# UNIFIEDZONING ORDINANCE FORTHE COUNTY OF WABASH, INDIANA AND THE TOWNS OF LAFONTAINE, LAGRO, AND ROANN, INDIANA

AN ORDINANCE FOR THE CONTINUED DEVELOPMENT THROUGH ZONING OF THE AREA WITHIN THE JURISDICTION OF THE WABASH COUNTY PLAN COMMISSION

Original Master Plan of Wabash County
Dated 1965

PUBLIC REVIEW DRAFT 2020-1

**AN ORDINANCE** to enact Unified Zoning Regulations for The Towns of Lafontaine, Lagro, Roannand Wabash County by establishing zoning districts which regulates the location, height, and the use of structures and land for agriculture, residences, business, industry and other purposes; establishing development standards for certain uses; requiring development plans for certain districts; providing for non-conformities; providing for a Board of Zoning Appeals and setting forth administrative procedure.

**WHEREAS,** I.C.36-7-4, as amended, empowers The Towns of Lafontaine, Lagro, Roann and Wabash County to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

**WHEREAS,** the~~Advisory~~ Plan Commission of Wabash County, the Council of The Towns of Lafontaine, Lagro,Roannand the Board of County Commissioners of Wabash County deem it necessary for the purpose of promoting the health, safety, convenience, and general welfare of thecommunity to enact such an ordinance, and

**WHEREAS,** pursuant to the provisions of I.C. 36-7-4, as amended, a Board of Zoning Appeals has been created to carry out its powers and duties of I.C. 36-7-4 as amended, and

**WHEREAS,** the ~~Advisory~~ Plan Commission of Wabash County has prepared and the Town Councils of the participating towns, and the Board of County Commissioners of Wabash County, Indiana have adopted the 2012 Wabash County Comprehensive Plan, and

**WHEREAS,** the ~~Advisory~~ Plan Commission of Wabash County has divided all areas of Wabash County into districts and has prepared regulations pertaining to such districts in accordance with the Comprehensive Plan designed to secure adequate light, air, and convenience of access; to secure safety from fire, flood, and other dangers; to lessen or avoid congestion in the public ways; to promote the public health, safety, comfort, morals, convenience, and general welfare and to plan for the future development of the county.

**WHEREAS,** the~~Advisory~~Plan Commission of Wabash County has given reasonable consideration, among other things, to the present character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and lands and encouraging the most appropriate use of land throughout participating towns, and Wabash County, and

**WHEREAS,** the~~Advisory~~ Plan Commission of Wabash County has given due public notice of hearings, pursuant to I.C. 36-7-4 as amended, and has held such public hearings, and

**WHEREAS,** all requirements of I.C. 36-7-4, as amended, with regard to the preparation of the report of the ~~Advisory~~ Plan Commission of Wabash County, and the subsequent action necessary to enact this Ordinance by The Towns of Lafontaine, Lagro, Roann, and the county have been met.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCILS OF LAFONTAINE, LAGRO, ROANN, AND THE BOARD OF COUNTYCOMMISSIONERS OF THE COUNTY OF WABASH, INDIANA AS FOLLOWS:**

**REPEAL OF CONFLICTING ORDINANCE , EFFECTIVE DATE**
Any previously enacted Zoning Ordinance is hereby repealed**.**

_____day of _____, 2019.

**ENACTMENT** This Ordinance shall be in full force and effect upon its passage and notice ofadoption as required by law.
Passed and adopted by the Board of Commissioners of Wabash County, Indiana on the

_____day of _____, 2019.

_____

_____

_____
BOARD OF COMMISSIONERS OF WABASH COUNTY

ATTEST:
_____
WABASH COUNTY AUDITOR

Passed by the Town Council of the Town of Lafontaine on this ____ day of

_____,2019.

_____
Town Council President, Town of Lafontaine

ATTEST:
_____
Town Clerk/Treasurer, Town of Lafontaine
---

Passed by the Town Council of the Town of Lagro on this ____ day of

_____,2019.

_____
Town Council President, Town of Lagro

ATTEST:
_____
Town Clerk/Treasurer, Town of Lagro

---

Passed by the Town Council of the Town of Roann on this ____ day of

_____,2019.

_____
Town Council President, Town of Roann

ATTEST:
_____
Town Clerk/Treasurer, Town of Roann

---

Passed by the Wabash County Advisory Plan Commission Board on this ____ day of

_____,2019.

_____
Plan Commission Board President, County of Wabash

ATTEST:
_____
Plan Commission Board Secretary, County of Wabash

# Wabash County
## Zoning Ordinance

**Effective Date_____**

Wabash County Advisory Plan Commission
One West Hill Street
Wabash, In 46992
260-563-0661
Ext 1267  Ext 1252

## Board of County Commissioners

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Brian Haupert

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Randy Curless
Phil Dale
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## Document Format

The structure of the text of this Ordinance is as follows: Chapter (indicated by 1, 2, 3, etc.), Section (indicated by 1.1, 1.2, 1.3, etc.), and subsequent Subsection (indicated by A,B, C, etc.) and Sub-Subsections indicated by(1, 2, 3, etc.) or (a, b, c, etc.) or (I, II, III, etc.)

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# Chapter 1
# General Provisions

## 1.1 Title
This Ordinance shall be formally known as the "Wabash County Zoning Ordinance" and it may be cited and referred to as the "Lafontaine Zoning Ordinance" "Lagro Zoning Ordinance", "Roann Zoning Ordinance", "Zoning Ordinance" or "Ordinance".

## 1.2 Geographic Jurisdiction and Exclusion
The geographic area in which the various legislative bodies havejurisdiction, except where otherwise herein excluded, is as follows:
A. Wabash County Commissioners – the unincorporated areas of Wabash County,IN,

B. Town Council of the Town of North Manchester – the incorporated area of theTown of North Manchester, IN,

C. City Council of the City of Wabash – the incorporated area of the City of Wabash, IN,

D. Town Council of the Town of Lafontaine – the incorporated area of the Town of Lafontaine, IN,

E. Town Council of the Town of Lagro – the incorporated area of the Town of Lagro, IN,

F. Town Council of the Town of Roann – the incorporated area of the Town of Roann, IN.

This Ordinance cannot restrict any member jurisdiction to regulate where that jurisdiction is otherwise authorized to adopt and enforcebuilding and housing codes, drainage, sewage, septic, structure standards, and landscaperegulations.

Regulatory standards of this Ordinance do not supersede or amend more restrictive requirements of other ordinances adopted bymember jurisdictions, including building and housing codes, drainage,sewage, septic, structure standards, and landscape regulations or other similarrequirements. When not in conflict, this Ordinance shall be construedas being in addition to or supplemental to such other ordinances.

The regulatory standards of this Ordinance do not supersede more restrictive requirements, which may be contained in the Indiana Code,the Indiana Administrative Code, the United States Code, or the Codeof Federal Regulations. To the extent that the regulatory standards of this Ordinance are more restrictive than the requirements contained in the Indiana Code, the IndianaAdministrative Code, the United States Code, or the Code of FederalRegulations and such regulatory standards of this Ordinance are not otherwisespecifically prohibited by the Indiana Code, the Indiana AdministrativeCode, the United States Code, or the Code of Federal Regulations,such regulatory standards of this Ordinance shall be applicable and enforceable.

## 1.3 Defined Words
Words used in a special sense in this Ordinance~~or used from time to time in the day to day business ofthe Wabash County Plan Commission~~are defined under the Definitions Section of the Wabash County Zoning Ordinance. All other words, terms, and/or phrases not specifically defined by this Ordinance and not generally defined by the glossary noted above shall have the meaning inferred from their context and this Ordinance or their ordinarily accepted definitions.

