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

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Rina E. Stuck
Wells County Recorder IN
Recorded as Presented

Prepaired By:

Wells County Area Plan Commission
223 W. Washington St.
Bluffton, IN 46714
wcapc@wellscounty.org | Ph. (260) 824-6407 | Fax (260) 824-6415

"Building a stronger community through proactive planning!"

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
April 14, 2026*	WCZO	Solar Development Standards and Definitions

*Current Ordinances

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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 THERFORE, 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.

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

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:
Beth A. Ehrhart		
David E. Hilliard		
Melanie Adams		
Carl D. Lore		
Michael D. McKinney		

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.

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:
		Terrie Lazzell

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 Schumacher

Danny 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:

Randall Floyd Pro

Robert Bennett Carla Dmac

Gene Cushman

ATTEST:

Sharice Bowen C/T

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 Flatow

Ken Neuenschwander

Mara A. Grover

ATTEST:

Nida Marie Masterson

Nida 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:

Tinsley Jones

Vicky E Smith

Steven R. Rusk

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 **Use**s, 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 Hearing**s 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.

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

ORDAINING CLAUSE

Petition Number: A25-12-27 Effective Date: April 14, 2026

The Area Plan Commission gives a Do Pass Recommendation by a vote of 6 in favor and 4 opposed on this 4th day of December, 2025.

Tyson Brooks
Area Plan Commission President

Michael W. Lautzenheiser, Jr.
Area Plan Commission Director

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

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 2026-04 Effective Date: ~~March 16, 2026~~ April 14, 2026 SG

Passed by the Commissioners of Wells County, Indiana this 16th day of March, 2026 by the following vote:

AYE X / Nay ____ Sign /s/Jeff Stringer Print Jeff Stringer

AYE X / Nay ____ Sign [signature] Print Michael K. Vanover

AYE X / Nay ____ Sign [signature] Print Blake Gerber

ATTEST:

Sign [signature]

Print Lisa McCormick

Wells County Auditor

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

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 1682 Effective Date: April 14, 2026

Passed by the Common Council of the City of Bluffton, Indiana, this 17 day of March, 2026, by the following vote:

AYE X / Nay ____ Sign [signature] Print Rick D. Elwell

AYE X / Nay ____ Sign [signature] Print David P. Teeple

AYE X / Nay ____ Sign [signature] Print Janella Stronczek

AYE X / Nay ____ Sign [signature] Print Blake A. Fiechter

AYE X / Nay ____ Sign [signature] Print Ronald J. Navenschwander

AYE ____ / Nay X Sign [signature] Print Sarah J. Reed

AYE ____ / Nay ____ Sign ____ Print ____

Sign [signature]

Print Joshua Hunt

~~Mayor~~ officer

ATTEST:

Sign [signature]

Print Bri Lautzenheiser

Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, this 23 day of March, 2026

Sign [signature]

Print Bri Lautzenheiser

Clerk-Treasurer

Approved by me this 23 day of March, 2026.

Sign [signature]

Print Scott Mentzer

Mayor

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

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 2026-3-2 Effective Date: April 14, 2026

Passed by the Town Board of the Town of Ossian, Indiana, this 9th day of March, 2026 by the following vote:

AYE X / Nay ____ Sign Glen A Werling Print Glen A. Werling

AYE X / Nay ____ Sign Stephanie A Tucker Print Stephanie A. Tucker

AYE X / Nay ____ Sign Dennis Ealing Print Dennis Ealing

AYE X / Nay ____ Sign Jeffrey L Kemper Print JEFFREY L. KEMPER

AYE X / Nay ____ Sign Joshua W Barkley Print JOSHUA W. BARKLEY

ATTEST:

Sign Lou Ann Reinhard

Print Lou Ann Reinhard
Clerk-Treasurer

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

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 2026-02 Effective Date: ~~3/17/2026~~ SG April 14, 2026

Passed by the Town Board of the Town of Zanesville, Indiana, this 17th day of March, 2026, by the following vote:

AYE X / Nay ____ Sign [signature] Print ISSAC ZENT

AYE X / Nay ____ Sign [signature] Print BARBARA O'CONNOR

AYE X / Nay ____ Sign [signature] Print JOHN SCHUHMACHER

ATTEST:

Sign [signature]

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 4-13-2026 Effective Date: April 14, 2026

Passed by the Town Board of the Town of Uniondale, Indiana, this 13 day of April, 2026, by the following vote:

AYE X / Nay ____ Sign _____ Print John Rhoyser

AYE X / Nay ____ Sign _____ Print Geoffrey Lance

AYE ____ / Nay ____ Sign _____ Print _____

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 2026-TC-4 Effective Date: ~~3-17-2026~~ April 14, 2026 SG

Passed by the Town Board of the Town of Vera Cruz, Indiana, this 17 day of MARCH, 26, by the following vote:

AYE X / Nay ____ Sign Cynthia Mulkey Print Cynthia Mulkey

AYE X / Nay ____ Sign Mason Hines Print Mason Hines

AYE ✓ / Nay ____ Sign Judy Mikesell Print JUDY MIKESELL

ATTEST:

Sign Sara A Jones

Print Sara A Jones
Clerk-Treasurer

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

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 2026-4-1 Effective Date: April 14, 2026

Passed by the Town Board of the Town of Poneto, Indiana, this 13 day of April, 26, by the following vote:

AYE X / Nay ____ Sign Paul Miller Print Paul Miller

AYE X / Nay ____ Sign Linda Lee Print Linda Lee

AYE X / Nay ____ Sign Michael Karsin Print Michael Karsin

ATTEST:

Sign Lou Ann Reinhard

Print Lou Ann Reinhard

Clerk-Treasurer

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

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 **Use**d 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 **Town**s, 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 **Easement**s, **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 Action**s 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 Action**s 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 Plan**s, except as designated in Article 14, to the **Plan Commission Staff**.

(2) **Subdivision**s

(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) **Person**s, 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 Action**s 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 Action**s 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 Subdivision**s

(2) approving **Combine**s

(3) approving Additions

(4) reviewing **Development Plan**s

(5) reviewing **Subdivision**s

(6) reviewing **PUD**s

(7) reviewing **CFO**s

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 Action**s 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 Action**s 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) **Variance**s

(2) **Special Exception**s

(3) Non-Conforming (Expansion, Changes, and Reinstatement)

(4) Hearing **Appeal**s 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 Permit**s.
(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 Permit**s.
(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, **Petition**s for **Rezoning**, **Special Exception**s, **Variance**s, **Non-Conforming Use**s, **Development Plan**s, **Improvement Location Permit**s, and other **Official Action**s taken under this **Zoning Ordinance**. These **Fees** shall be posted in the **Area Planning Department** office.

