description
April 11, 2013	WCZFMO WCSCO	Clarify Public Use Area in CAFO Control Article and amend fee schedule
May 15, 2013	WCZFMO	Revision to WECS Ordinance setbacks and shadow flicker
October 16, 2014	APCBMEO WCZO WCSCO WCOFHA	Revision to the APC board membership establishing ordinance, removed the floodplain management section of the zoning ordinance, and created the ordinance for flood hazard areas.
September 11, 2015	WCZO WCSCO	Revision to Development Plans, BZA, and miscellaneous changes in the Wells County Zoning Ordinance and Wells County Subdivision Control Ordinance.
January 2, 2017	WCZO	Revision to Land Uses, Special Exceptions, Signs, Recreational Vehicles, Development Plans, Heavy Haul Routes, and miscellaneous changes in the Wells County Zoning Ordinance.
September 4, 2017	WCZO WCSCO	Revision to Land Uses, Setback Measurements, Power Plant Overlay District, Right-Of-Way Grants for Minor Subdivisions, and miscellaneous changes to Wells County Zoning Ordinance and Wells County Subdivision Control Ordinance.
December 7, 2018	WCZO WCSCO	Permitting, Home Occupations, Lot Requirements, Dwellings, Parking, Street Regulations, and other miscellaneous changes to Wells County Zoning Ordinance and Wells County Subdivision Control Ordinance.
December 12, 2019	WCZO	Accessory Structures, Special Exceptions, Manufacturing Definitions, Bank/Credit Permitted Use and Definitions, Manufactured Home Age Requirements, and Enclosed Mortality Composting Definition.
March 9, 2020	WCZO	Fee Schedule, Solar Development Plan, and Solar Definitions
November 9, 2022	WCFDPO	Replaced WCZFMO with WCFDPO to meet state requirements.
March 11, 2024	WCZO WCSCO WCFDPO	Fee Schedule, Land Use, Lot Requirements, Removal of Communication Tower Requirements, SES Development Plan Updates, Junk Definition Update, Changes to Pond and Division of Minor Subdivision Board Approvals, Road Connectivity, Two-Stage Ditch, Zanesville-Allen Co Flood Map, and Manufactured Home Flood Standards
November 1, 2024	WCZO	Update to Heavy Industrial Definition
August 4, 2025*	WCZO WCSCO	Ordinance Formatting, Permitted Use Table Updates, New and Updated Definitions, Noise Requirements, On-Site Drainage Restrictions

*Current Ordinances

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Text: This text is a defined word in ARTICLE 18: DEFINITION

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Text: This text is a defined word in ARTICLE 18: DEFINITION

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 on 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 whom 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 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 set forth in IC 36-7-4-216.

2.3 Removing Members: This Ordinance shall include by reference all the requirements for removing a member as set forth 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 set forth in IC 36-7-4-220.

2.5 Membership Expenses: This Ordinance shall include by reference all requirements dealing with membership expenses as set forth in IC 36-7-4-222.

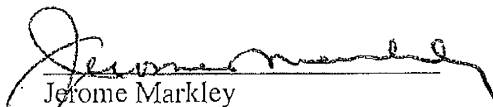
2.6 Membership Mileage and Compensation: This Ordinance shall include by reference all requirements dealing mileage and compensation for the members as set forth in IC 36-7-4-222.5. All members shall receive a per diem as set by the County Fiscal Body for each regular or special meeting of the APC that the member attends.

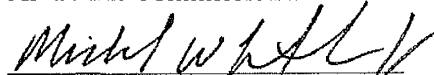
2.7 Membership Disqualifications and Conflict of Interest: This Ordinance shall include by reference all requirements dealing with disqualifications and conflict of interest as set forth by IC 36-7-4-223.

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 (due 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.


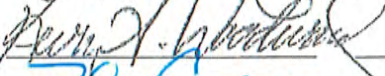

Ordinance Number 2014-05 Effective Date: October 16, 2014

Passed by the Commissioners of Wells County, Indiana this 6th day of OCTOBER, 14, by the following vote:


AYES 3, to-wit:

NAYS 0, to-wit:

ABSENT 0, to wit:

 _____
 _____
 _____

ATTEST:



Beth Davis

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 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 1384 Effective Date: October 16, 2014

Passed by the Common Council of the City of Bluffton, Indiana this 30 day of September, 2014, by the following vote:

AYES 5, to-wit:

NAYS 0, to-wit:

ABSENT 0, to wit:

Bette A. Enb
James D. Phillabaum
Melanie J. Dyer
Carl A. Garry
Michael W. Manning

T. J. Ellis
Honorable Mayor Ted Ellis

ATTEST:

Briana Lautzenheiser
Briana Lautzenheiser
Deputy Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, this 30 day of September, 2014.

Briana Lautzenheiser
Briana Lautzenheiser
Deputy Clerk-Treasurer

Approved by me this 30 day of September, 2014.

T. J. Ellis
Honorable Mayor Ted Ellis

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

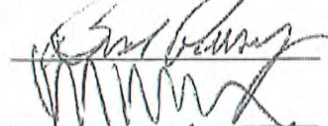
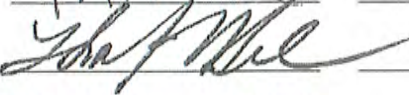
Section 1: This ORDINANCE shall be added to the Code of Ordinances of Ossian, Indiana and shall read as set forth and shall be enforced as an ordinance of the Town of Ossian, Indiana.

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

Ordinance Number 14-9-6 Effective Date: October 16, 2014

Passed by the Town Board of the Town of Ossian, Indiana this 22 day of September, 2014, by the following vote:

AYES 4, to-wit: NAYS 0, to-wit: ABSENT 1, to wit:

	_____	_____
	_____	_____
<u>William W. Miller</u>	_____	_____
_____	_____	<u>Terrie LAZZEL</u>

ATTEST:

Jeannette Dickey
Jeannette Dickey
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 2014-03 Effective Date: October 16, 2014

Passed by the Town Board of the Town of Zanesville, Indiana this 18th day of Sept, 14, by the following vote:

AYES 3, to-wit: NAYS 0, to-wit: ABSENT 0, to wit:

Patsy Brock

John Schuchman

Danney L. Miller

ATTEST:

Julie Christian

Julie Christian
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 2014-11 Effective Date: October 16, 2014

Passed by the Town Board of the Town of Uniondale, Indiana this 14th day of Oct, 14, by the following vote:

AYES 2, to-wit: NAYS 0, to-wit: ABSENT 1, to wit:

Randy Dyer

Robert Bennett

Gene Cushman

ATTEST:

Sharice Bowen

Sharice Bowen

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 2014-01 Effective Date: October 16, 2014

Passed by the Town Board of the Town of Vera Cruz, Indiana this 16 day of Sept, 14, by the following vote:

AYES 3, to-wit: NAYS 0, to-wit: ABSENT 0, to wit:

Sheila Flotow _____
Ken Neuenhuesen _____
Melara A. Grover _____

ATTEST:

Willa Marie Masterson _____
Willa Marie Masterson _____
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 2014-10-13 A Effective Date: October 16, 2014

Passed by the Town Board of the Town of Poneto, Indiana this 13th day of Oct, 14, by the following vote:

AYES 3, to-wit: NAYS 0, to-wit: ABSENT 0, to wit:

Finley Lane _____
Mary E. Smith _____
Steven R. Rush _____

ATTEST:

Roy D. Schoeff _____
Roy D. SCHOEFF _____
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: A25-06-09 Effective Date: August 4, 2025

The Area Plan Commission gives a Do Pass Recommendation by a vote of 10 in favor and 0 opposed on this 11th day of June 2025.



Tyson Brooks
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.