## 1.4 Definitions
As used in this Ordinance, ~~and may be occasionally used in the day to day business of the plan commission~~the term:

**"A - Weighted Scale"** means a specific scale used for sound measurement that is meant tosimulate the subjective response of the human ear.

**"Abandon Structure, Agricultural"** means any Agricultural 1 (A1) or Agriculture 2 (A2) Zoned District farm residential dwelling which has not been used or occupied for a period of Twenty Four (24) months and the structure and grounds are not being maintained as per this Ordinance, shall be considered abandoned.

**"Abandoned Structure, Industrial/Commercial, Office"** means and includes any single tenant building located in any zoned district, which has been unoccupied by a tenant for a period of Three Hundred Sixty Five (365) consecutive days and the structures and grounds are not being maintained as per this Ordinance, orany multi-tenant building, located in any zoned district, which has been fully or partially unoccupied by a tenant or tenants for a period of Three Hundred Sixty Five (365) consecutive days and the structures and grounds are not being maintained as per this Ordinance.

**"Abandoned Structure, Residential Zone"** means any structure which has been used or was intended for use as a residential dwelling, in whole or in part, including an accessory building, which has become vacant or abandoned for a period of at least One Hundred Eighty (180) consecutive days andmeets at least one of the following conditions:

A. demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the County Ordinances.

B. Is under a condemnation notice or legal order to vacate, or is under notice for being in violation of County Ordinances.

C. Is the site of loitering or vagrancy.

D. Has been secured or boarded up for at least One Hundred Eighty (180) days.

E. Has taxes in arrears to the Countyfor a period of time exceeding Three Hundred Sixty-Five (365) days.Has utilities disconnected or not in use.

F. Dwellings offered on the market for sale shall not be considered as abandon.

**"Abandonment"** meansthe relinquishment of property or a cessation of the use of the property for a continuous period of at least One Hundred Eighty (180) daysby the owner with no action taken to either transferring the rights to the property to another owner or to resume the use of the property.

**"Abutting"**meanshaving a common border with, or being separated from such common border by a right-of-way, alley, or easement. Properties separated by roadways or bodies of water (excluding interstates and active railroads) shall be considered abutting property at the center line of the road or body of water. Abutting property may also be considered Adjoining Properties, Adjacent Properties, or Contiguous Properties.

**"Access"** means having a way of approach to provide physical entrance to and from a property without trespass.

**"Access Road"** means a road or street designed to provide vehicular access to and from an abutting property while discouraging through traffic.

**"Accessory Structure"** means a structure which:

A. Is subordinate to a principal structure in area, intent, use or purpose.

B. Contributes to the comfort, convenience, or necessity of occupants of the principal structure.

C. Does not alter or change the premise character.

D. Is located on the same zoning parcel as the principal structure, use.

E. Conforms to requirements of this Ordinance unless otherwise provided for.

F. May not be constructed prior to principal structure unless in an A1 or A2 zoned District.

G. Is used for agricultural or personal storage or otherwise specified in this Ordinance.

H. Is not designed for human occupancy.

I. May be referred to as an "Outbuilding"

"**Accessory Use**" means an incidental or subordinate use to the approved principal use onthe same parcel as the primary use and is a use other than human occupancy, except as specified in Chapter 4, Section 4.6 "Accessory Uses",of this Ordinance. An Accessory use is incidental and subordinate in all applicable ways including percent of revenue, consumption of square footage, quantity of items sold, prominence, and marketing of products or service.

**"Accumulation"**includes but is not limited to the allowing, keeping, depositing, piling, collecting, or scattering, of junk, trash, and debris upon property.

**"Acre"** means a measurement of land area containing Forty Three Thousand Five Hundred Sixty (43,560) square feet of land or water or any combination thereof.

**"Addition"** means the structural square footage added to an original structure at some time after the completion or issuance of the Improvement Location Permit (ILP) for the original structure.

**"Address"** means the number or other designationassigned to a housing unit, business establishment, structure, lot or parcel for the purposes ofmail delivery, location by emergency services, and general identification.

**"Advisory Plan Commission"** meansa plan commission serving a single local government jurisdiction established as defined under Indiana Code, 36-7-1-2 as amended. The Wabash County Plan Commission is an Advisory Plan Commission.

**"Agribusiness"** means a commercial or manufacturing establishment which provides needed services or supplies to the agricultural community. Uses may include but are not limited to:

A. Contract sorting, grading, and packaging services for fruits, vegetables, plants, seeds.
B. Crop harvesting, crop maintenance, land tillage and planting services.

C. Farm equipment sales and service, fertilizer and agricultural chemical sales.

D. Recycling and recovery of wood products, provided that all operations be conducted within an enclosed building.

E. Food production, processing, packaging, and grain handling facilities.

F. Horticultural services.

G. Hatchery services.

H.Preparation of feeds for animals and fowl production.

I. Production of natural and processed cheese; production of condensed and evaporated milk, production of creamery butter, fluid milk processing.

J.Production of wine, brandy and brandy spirits.

K. Spring water bottling.

L. Other Agricultural related businesses not elsewhere defined or specified in this Ordinance.

**"Agricultural Land Use"** means the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, woodland,forestry, animal and poultry husbandry, and the necessary accessory uses for processing, packing, treating, or storing the produce; provided, however, the operation of any such accessory uses shall be secondary to that of the primary agricultural activities.

**"Agricultural Structure"**meansa structurelocated on agriculturally used property anddesigned and constructed to house farm implements, livestock, hay, grain, fruit, and/or otheragricultural products, supplies, and equipmentused by the operators of the agricultural use. Anagriculture structure shall not include structures used for dwellingsby operators or the public.

**"Agriculture Bio-Enterprise"** means a facility for the production of ethanol fuel or soy-diesel fuel and any associated bi-products produced in the fuel production process.

**"Agriculture District"** refers to Zoned Discticts designated as Agriculture One (A1) and Agriculture Two (A2) Districts.

**"Air Pollution**" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life, to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

**"Alley"** means a right-of-way other than a street, road, crosswalk, or easement that provides secondary access for the special accommodation of the abutting property.

**"Amendment / Amend"** means any repeal, modification, addition to a regulation, or any new regulation.

**"Animal Day Care"**means any facility where the primary purpose of the facility is to provide care for animals (usually domestic pets) during the pet owners work hours. This would be conditions in which:

A. Three (3) or more dogs, other small animals, or any combination thereof, that are at least Three (3) months of age, and commonly kept as household pets.
B. This does not include Twenty Four (24) hour boarding.

**"Apartment"** means a dwelling unit in a structure with One (1) or more rooms in an apartment building or combination apartment and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit of a single family, an individual, or group of

individuals. Each unit must be complete with kitchen and bathroom facilities permanently installed.

**"Appeal"** means a request for a review of the Director's interpretation or Floodplain Administrator's interpretation of any provision of this Ordinance or the review of a determination of a Variance application or denial of an ILP.

**"Applicant"**means the owner, owners, entity, or appointed legal representative of real estate who makes application to the Wabash County Plan Commission for action by the Wabash County Plan Commission or Board of Zoning Appeals, seeking any permit, approval, certificate, or determination for the submitted application.

"**Application**" means the completed form or forms, together with any other materials, exhibits, and fees required of an applicant, for the intended request which are consistent withthe procedures established by this Ordinance.