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

Table 4-01 **Wells County Area Plan Commission** Fee Schedule

Fee Category	Fee Name	Fee	Fee Notes	Violation Fee
APC	**Development Plan** (**APC**)	$200.00	N/A	X 2
APC	**Large WECS Development Plan**	$500.00	Per Turbine	X 2
APC	Large SES **Development Plan**	$500.00	Per **Parcel**	X 2
APC	**Rezoning**	$200.00	N/A	X2
APC	P-1 **Rezoning**	$200.00	Per **Parcel**	X2
APC	**Major Subdivision**	$300.00	$10.00 Per Lot	X 2
APC	Planned Unit Development	$300.00	$10.00 Per Lot	X 2
APC	Division of a **Minor Subdivision**	$60.00	N/A	X 2
APC	**Plat Committee Appeal**	$60.00	N/A	N/A
APC	SES **Development Plan**	$200.00	Per **Parcel**	X 2
BZA	**Variance**, **Special Exception**, or Legal Non-Conforming (**Structure** or **Use**)	$125.00	+ $50.00 Per Additional Request	X 2
BZA	**Appeal** of Administrative Decision	$60.00	N/A	N/A
PC	**Minor Subdivision**	$60.00	N/A	X 2
PC	Addition	$60.00	N/A	X 2
PC	**Combine**	$60.00	N/A	X 2
General	**Pond Staff Development Plan**	$60.00	N/A	X 2
General	**Development Plan** (**Staff**)	$100.00	N/A	X 2
General	**Medium WECS**	$250.00	Per Turbine	X 2
General	**Small WECS**	$50.00	Per Turbine	X 2
General	**Improvement Location Permit** (less than or equal to 500 sq/ft)	$40.00	Per Item	X 2
General	**Improvement Location Permit**\ (greater than 500 sq/ft)	$60.00	Per Item	X 2
General	Ordinance Book Copies	$15.00	N/A	N/A
General	Legal Advertisement	$50.00	N/A	N/A
General	Public Advertisement **Sign**	$15.00	N/A	N/A
General	Digital Media Fee “CD or DVD”	$1.00	Per Item	N/A
General	Special **Plat Committee** Meeting	$325.00	N/A	N/A
General	Special **Board of Zoning Appeals** Meeting	$550.00	N/A	N/A
General	Special **Plan Commission** Meeting	$750.00	N/A	N/A

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

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 **Basement**s 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 **Structure**s 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 **Patio**s, play equipment, retaining walls, sidewalks, **Fence**s, and **Landscaping**. However, all **Deck**s shall require a permit, and **Fence**s shall meet the **Requirements** of this **Zoning Ordinance**.

(D) TEMPORARY STRUCTURES: an **Improvement Location Permit** is not required for **Temporary Structure**s; however, before installation, construction, or placement of the **Temporary Structure**s, 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 Sign**s and **Traffic Control Sign**s. 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 **Structure**s;

(C) all adjoining **Thoroughfare**s and any existing or proposed access to these **Thoroughfare**s;

(D) the existing and proposed **Use** of all **Structure**s 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 **Plat**s and replats involving land covered by the **Subdivision Control Ordinance**, including but not limited to **Minor Subdivision**, Combines, and **Addition**s, 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 **Appeal**s 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 Exception**s, **Variance**s, and **Non-Conforming Use**s 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 Plan**s 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 **Petition**ed **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 Action**s (**BZA**), **Planned Unit Development** (**PUD**), **Major Subdivision**s (**Major**), **Minor Subdivision**s (**Minor**), **Combine**s (**Com**), and **Addition**s (**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			
Petition **Requirements** for the **Filing** Deadline	D P	R Z	BZA	PUD	Major	Minor	Com	Add
The documentation provided by the **Area Planning Department** shall be completed and filled out clearly and concisely and signed by at least 50% of the current property **Owner** (s) before any **Official Action** by a governing body.	X	X	X	X	X	X	X	X
Filing fee	X	X	X	X	X	X	X	X
Advertisement fee	X*	X	X	X	X	X		
One (1) letter or legal-sized site plan created in compliance with the criteria for applying for an **Improvement Location Permit**.			X					
One (1) **Plat**, but the preferred size is legal or letter for record-keeping purposes.						X		X
Five (5) 11" x 17" **Plat**s for **Plat Committee**, **Director**, and **Local Legislative Body** to review.	X			X	X			
Digital **Plat** drawings of the proposed project as requested by the **Plat Committee**, **Director**, **Plan Commission**, and the **Local Legislative Body** to review.	X			X	X			
A copy of the current **Deed** as recorded in the Recorder's office for the property cited in the **Petition**.	X	X	X	X	X		X	X
A copy of the **Primary Parcel** **Deed** as recorded in the Recorder's office as of January 1, 1971.						X	X	
A copy of the Property Record Card from the Assessor's office for the property cited in the **Petition**.	X	X	X	X	X	X	X	X
The status of all applicable permits or approvals from other regulatory agencies shall be brought to the attention of the **Governing Agency**.	X	X	X	X	X	X	X	X
A signed copy of the NOTICE OF AGRICULTURAL ACTIVITY form shall be filed with any **Petition** on property **Zoned** A-1 or A-R	X	X	X	X	X	X	X	X
A copy of the proposed **PUD** District Ordinance				X				
A copy of any proposed **Covenants** or private restrictions for the **Petition**				X	X	X		
	D P	R Z	BZA	PUD	Major	Minor	Com	Add

LEGEND: **Development Plan** (**D P**), **Rezoning** (**R Z**), **Board of Zoning Appeals** **Official Action**s (**BZA**), **Planned Unit Development** (**PUD**), **Major Subdivision**s (**Major**), **Minor Subdivision**s (**Minor**), **Combine**s (**Com**), **Addition**s (**Add**).

*Not required for a **Development Plan** reviewed by the **Plan Commission Staff**.

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

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 Surveyor**s and Professional **Engineer**s.	X	X	X	X	X
The location and size of all **Structure**s and **Pond**s 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 Surveyor**s 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 **Use**s	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 Action**s (**BZA**), **Planned Unit Development** (**PUD**), **Major Subdivision**s (**Major**), **Minor Subdivision**s (**Minor**), **Combine**s (**Com**), **Addition**s (**Add**).

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

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 **Plat**s may contain any changes requested by the **Plat Committee** and will be **Use**d 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 Action**s (**BZA**), **Planned Unit Development** (**PUD**), **Major Subdivision**s (**Major**), **Minor Subdivision**s (**Minor**), **Combine**s (**Com**), **Addition**s (**Add**).