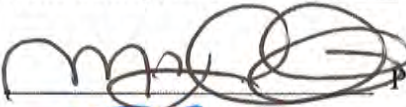
Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number 2025-05 Effective Date: August 4, 2025
~~July 7, 2025~~ *mmr*

Passed by the Commissioners of Wells County, Indiana this 7th day of July, 2025, by the following vote:

AYE ☒ / Nay ☐

Sign



Print

M.K. Vinaver

AYE ☐ / Nay ☐

Sign



Print

Ryan Parker

AYE ☒ / Nay ☐

Sign



Print

Jeff Strubbe

ATTEST:

Sign



Print

Lisa McCormick

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 1659 Effective Date: August 4, 2025

Passed by the Common Council of the City of Bluffton, Indiana, this 1 day of July, 25, by the following vote:

AYE <u>X</u> / Nay <u> </u>	Sign <u>Blake Fiechter</u>	Print <u>Blake Fiechter</u>
AYE <u>X</u> / Nay <u> </u>	Sign <u>Janella Stronczek</u>	Print <u>Janella Stronczek</u>
AYE <u>X</u> / Nay <u> </u>	Sign <u>Scott Mentzer</u>	Print <u>Scott Mentzer</u>
AYE <u>X</u> / Nay <u> </u>	Sign <u>Rick Elwell</u>	Print <u>Rick Elwell</u>
AYE <u>X</u> / Nay <u> </u>	Sign <u>Ronald Neuenschwander</u>	Print <u>Ronald Neuenschwander</u>
AYE <u>X</u> / Nay <u> </u>	Sign <u>Josh Hunt</u>	Print <u>Josh Hunt</u>
AYE <u>X</u> / Nay <u> </u>	Sign <u>Sarah Reed</u>	Print <u>Sarah Reed</u>
	Sign <u>John Whicker</u>	

Print John Whicker
Mayor

ATTEST:

Sign Bri Lautzenheiser

Print Bri Lautzenheiser
Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, this 1 day of July, 25.

Sign Bri Lautzenheiser

Print Bri Lautzenheiser
Clerk-Treasurer

Approved by me this 1 day of July, 25.

Sign John Whicker

Print John Whicker
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 25-7-1 Effective Date: August 4, 2025
July 14th 2025 SG

Passed by the Town Board of the Town of Ossian, Indiana, this 14th day of July 2025, by the following vote:

AYE <u>X</u> / Nay _____	Sign <u>[Signature]</u>	Print <u>Dennis Ealing</u>
AYE <u>X</u> / Nay _____	Sign <u>[Signature]</u>	Print <u>JOSHUA W. BRADLEY</u>
AYE <u>X</u> / Nay _____	Sign <u>[Signature]</u>	Print <u>S.A. Tucker</u>
AYE <u>X</u> / Nay _____	Sign <u>[Signature]</u>	Print <u>Glen A. Werling</u>
AYE <u>X</u> / Nay _____	Sign <u>[Signature]</u>	Print <u>JEFFREY L. KEMPER</u>

ATTEST:

Sign [Signature]
Print Carolyn Bertsch
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 2025-07 Effective Date: August 4, 2025
~~July 15, 2025 SG~~

Passed by the Town Board of the Town of Zanesville, Indiana, this 15 day of July, 2025, by the following vote:

AYE X / Nay _____ Sign Issa Zent Print ISSA ZENT
AYE X / Nay _____ Sign Barbara O'Connor Print BARBARA O'CONNOR
AYE X / Nay _____ Sign John Schuhmacher Print JOHN SCHUMACHER

ATTEST:

Sign Tara Bowersock

Print Tara Bowersock
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 2025-7-14A Effective Date: August 4, 2025 ~~7-14-25~~ MWL

Passed by the Town Board of the Town of Uniondale, Indiana, this 14th day of July, 25 by the following vote:

AYE X / Nay _____ Sign Goffrey Lance Print Goffrey Lance

AYE X / Nay _____ Sign John Ringer Print John Ringer

AYE _____ / Nay _____ Sign _____ Print _____

ATTEST:

Sign Kiera Lance

Print Kiera Lance
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 2025-TC-3 Effective Date: August 4, 2025

Passed by the Town Board of the Town of Vera Cruz, Indiana, this 15th day of July, 25, by the following vote:

AYE ✓ / Nay Sign Judy Mikecell Print JUDY MIKESELL

AYE ✓ / Nay Sign Mason Baines Print MASON BAINES

AYE ✓ / Nay Sign Cynthia Mulkey Print Cynthia Mulkey

ATTEST:

Sign Sara A. Jones

Print Sara A. Jones
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 2025-2 Effective Date: August 4, 2025
~~7-14-25 SG~~

Passed by the Town Board of the Town of Poneto, Indiana, this 14th day of July, 2025 by the following vote:

AYE ☒ / Nay ☐

Sign

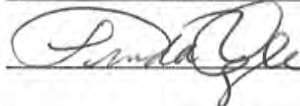


Print

Paul Miller

AYE ☒ / Nay ☐

Sign



Print

Linda Gile

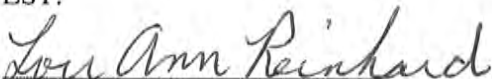
AYE ☐ / Nay ☐

Sign

Print

ATTEST:

Sign



Print

Lou Ann Reinhard

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) CFO
- (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 CFOs
- 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 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 of 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 <u>Wells County Area Plan Commission</u> Fee Schedule				
Fee Category	Fee Name	Fee	Fee Notes	Violation Fee
<u>APC</u>	<u>Development Plan (APC)</u>	\$200.00	N/A	X 2
<u>APC</u>	<u>Large WECS Development Plan</u>	\$500.00	Per Turbine	X 2
<u>APC</u>	<u>Large SES Development Plan</u>	\$500.00	Per <u>Parcel</u>	X 2
<u>APC</u>	<u>Rezoning</u>	\$200.00	N/A	X2
<u>APC</u>	<u>P-1 Rezoning</u>	\$200.00	Per <u>Parcel</u>	X2
<u>APC</u>	<u>Major Subdivision</u>	\$300.00	\$10.00 Per Lot	X 2
<u>APC</u>	Planned Unit Development	\$300.00	\$10.00 Per Lot	X 2
<u>APC</u>	Division of a <u>Minor Subdivision</u>	\$60.00	N/A	X 2
<u>APC</u>	<u>Plat Committee Appeal</u>	\$60.00	N/A	N/A
<u>APC</u>	<u>SES Development Plan</u>	\$200.00	Per <u>Parcel</u>	X 2
<u>BZA</u>	<u>Variance, Special Exception</u> , or Legal Non-Conforming (<u>Structure</u> or <u>Use</u>)	\$125.00	+ \$50.00 Per Additional Request	X 2
<u>BZA</u>	<u>Appeal</u> of Administrative Decision	\$60.00	N/A	N/A
PC	<u>Minor Subdivision</u>	\$60.00	N/A	X 2
PC	Addition	\$60.00	N/A	X 2
PC	<u>Combine</u>	\$60.00	N/A	X 2
General	<u>Pond Staff Development Plan</u>	\$60.00	N/A	X 2
General	<u>Development Plan (Staff)</u>	\$100.00	N/A	X 2
General	<u>Medium WECS</u>	\$250.00	Per Turbine	X 2
General	<u>Small WECS</u>	\$50.00	Per Turbine	X 2
General	<u>Improvement Location Permit</u> (less than or equal to 500 sq/ft)	\$40.00	Per Item	X 2
General	<u>Improvement Location Permit</u> (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 <u>Sign</u>	\$15.00	N/A	N/A
General	Digital Media Fee "CD or DVD"	\$1.00	Per Item	N/A
General	Special <u>Plat Committee</u> Meeting	\$325.00	N/A	N/A
General	Special <u>Board of Zoning Appeals</u> Meeting	\$550.00	N/A	N/A
General	Special <u>Plan Commission</u> 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 regularly 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 (s)</u> 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		
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 whether 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			
Petition Requirements After Official Action	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 Official Action of the Plat Committee .						X		
After acceptance of a Subdivision or PUD , a digital plan in NAD_1983_StatePlane_Indiana_East_FIPS_1301_Feet coordinate system shall be submitted to the Plan Commission Office. The file format shall be transferable to ESRI GIS products. If such a digital Plat 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 Improvement Location Permit may be issued.	X	X	X	X	X	X	X	X
The Secondary Approval official, as designated by the Subdivision Control Ordinance, shall review and approve all applications for Secondary Approval .					X	X	X	X
All conditions of approval shall be met or waived before the issuance of Secondary Approval or an Improvement Location Permit . 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 Bonding shall be submitted to the Plan Commission and the Local Legislative Body for approval before an Improvement Location Permit or Secondary Approval may be issued.	X			X	X			
All Deeds and recitals required by the Subdivision Control Ordinance for Secondary Approval shall be reviewed and certified by the Secondary Approval official before submittal for recording.					X	X	X	X
After acceptance two (2) Plat 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 Secondary Approval . The Petitioner shall have one of the two final copies recorded at the Recorder's office within the applicable county.				X	X			
Appeal time in days after the Official Action has been made by the Governing Agency .	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 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, CFO, 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 publicly controlled property, including but not 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 platted 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 premises affected are 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 premises affected are 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 if 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 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 Public Ways leading to the 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 on 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 Public Ways, streams, and transportation rights-of-way shall be deemed to follow their centerlines. The vacation of 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 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 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 that co-exists with an underlying Zoning District. 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 Structure General (If required by Article 14)	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 Facility								X								
Automobile Sales and Service			X	X	X		X	X								
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 are Defined in Article 18: Definitions																
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
Campground	X	X				X										
Car Wash			X	X	X		X									
Cemeteries	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									
Club	X		X	X	X							X	X	X		
College			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					SE	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 _y	X _x		
Dwelling, Four-Family (Multiple On One Lot)														X _x		
Dwelling, Multiple-Family														X		
Dwelling, Single-Family (Multiple on One Lot)	X	X										X	X	X _x	X	
Dwelling, Three-Family (Multiple on One Lot)														X _x		
Dwelling, Two-Family (Multiple on One Lot)													X	X _x		
USES are Defined in Article 18: Definitions																
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: DEFINITION