**"Approval"** means any administrative action, vote, certificate, permit, or appeal incorporated into the Ordinance necessary to authorize the construction, installation, establishment, modification, or demolition of a structure, establishment of the modification of a land use, alteration of land or environmental features,platting, developing,or the like.

"**Assisted Living Facility**" means a residential facility where assistance with daily activities, such as taking medications, dressing, grooming, nourishment, exercise, and bathing are provide for the aged or infirm, or any other reasonably independent person in need of assisted care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is notprimarily designed for patients being treated for mental illness or alcohol or drug addiction. Assisted living facilities may have private rooms or shared rooms for two person occupancy. May also be listed as a Nursing Home

**"Attached Structure"** means a structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line.

**"Automobile Repair Shop"** means a use involving any automobile maintenance, repair or servicing, such as tire and suspension sales and associatedrepair; replacement of exhaust systems, chassis maintenance, electronic repairs, service of hoses, belts, fluids, and similar equipment; radiator cleaning, flushing, replacement and repair; greasing and lubrication; servicing and repair of carburetors, brakes and wiring; uses involving automobile painting and body repairs, straightening of frames and similar major repair work.

"**Bar / Tavern**" means a structure or portion thereof, or an open areaconnected to a structure, which is used primarily for the serving of alcoholic beverages, and in which the serving of food and the play of table games is only incidental to the consumption of alcohol.

**"Basement"** means that portion of a building below the first or ground floor level and having less than Four (4) feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, except when used for or is suitable for habitation.

**"Bed and Breakfast"** means a family dwelling which contains sleeping accommodations for up to Four (4) guest in the principal structure for which a fee is charged to transients for overnight boarding and associated meals.

**"Block"** means an area that abuts a street and lies between two adjoining streets or barriers such as a railroad right-of-way or a waterway.

**"Board"** means the Board of Zoning Appeals of the County of Wabash, Indiana,

**"Boundary"** means a line, which may or may not follow a visible feature that defines the limits of a geographic entity such as a lot, plot, parcel, block, subdivision, place, or county.

**"Breezeway"** means a roofed open passage connecting two or more structures.

**"Brewery"** means a business where facilities are established for brewing beer or other malt liquors.
In addition, a brewery may:

A. Include offices, reception area, indoor tasting rooms, outdoor tasting patio and/or deck, and a sales room where malt liquors / beer made or bottled on premise may be sold.

B. Provide tours, and hold private and public events.
   1. Private events, those limited to attendance by invitation or reservation, and public events, those open to the public without the requirement of an invitation or reservation at which entertainment, either a spectator or participatory event, is provided as the main attraction, are permitted.

   2. Unless located in a zone that also permits eating and drinking places as a primary use, a brewery may only serve food prepared by an off-premises caterer and may not include a restaurant. Breweries are also subject to all Federal and Indiana statutes and rules governing these activities.

"**Buffer Yard"**means any trees, shrubs, walls, fences, berms or related landscaping features required under this Ordinance to be placed on private property and privately maintained or in public rights-of-way for the purpose of buffering properties from adjacent properties, for aesthetic purposes, and /or for creating sound barriers and/or visual privacy.

**"Buildable Tract"** means a parcel of land or portion thereof which is eligible for an Improvement Location Permit in its current form without further subdivision approval.

**"Building"** means a roofed structure for the shelter, support, enclosure, or protection of persons, animals, or property. (Each part of such a structure that is separated from the rest by unbroken party walls is a separate building for the purposes of this Ordinance).

**"Building Area"** means the horizontal projected area of the building on a lot, including decks, patios, terraces, un-closed porches or any other attached structureand any architectural features that project more than Two (2) feet.

**"Building Code"** means the Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters in the State of Indiana and is the guideline subscribed to by the jurisdictional area of the Wabash County Plan Commission and thus is referred to herein as the Wabash County Building Code.

**"Building Inspector**" means the qualified person(s) selected by the Wabash County Commissioners, who is empowered to complete inspectionsand act as an agent of the Director in any other matter concerning the enforcement of the applicable building code and this Ordinance.

**"Building Line"** means the line that establishes the minimum permitted distance on a parcel between the front, side, or rear setback line of a structure and the property boundary line, or road-right-of-way.

**"Business"** means an occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is displayed, exhibited, sold or where services are offered or engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services for money or other goods, or themaintenance or operation of offices, or recreational and amusement enterprises.

**"Business Park"** means a defined geographic tract of land that is planned and coordinated for the development as a distinct unit of various business uses and associated activities which are located on the same or divided parcels of land. The park is controlled by an organization guaranteeing the continued maintenance of all commonly used areas and installations. A business park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking, utilities, storm water management, blending of decor, building design, signage, and landscaping.

**"Campgrounds"**meansone or more parcels of land used or intended to be used for temporary or continuous seasonaloccupancy by campers, recreational vehicles, travel trailers, tents, and associated camping and campground paraphernalia. Grounds must be State or County approved and licensed accordingly for public camp and camping.

**"Campsite"** means the individual sites within a campground intended to be used for temporary occupancy by a camper, recreational vehicle, travel trailer, or tent along with associated camping paraphernalia. A manufactured home shall not be permitted in a camp site for the use of camping.

**"Campsite, Dependent"** means a campsite without individual sewer connections.

**"Campsite, Independent"** means a campsite with individual sewer and water connections.

**"Carport"** means a roofed structure which is Fifty percent (50%) or less enclosed, attached or unattached to a dwelling or other structure, for the purpose of providing protection for a motor vehicle or other goods.

**"Cemetery**" means a tract of land set apart for or containing graves, tombs, or funeral urns and may include a columbarium, crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

**"Certificate of Occupancy**" means a certificate which may be issued by thePlan Commission Office upon request from the owner that the structure, useof land, or occupancy referred to therein, for which an ILP was issued, complies with the provisions of this Ordinance.

**"Clinic"** means a facility organized and operated for the primary purpose of providing health services for out-patient treatment including patients admitted for medical, dental, eye study, exam or treatment and in which the services of one or more physicians, optometrist, or dentist are provided.

**"Club, Private"** means structures and facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purpose, but not for profit which inures to any individual and not primarily to render a service that is customarily carried on as business.

**"Commission"** means the Wabash County Plan Commission.

**"Commitment / Condition of Approval"**means an assurance in written form that is made in connection with a rezoning, planned unit development, development plan, variance, special exception, conditional use, or contingent use which may include maps, site plans or other exhibits, and which contains the information necessary toeffect the provisions of this Ordinance or the approval to which the commitment is connected. Commitments and Conditions are established by IC 36-7-4-1405 as amended. Commitments shall be recorded in the office of the Wabash County Recorder. Conditions shall also be added and maintained in the "Auditors Notes" section of the Property Report and bemade available on the GIS Beacon Web site for public viewing.

**"Common Area"** meansland within a development which is not individually owned or dedicated tothe public, but which is designed and intendedfor the use, enjoyment, and maintenance of theproperty owners within that development or otherspecific area. The common area may includecomplimentary structures and/or other improvements.

**"Community"** means a political entity that has the authority to adopt and enforce ordinances for the area under its jurisdiction when incorporated, or an un-incorporated political entity that is under the authority of the Wabash County Plan Commission.

**"Composting"** means the biological treatment process by which microorganisms decompose the organic component of vegetative matter and other types of organic material. The compost may be used as a soil conditioner, cover material for a solid waste landfill, or other uses approved by the Indiana Department of Environmental Management.

**"Composting Center"** A solid waste processing facility specifically designed and operated for the express purpose of composting.