*Not required for a **Development Plan** reviewed by the **Plan Commission Staff**.

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

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 **Bond**ing 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 **Deed**s 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 Action**s (**BZA**), **Planned Unit Development** (**PUD**), **Major Subdivision**s (**Major**), **Minor Subdivision**s (**Minor**), **Combine**s (**Com**), **Addition**s (**Add**).

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

4-06 OFFICIAL ACTION OF THE PLAN COMMISSION, PLAT COMMITTEE, AND BOARD OF ZONING APPEALS: **Official Action**s 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 Action**s 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 **Petition**s 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 **Petition**s and shall be listed in the same fashion as the **Petition**s.

(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 **Petitioner**s 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 Plan**s 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 Plan**s 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 **Variance**s 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 Plan**s 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 Plan**s 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 Plan**s 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: **Violation**s 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 **Violation**s of **Plan Commission Petition**s, **Board of Zoning Appeals Petition**s, **Plat Committee Petition**s, **Plan Commission Staff Petition**s, **Improvement Location Permit**s, and floodplain development permits issued through the ordinance listed above.

(B) The **Enforcement Officer** may actively review flood-related **Violation**s 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 **Violation**s 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 **Petition**s 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-Way**s, or **Easement**s.

(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 Permit**s 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 **Appeal**s 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 **Appeal**s 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 **Appeal**s 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 **Procedure**s. 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, **Survey**s, 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 **Appeal**s 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 **Variance**s from the development **Standards** of this **Zoning Ordinance** and to attach such conditions and **Commitments** to the **Variance**s 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 **Structure**s, 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 Structure**s, **Lot**s, or **Use**s.

(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.

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

(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 **Use**s 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 Exception**s for temporary **Manufactured Home**s approved by the **Board of Zoning Appeals** shall be considered approved **Accessory Dwelling**s 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 **Use**d 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 **Use**s 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 **Petition**s 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 Way**s, streams, and transportation rights-of-way shall be deemed to follow their centerlines. The vacation of **Public Way**s 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 **Town**s 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 **Lot**s 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 Subdivision**s, or **PUD**s 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 **Use**s. By establishing compact districts for such **Use**s, more efficient traffic movement, parking facilities, and fire and police protection may be provided. Industrial **Use**s are excluded to reduce the hazards caused by extensive truck and rail movements normally associated with such **Use**s. 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 **Use**s. 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 **Use**s 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 Home**s 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 **Lot**s designed or intended to be conveyed by **Deed** to individual owners for residential occupancy primarily by **Manufactured Home**s 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 Home**s 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 Use**s and/or **Special Exception**s shall be treated as **Non-Conforming Use**s, 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 Plant**s 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 **Use**s 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 Use**s for each district are shown in the following table, Table 9-15. Unless specifically defined by this Ordinance, the **Use**s listed for the various districts shall be according to the common meaning of the term. **Permitted Use**s under this **Zoning Ordinance** shall be subject to all the conditions and **Requirements** of this **Zoning Ordinance**. **Development Plan**s 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 ManufacturingFacility								**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

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

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	X	
Funeral Home			X	X	X											
Garbage Collectors								X								
Gasoline & Oil Retail Sales			X	X	X		X									
Golf Course	X	X										X	X	X	X	
Government Facility	X	X	X	X	X	X	X	X		X	X	X	X	X	X	
Grain Elevators	X	X					X	X								
Greenhouse and Nurseries	X	X		X	X											
Group Home (Multiple On One Lot)														X_x		
Hospital			X	X	X		X									
Hotels and Motels				X	X		X									
Junkyard								X								
Kennel	X	X		X	X											
Livestock Auction And Stockyard		X														
Machine or Welding Shop	X	X			X		X	X								
Manufactured Home Type 1 (Multiple On One Lot)	X	X								X	X_x	X	X	X	X	
Manufactured Home Type 2 (Multiple On One Lot)	SE	SE								X	X_x			SE		
Manufactured Home Type 3 (Multiple On One Lot)	SE	SE								X	X_x					
Manufactured Home Subdivision											X					
USES 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																X
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. **Setback**s and **Height** restrictions for new **Structure**s 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) **Height**s 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 Way**s 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 Way**s 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 Project**s, **WECS Testing Facilities**, and **Communication Tower**s 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 Structure**s **Use**d for the parking of **Vehicle**s 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 Public Way	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 Public Way	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

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

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 Structure**s and **Structure**s 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 Structure**s include sheds, barns, silos, detached garages, above or below-ground pools, dog **Kennel**s, pavilions, gazebos, and similar **Structure**s.

(1) **Manufactured Home**s shall not be **Use**d for **Accessory Structure**s.

(2) Truck bodies and semi-trailer bodies shall not be **Use**d 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 Structure**s 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 Structure**s or **Use**s 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 **Fence**s in its jurisdiction, no **Improvement Location Permit** shall be required for **Fence**s, but **Fence**s shall meet the following minimum **Requirements**.

(1) **Fence**s erected by a property **Owner** shall be located on the property of that **Owner**.

(2) **Fence**s shall not be located within the **Front Yard** **Setback**s as defined in this **Zoning Ordinance**, except for agricultural **Fence**s, which must stay out of the public **Right-Of-Way**. Agricultural **Fence**s shall be defined as **Fence**s in the A-R, A-1, S-1, or C-1 **Zoning Districts** that do not utilize solid privacy **Fence**-style panels.

(3) **Fence**s 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)** **Junkyard**s
- **(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 Structure**s regarding **Setback**s or **Height**s can expand said existing **Structure** or build new **Structure**s at the pre-existing **Setback** or **Height** on said property as long as the pre-existing **Structure**s 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 **Vehicle**s 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 Space**s (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: **Pond**s shall require a permit as stated in section 4-02 of this **Zoning Ordinance**. **Pond**s shall be approved as a **Staff** **Development Plan** under Article 14 of this ordinance. The **Plat Committee** shall review the size and location of **Pond**s before **Staff** approval as follows.

(1) **Pond**s 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 **Pond**s that are a part of the storm drainage system may be permitted in any district.

(3) **Pond**s 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) **Pond**s 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) **Pond**s and banks of **Pond**s 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 **Sign**s shall require a permit as required by section 4-02 of this **Zoning Ordinance**.

(1) The following **Sign**s 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 Sign**s 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) **Sign**s 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 **Sign**s 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. **Sign**s 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 Space**s of the adjacent **Public Way**s.

(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) **Parcel**s or **Lot**s **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 **Sign**s are allowed for **Traffic Control Sign**age that directs traffic to different sections of a building or property.