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
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	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		
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	
Manufactured Home Type 2 (Multiple On One Lot)	SE	SE								X	X			SE		
Manufactured Home Type 3 (Multiple On One Lot)	SE	SE								X	X					
Manufactured Home Subdivision											X					
USES are Defined in Article 18: Definitions																
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: DEFINITION

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		
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	
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	X					X	X								
Recreation, Commercial	X	X	X	X	X		X								X	
Recreation, Public	X	X	X	X	X	X				X	X	X	X	X	X	
Recreational Vehicle Park	X	X									X					
Recycling 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		
Riding Stable	X															
Sanitary Landfill									X							
School	X	X	X	X	X							X	X	X	X	
Self-Service Laundry Facility			X	X	X											
USES are Defined in Article 18: Definitions																
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: DEFINITION

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	X	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											
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 are Defined in Article 18: Definitions																
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: DEFINITION

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

- (1) A Setback shall be measured from the nearest property line or public Right-Of-Way to the foundation of any Structure as long as the overhang, including the gutter, does not project past the foundation more than two (2) feet.
- (2) Heights shall be measured as defined in this ordinance.
- (3) The Right-Of-Way dimension shall be defined for rural Major Collector Public Way and rural Minor Arterial Public Ways as forty (40) feet from the center of the Public Way. The Right-Of-Way dimension shall be defined for rural Other Principal Arterial Public Ways as fifty (50) feet from the center of the Public Way or the center of the nearest two lanes in a divided highway design, whichever is greater. The Right-Of-Way dimension shall be defined for rural Other Expressways Public Way and Other Freeway Public Way as sixty (60) feet from the center of the Public Way or the center of the nearest two lanes in divided highway design, whichever is greater.
- (4) No Structure except WECS Projects, WECS Testing Facilities, and Communication Towers shall be erected above the maximum Height requirement for each Zoning type described in this Zoning Ordinance. No Structure may be erected within any district whose Height would place it in proximity to commercial power transmission lines.
- (5) Primary and Accessory Structures Used for the parking of Vehicles may not be less than twenty (20) feet from a property line when a vehicular ingress and/or egress point faces a public Right-Of-Way unless said public Right-Of-Way is an Alley Public Way.

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>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>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 stormwater plan to an approved Development Plan, Major Subdivision, PUD, or CFO.
 - (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-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-PUBLIC WAY LOADING: Every building shall provide off-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-PUBLIC WAY PARKING: Off-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-Public Way parking shall be designed to avoid an undue burden on on-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 Existing Grade.
- (5) Ponds and banks of Ponds shall comply with the visual sight angle Requirements as defined in the 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 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 lies 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 be at least eight (8) feet above ground level.
 - (iii) The sign or awning may not project into the travel lanes or onto Public Way Parking Spaces of the adjacent 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 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 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 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.

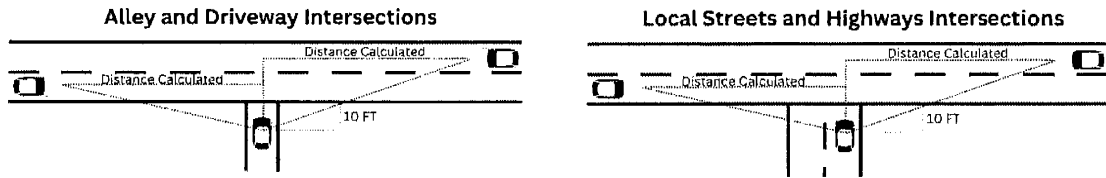
11-10 LIGHTING:

- (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** by 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 permanently 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 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 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 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 Public Ways less than twenty-four (24) feet in width and in excess of one hundred fifty (150) feet in length for Vehicle traffic within the Mobile Home Park. Turnarounds at the end of dead-end Public Ways shall have a diameter of at least one hundred twenty (120) feet to accommodate emergency response Vehicles.
 - (F) One-way Public Ways shall be at least twelve (12) feet wide, and two-way Public Ways shall be at least twenty (24) feet wide. If on-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 **Public Ways** 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 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 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 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 Plans shall be reviewed by either the Plan Commission or the Plan Commission's Staff as stated below:
 - (A) The Plan Commission shall review new Residential Development Plans and modifications that create a substantial increase in the 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 stormwater 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 Stormwater 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 stormwater drainage facilities shall be located in a recorded stormwater 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) **Public Way** Access Points

- 1) Any driveway access point made to a publicly maintained **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 **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**, the **Use** of one (1) of the following access reduction methods shall be installed.
 - a) A **Frontage Public Way** or rear **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** shall be permitted per five hundred (500) foot section of the **Frontage Public Way** or rear **Public Way**.
 - 2) If multiple driveway accesses connect the **Frontage Public Way** or rear collector **Public Way** to the **Public Way**, they should be located as far apart as possible.
 - 3) The **Frontage Public Way** or rear **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** shall be permitted per five hundred (500) feet of **Public Way Frontage**.
 - 2) If there are multiple driveway accesses connecting the shared driveway system to the **Public Way**, 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** from the driveway accesses.
- 5) Capacity of Adjacent **Public Ways**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.

b) 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-**Public Way** loading **Requirements** shall be met as required by this **Zoning Ordinance**.

(I) All off-**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 according 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 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 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 incompatible 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 stormwater 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.
 - 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 **Public Way** or back into the **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 of 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 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 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 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 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 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 Way Right-Of-Way Setback: The 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 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 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 which 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 Corps 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 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 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** 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 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 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.
 - a) Public Way Usage / Repair Agreement
 - b) Economic Development Agreement
 - c) 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 the entire 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 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 **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 Plans** 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 Way Right-Of-Way Setback:** The **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 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 circumstances 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 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 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 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).