**"Comprehensive Plan"**means the Wabash County Comprehensive Plan approve by the Wabash County Board of Commissioners September 10, 2012. The plan includes goals, objectives and implementation measures for managed growth, efficient infrastructure systems, a responsible transportation network, protection of environmental assets and enhancement of community character, provide high quality public services, diversifying the local economy and fostering inter-local cooperation. The plan was developed and adopted by the Plan Commission pursuant to the IC 36-7-4-500 Series and includes any part and/or policies separately adopted and any amendment to the plan and/or the policies.

**"Concentrated Animal Feeding Operation (CAFO)"** for the purpose of this Ordinance shall be defined as set forth in 40CFR 122.23 as amended.

**"Conditional Use**" means a permit granted by the Board of Zoning Appeals permitting a defined use, other than a principally permitted use, to be established within the defined zoning district and subject to the conditions established by the BZA.

**"Conditions"** means stipulations to a Special Exception, Variance, Temporary Permit, or other specified request in which during the permit review process the Plan Commission Director, PCB or BZA may assign provisions to the permit approval which shall be published and maintained in the "Auditors Notes" section of the Parcel Reportand be available for the public to viewon the GIS Beacon Web Site. It is the responsibility of the Wabash County Plan Commission to enforce these conditions.

**"Confined Feeding"** meansthe confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where animals are confined, fed and maintained for at

least Forty Five (45) days during a Twelve (12) month period, and ground cover or vegetation is not sustained over at least Fifty percent (50%) of the animal confinement area.

**"Confined Feeding Operation"**meansa structure or lot that confines, or is capable of confining, the type and number of animals that fall within any of the ranges listed below:

| | |
|---|---|
| Beef Cattle | >300 |
| Cow Calf Pairs | >300 |
| Mature Dairy Cows | >300 |
| Dairy Heifers | >300 |
| Dairy Calves | >300 |
| Veal Calves | >300 |
| Swine, Growers / Finishers / Sows | >600 |
| Swine, Nursery / 55 Lbs. and Under | >600 |
| Chickens, Layers / Broilers – Liquid Manure Holding System | >30,000 |
| Chickens, Other Than Layers – Solid Manure Holding system | >30,000 |
| Chickens, Layers – Solid Manure Holding System | >30,000 |
| Ducks - Liquid Manure Holding System | >30,000 |
| Ducks – Solid Manure Holding System | >30,000 |
| Turkeys | >30,000 |
| Horses | >500 |
| Sheep / Lambs / Goats | >600 |

1. Any animal feeding operation that causes a violation of water pollution control laws. Any animal feeding operation causing a violation of Indiana Code 13-18-10 as amended, or Indiana Code 13-18-4 as amended. Any animal feeding operation electing to be subject to IC 13-18-10 as amended,

**"ConformingStructure"** means a structure which conforms to all the regulations set out in this Ordinance for the zone in which the structure is located.

**"Conforming Use"** meansa use which falls within the uses permitted in and conforming to all the regulations set out in this Ordinance for the zone in which the use is located.

**"Construction Plan"** means the maps, drawings,blue prints accompanying a development plat and showing the specific location and design of improvements to be installed for a development in accordance with the requirements of this Ordinance as a condition of approval of the plat.

**"Construction Trailer"** meansa manufactured mobile unit without cooking or bathroom facilities, used as a temporary on site office or tool storage unit during construction. Not designed for dwelling purposes.

**"Corner Lot**" means a parcel of land situated at the junction of and abutting two or more intersecting or intercepting streets.

**"Cottage"** means a structure designed and built as an independent and separate housekeeping establishment with separate culinary and sanitary facilities, provided for the exclusive use of one family for temporary occupancy during week-ends or vacation periods and not for year-round or permanent human habitation not withstanding that it may be designed and/or constructed for such year-round or permanent human habitation. Does not include a tent, cabin, camper, trailer or mobile home.

**"County"** means Wabash County, Indiana.

**"County Drainage Board"** means the Wabash County Drainage Board.

**"County Health Department"** means the Wabash County Health Department and persons designated by the County to administer State and local health regulations within the County.

**"County Highway Superintendent"** meansthe County official, appointed by the Commissioners, responsible for planning, directing, and managing the County Highway Department operations, crews, and associated activities.

**"County Jurisdictional Area"** meansthe areas of Wabash County, Indiana in which the County exercises planning and zoning jurisdiction namely:

A. All unincorporated areas of Wabash County, Indiana.

B. The Incorporated Town of Lafontaine, Incorporated Town of Lagro and the Incorporated Town of Roann all of which are not under the jurisdiction of another duly established plan commission.

**"County Recorder"** meansthe County official empoweredwith recording and maintaining the public records and documents of Wabash County.

**"County Surveyor"** means the County official empowered to keep and maintain the legal survey record book, corner record book,county wide GIS data, and maintain the County regulated drain system.

**"Covenants"** means contracts entered into between private parties, or subdivision restrictions recorded as a part of the final plat, and which constitute a restriction on the use of all private property within a subdivision for the benefit of property owners, and provides mutual protection against undesirable aspects of development which would tend to impair stability of values. The individual, or group,that initiates the protective covenants shall be responsible for the enforcement of said covenants. It is not the responsibility of the Wabash County Plan Commission to enforce said covenants.

**"Cul-De-Sac"** means a dead end street that terminates in a circular right-of-way and does not provide more than one access point onto another street, nor act as a collector, or means of access to lots not fronting thereon.

**"Curb"** meansa concrete boundary marking the edge of a street or other paved area and providing for a change in grade between the street surface and the adjacent unpaved portions of the street right-of-way.

**"Day Care Center"** A commercial facility or single family dwelling, licensed and regulated by the Indiana Department of Public Welfare, operated for the purpose of providing care, maintenance, or supervision and instruction to children separated from their parents or guardians, during work days, for Four (4) or more hours a day but less than Fourteen (14) continuous hours. The following are not considered day care centers for the purpose of this Ordinance: schools, nursery schools, home child care and children's home.

**"Deck**" means an accessory structure which may or may not be directly attached to the dwelling, is at ground level or elevated above the ground, may or may not have a railing, and is open to the sky.

**"Decibel"** means aunit of measurement of the intensity of the loudness of sound.

**"Dedication"** means the setting apart of land or interests in land for use by the municipality or public, by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

**"Demolition"** means the complete removal or destruction of any structure and the landscaping of the disturbed areas to match the surrounding décor. May or may not excluderemoval of foundation.

**"Density"** defined as a unit of measurement involving a portion of an activity devoted to a specific use identified in acres, square footage, or number of dwelling units in relation to a site or portion thereof.

A. For commercial and employment uses, density is typically expressed in this order as a ratio of square footage of building area per acre of land area.

B. For residential uses, density is typically expressed in terms of the number of dwelling units per acre of land. For signage, density is expressed in terms of the number of a certain type of signs per wall, building, lot, or overall development or subdivision.

C. The term "density" may be used interchangeably with the term "intensity" for this Ordinance.

**"Design Standards"** means a set of guidelines defining the parameters to be followed in a site development or building design and development.

**"Detached Building"** means a building that has no structural connection with the principal building or another building. A sidewalk shall not be considered as a structural connection.

**"Developer"** meansany person or entity engaged in developing a lot or group of lots or structures thereon for use or occupancy.

**"Development"** means any man-made change to improved or un-improved real estate including, but not limited to:

A. Preparing a site for a structure, installing a manufactured home; installing utilities, erection of walls and fences, construction of roads, or similar projects; construction of flood control structures such as levees, dikes, dams, channel improvement, etc., mining, dredging, filling, grading excavation, drilling operations, construction and/or reconstruction of bridges, or culverts, storage of materials or any other activity that might change the direction, height, or velocity of flood or surface waters.