(G) **Parcel**s or **Lot**s **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 **Sign**s are allowed for **Traffic Control Sign**age 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 Structure**s, which may include manufactured or **Mobile Home**s or offices **Use**d 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 **Use**s 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.

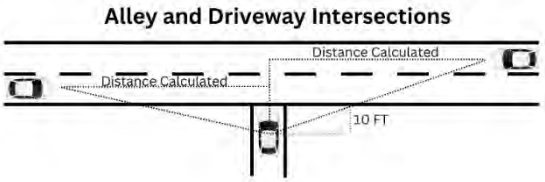
11-11 SIGHT TRIANGLES: To ensure an area of unobstructed vision at **Public Way** intersections or the egress/ingress points from a **Parcel** onto a **Public Way**, the sight triangle for all **Lot**s, except those in a B-1 (Central Business District), shall be in compliance with the following **Requirements**:

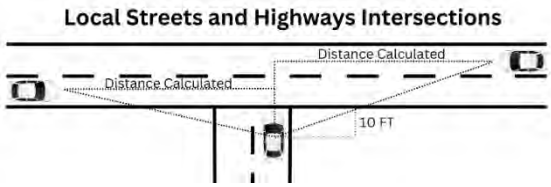
(1) Nothing including but not limited to shrubs, trees, and **Fence**s shall be erected, placed, planted, or allowed to grow in such manner as to impede the vision between a **Height** of thirty-two (32) inches and ninety-six (96) inches above the elevation as measured at the center of the intersection.

(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 Way**s & 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 **Sign**s 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 Plan**s, **PUD**(s), and **Major Subdivision**s 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 Vehicle**s (**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 **Use**s.

(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

11-15 SMALL AND STRUCTURE MOUNTED SOLAR ENERGY FACILITIES:

(1) **Small Solar Energy Facility:**

(A) Setbacks and Height Limitations: A **Small Solar Energy Facility** must meet all **Setback** and **Height** requirements for an **Accessory Structure**.

(B) Use: Except for **Municipal or Community-Serving Solar Energy Facilities**, a **Small Solar Energy Facility** shall be located on the same **Parcel** or a property or part of a property owned or leased by the primary user(s) of the generated energy. Projects are allowed to be interconnected with the grid.

(2) **Structure-Mounted Solar Energy Facility**:

(A) Setbacks and Height Limitations: A **Structure-Mounted Solar Energy Facility** must meet all **Setback** and **Height** requirements for the **Structure** to which it is mounted.

(B) Use: Except for **Municipal or Community-Serving Solar Energy Facilities**, a **Structure-Mounted Solar Energy Facility** shall be located on the same **Parcel** or a property or part of a property owned or leased by the primary user(s) of the generated energy. Projects are allowed to be interconnected with the grid.

(3) **Municipal or Community-Serving Solar Energy Facilities** shall interconnect at the local distribution level and shall not be aggregated, co-located, or phased in a manner intended to function as a single **Large Solar Energy Facility**.

ARTICLE 12: LEFT BLANK INTENTIONALLY

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

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 Home**s (a.k.a., **Mobile Home**s); 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 **Use**d 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 Home**s 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 **Use**d in this **Zoning Ordinance**, "**Mobile Home** shall have the same meaning as "**Manufactured Home**."

13-02 EXTERIOR APPEARANCE STANDARDS: **Manufactured Home**s are subject to the **Requirements** and **Procedure**s set forth herein to assure acceptable similarity in exterior appearance between such **Manufactured Home**s and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby **Lot**s in the same **Zoning District**. Types of **Manufactured Home**s, 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 Dwelling**s and **Two-Family Dwelling**s 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 Dwelling**s and **Two-Family Dwelling**s and manufacturer's specifications; and

(F) shall have compatible siding material and roofing materials of a type customarily **Use**d 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 Dwelling**s and **Two-Family Dwelling**s and manufacturer's specifications; and

(F) shall have compatible siding material and roofing materials of a type customarily **Use**d 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 Subdivision**s must meet the **Requirements** as established for **Zoning Districts** M-1 and M-2 and for **Subdivision Control Ordinance**.

(2) **Mobile Home Park**s, 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 **Lot**s, 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 Way**s 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 Way**s shall have a diameter of at least one hundred twenty (120) feet to accommodate emergency response **Vehicle**s.

(F) One-way **Public Way**s shall be at least twelve (12) feet wide, and two-way **Public Way**s 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 **Lot**s.

(I) Lighting for **Public Way**s and walkways, **Utilities**, sewage and refuse disposal, and other **Essential Services** shall meet the **Standards** as established by the **Indiana Code** and the Indiana State Board of Health.

(J) Coin-operated laundries, laundry, and dry-cleaning pick-up stations, and other commercial convenience establishments may be permitted in **Mobile Home Park**s 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 **Use**d, 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 **Use**s, 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 **Use**d 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 **Use**d, 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 Home**s 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 Dwelling**s and **Two-Family Dwelling**s. 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 Home**s or **Mobile Home**s 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 Dwelling**s and **Two-Family Dwelling**s and with the manufacturer's installation specifications.

(B) TYPE II and III MANUFACTURED HOMES: All TYPE II and III **Manufactured Home**s 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 Home**s 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 Home**s 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 Plan**s 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, **Survey**s, 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 Plan**s as stated in this Article per IC 36-7-4-1402 (c), and any amendments thereto. These **Development Plan**s shall not require a **Public Hearing**.

(1) Designee Duties and Procedures: The **Plan Commission**'s **Staff** shall follow duties and **Procedure**s 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 **Appeal**ed 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 Home**s**, Group Home**s, or Type I, II, or III **Manufactured Home** is to be located on the same **Parcel** with one (1) or more **Single-Family Dwelling**s, **Two-Family Dwelling**s, **Three-Family Dwelling**s, **Four-Family Dwelling**s, **Condominium Dwelling,** **Supervised Home**s**, Group Home**s, **Multiple-Family Dwelling** or Type I, II, or III **Manufactured Home**s. This shall not include the placement of an **Accessory Dwelling** on the site with another dwelling.

(C) Any modification made to a previously approved **Development Plan** that would now require a Residential **Development Plan** per this section, or any modification that previously did not require a **Development Plan** that now requires a Residential **Development Plan** per this section. A modification shall be defined as any changes or expansion made to items 14-04(1)(A) – 14-04(1)(B).

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

(A) The **Plan Commission** shall review new Residential **Development Plan**s 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 Plan**s 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 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 Plan**s 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 **Use**s:

a) The property shall be **Zoned** R-3, except for a **Petition** regarding **Manufactured Home**s which shall be **Zoned** M-1.

b) If the **Petition**ed 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 Way**s, **Other Expressway Public Way**s, or **Other Freeway Public Way**s.