14-10 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.

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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 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 pay reasonable regard to the **Zoning Ordinance**.
 - (B) **STORMWATER STANDARDS:** provisions as prescribed elsewhere in the **Subdivision Control Ordinance**.
 - (C) **GENERAL REGULATIONS:** provisions as prescribed in the **PUD District Ordinance**, which pay 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:** 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 directly involve 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.

ARTICE 18: DEFINITIONS

Certain words used in this **Zoning Ordinance** are defined below. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the male gender shall include the female gender and the female gender shall include the male gender; and the word "shall" is mandatory and not permissive. Unless specifically defined below, words or phrases used in this **Zoning Ordinance** shall be interpreted 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 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**.

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: An **Aerobic Digester** 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** is 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.

APPEAL: A grievance taken, following this **Zoning Ordinance** and applicable **Indiana Code**, against an **Official Action** of a **Governing Agency** or an 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

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 GARAGE: 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**

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 **COMMERCIAL 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**

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 not regularly to the general public.

COLLEGE: A post-high school educational facility for students, whether domiciled in dorms, Fraternity , 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.

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.

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.

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.

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.

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 area 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.

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

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: 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

Text: This text is a defined word in ARTICLE 18: DEFINITION

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.

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.

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, 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.

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

FLOOR AREA: 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 processes food for human consumption and certain related products, where the primary business purpose is for retail sale at the facility. The business may include wholesale sales as long as the primary business purpose is 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: A Structure used to provide lodging and boarding for male College students in, 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.

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.

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.

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.

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, 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.

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 to 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. AKA 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.

Text: This text is a defined word in ARTICLE 18: DEFINITION

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 decorative 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.

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.

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 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.

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: 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-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.

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

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

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.

OFF-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): Primary Parcel 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: 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**

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.

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

PUBLIC TRANSPORTATION TERMINALS: 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 criterion. 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 criterion. 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 criterion. 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 criterion. 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 criterion. 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 criterion. 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 criterion. 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**.

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.

Text: This text is a defined word in ARTICLE 18: DEFINITION

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**

RECREATIONAL 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 Structure or Use where food and beverages are sold, prepared, and served to the public.

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.

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 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: A Parcel or Structure used for the public or private education of students.

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.

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 precedence 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.

SHELTER BELT: A Shelter Belt shall be defined as trees, shrubs, and an 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.

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 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.

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).

Text: This text is a defined word in ARTICLE 18: DEFINITION

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 1 KW (kilowatts).

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

SPECIAL EXCEPTION: 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 stormwater 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.

STORMWATER 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 stormwater will be handled due to a Development Plan, Subdivision, PUD, or CFO as required by this Zoning Ordinance.

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

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 stormwater 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 stormwater 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 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.

Text: This text is a defined word in ARTICLE 18: DEFINITION

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 gases 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: A Sign placed by a government agency to give motorists information about laws, warnings, Public Way names, destinations, distances, and other similar items, or 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.

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 Primary Use and located on the same Parcel as the 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 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.

VIOLATION: Anything that is noncompliant with this Zoning Ordinance.

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.

WECS: 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 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 Stormwater Management of unincorporated areas of Wells County.

WELLS COUNTY SUBDIVISION CONTROL ORDINANCE: The Subdivision Control Ordinance legislates the Subdividing of land. AKA **SUBDIVISION CONTROL ORDINANCE** and **WCSCO**

WELLS COUNTY SURVEYOR: Elected official whose Jurisdiction is the following 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 Zoning Ordinance legislates the intent of the Comprehensive Plan. AKA **ZONING ORDINANCE** and **WCZO**

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.

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 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 or Right-Of-Way. AKA **FRONT YARD**

YARD, REAR: That Yard 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 Yard to the Rear Yard. AKA **SIDE YARD**

Text: This text is a defined word in ARTICLE 18: DEFINITION

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

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: A25-06-09 Effective Date: August 4, 2025

The Area Plan Commission gives a Do Pass Recommendation by a vote of 10 in favor and 0 opposed on this 11th day of June, 2025.



Tyson Brooks
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 2025-05 Effective Date: August 4, 2025
July 7, 2025 mwr

Passed by the Commissioners of Wells County, Indiana this 7th day of July, 2025 by the following vote:

AYE ✓ / Nay Sign [Signature] Print M.V. Vanner

AYE / Nay Sign [Signature] Print Renee Porter

AYE ✓ / Nay Sign [Signature] Print Jeff SPRINGER

ATTEST:

Sign [Signature]

Print Lisa McCormick
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 1659 Effective Date: August 4, 2025
7-25-25

Passed by the Common Council of the City of Bluffton, Indiana, this 1 day of July, 25, by the following vote:

AYE <u>X</u> / Nay _____	Sign <u>Blake Fiechter</u>	Print <u>Blake Fiechter</u>
AYE <u>X</u> / Nay _____	Sign <u>Janella Stronczek</u>	Print <u>Janella Stronczek</u>
AYE <u>X</u> / Nay _____	Sign <u>Scott Mentzer</u>	Print <u>Scott Mentzer</u>
AYE <u>X</u> / Nay _____	Sign <u>Rick Elwell</u>	Print <u>Rick Elwell</u>
AYE <u>X</u> / Nay _____	Sign <u>Ronald Neuenschwander</u>	Print <u>Ronald Neuenschwander</u>
AYE <u>X</u> / Nay _____	Sign <u>Josh Hunt</u>	Print <u>Josh Hunt</u>
AYE <u>X</u> / Nay _____	Sign <u>Sarah Reed</u>	Print <u>Sarah Reed</u>
	Sign <u>John Whicker</u>	Print <u>John Whicker</u>
		Mayor

ATTEST:

Sign Bri Lautzenheiser
Print Bri Lautzenheiser
Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, this 1 day of July, 25.

Sign Bri Lautzenheiser
Print Bri Lautzenheiser
Clerk-Treasurer

Approved by me this 1 day of July, 25.

Sign John Whicker
Print John Whicker
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 25-7-2 Effective Date: August 4, 2025

Passed by the Town Board of the Town of Ossian, Indiana, this 14th day of July 2025, by the following vote:

AYE ☒ / Nay ☐

Sign

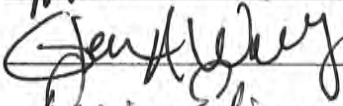


Print

JOSHUA W. BAILEY

AYE ☒ / Nay ☐

Sign

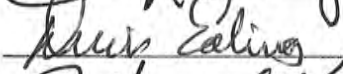


Print

Glen A. Werling

AYE ☒ / Nay ☐

Sign

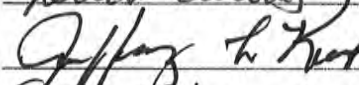


Print

Dennis Ealing

AYE ☒ / Nay ☐

Sign

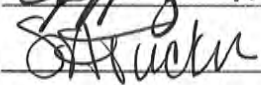


Print

JEFFREY L. KEMPER

AYE ☒ / Nay ☐

Sign

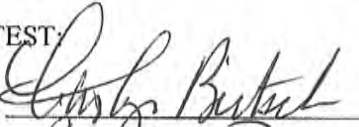


Print

Stephanie Tucker

ATTEST:

Sign



Print

Carolyn Bertsch
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 2025-08 Effective Date: August 4, 2025
July 15, 2025 SG

Passed by the Town Board of the Town of Zanesville, Indiana, this 15 day of July, 2025, by the following vote:

AYE X / Nay _____ Sign Issa Zent Print ISSA ZENT
AYE X / Nay _____ Sign Barbara O'Connor Print BARBARA O'CONNOR
AYE X / Nay _____ Sign John Schumacher Print JOHN SCHUMACHER