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

**"Development Standards**"means the height, bulk, density, environmental performance standards, and other standards for development as set forth in this Ordinance, including landscaping, parking, and other required improvements, excluding those provisions which specifically regulate the use of property.

**"Director "** means the Wabash County Advisory Plan Commission Director or person appointed or delegated the responsibility for the administration of the Ordinance regulations by the Advisory Plan Commission, or his designees.The Director is responsible for the performance of any duties or functions required by the Wabash County Advisory Plan Commission. This term shall be construed to include those planning staff members working under the direction of the Director.(The term Administrator may also be used).

**"Discard"** means to abandon, deposit, desert, dispose, drop, dump, eliminate, emit, jettison, leave, pitch, place, put, scrap, spill, throw, toss any item, any solid waste or derivative thereof, or

any inherently waste-like material in any manner such that the discarded substance remains upon the land as solid waste.

**"Disposal"** means the discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste, as defined in this Ordinance, into or on any land or water.

**"District"** means a specifically delineated area within which regulations and requirements uniformly govern the use and development of the land.

**"Domestic Pets**" means animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall be cared for and treated in a manner acceptable for the humane treatment of animals and fowl. Domestic pets shall include, but not be limited to:

A. Dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, ferrets, rats, mice, rabbits, aquarium fish, and snakes when cared for in the manner described above.

**"Drainage"** means the act, process, or mode of the outflow, removal, or carrying away of water.

**"Drainage, Subsurface"** means a system of pipes, tile, or tubing installed beneath the ground surface and used to collect ground water from individual parcels, lots or building footings and directed the water to a common drainage area.

**"Drainage, Surface"** means a system by which storm water runoff is directed to an outlet. This includes the proper grading of parking lots, streets, driveways, yards, etc. so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.

**"Drainage System"**means all facilities, channels, and areas which serve to convey, filter, store, and/ or receive storm water, either on a temporary or permanent basis.

**"Dumpster"** means a trash receptacle larger than One Hundred(100) gallons in volume, usually constructed of durable steel, used primarily by commercial, institutional, industrial uses, and construction projects for collection of trash.

**"Dust"** means minute solid particles released into the air by natural forces or by mechanical processes such as, but not limited to:

A. Crushing, grinding, milling, dulling, demolishing, shoveling, conveying, soil preparation, harvesting, bagging, sweeping.

**"Dwelling"** means a structure or part of a structure, conforming to all applicable requirements of this Ordinance, that is used exclusively for one, two, or multi-family livingunits as a place of abode, but not includinga hotel, motel, lodging house, or tourist home.

**"Dwelling Unit**" means a single unit for owner occupancy, or for rent/lease, which is physically separated from any other dwelling unit which may be in the same building and provides complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation. Examples of a dwelling unit include a single family dwelling, two family dwelling, multiple-family dwelling, mobile home dwelling, manufactured home dwelling and a farmsteaddwelling or part of a dwelling used by one family as a place of abode.

**"Easement**" means an authorization or grant by a property owner to a specified person(s), or entity, or to the public, to use land for specified purposes where the ownership of such

easements is retained by the granting property. The right of a person, government agency, or public utility company to use, for specific purpose, the public or private land owned by another.

**"Egress"** means an exit from a property.

**"Ethanol Plant"** means a facility in which its primary function is the production of ethanol.

**"Encroachment"** means the advance or infringement of uses, fill, excavation, structures or development into another's property, or into a floodplain which may impede or alter the flow capacity of a floodplain.

**"Enforcement Authority"** means the Wabash County Advisory Plan Commission or its designee.

**"Environmental Constraints"** means features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

**"Environmental Protection"** means land which is not suitable to be used for the erection of buildings because the said land is on a flood plain, is subject to erosion, has steep slopes, has organic soils, has a high water table, or other such similar physical limitations.

**"Erosion"** means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, gravity or other geological agents.

**"Excavation"** means any act by which earth, sand, gravel, rock or any other similar material is dug, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. Shall also include the conditions resulting therefrom.

**"Existing**" means being a reality or an actuality as of the date of passing of this Ordinance.

**"Existing Construction"** when referring to floodplainareas means any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinancedated February 4, 1988. When referring to all other areas means any structure for which the "start of construction" commenced before the effective date of this Ordinance.

**"Fall Zone"** means the area defined as the farthest distance from the tower base, in which any tower may collapse in the event of a structural failure. This area is less than the total height of the structure.

**"Family"** means one or more persons living as a single housekeeping unit, but not including a group occupying a hotel, motel, club, lodging house, nursing home, dormitory, fraternity, or sorority house.

**"Family, Immediate"** means deeded owner, spouse of deeded owner, children of deeded owner, children of spouse, parents of deeded owner, parents of spouse, grand children of deeded owner, great grandchildren of deeded owner, grandchildren of spouse, great grandchildren of spouse, grandparents of deeded owner, grandparents of spouse, great grandparents of deeded owner, great grandparents of spouse, brother or sister of deeded owner, brother or sister of spouse, cohabiting partner, adopted children.

**"Farm**" means a tract of agricultural zoned land which is primarily adapted by reason of nature for agricultural land use including but not limited to: farming, dairying, pasturage, apiculture,

horticulture, floriculture, viticulture, aquaculture, woodland, forestry, animal husbandry, poultry husbandry, and the necessary accessory uses for processing, packing, treating, or storing the produce; provided, however, the operation of any such accessory uses shall be secondary to that of the primary agricultural activities, and when required the structures and equipment essential to agricultural production and primary processing. "Farms" shall not include industrial or commercial operations or structures, which are not directly related to agricultural production.

**"Farm Resident Dwelling"** means a residential dwelling, constructed in compliance with applicable building and health codes, that is located on an Agriculture zoned tract of land and is occupied by the farm owners immediate family. The immediate family may or may not be actively employed by the farm owner.

**"Farm Worker Dwelling"** means a residential dwelling, constructed in compliance with applicable building and health codes, that is located on an Agriculture zoned tract of land and is occupied by the farm owner or a farm worker who for pay performs labor either seasonally or year round on the farm where the dwelling is located.

**"Farm Worker"** means a person other than the owner of the farm, who for pay, performs labor either seasonally or year round in the production, planting, cultivation or harvesting of farm products or the care of livestock.

**"Farmstead**" means the entire area that constitutes a farm including but not limited to single-family dwellings, agriculture structures, and land located on a base tract and used in connection with a farm.

**"Feeder Line"** means power lines that transport electrical power from one or more wind turbines to the point of inter-connection with a high voltage transmission line.

**"Feeder Street"** means a street designed to facilitate the collection of traffic from local streets and to provide circulation within the neighborhood areas and convenient ways to reach local streets.

**"Fence"** A barrier, closing, or partitionborderinga field, yard, lot, parcel, or structure usually craftedof posts, wire, wood, or vinyl and intended to prevent intrusion from without and straying from within the area controlled. Does not includea hedge or other natural growth.

**"Fence, Privacy"** means a fence that will visually isolate, conceal or screen objects, things, places, or people**.** Must be compliant with the regulations of this Ordinance.

**"Financial Guarantee (Assurance)"**means any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the Commission approves a secondary plat, including but not limited to, performance bonds, escrow agreements, letters of credit, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the Commission.

**"Flea Market"** means a building or open area in which stalls, booths, or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, antique, and/or may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. Must establish a predetermined period of time for flea market at proposed site.

**"Flood"** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, an unusual and rapid accumulation, or runoff of surface waters from any source.