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 Way**sThe installation of driveway access improvements (**Deceleration Lane**s, **Acceleration Lane**s, passing blisters, **Crosswalk**s, 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**.

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

(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 Structure**s 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 Plan**s shall be reviewed by either the **Plan Commission** or the **Plan Commission**'s **Staff** as stated below:

(A) The **Plan Commission** shall review new General **Development Plan**s 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 Plan**s 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 Plan**s 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 **Use**s:

(a) The property shall be **Zoned** incompatibility with the **Permitted Use** section of the **Zoning Ordinance**.

(b) If the **Petition**ed 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 Plan**s shall be reviewed by either the **Plan Commission** or the **Plan Commission**'s **Staff** as stated below:

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

(a) CFO: **CFO Petition**s 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 Plan**s 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 **Use**s:

(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 **Structure**s (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 Space**s 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 Belt**s)
2. Windbreak Walls
3. Solid separation
4. Other strategies approved by the Purdue Agricultural Air Quality Laboratory (PAAQL)

3) Adoption and implementation of liquid manure injection as the only form of manure application practice for the **CFO** or **Manure Lagoon**. The Applicant may use the twenty-four (24) hour application of solid manure to comply with this section if the livestock type does not naturally lend itself to liquid manure injection. This section shall be worth seventy (70) points.

4) A permit applicant has held an interest in a **CFO** or **Manure Lagoon** for five (5) years or more. The applicant does not have in the last five (5) years an **Environmental Violation** that resulted in a discharge or manure. This section shall be worth twenty (20) points.

5) The applicant demonstrates community support from fifty-one (51) percent of the property **Owner**s 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 **Setback**s 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 WECS Testing Facility Development Plan** per this section, or any modification that previously did not require a **WECS Testing Facility Development Plan** that now requires a **WECS Testing Facility WECS Testing Facility Development Plan** per this section. A modification shall be defined as the replacement of the entire facility or any development that increases the overall **Height** of the facility. Overall, all **Height** shall be measured from the mean ground elevation at the base of the facility to the highest point reached by the facility.

(2) Approval Agency: **WECS Testing Facility Development Plan**s shall be reviewed by either the **Plan Commission** or the **Plan Commission**'s **Staff** as stated below:

(A) The **Plan Commission** will review any **WECS Testing Facility WECS Testing Facility Development Plan** or its modification that is greater than 200 feet in total **Height** as measured from the mean ground elevation at the base of the facility to the highest point reached by the facility**.**

(B) The **Plan Commission**'s **Staff** will review any **WECS Testing Facility Development Plan** or its modification that is less than or equal to 200 feet in total **Height** as measured from the mean ground elevation at the base of the facility to the highest point reached by the facility.

(3) DEVELOPMENT REQUIREMENTS: The **WECS Testing Facility Development Plan** shall be in conformance with the following development **Requirements**.

(A) The following **Requirements** guarantee the compatibility of the development with surrounding land **Use**s:

(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 Extension**s **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 Extension**s **Setback** provided that a fully executed and recorded written waiver agreement is secured from the affected community and the **Approval Agency** approves the waiver.

(e) Guy-wire sand Horizontal Extension Setback: The furthest **Horizontal Extension**, including guy-wires, shall be **Setback** a distance of at least twenty (20) feet from all property lines and **Public 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 **Sign**age. A list of the electric equipment and standard **Sign**age 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: **Sign**s shall not be permitted on the **WECS Testing Facility** except for warning and hazard **Sign**s 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 **Setback**s: An SES Facility shall meet the required setbacks for that **Zoning District,** except for A-1 zoned property, which the setback shall be sixty (60) feet from a non-participating property line. Participating Property Line **Setback**s: An SES Facility can be located across participating property lines.

b) Non-Participating Pre-existing Residence **Setback**s: An SES Facility shall be at least one thousand five hundred (1,500) feet from a non-participating pre-existing residential property line**.**

c) 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

d) Setback Exclusions: **Setback**s exclude driveways, perimeter fencing, visual buffers, poles, and wires necessary to connect the facility to an electric utility or between participating properties.

e) 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.

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

(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. **Use**d, experimental, or proto-type equipment still in testing shall require a waiver approved by the **APC**.

(I) Fencing: The SES Facility shall be completely **Fence**d 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 and maintained for the life of the project between a non-participating pre-existing residence that is within one thousand three hundred twenty (1,320) feet from a participating property in 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 opaque 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**. The buffer cannot be located within a public **Right-of-Way** (existing or proposed by this **Zoning Ordinance**). The buffer cannot be located within an **Easement** without compliance with section 11-12 of this **Zoning Ordinance**.

(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 **Easement**s) and marked with warning **Sign**age 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 **Infrastructure**s 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 Plan**s shall be reviewed by either the **Plan Commission** or the **Plan Commission**'s **Staff** as stated below:

(A) The **Plan Commission** will review any **Small WECS** or **Medium WECS Development Plan** or its modification that creates greater than 100 megawatts in net nameplate electrical production on the affected property, Or any **Small WECS** or **Medium WECS** that is equal to or greater than 200 feet in total **Height**. Total **Height** shall be defined as the measurement from the mean ground elevation at the base of the **WECS** to the highest point reached by the blade or tower, whichever is greater.

(B) The **Plan Commission**'s **Staff** will review any **Small WECS** or **Medium WECS Development Plan** or its modification that creates less than or equal to 100 megawatts in net nameplate electrical production on the affected property and must be less than 200 feet in total **Height**. Total **Height** shall be defined as the measurement from the mean ground elevation at the base of the **WECS** to the highest point reached by the blade or tower, whichever is greater.

(3) Exemption: **Small WECS** and **Medium WECS Development Plan**s shall not be required if the proposal is only to replace portions of the **WECS** that do not result in increased nameplate electric capacity or additional **Height** as measured from the mean ground elevation at the base of the **WECS** to the highest point reached by the blade or tower whichever is greater.

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

(A) The following **Requirements** guarantee the compatibility of the development with surrounding land **Use**s:

(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 **Sign**age, 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.

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

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 Extension**s **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 Extension**s **Setback** provided that a fully executed and recorded written waiver agreement is secured from the affected community and the **Approval Agency** approves the waiver.

(e) Guy-wire sand Horizontal Extension Setback: The furthest **Horizontal Extension**, including guy-wires, shall be **Setback** a distance of at least twenty (20) feet from all property lines and **Public 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 **Sign**age. A list of the electric equipment and standard **Sign**age 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: **Sign**s shall not be permitted on **Small WECS** or **Medium WECS** except for warning and hazard **Sign**s 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 **Amendment**s are **Amendment**s 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 **Appeal**ed following this **Zoning Ordinance** and applicable **Indiana Code**.