ATTEST:

Sign Tara Bowersock
Print Tara Bowersock
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 2026-7-14 Effective Date: August 4, 2025
~~7-14-25~~ mwl

Passed by the Town Board of the Town of Uniondale, Indiana, this 14th day of July, 25, by the following vote:

AYE <u>X</u> / Nay <u> </u>	Sign <u>Goffrey Lance</u>	Print <u>Goffrey Lance</u>
AYE <u>X</u> / Nay <u> </u>	Sign <u>John Ringer</u>	Print <u>John Ringer</u>
AYE <u> </u> / Nay <u> </u>	Sign <u> </u>	Print <u> </u>

ATTEST:

Sign Kiera C. Lance
Print Kiera C. Lance
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 2025-TC-4 Effective Date: August 4, 2025

Passed by the Town Board of the Town of Vera Cruz, Indiana, this 15th day of July, 25, by the following vote:

AYE ☒ / Nay ☐ Sign Judy Mikezell Print JUDY MIKESELL

AYE ☒ / Nay ☐ Sign Mason Baines Print Mason BAINES

AYE ☒ / Nay ☐ Sign Cynthia Mulkey Print Cynthia Mulkey

ATTEST:

Sign Sara A Jones

Print Sara A Jones
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 2025-3 Effective Date: August 4, 2025
~~7-14-25~~ SG

Passed by the Town Board of the Town of Poneto, Indiana, this 14th day of July 2025 by the following vote:

AYE ✓ / Nay Sign [Signature] Print Linda Oglet

AYE ✓ / Nay Sign [Signature] Print Paul Miller

AYE / Nay Sign Print

ATTEST:

Sign Lou Ann Reinhard

Print Lou Ann Reinhard
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, 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 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) Public Way Frontage shall be defined as the property line of a Parcel that borders a Public Way. 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 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 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 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 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 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 Public Ways.
- (A) Dimension: 30 feet unless the functional classification of the 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 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 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, 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 that 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 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 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) **Public Way Lights and Sidewalks:** **Major Subdivision** plans must meet the **Standards** and **Requirements**, if any, for **Public Way** light fixtures and sidewalks as established by local legislative bodies. Said **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, stormwater 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 **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 **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 platted **Lot** in a **Major Subdivision** may be located behind other platted **Lots** if a twenty-five (25) foot wide access strip that is contiguous with an existing **Public Way** is platted with said **Lot** and if 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**.
 - a) **Public Ways:** provisions as prescribed elsewhere in this **Subdivision Control Ordinance**.
 - b) **Stormwater Standards:** provisions as prescribed elsewhere in this **Subdivision Control Ordinance**.
 - c) **Wells County Ordinance For Flood Hazard Areas**
 - d) **General Regulations:** provisions as prescribed elsewhere in the **Zoning Ordinance**.
 - e) **Survey Standards:** provisions as prescribed elsewhere in this **Subdivision Control Ordinance**.
 - f) **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 **Public Ways**, sanitary piping, stormwater 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

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, well-being, 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 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 **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 accommodate 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 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 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: Stormwater 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 stormwater 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 stormwater, then said stormwater 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 stormwater. 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 Stormwater Quantity Management:** The stormwater 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 stormwater 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) **DOWNSTREAM 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 stormwater 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 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 stormwater. 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 stormwater runoff from off-site land areas as well as the stormwater 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 stormwater 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 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 stormwater 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 stormwater 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 CFO.
 - (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) **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:** provisions as prescribed elsewhere in this Subdivision Control Ordinance.
 - (8) **IMPACT DRAINAGE AREAS:** provision as prescribed in the Stormwater 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.

TITLE 4: Wells County Flood Damage Prevention Ordinance

Regular Phase

Article 1. Statutory Authorization, Findings of Fact, Purpose, and Methods

Section A. Statutory Authorization

The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Wells County Commissioners; the Common Council of the City of Bluffton; and the Town Councils of the Towns of Uniondale, Vera Cruz, Zanesville, Ossian, and Poneto (hereinafter referred to collectively as “**Wells County**”) do hereby adopt the following floodplain management regulations.

Section B. Findings of Fact

The flood hazard areas of Wells County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. To minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

Section C. Replacement of Wells County Ordinance for Flood Hazard Areas

This ordinance shall repeal and replace the Wells County Ordinance for Flood Hazard Areas with the effective date of October 16, 2014. This ordinance shall also repeal and replace the Ordinance for Flood Hazard Areas for the Town of Zanesville with the effective date of November 16, 2016.

Section D. Statement of Purpose

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood-prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;

- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

Section E. Methods of Reducing Flood Loss

To accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses that are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities, that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

Article 2. Definitions

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to give the meaning they have in common usage and to give these regulations the most reasonable application.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard, or change the direction and/or velocity of the flow of water during conditions of the base flood.

Accessory Structure means a structure with a floor area of 400 square feet or less that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

- (1) Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.
- (2) Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
- (3) The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the National Flood Insurance Program ("NFIP"):
 - a. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;
 - b. Structures used by the public, such as a place of employment or entertainment; and,
 - c. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples include but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, that is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance, a request for a variance, or a challenge of a board decision.

An area of special flood hazard is the land within a community subject to a one (1) percent or greater chance of being flooded in any given year.

Base flood means the flood has a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.

Base Flood Elevation (BFE) means the water surface elevation of the base flood concerning a specified datum, usually the North American Vertical Datum of 1988.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Best Available Flood Layer (BAFL) means floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.

Building – See "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.

Critical Facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

Development means, for floodplain management purposes, any man-made change to improved or unimproved real estate including but not limited to:

- (1) Construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of boat lifts, docks, piers and seawalls;
- (7) construction and/or reconstruction of, bridges or culverts;
- (8) storage of materials; or
- (9) Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting; re-roofing; resurfacing roads, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

An Elevation Certificate is a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act and is encouraged to be used to collect certified elevation information.

An enclosed area (enclosure) is an area of a structure enclosed by walls on all sides.

Enclosure below the lowest floor. See "Lowest Floor" and "Enclosed Area."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA is the Federal Emergency Management Agency.

Fill for floodplain management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (3) Mudslides (i.e., mudflows) are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when the earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.

Flood hazard area means areas subject to the one percent annual chance of flood. (See “Special Flood Hazard Area”)

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM and the water surface elevation of the base flood.

Flood Prone Area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See “Floodplain”)

Flood Protection Grade (FPG) is the BFE plus two (2) feet at any given location in the SFHA. (See “Freeboard”)

Floodplain or Flood Prone Area means any land area susceptible to being inundated by water from any source. (See “Flood”)

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power that control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for flood damage prevention and reduction.

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG.

A floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulative increasing the water surface elevation more than a designated height.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe or Flood Fringe is the portion of the floodplain lying outside the floodway.

Functionally dependent use means a use that cannot perform its intended purpose unless it is located or carried out close to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Wells County Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

The highest adjacent grade means the highest natural elevation of the ground surface, before the start of construction, next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

Hydrologic and hydraulic engineering analysis means analyses performed by a professional engineer licensed by the State of Indiana, following standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

International Code Council-Evaluation Service (ICC-ES) Report is a document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, and installed.

Letter of Final Determination (LFD) is a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during these six months unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:

- (1) **Conditional Letter of Map Revision (CLOMR)** means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
- (2) **A conditional Letter of Map Revision Based on Fill (CLOMR-F)** means a letter from FEMA stating that a proposed structure that will be elevated by fill will not be inundated by the base flood.
- (3) **Letter of Map Amendment (LOMA)** means an amendment by letter to the currently effective FEMA map that establishes that a building or of land is not located in an SFHA through the submittal of property-specific elevation data. A LOMA is only issued by FEMA.
- (4) **Letter of Map Amendment Out as Shown (LOMA-OAS)** means an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
- (5) **Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
- (6) **Letter of Map Revision Based on Fill (LOMR-F)** means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

The lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means, for floodplain management purposes, the lowest elevation described among the following:

- (1) The lowest floor of a building.
- (2) The basement floor.
- (3) The garage floor if the garage is connected to the building.
- (4) The first floor of a structure is elevated on pilings or pillars.
- (5) The floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
 - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.