**"Floodplain"** means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The flood plain includes both the floodway and flood fringedistricts.

**"Forest, Recreation, Conservation District"** refers to zoned districts designated as Forest, Recreation, Conservation (FRC) Districts.

**"Freeboard"** means a factor of safety usually expressed in feet which is the height above the engineering calculated high-water mark of a structure (as a dam or bank) associated with the water.

**"Front Lot Line"**means the line marking the boundary between the lot and the abutting street. For an interior or through lot, it is the line marking the boundary between the lot and the shorter of Two (2) abutting street segments.

**"Front Yard"** means a yard that is bounded by the front line of the principal building, by the adjacent street right-of-way, and by segments of side lot lines that they intercept. On a lake front property the front yards shall be the area between the shore line and the structure.

**"Foundation"** means the supporting member of a wall or structure.

**"Garage"** meansa detached accessory structure or an attached portion of the main structure used or intended to be used for the storage of vehicles, etc. Is not intended for use as living quarters.

**"Garbage"** means all putrescible animal solid, vegetable solid, and semi-solid waste resulting from the processing, handling, preparing, cooking, serving and consumption of food or food materials.

**"Gas Station"** means an establishment in which the primary commodity is the sale of gasoline or diesel fuel and which may offer small retail groceries and conveniences as an accessory and incidental use to the primary use.

**"Geothermal"** means a system that extracts heat from the earth in heating mode and/or rejects heat into the earth in cooling mode.
**"General Business District"** refers to zoned districts designated as General Business District, (GBD).

**"Geographic Information System (GIS)"** means a computer system that stores and links non-graphic attributes or geographically referenced data with graphic map features to allow a wide range of information processing and display operations, as well as map production, analysis and modeling.

**"Grade"** means the average level of the finished surface of the ground adjacent to the exterior walls of the structure.

**"Grain Handling Commercial"** Commercial grain handling, storage and warehousing companies are businesses that offer their services to grain depositors (farmers, traders, co-operatives, nongovernmental organizations, etc. who place their grain in the warehouse for a fee). These handling and warehousing companies aim to make a profit. They are answerabletothe depositors for the grain left in their custody.

**"Grandfathered**" means a description of the status of certain properties, uses, activities, and conditions that legally existed prior to the effective date of this Ordinance.

**"Gray Water"** means wastewater originating from dish washing, hand washing, laundering, showers, or sinks.

**"Greenhouse, Commercial"** means a building and premise intended for the purpose of growing flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, and can be sold from such lot at wholesale or retail.

**"Greenhouse, Private"** means asmall structure where residents grow flowers, shrubs, vegetables and the like which are primarily intended for the family's own private use.

**"Ground Floor Area"** means the area of a structure in square feet as measured in a horizontal plane at the ground floor level with its largest outside dimensions, including porches, breezeways, decks, patios,and garages, excluding exterior stairways.

**"Group Home**"means a private residence for children or young people who cannot live with their families, or for people with physical, mental, emotional, and chronic disabilities. The primary function of the home is for people to learn social and other skills necessary to integrate or re-integrate with society. Typically there are no more than six (6) residents and there is at least one (1) trained caregiver present twenty four (24) hours a day. The environment may feature varying degrees of privacy, social work, medical, psychiatric, vocational and educational services. A group home shall not be operated as a residence for convicted felons to begin the process of reintegration with society while still being provided monitoring and support. For purposes of this Ordinance, Group Home and Halfway House shall be considered as the same entity.

**"Hardship"**means a perceived difficulty that is exceptional, unusual, and peculiar to the property involved, with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. Mere economic or financial hardship or self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Inconvenience, aestheticconsiderations, physical handicaps, personal preferences, or the disapproval of one's neighborslikewise 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.

**"Hatchery"** means a place where eggs, especially those of fish or poultry, are hatched.

**"Health Officer"** means the Wabash County Health Officer, or his or her authorized representative.

**"Hedge**" means a row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

**"Height"**means the vertical distance from the lot ground level to the highest point of:

A. The coping of a flat roof.

B. The deck line of a mansard roof.

C. The peak of the highest gable of a pitched roof.

D. For all other structures the height shall be measures from ground level to the absolute highest vertical point of the structure.

**"High Water Mark"** means the mark made by the action of water under natural conditions on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation and soil on the other side of the mark.

**"Historic Site"** means a parcel of land which marks or is associated with some event or person of historical importance.

**"Historic Structure"** means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**"Home Occupation"** means occupations that are carried on entirely on the dwellers residential property and is clearly incidental and secondary to the use of the property. Home Occupation shall be divided into Two (2) categories, Type I and Type II and designated as such according to the development standards of this Ordinance.

**"Hospital"**means an institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" does not apply to institutions operating primarily for treatment of insane persons, drug addicts, alcoholics, and other types of cases necessitating restraint of patients, and the term "hospital" shall not include convalescent, nursing, shelter, or boarding homes.

**"Hotel / Motel**" means a series of attached, semi-detached, or detached dwellings containing, at minimum, bedroom, bathroom and closet space in which lodging is provided for compensation on a daily, weekly or similar short term basis. Such an establishment may be designated as a hotel, motel, resort, inn, court, motor inn, motor lodge, tourist cabin, or otherwise. A hotel or motel may include separate cooking facilities for each unit or common area providing nourishment and meeting room amenities. It shall not include use of rooms for retail or other commercial purposes for a period exceeding seven days, nor does it include group-housing quarters, bed and breakfast establishments. With the exception of the apartment of the manager or caretaker, the units are built for and devoted to the use of transients.

**"Impervious Surface"** means those surfaces which do not absorb rain. All structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, and packed stone shall be considered impervious surfaces within this definition.

**"Improvement"** means any man-made building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other immovable item that becomes part of, placed upon, or is affixed to real estate.

**"Improvement Location Permit" (ILP)**meansa permit application, submitted to the Wabash County Plan Commission, stating that the proposed request referred to therein complies with the provisions of this Ordinance and that approval to erect, construct, enlarge, alter, repair, move, occupy, use, improve, convert any building or structure within its jurisdiction, or change the condition of the land, may be approved.

**"Industrial Park"** means a defined tract of land that is planned and developed as a distinctive unit for various industrial uses orseveral manufacturing businesses and the associated activities which are located on the same or divided parcels of land. Park iscontrolled by an

organization guaranteeing the continued maintenance of all commonly used areas, installations, and undeveloped areas of the Park. An industrial park is designed, constructed, and managed on an integrated basis with particular attention given to infrastructure, vehicular circulation, parking, utilities, storm water management, building design, signage, and landscaping.

**"Infrastructure"** means the total composition of public, semi-public and private utilities, facilities and services which make urban areas possible. The infrastructure includes roads, rail, transit, sewage, water, storm drainage, education, fire, police, recreation, general public health, general public administration and revenue.

**"Ingress"** means access or entry to a property.

**"Interested Parties**" shall include, but are not limited to, those persons, groups, property owners or other entities which are considered to be, or consider themselves to be affected by a change in land use or the intended results of a petition.

**"Interior Lot"** means a lot other than a corner lot or a through lot.

**"Junk Automobile"** means, but is not limited to: a motor cycle, motor scooter, motor vehicle, motor craft, semi-trailer, recreational vehicle, or any parts or segments of said objects that have been unlicensed and/or unregistered in the State of Indiana for a period of time exceeding Ninety (90) days or that are not immediately operational.