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ARTICLE 16: LEFT BLANK INTENTIONALLY

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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 **Structure**s and other improvements and the platting and **Subdividing** of real property and several **Structure**s abutting **Public Way**s. 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 **Use**s and **Structure**s in such a way as to be compatible with other land **Use**s and **Structure**s within the development and with surrounding land **Use**s 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, **Survey**s, 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 **Owner**s of the subject real estate shall file with the **Plan Commission** a "**PUD** DISTRICT ORDINANCE." The **Filing**s 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 **Use**s or a range of **Use**s 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 **Owner**s 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 **Owner**ship and/or unified control.

(3) The **PUD** shall not be detrimental to the surrounding properties and land **Use**s, 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 **Structure**s and land **Use**s between **Structure**s 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 Size**s as prescribed by the **PUD** District Ordinance. The building **Setback** lines, **Height Requirements**, and **Lot Size**s 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 Lane**s and **Deceleration Lane**s, passing blisters, sight angles, **Crosswalk**s, 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 **Bond**s 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 Way**s.

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 **Amendment**s are **Amendment**s that substantially change the scope or purpose of the **PUD,** such as to prevent an interested party from receiving proper notice. Material **Amendment**s shall only be approved after proper public notice and hearing.

17-15 PLAT COMMITTEE REVIEW: The **Plat Committee** shall review all proposed **PUD**s 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 **Procedure**s required for the original approval of a **PUD**. However, with a modification, the **Plan Commission Director** may waive any required drawings, forms, **Survey**s, 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**.

ARTICLE 18: DEFINITIONS

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

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

BANK / CREDIT UNION: A **Structure** **Use**d 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 **Vehicle**s. 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 **Hospital**ized 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 **Deed**ing together two (2) existing **Parcel**s into one (1) or more **Parcel**s 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 **Vehicle**s.

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 **Lot**s within a **Subdivision** in various ways proposed by the **Subdivider** and recorded with the **Plat**. AKA **RESTRICTIVE COVENANTS**

COVERED: Regarding **CFO**s and **Manure Lagoon**s 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 Way**s 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 **Structure**s 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 **Vehicle**s 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 **Lot**s.

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 Theater**s.

DRIVE-IN THEATER: An outdoor area and associated **Structure**s 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 **Structure**s as defined in the Indiana Horizontal Property Regime Law and amendments thereto. AKA **CONDOMINIUM DWELLING**

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

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

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

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

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

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

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

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 Ordinance**s to enforce their **Requirements** per the **Zoning Ordinance**, **Subdivision Control Ordinance**s, 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 Sign**s, 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 **Structure**s.

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 processed food for human consumption and certain related products, where the primary business purpose is for retail sale at the facility. The business may include wholesale sales as long as the primary business purpose is 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 **Restaurant**s.)

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 **Restaurant**s.)

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 **Structure**s 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 **Structure**s necessary for the operation of a **Golf Course**, such as clubhouses and maintenance **Structure**s.

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 **Town**s.

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 **Structure**s 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 **Vehicle**s 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 Animal**s 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 **Survey**s, 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 Way**s.

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 Home**s 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 **Lot**s to be conveyed by **Deed** to individual **Owner**s for residential occupancy primarily by **Manufactured Home**s.

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, l976. 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 **Structure**s.

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 Space**s 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 **Vehicle**s 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 Plan**s and **Subdivision**s and approve **Sell-Off**s, **Combine**s, and **Addition**s. 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 TERMINAL~~S~~: 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 Way**s 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 Way**s 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 Way**s designated on our most recent functional classification map as urban or rural expressways are determined to meet this criterion. AKA **OTHER EXPESSWAY PUBLIC WAY** or **OTHER EXPESSWAY**

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 Way**s 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 Way**s 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 Way**s 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 Way**s 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.

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 Vehicle**s.

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, **Procedure**s, 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 **Use**s.

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 Dwelling**s, **Two-Family Dwelling**s, **Three-Family Dwelling**s, **Four-Family Dwelling**s, **Condominium Dwelling**s, **Supervised Home**s**, Group Home**s, or **Multiple-Family Dwelling**s, 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 **Vehicle**s.

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 Animal**s 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 Animal**s or deer (or 20,000 poultry animals) per year, and the refining of their byproducts.

SOLAR ENERGY FACILITY, LARGE:

Incorporated City or Town:

Any free-standing solar array or solar arrays that include greater than ten (10) acres of total panel surface area, excluding access drives, drainage features, vegetative buffers, agricultural spacing between rows, or other non-panel areas. AKA **LARGE SOLAR ENERGY SYSTEM or LARGE SOLAR ENERGY FACILITY**

Unincorporated Area:

Any free-standing solar array or solar arrays that include greater than twenty (20) acres, as measured from the outer perimeter of the solar array or solar arrays. AKA **LARGE SOLAR ENERGY SYSTEM or LARGE SOLAR**

SOLAR ENERGY FACILITY, MUNICIPAL OR COMMUNITY-SERVING: A solar energy facility developed for the primary purpose of supplying electricity to a municipal electric utility, rural electric membership corporation, or regulated public utility for distribution to customers within Wells County or an incorporated municipality therein. Such facilities shall not be developed for wholesale merchant power generation or regional export. AKA **MUNICIPAL OR COMMUNITY-SERVING SOLAR ENERGY FACILITY**

SOLAR ENERGY FACILITY, SMALL:

Incorporated City or Town:

Any free-standing solar array or solar arrays that include up to ten (10) acres of total panel surface area, excluding access drives, drainage features, vegetative buffers, agricultural spacing between rows, or other non-panel areas. A permit is not required for a solar array or solar arrays that include up to thirty (30) square feet of total panel surface area, excluding access drives, drainage features, vegetative buffers, agricultural spacing between rows, or other non-panel areas. **AKA SMALL SOLAR ENERGY FACILITY**

Unincorporated Area:

Any free-standing solar array or solar arrays that occupy an area up to twenty (20) acres, as measured from the outer perimeter of the solar array or solar arrays. A permit is not required for a solar array or solar arrays that include up to thirty (30) square feet, as measured from the outer perimeter of the solar array or solar arrays. **AKA SMALL SOLAR ENERGY FACILITY**

SOLAR ENERGY FACILITY, STRUCTURE-MOUNTED: Any solar array or solar arrays that are mounted directly to the roof of a pre-existing or new **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 a solar array or solar arrays that include up to thirty (30) square feet of total panel surface area, excluding access drives, drainage features, vegetative buffers, agricultural spacing between rows, or other non-panel areas. **AKA STRUCTURE MOUNTED SOLAR ENERGY FACILITY**

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 **Structure**s, carports, wood **Deck**s, porches, swimming pools, **Pond**s, radio and television and **Communication Tower**s, **WECS Project**s, and other building features but not including sidewalks, drives, **Fence**s, uncovered concrete **Patio**s, 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 **Parcel**s or **Lot**s.