- b. At least two (2) openings are designed and maintained for the entry and exit of floodwater, and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.
- (6) The first floor of a building is elevated on pilings or columns in a coastal high-hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.

A manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

A manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Natural grade for floodplain management purposes means the elevation of the undisturbed natural surface of the ground. Fill placed before the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

New construction for floodplain management purposes means any structure for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-percent annual chance flood is a flood that has a one percent (1%) chance of being equaled or exceeded in any given year. See "Regulatory Flood".

Physical Map Revision (PMR) is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

A prefabricated Building is a building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

Principally above ground means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Recreational vehicle means a vehicle that is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck;
- (4) Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regulatory flood means the flood has a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3, B of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA), synonymous with "areas of special flood hazard" and floodplain, means those lands within the jurisdiction of Wells County subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, as Zones A, AE, A99, or VE. The SFHA includes areas that are flood prone and designated from other federal, state, or local sources of data including but not limited to the best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood-prone soils associated with a watercourse.

Solid waste disposal facility means any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.

The start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground. The term includes a manufactured home, as well as a prefabricated building. It also includes recreational vehicles installed on a site for more than 180 consecutive days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements.

Variance is a grant of relief from the requirements of this ordinance consistent with the variance conditions herein.

Violation means the failure of a structure or other development to be fully compliant with this ordinance.

Walled and roofed means a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

Watercourse means a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. The watercourse includes specifically designated areas in which substantial flood damage may occur.

Article 3. General Provisions

Section A. Lands to Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of Wells County, Indiana, and the Town of Zanesville in Allen County, Indiana as identified in Article 3, Section B, including any additional areas of special flood hazard annexed by Wells County, Indiana or the Town of Zanesville, Indiana.

Section B. Basis for Establishing the Areas of Special Flood Hazard

- (1) **All of Wells County:** The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Wells County, delineated as an "AE Zone" on the Wells County, Indiana, and Incorporated Areas Flood Insurance Rate Map dated October 16, 2014, shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of Wells County, Indiana, and Incorporated Areas and the corresponding Flood Insurance Rate Maps (FIRM) dated October 16, 2014, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an "AE Zone", the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.
- (2) **Zanesville, Indiana – Allen County:** The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the Town of Zanesville delineated as an "AE Zone" on the Allen County, Indiana, and Incorporated Areas Flood Insurance Rate Map dated August 3, 2009, and the Wells County, Indiana, and Incorporated Areas Flood Insurance Rate Map dated October 16, 2014, shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of Allen County, Indiana, and Incorporated Areas and the corresponding Flood Insurance Rate Maps (FIRM) dated August 3, 2009, and the Flood Insurance Study of Wells County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Maps (FIRM) dated October 16, 2014 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an "AE Zone", the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.
- (3) **All of Wells County:** The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Wells County, delineated as an "A Zone" on the Wells County, Indiana, and Incorporated Areas Flood Insurance Rate Map, dated October 16, 2014, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequent approval.
- (4) **Zanesville, Indiana – Allen County:** The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the Town of Zanesville, delineated as an "A Zone" on the Allen County, Indiana, and Incorporated Areas Flood Insurance Rate Map, dated August 3, 2009, and the Wells County, Indiana, and Incorporated Areas Flood Insurance Rate Map, dated October 16, 2014, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequent approval.
- (5) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood-prone areas shall

Text: This text is a defined word in ARTICLE 18: DEFINITION

be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.

- (6) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

Section C. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance before the commencement of any development activities in areas of special flood hazard.

Section D. Compliance

- (1) No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations.
- (2) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (3) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations

- (1) In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.
- (2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- (3) If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

Section G. Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section H. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Wells County, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance, or any administrative decision made lawfully thereunder.

Section I. Penalties for Violation

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such following the provisions of the Wells County Zoning Ordinance. All violations shall be punishable by a fine not exceeding \$2,500 per day.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Wells County Plan Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (3) Nothing herein shall prevent the county from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Article 4. Administration.

Section A. Designation of Administrator

The Board of County Commissioners of Wells County hereby appoints the Plan Commission Executive Director to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

Section B. Floodplain Development Permit and Certification Requirements

An application for a floodplain development permit shall be made to the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, before the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage.

- a. A description of the proposed development;
- b. Location of the proposed development sufficient to accurately locate property and structure(s) concerning existing roads and streams;
- c. A legal description of the property site;
- d. A site development plan showing existing and proposed development locations and existing and proposed land grades;
- e. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures with plumbing;
- f. Plans showing the elevation of the top of the planned lowest floor (including the basement) of all proposed structures in Zones A, AE. Elevation should be in NAVD 88;
- g. Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed;
- h. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade;
- i. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant;
- j. Plans showing how any proposed structure will be anchored to resist flotation or collapse;
- k. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities are designed and/or located. Elevation should be in NAVD 88;
- l. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes are submitted to DNR for approval. Once DNR approval is obtained, a FEMA Conditional Letter of

Map Revision must be obtained before construction. (See Article 4, Section C (8) and Article 4, Section E for additional information.)

- m. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure concerning the requirements of this ordinance.

(2) Construction Stage.

- a. Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator shall review the elevation certificate. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(3) Finished Construction.

- a. Upon completion of construction of an elevated structure or structure constructed on fill, an elevation certificate that depicts the “as-built” lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.
- b. Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by the same.

Section C. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

- (1) Enforce the provisions of this ordinance.
- (2) Evaluate applications for permits to develop in special flood hazard areas to assure that the permit requirements of this ordinance have been satisfied.
- (3) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (4) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
- (5) Advise the permittee that additional Federal, State, and/or local permits may be required. If specific Federal, State, and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
- (6) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

- (7) For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:
1. Verify and document the market value of the pre-damaged or pre-improved structure;
 2. Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community;
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement” for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage; and
 4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in Article 5 of this ordinance is required.
- (8) Notify adjacent communities and the State Floodplain Coordinator before any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.
- (9) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section A (1), Section A (3) (a) and Section A (4) of this ordinance. Maintain a record of such authorization (either a copy of the actual permit/authorization or floodplain analysis/regulatory assessment).
- (10) Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if Article 4, Section C (9) is applicable.
- (11) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (12) Verify and record the actual elevation of the lowest floor (including the basement) of all new or substantially improved structures, following Article 4, Section B (1)(f).
- (13) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed following Article 4, Section B (1)(g).
- (14) Make on-site inspections of projects following Article 4.
- (15) Coordinate with insurance adjusters before permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.
- (16) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with plumbing.
- (17) Provide information, testimony, or other evidence as needed during variance hearings.

- (18) Serve notices of violations, issue stop-work orders, revoke permits, and take corrective actions following Article 4, Section D (2).
- (19) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance following Section Article 4, Section D (4).
- (20) Coordinate map maintenance activities and associated FEMA follow-up following Article 4, Section E.
- (21) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (22) Request any additional information that may be necessary to determine the disposition of a proposed development or structure concerning the requirements of this ordinance.

Section D. Administrative Procedures

- (1) Inspections of Work in Progress. As the work according to a permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter any premises within the territorial jurisdiction at any reasonable hour for inspection or other enforcement action.
- (2) Stop Work Orders.
 - a. Upon notice from the floodplain administrator, work on any building, structure, or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
 - b. Such notice shall be in writing and shall be given to the owner of the property, his agent, or the person doing the work, and shall state the conditions under which work may be resumed.
- (3) Revocation of Permits.
 - a. The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - b. The floodplain administrator may revoke a permit upon a determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued violates, or not in conformity with, the provisions of this ordinance.
- (4) Floodplain Management Records.
 - a. Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this ordinance shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of

watercourses; assurances that the flood-carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken according to this ordinance.