**"Junk, Trash, Debris"** means any and all waste materials, which may include but is not limited to: garbage, litter, refuse, and any material that has been discarded, cast aside, or thrown away as useless; paper and paper products; wooden materials that are not in good usable condition or that are not kept in an orderly fashion; scrap metal or pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof whether covered with porcelain, plastic, rubber, or any other material and whether intact or in parts; chemicals, solvents, oil, and petroleum products; storage tanks and drums; abandoned, discarded, and/or unused objects or equipment, including but not limited to: household appliances, mobile homes, trailers, campers, furniture, and cans, containers, storage tanks and drums; inoperable or invalidly plated vehicles, including but not limited to: automobiles, farm equipment or machinery that has no historic value, motorcycles, scooters and mopeds, go-karts, boats, jet skis, ATVs, and bicycles; vehicle parts and accessories, including but not limited to tires, rims, and any other portion or parts of any motor vehicle detached from the vehicle as a whole; inoperable lawn and garden equipment; household fixtures and interior furniture; all building materials when construction is not in progress; and any substances or materials that might pose a threat to public health, safety, and/or welfare.

**"Junk Yard"** means a place, usually outdoors, where waste, used property or discarded property other than organic matter is accumulated or stored and is or may be salvaged for re-use or resale, either as a whole or in parts or any land or building used for abandonment, storage, keeping, collecting or baling of paper, cardboard, rags , scrap metal, vehicles, other scrap or discarded materials.

**"Jurisdiction"** means any area over which a unit of government exercises power and authority.

**"Kennel"** means a premise or portion thereof operated commercially or principally for the purpose of boarding, housing, breeding, training, letting for hire, buying or selling of dogs, cats, or other domestic animals and fowlprimarily in return for remuneration.

**"Landfill"** means a facility designed and used for the disposal of solid wastes in an appropriate manner that minimizes potential environmental degradation. Hazardous, toxic, or radioactive waste disposal is not permitted in a landfill.

**"Landlocked"** means a parcel of real property which has no ingress or egress access (entry or exit) to a public street, alley, or easement and cannot be reached except by crossing another's property. A landlocked parcel is eligible for an easement right in the property from which it was derived.

**"Landmark"** means a structure or landscape feature which by its architectural or historic merit or impact is worthy of special recognition and preservation.

**"Landscaping"** means the improvement of a lot with grass, shrubs, trees, ornamentals and other vegetation which may include but not be limited to walks, flowerbeds, fountains, lighting, timbers,decorative fencing, stone, mulch, and the maintenance thereof.

**"Lease"** means to rent, to permit the possession of, or to grant the right of possession or use of a lot,parcel, tract, land or group of lots, parcels, or tracts for compensation.

**"Legal Description"** means a property description recognized by law that defines the boundaries by reference to government surveys, coordinate systems, or recorded maps and is sufficient to locate property without oral testimony.

**"Limited Access Highway"** meansany roadway that is divided, operates at a high service level, consists of limited access, carries region-wide traffic and is generally classified as part of the interstate system.

**"Livestock"** means domesticated /non-domesticated animals or fowl raised in an agricultural setting to produce commodities, provide recreation, offer companionship, including, but not limited to: Alpaca, Bison, Buffalo, Camel, Cattle, Chicken, Deer, Donkey, Duck, Geese, Goat, Horse, Llama, Mule, Pig, Pony, Sheep.

**"Living Area, Ground Floor Minimum"** meansthe sum or average, where designated, of the livable horizontal areas on the ground level of a residential building measured from the interior faces of the exterior walls, exclusive of attachedgarages and communal facilities such as multi-family laundry facilities or common rooms. The minimum for a specific residential structure shall be dependent on the zoning of the dwelling and the number of stories within the residential structure.

**"Loading Space / Off Street"** means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space. Off-street loading spaces shall be located totally outside of any street or alley right-of-way. An off street space, located on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise, materials or goods.

**"Local Street"** means a street designed primarily to provide access to abutting properties.

**"Location Map"** means an ortho-photography map with drawings showing the relationship of the proposed structuresand current structures, setbacks, and other nearby developments or landmarks and community facilities and services in order to better locate and orient the area and structures in question.

**"Lot"** means a parcel which is part of a recorded subdivision properly recorded and accessible to a public street or an approved private street. It may be a lot separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of or a combination of lots and parcels when adjacent to one another and used as one. A cadastral or unrecorded lot shall not be considered as a lot for the purpose of this Ordinance.

**"Lot Area"** – The total horizontal area within the boundary lines of a lot, excluding the horizontal area of such lot covered by water, or marsh or between the rim of the banks of a river or watercourse, provided that only the lot area lying within the zone in which a proposed use is permitted may be used in calculating the minimum lot area, under the provisions of this Ordinance, for such permitting use.

**"Lot Coverage"** means the percentage of the lot area that is covered by structures and may also include total percentage of impervious coverage.

**"Lot Line"** meansthe property lines defining the legal boundary of a lot. Lot lines may be designated as front, side or rear lot lines.

**"Lot of Record**" means a lot which is a part of a subdivision or plat recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

**"Lot Owners Association"** means an incorporated non-profit organization operating under recorded land agreements through which eachlot owner is automatically a member and each lotis automatically subject to a proportionate shareof the expenses for the organization's activities,such as maintaining common property.

**"Lot Width**" means the distance measured between the side lot lines as measured on the building lot line.

**"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.

**"Maintenance Guarantee"** means any security which may be required and accepted by the Board of County Commissioners to assure that necessary improvements will function as required for a specific period of time.

**"Manufactured Home**" means a dwelling unit which was fabricated to the specifications of Department of Housing and Urban Development (HUD) after June 15,1976in an off-site manufacturing facility. A unit that is a detached portable structure, designed on a permanent chassis and is transportable in one or more sections for installation or assembly at the building site, is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, is more than forty nine (49) feet in length, contains 840 or more square feet of living space, is designed for use as a year-round single family residential dwelling, and is installed in conformance with Indiana One & Two Family Dwelling Code.The designation of a manufactured home does not include recreational vehicles, mobile homes or modular homes. The term does not include any self-propelled recreational vehicle.

**"Manufactured Home Park"** means an area of land, being licensed and registered, having required improvements and utilities, on which Three (3) or more mobile homes/manufactured homes are regularly occupied, with or without charge, including any structure, enclosure,

street, equipment, park community area,used or intended for use incidental to the harboring or occupancy ofmobile homes ormanufactured homes in the park.

**"Manufacturing"**means the process of making, assembling, adding improvements to, or fabricating raw materials by hand, machinery or the combination thereof into finished or semi-finished parts or products.

**"Manure"** means any animal or fowl solid or liquid excreta, any bedding, animal housing or transportation unit wash water, clean-up water, excess drinking water,process water, litter, silage leachate, rain water, snow melt,or run-offthat has been in contact with or contaminated by such excreta.

**"Map Amendment"** means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

**"Market value"** means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

**"Meteorological Tower"** means a structure which is erected primarily to measure wind volume and speed, solar energy or other renewable energy resources in order to determine suitability for renewable energy production resources, or for the collection of other weather related data. Does not include equipment used by INDOT, airports, or other similar applications to monitor weather.

**"Metes and Bounds"**means a description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

**"Mineral Extraction"** means mining, crushing, screening, blending, quarrying, pumping, washing, stockpiling, loading, conveying, distribution, or the sale of or removal of earth materials.

**"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 to protectpeople and structures, and to minimize the cost of disaster response and recovery.