SUBDIVISION: The **Subdividing** of real estate by way of **Major Subdivision** or **Minor Subdivision** into **Lot**s, **Parcel**s, 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 **Parcel**s, **Lot**s, **Subdivision**s, 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 **Vehicle**s.

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 Lot**s, **Public Way**s, driveways, **Yard**s, 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, **Contour**s, 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.

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 Way**s, highways, and other **Thoroughfare**s. **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, **School**s, ballparks, recreation areas, business areas, industry, **Subdivision**s, 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 **Structure**s 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 **Structure**s 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 Project**s. 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 **Structure**s, 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 **Structure**s 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**

ZONING: The designation of **Parcel**s and **Lot**s with a specific set of **Use**s 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, **Setback**s, and **Permitted Use Requirements** as defined by this **Zoning Ordinance** and applicable **Indiana Code**. AKA **ZONING DISTRICT**

ARTICLE 19: LEFT BLANK INTENTIONALLY

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

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 Hearing**s 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

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

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: ~~July 7, 2025~~ August 4, 2025 MWL

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

AYE ✓ / Nay ____ Sign _____ Print M.V. Vanover

AYE ____ / Nay ____ Sign _____ Print Kenneth Porter

AYE ✓ / Nay ____ Sign _____ Print Jeff Springer

ATTEST:

Sign _____

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: ~~7-1-25~~ August 4, 2025 SG

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

AYE X / Nay ____	Sign Blake Fiechter	Print	Blake Fiechter
AYE X / Nay ____	Sign Janella Stronczek	Print	Janella Stronczek
AYE X / Nay ____	Sign Scott Mentzer	Print	Scott Mentzer
AYE X / Nay ____	Sign Rick Elwell	Print	Rick Elwell
AYE X / Nay ____	Sign Ronald Neuenschwander	Print	Ronald Neuenschwander
AYE X / Nay ____	Sign Josh Hunt	Print	Josh Hunt
AYE X / Nay ____	Sign Sarah Reed	Print	Sarah Reed

Sign John Whicker

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 25-7-2 Effective Date: ~~July 14th 2025~~ 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. BRADLEY

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

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

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: ~~July 15, 2025~~ August 4, 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 Ent Print ISSA ZENT

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

AYE X / Nay ____ Sign John Schuhmacher Print JOHN SCHUHMACHER

ATTEST:

Sign Tara Bowersock

Print Tara Bowersock
Clerk-Treasurer

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

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: ~~7-14-25~~ August 4, 2025 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 _____ Print Geoffrey Lance

AYE X / Nay ____ Sign _____ Print John Ringger

AYE ____ / Nay ____ Sign _____ Print _____

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 Mikesell Print JUDY MIKESELL

AYE ✓ / Nay ____ Sign Mason Haines Print Mason Haines

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: ~~7-14-25~~ August 4, 2025 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 Ogle

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 **Town**s, 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 **Easement**s, **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

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

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, **Survey**s, 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 **Petition**s. 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 **Procedure**s 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 **Tract**s. 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 Way**s shall be laid out, graded, and improved, and the coordination of new **Public Way**s with current and planned **Public Way**s;

(3) a provision for water, sanitary, and **Storm Sewer**s, and other municipal services.

(4) a provision for drainage design;

(5) a provision for the allocation of areas to be used as **Public Way**s, **Recreation, Public**, **School**s, 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 Recorded 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 Way**s.

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 **Appeal**s 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 **Deed**s 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 **Procedure**s required for the original approval of a **Subdivision** of land. However, with a modification, the **Director** may waive any required drawings, forms, **Survey**s, 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 **Amendment**s are **Amendment**s 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 **Bond**s.

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 **Plat**s or parts of **Plat**s by **Owner**s of said land in said **Plat**s, 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 Way**s, 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 **Parcel**s and the surrounding real estate **Owner**s 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 **Deed**ing together two (2) or more existing **Parcel**s 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

(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) In the A-1, A-R, S-1, and C-1 **Zoning Districts** the minimum **Lot Size** shall be two (2) acres except if there is written proof and proper approvals stating that the property can utilize public sewer or an onsite sewage disposal system that does not take up as much space and has a significantly longer life span than a traditional system.

Zoning Districts	Minimum Lot Size (Acres)	Minimum 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 Subdivision**s 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 **Pond**s, **Structure**s, **Septic System**s, 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 **Structure**s. 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 **Pond**s 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 Project**s, **WECS Testing Facilities**, and other tall **Structure**s than the **Setback**s for such **WECS Project**s, **WECS Testing Facilities**, and other tall **Structure**s 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 **Deed**ed 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)** **Frontage**s 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 **Deed**ed together with the property to be subdivided.
- **(D)** **Frontage**s 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 **Procedure**s 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 Way**s.

- **(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 Way**s.

4-07 Division of a Minor Subdivision Requirements: A **Minor Subdivision** may be subdivided under one of the following two conditions.

(1) A **Petition**ed **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 Subdivision**s 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 **Parcel**s that are contiguous to each other. Two (2) or more **Parcel**s shall be considered contiguous if they share at least twenty-five (25) feet of uninterrupted border.

(2) The **Deed** that **Combine**s 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 **Parcel**s 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 Parcel**s 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 **Parcel**s that are contiguous to each other. Two (2) or more **Parcel**s 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 **Parcel**s 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 **Structure**s abutting **Public Way**s. To facilitate urban-style divisions of property on future **Public Way**s 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 **Use**s.

(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 Lane**s, passing blisters, **Crosswalk**s, 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 Subdivision**s 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) **Easement**s for **Utilities** and drainage shall be provided to all **Lot**s of a **Major Subdivision**, with access available to all portions of said **Easement**.

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

(C) The **Subdivision** shall be at least twenty (20) feet of even width. If proposed utility **Easement**s are combined with existing utility **Easement**s, 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 **Easement**s 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 **Lot**s 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 **Lot**s to be designed and arranged to avoid the necessity for **Vehicle**s 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 **Lot**s to limit the possible traffic hazards from multiple accesses to a **Public Way**.

(D) **Lot**s 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) **Lot**s 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 **Lot**s 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 Project**s, **WECS Testing Facilities**, and other tall **Structure**s than the **Setback**s for such **WECS Project**s, **WECS Testing Facilities**, and other tall **Structure**s 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 Way**s, 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 Subdivision**s 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.