- b. These records shall be available for public inspection at the Wells County Area Plan Commission located at 223 West Washington Street, Bluffton, IN 46714.
- (5) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credentials, to enter any premises within the territorial jurisdiction of the department at any reasonable hour for inspection or other enforcement action.

Section E. Map Maintenance Activities

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Wells County's flood maps, studies, and other data identified in Article 3, Section B accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- (1) The requirement to Submit New Technical Data
- a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.
 - b. It is the responsibility of the applicant to have the required technical data for a Conditional Letter of Map Revision or Letter of Map Revision submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - c. The Floodplain Administrator shall require a Conditional Letter of Map Revision before the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.
 - d. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

(2) Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the President of the Commissioners of Wells County and may be submitted to FEMA at any time.

(3) Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of Wells County have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. So that the Wells County, Indiana, and Incorporated Areas Flood Insurance Rate Map accurately represents the Wells County boundaries, include within such notification a copy of a map of the Wells County suitable for reproduction, clearly showing the new corporate limits or the new area for which the Wells County has assumed or relinquished floodplain management regulatory authority.

Section F. Variance Procedures

- (1) The Wells County Board of Zoning Appeals (the board) as authorized by Indiana Code and established by the Wells County Zoning Ordinance shall hear and decide appeals and requests for variances from requirements of this ordinance.
- (2) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Wells County Circuit Court.
- (3) In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The danger that materials may be swept onto other lands to the injury of others;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. the importance of the services provided by the proposed facility to the community;
 - e. the necessity of the facility of a waterfront location, where applicable;
 - f. the compatibility of the proposed use with existing and anticipated development;
 - g. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 - h. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. the expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
 - j. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (4) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (5) Variances from the provisions of this ordinance shall only be granted when the board can make positive findings of fact based on evidence submitted at the hearing for the following:
 - a. A showing of good and sufficient cause.

- b. A determination that failure to grant the variance would result in exceptional hardship as defined in Article 2.
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (6) No variance for residential use within a floodway subject to Article 5, Section A (1), Section A (3) (a), or Section A (4) of this ordinance may be granted.
 - (7) Any variance granted in a floodway subject to Article 5, Section A (1), Section A (3) (a), or Section A (4) will require a permit from the Indiana Department of Natural Resources. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (8) Variances to the Provisions for Flood Hazard Reduction of Article 5 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
 - (9) Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.
 - (10) Variances may be issued for new construction, substantial improvements, and other developments necessary for the conduct of a functionally dependent use.
 - (11) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (12) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 - (13) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - (14) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

Article 5. Provisions for Flood Hazard Reduction

Section A. Floodplain Status Standards

(1) Floodways (Riverine)

Located within SFHAs, established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential. Under the provisions of the Flood Control Act (IC 14-28-1), a permit for construction in a floodway from the Indiana Department of Natural Resources is required before the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

- a. If the site is in a regulatory floodway as established in Article 3, Section B, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).
- b. No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this article.
- c. The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.
- d. In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting the requirements of Article 4, Section E (1). A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.
- e. In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
- f. For all projects involving channel modifications or fill (including levees), the county shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

(2) Fringe (Riverine)

If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on an FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this article have been met.

(3) SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine)

1. The drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

2. The drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this article have been met.

(4) SFHAs not Identified on a Map.

- a. If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
- b. No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

- c. Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this article have been met.

Section B. General Standards

In all areas of special flood hazard, the following provisions are required:

All new construction, reconstruction, or repairs made to a repetitive loss structure, and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;

- (1) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
- (2) New construction and substantial improvements must incorporate methods and practices that minimize flood damage;
- (3) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;
- (4) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) On-site waste disposal systems shall be located and constructed to avoid impairment or contamination from them during flooding;
- (7) Any alteration, repair, reconstruction, or improvements to a structure that complies with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance;
- (8) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres;
- (9) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (10) Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical.
- (11) Non-conversion agreements shall be required for all new or substantially improved elevated structures with an enclosure beneath the elevated floor, accessory structures, and open-sided shelters.

- (12) Whenever any portion of the SFHA is authorized for use, the volume of space that will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
- a. The excavation shall take place in the same floodplain on the same property on which the authorized fill or structure is located, provided sufficient space exists.
 - b. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory floodwater, will not be subject to ponding when not inundated by floodwater, and that it shall not be refilled.
 - c. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by floodwater.
 - d. The excavation shall be sufficiently stabilized and compacted to remain firm and resist erosion.
 - e. A restrictive covenant that states the approved compensatory cut area (excavation) shall not be altered without approval from the Floodplain Administrator shall be executed and recorded in the County Recorder's Office that runs with the property.
 - f. The fill or structure shall not obstruct a drainage way leading to the floodplain.
 - g. The grading around the excavation shall be such that the excavated area is accessible to the regulatory floodwater.
 - h. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement. When a structure is placed on fill it shall follow additional requirements of Article 5, Section **C(2)(d) or C(3)(d)**.
 - i. Plans depicting the areas to be excavated and filled shall be submitted before the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

Section C. Specific Standards

In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as outlined in Article 3, Section B, the following provisions are required:

- (1) **Building Protection Requirement.** In addition to the general standards described in Article 5, Section B, structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
- a. Construction or placement of a residential structure;
 - b. Construction or placement of a non-residential structure;
 - c. Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes;

- d. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before-damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before the damage occurred (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost);
- e. Installing a travel trailer or recreational vehicle on a site for more than 180 days;
- f. Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning an existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage, provided it is returned within 180 days of the subsidence of floodwaters in the area of such site;
- g. Reconstruction or repairs made to a repetitive loss structure; and
- h. Addition or improvement made to any existing structure with a previous repair, addition, or improvement constructed since the community's first floodplain ordinance in 1983.

(2) Residential Construction (excluding manufactured homes).

- a. New construction or substantial improvement of any residential structures shall meet provisions described in Article 5, Section A and applicable general standards described in Article 5, Section B.
- b. In **Zone A and Zone AE**, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided following the standards of Article 5, Section C (2) (c). Should fill be used to elevate a structure, the standards of Article 5, Section C (2) (d) must be met.
- c. **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirements:
 - i. Designed to preclude finished living space and allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with the criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
 - A. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);
 - B. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
 - C. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
 - D. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG;
 - E. Doors and windows do not qualify as openings;
 - F. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

- G. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as a typical foundation air vent device.
- ii. The floor of such an enclosed area must be at or above grade on at least one side.
- iii. The interior portion of such an enclosed area shall not be partitioned or finished into separate rooms.
- d. A residential structure may be constructed on a permanent land fill following the following.
 - i. Fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
 - ii. Fill shall extend ten (10) feet beyond the foundation of the structure before sloping below the BFE;
 - iii. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;
 - iv. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties;
 - v. Fill shall be composed of clean granular or earthen material.
- e. A residential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(3) Non-Residential Construction.