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

ARTICLE 6: Public Ways

6-01 Purpose: To provide for adequate ingress and egress for **Major Subdivision**s, **PUD**s, and **Development Plan**s, 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 Lane**s when said access points are located on **Other Principal Arterial Public Way**, **Minor Arterial Public Way**, **Major Collector Public Way**, or **Minor Collector Public Way**s. The **Plan Commission** or affected **Local Legislative Body** may require passing blisters and **Acceleration Lanes** and **Deceleration Lane**s on **Local Public Ways** if warranted by anticipated traffic flow. No ingress and/or egress shall be permitted on **Interstate Public Way**s, **Expressway Public Way**s, and **Freeway Public Way**s.

(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 Way**s 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 Way**s 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 Way**s shall, whenever possible, be installed in a grid pattern.

(2) A project must connect to all pre-existing **Public Way**s and unimproved **Right-Of-Way**s directly abutting the property, including those in future phases of ongoing neighboring projects.

(3) All projects with more than twenty-five (25) **Parcel**s, **Lot**s, or interests shall have a minimum of two (2) connections to existing **Public Way**s.

(4) All projects must provide a future public-way connection to any undeveloped neighboring **Parcel**s.

(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) **Parcel**s, **Lot**s, or interests within the project.

(E) Temporary turnarounds must be provided if said connection serves more than six (6) **Parcel**s, **Lot**s, 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-Sac**s 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 **Vehicle**s, 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-Sac**s, then the **Standards** set forth herein shall govern.

(5) The names of **Cul-De-Sac**s 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 Sign**s and **Traffic Control Sign**s for the proposed **Major Subdivision**, **PUD**, or **Development Plan**, and such **Sign**age 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 minimizes the impact on existing development.

7-02 Jurisdiction: The storage and controlled release of excess stormwater runoff shall be required for all **Development Plan**s, **Major Subdivision**s, 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 Plan**s 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 Plan**s, **Major Subdivision**s, and **PUD**(s). In general, the post-developed release rates shall be no greater than the general release rate provided in the following table. For sites where the pre-developed area has more than one (1) outlet, the release rates shall be computed based on pre-developed discharge to each outlet point.

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

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

(3) Note that the efficiency of the detention/retention facility in controlling the on-site runoff may be severely affected if the off-site area is considerably larger than the on-site area. As general guidance, on-line detention may not be effective in controlling on-site runoff where the ratio of off-site area to on-site area is larger than 5:1. Additional detention (above and beyond that required for the on-site area) may be required by the **Plan Commission** when the ratio of off-site area to on-site area is larger the 5:1.

(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 Sewer**s 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:

a) After combining flows from both the off-site and on-site drainage areas, there will be no increase in the total peak discharge from the developed site during the 2, 10, or 100-year storm events; and

b) the volume of runoff for each project site outlet has not been increased for the entire range of storm events, up to the 100-year storm event; and

c) the flow width and **Velocity** at the property boundary line for each sub-basin is less than or equal to that flow width and **Velocity** 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 **Structure**s 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 **Pond**s 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 **Easement**s with a minimum width of thirty (30) feet and the centerline of the **Easement** being the centerline of the flow path. No **Fence**s, **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 **Owner**s 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 Sewer**s, 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 **Easement**s 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 Drain**s, unless otherwise approved by the **Wells County Drainage Board**, no permanent **Structure** (including **Fence**s) 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 **Easement**s or **Covenants** to property **Deed**s 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 **Plat**s and **Survey**s 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 **Monument**ed 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 **Monument**ed using the following **Standards**.

(1) Exterior and interior **Lot**s shall follow the **Standards** for **Monument**ing 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 **Monument**ed 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 Way**s.

(2) The approximate or **Survey** grade state plane coordinate, either calculated or collected, shall be listed for all **Public Way Monument**s. 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 **Plat**s 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.

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

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 **Pond**s, and infiltration facilities.

9-04 Landscape Buffers: **Major Subdivision**s and **PUD**s 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 Subdivision**s and **PUD**s 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-Sac**s if deemed desirable to provide for circulation or access to neighboring **Use**s. **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, **School**s, surrounding **Use**s, 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;

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

(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) 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.

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

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

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 _____ Print Rick D. Powell

AYE ✓ / Nay ____ Sign _____ Print Scott A Mantz

AYE ✓ / Nay ____ Sign _____ Print Janella J. Strawser

AYE ✓ / Nay ____ Sign Blake A Frechter Print Blake A. Frechter

AYE ✓ / Nay ____ Sign _____ Print Charles T. Geiger

AYE ✓ / Nay ____ Sign _____ Print Josh Hunt

AYE ✓ / Nay ____ Sign Sarah J Reed Print Sarah J. Reed

Sign _____

Print John S. Whicker
Mayor

ATTEST:

Sign Briana Lautzenheiser

Print Briana Lautzenheiser
Clerk Treasurer

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

Sign Briana Lautzenheiser

Print Briana Lautzenheiser
Clerk Treasurer

Approved by me this 16 day of January, 2024

Sign _____

Print John S. Whicker
Mayor

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

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 _____ Print Dennis Ealing

AYE X / Nay ____ Sign _____ Print Glen A. Werling

AYE X / Nay ____ Sign _____ Print JOSHUA W. BARKLEY

AYE X / Nay ____ Sign _____ Print JEFFREY L. KEMPER

AYE X / Nay ____ Sign _____ Print Stephanie A Tucker

ATTEST:

Sign _____

Print Angie Ealing
Clerk Treasurer

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

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 [signature] Print ISSAC ZENT

AYE X / Nay ____ Sign [signature] Print BARBARA O'CONNOR

AYE X / Nay ____ Sign [signature] Print JOHN SCHUMACHER

ATTEST:

Sign [signature]

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 [signature] Print Geoffrey Lance

AYE X / Nay ____ Sign proxy Print Erin Kreigh

AYE X / Nay ____ Sign [signature] 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 Mikesell Print JUDY MIKESELL

AYE ✓ / Nay ____ Sign Mason Jay Rives Print Mason Jay Rives

AYE ✓ / Nay ____ Sign Cynthia A. Mulkey Print Cynthia A. Mulkey

ATTEST:

Sign _____

Print Sara Sides
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 ✓ / Nay ____ Sign Linda Ogle Print Linda Ogle

AYE ✓ / Nay ____ Sign Paul Miller Print Paul Miller

AYE ✓ / Nay ____ Sign Shelly H. Coleman-Potter Print Shelly H Coleman-Potter

ATTEST:

Sign Bradley Schoaff

Print Bradley Schoaff
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.

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