- a. New construction or substantial improvement of any non-residential structures (excludes accessory structures) shall meet provisions described in Article 5, Section A and applicable general standards described in Article 5, Section B.
- b. In **Zone A and Zone AE**, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excludes accessory structures) shall either have the lowest floor, including the basement, and, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided following the standards of Article 5, Section C (3) (c). Should fill be used to elevate a structure, the standards of Article 5, Section C (3) (d) must be met.
- c. **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirements:
 - i. Designed to preclude finished living space and allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with the criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

- A. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);
 - B. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
 - C. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
 - D. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG;
 - E. Doors and windows do not qualify as openings;
 - F. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
 - G. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as a typical foundation air vent device.
- ii. The floor of such an enclosed area must be at or above grade on at least one side.
 - iii. The interior portion of such an enclosed area shall not be partitioned or finished into separate rooms.
- d. A nonresidential structure may be **constructed on a permanent landfill** following the following:
 - i. Shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
 - ii. Shall extend ten (10) feet beyond the foundation of the structure before sloping below the BFE;
 - iii. Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;
 - iv. Shall not adversely affect the flow of surface drainage from or onto neighboring properties;
 - v. Shall be composed of clean granular or earthen material.
 - e. A nonresidential structure may be **floodproofed** under the following:
 - i. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.

- ii. Floodproofing measures shall be operable without human intervention and an outside source of electricity.
- f. A nonresidential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(4) **Manufactured Homes and Recreational Vehicles.**

- a) These requirements apply to all manufactured homes to be placed on a site in the SFHA:
 - i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - ii. Fully enclosed areas formed by the foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section C (2) (c).
 - iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- b) Recreational vehicles placed on a site in the SFHA shall either:
 - i. Be on-site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and having no permanently attached additions), or
 - ii. Meet the requirements for “manufactured homes” as stated earlier in this section.

(5) **Accessory Structures**

Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

- a. Shall have a floor area of 400 square feet or less;
- b. Use shall be limited to parking of vehicles and limited storage;
- c. Shall not be used for human habitation;
- d. Shall be constructed of flood-resistant materials;
- e. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- f. Shall be firmly anchored to prevent flotation;
- g. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG;
- h. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section C (3) (c) and,

- i. Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

(6) Pavilions, Gazebos, Decks, Carports, and Similar Development.

Within SFHAs designated as Zones A, AE, on the community's FIRM, new construction or placement of pavilions, gazebos, decks, carports, and similar development must meet the following standards:

- a. Shall have open sides (having not more than one rigid wall);
- b. Shall be anchored to prevent flotation or lateral movement;
- c. Shall be constructed of flood-resistant materials below the FPG;
- d. Any electrical, heating, plumbing, and other service facilities shall be located at/above the FPG;
- e. Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a pavilion, gazebo, carport, or similar open-sided development.

(7) Above Ground Gas or Liquid Storage Tanks.

Within SFHAs designated as Zones A, AE, on the community's FIRM, all newly placed aboveground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in Article 5, Section C (3).

Section D. Standards for Subdivision and Other New Developments

- (1) All subdivision proposals and all other proposed new developments shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals and all other proposed new developments shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals and all other proposed new developments shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) In all areas of special flood hazard where base flood elevation data area not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres, whichever is less.
- (5) All subdivision proposals shall minimize development in the SFHA and/or limit the density of development permitted in the SFHA.
- (6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
- (7) Streets, block lots, parks, and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

Section E. Standards for Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

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 2024-03

Passed by the Commissioners of Wells County, Indiana this 16 day of January, 2024, by the following vote:

AYE / Nay Sign ABSENT Print Michael Vanover

AYE X / Nay Sign [Signature] Print Jeffery Stringer

AYE / Nay Sign [Signature] Print Blake Gerber

ATTEST:

Sign [Signature]

Print Lisa McCormick
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 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 1609

Passed by the Common Council of the City of Bluffton, Indiana this 16 day of January, 2024, by the following vote:

AYE ✓ / Nay _____ Sign [Signature] Print Rick D. Plwell

AYE ✓ / Nay _____ Sign [Signature] Print Scott A. Montez

AYE ✓ / Nay _____ Sign [Signature] Print Janella J. Stronczek

AYE ✓ / Nay _____ Sign [Signature] Print Blake A. Frechter

AYE ✓ / Nay _____ Sign [Signature] Print Charles T. Guder

AYE ✓ / Nay _____ Sign [Signature] Print Josh Hunt

AYE ✓ / Nay _____ Sign [Signature] Print Sarah J. Reed

Sign [Signature]

Print John S. Whicker
Mayor

ATTEST:

Sign [Signature]

Print Briana Lautzenheiser
Clerk Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, this 16 day of January, 2024

Sign [Signature]

Print Briana Lautzenheiser
Clerk Treasurer

Approved by me this 16 day of January, 2024

Sign [Signature]

Print John S. Whicker
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 1-4-24

Passed by the Town Board of the Town of Ossian, Indiana this 8th day of Jan, 24, by the following vote:

AYE X / Nay _____

Sign [Signature]

Print Dennis Ealing

AYE X / Nay _____

Sign [Signature]

Print Glen A. Werling

AYE X / Nay _____

Sign [Signature]

Print JOSHUA W. BARNES

AYE X / Nay _____

Sign [Signature]

Print JEFFREY L. KEMPER

AYE X / Nay _____

Sign [Signature]

Print Stephanie A. Tucker

ATTEST:

Sign [Signature]

Print Angie Ealing
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 2024-3

Passed by the Town Board of the Town of Zanesville, Indiana this 16 day of Jan, 2024, by the following vote:

AYE X / Nay _____ Sign Isaac Zent Print ISAAC ZENT

AYE X / Nay _____ Sign Barbara O'Connor Print BARBARA O'CONNOR

AYE X / Nay _____ Sign John Schumacher Print JOHN SCHUMACHER

ATTEST:

Sign Tara Bowersock

Print Tara Bowersock
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 01-10-24

Passed by the Town Board of the Town of Uniondale, Indiana this 12th day of February 24 by the following vote:

AYE X / Nay _____ Sign Geoffrey Lance Print Geoffrey Lance

AYE X / Nay _____ Sign proxy Print Erin Kreigh

AYE X / Nay _____ Sign John Ringer Print John Ringer

ATTEST:

Sign Kiera C. Lance

Print Kiera C. Lance
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 2024-TC-5

Passed by the Town Board of the Town of Vera Cruz, Indiana this 20 day of February, 2024, by the following vote:

AYE ☒ / Nay ☐ Sign Judy Mikezell Print JUDY MIKESELL

AYE ☒ / Nay ☐ Sign ASON JAMES RIVLES Print ASON JAMES RIVLES

AYE ☒ / Nay ☐ Sign Cynthia A. Mulkey Print Cynthia A. Mulkey

ATTEST:

Sign [Signature]

Print Jane Jones

Clerk Treasurer


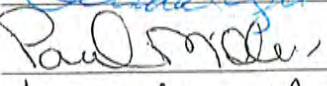
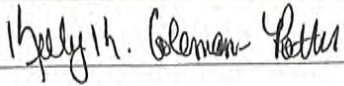
BE IT ORDAINED BY THE TOWN BOARD OF PONETO, INDIANA AS FOLLOWS:

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.

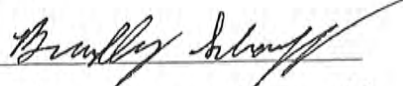
Section 2: This ORDINANCE shall take effect and be in force after its adoption and publication as required by law.

Ordinance Number 2024-1-3

Passed by the Town Board of the Town of Poneto, Indiana this 8 day of January, 2024, by the following vote:

AYE <input checked="" type="checkbox"/> / Nay <input type="checkbox"/>	Sign <u></u>	Print <u>Linda Oghe</u>
AYE <input checked="" type="checkbox"/> / Nay <input type="checkbox"/>	Sign <u></u>	Print <u>Paul Miller</u>
AYE <input checked="" type="checkbox"/> / Nay <input type="checkbox"/>	Sign <u></u>	Print <u>Theluth Coleman-Potter</u>

ATTEST:

Sign 
Print Bradley Schaeff
Clerk Treasurer

I affirm under the penalties for perjury, that
I have taken reasonable care to redact each
Social Security number in this document,
unless required by law.
Michael W. Lautzenheiser, Jr.

This document was prepared by
Michael W. Lautzenheiser, Jr.