**"Mobile Home"** means a dwelling unit which was fabricated and certified to factory standards on or prior to June 15, 1976, in an off-site manufacturing facility. A unit that is a detached portable structure designed on a permanent chassis and is transportable in one or more sections for installation or assembly at the building site, was designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, is more than forty nine (49) feet in length, contains 840 or more square feet of living space, was designed for use as a year-round single family residential dwelling, and was installed in conformance with Indiana One & Two Family Dwelling Code. The designation of a mobile home does not include recreational vehicles, manufactured homes or modular homes. The designation of a mobile home does not include recreational vehicles, manufactured homes or modular homes. The term does not include any self-propelled recreational vehicle.

**"Model Home"** means a residential structure or series of structures built with the purpose of displaying the craftsmanship of the builder/developer of that unit. The unit primarily serves as a marketing tool to sell future, similar units on other lots of a development.

**"Modular Home"** means a dwelling which is fabricated either in whole or in sections at a factory to the minimum standards of the "Uniform Building Code" (UBC), is transportable in sections to the building site for final assembly, is designed to be used as a dwelling, contains Eight Hundred Forty (840) or more square feet of ground floor living space, and is designed for placement on a permanent foundation or basement walls. Such sections, parts or modules are not constructed on a permanent chassis. This type of unit is considered equivalent to any dwelling which requires substantial assembly on site.

**"Modification"**means a specific change or lessening of the regulations established by this Ordinance that may be granted by the Plan Commission for a specific development in response to:

A. Unique site characteristics or development patterns that justify relief from the otherwise generally applicable regulations.

B. An alternative development proposal deemed by the Plan Commission to meet the intent and spirit of this Ordinance and representing a creative and desirable application of different standards.

**"Monument"** meansa permanent physical structure which marks the location of a corner or other survey point.

**"Mound / Berm"** meansa man-made, formed, earth mound of definite height and width,a landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes.Particularly, mounds do not have consistent crest elevations, but are irregular in form and overlapping such toemulate a more natural landscape feature. Mounds in combination with other landscape material are used toblock or partially block visibility from one side to the other or to provide a transition between uses of differing intensity or to screen uses from sight..

**"Nature Preserve"**means an area in which plants, animals, or topographic features are protected in their current, natural condition.

**"Nonconforming Structure"** means any structure or part of a structure legally existing at the time of enactment of this Ordinance or any of its amendments, or any structure for which a Variance has been granted subsequent to enactment of this Ordinance, which does not conform to the provisions of this Ordinance or future amendments by regulations of the district in which said use is located.

**"Nonconforming Use"** means any use or arrangement of land or structures lawfully existing at the time this Ordinance was passed, or any of its amendments,or any use or arrangement of land, or any of its structures for which a Variance has been granted subsequent to enactment of this Ordinance that would be regulated or restricted under the terms of this Ordinance or future amendments by regulations of the district in which said use is located.

**"Noxious Weed"**means plant species that have been designated by county, State or nationally agricultural authority as one that is injurious to agricultural or horticultural crops, natural habitats or humans or livestock. Typically plants that grow aggressively, multiply rapidly without natural controls and adversely affect native habitats, croplands, or are injurious to humans, native fauna and livestock, through contact or ingestioncausing injury to living organisms by chemical reaction, or are capable of causing detrimental effects upon the physical or economic well-being of individuals.

**"Nuisance"** means operations, activities, or general use of land which is injurious to health, well-being, is indecent, annoying, obnoxious, unpleasant, offensive to the senses, or an obstruction to the use of property so as to interfere with the comfortable enjoyment of life or property.

**"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 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.

**"Occupancy"** means the residing of an individual overnight in a dwelling unit; or the installation, storage or use of equipment, merchandise or machinery on the premises or in any public, commercial or industrial building, or the continuing use of land, building, or structures. A change in occupancy may or may not include a change of tenants or proprietors.

**"Off-Site"** means located outside the property lines of the parcel in question.

**"Office Building"** meansa building used primarilyfor conducting the affairs of a business, profession, service, industry, government, or like activity,that may include ancillary services for office workers such as a restaurant, coffee shop and exercise amenities.

**"Ordinance"** meansa board adopted law or regulation, including any amendment or repeal of same.

**"Organic Fertilizer"** means any fertilizer material derived from either plant or animal products or manures containing one (1) or more nutrients that are essential for plant growth

**"Orthophotography"** means an aerial photograph or image geometrically corrected such that the scale is uniform. Often referred to as "ortho" GIS use.

**"Outbuilding"**means a separate structure which would be considered as an accessory structure that is not physically connected to the principal building.

**"Parcel"** means a part or portion of land, under common ownership, which is contiguous, having a legal description formally set forth in a recorded conveyance together with the boundaries making possible its identification and thereof creating a separate description for the purpose of sale, lease and transfer of ownership or separate use.

**"Parcel of Record**" means a contiguous area of land which has a legal description for which a conveyance has been recorded in the office of the Wabash County Recorder before the effective date of this Ordinanceor subsequent amendment thereto.

**"Parent Tract"** means all land which is contiguous and under common ownership from which a new lot or parcel is being taken as recorded in the office of the Wabash County Recorder at the time of adoption of this Ordinance or subsequent amendment thereto.

**"Park"** meansan area permanently devoted to recreational uses and generally characterized by its natural, historic orlandscaped features, and used for both passive and active forms of recreation designed to serve the residents of aneighborhood, community, county, region or State.

**"Park, Public"** meansan area of public land specifically defined or set aside for use by the general public in both active or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, and structures that are consistent with the general purposes of public parkland, and whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park.

**"Parking Lot"** means a parcel of land devoted to parking spaces for Four (4) or more motor vehiclesin which compensation may or may not be collected, or otherwise, having an all-weather surface, enclosed or un-enclosed,connected to a street and providing satisfactory ingress and egress for customers.

**"Patio"**means an open hard surfaced accessory structure area to a primary use or structure of which the horizontal area is at grade level and the vertical area is open to the sky.

**"Paved"** means a durable surface for parking, driving, riding or similar activities that utilizes blacktop, asphalt, concrete or other similar substance, including bituminous penetration. Crushed gravel, stone, rock, dirt, sand, or grass is not considered as paved.

**"Performance Guarantee"** means an agreement by a developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the developer's agreement.

**"Permanent Foundation"** means a structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

**"Person"** means but is not limited to: a natural person,firm, company, partnership,organization, corporation, LLC, association, trust, estate, organization, legal representative, agent, employee,unit of government, or any other entity that acts as a unit, including all members of any group.

**"Petitioner"**means any person who formally makes a request before the Plan Commission or Board of Zoning Appeals consistent with the processes and requirements of this Ordinance.

**"Photovoltaics (PV)"** means the technology that converts light directly into electricity. PV has advanced to include Concentrated Photovoltaics Technologies (CPV). PV and CPV are both included within definition.

**"Plan Commission"** means the public agency in the county empowered to prepare the comprehensive plan, zoning regulations, subdivision regulations, special regulations, and corridor or special area studies. The planning commission is responsible for evaluating proposed land use changes and their conformance withany applicable plans or regulations as well as reviewing subdivisions, zoning permits, site plan review and other applications outlined within the Zoning or Subdivision Ordinance and is authorized to administer and enforce this Ordinance or other ordinances related thereto. Within this Ordinance the term Plan Commission shall refer to the agency as a whole and may include the staff, director and board members.

**"Planned Development"** means a large-scale unified development meeting the requirements for zoning approval under the provisions of this Ordinance. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk,type of buildings, density, lot

coverage, and required open space to the regulations established in any district of this Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments.

**"Plat"** means a drawing, map, graphic representation, or chart that shows a division of land, layout for subdivision, or re-plat of such a tract of land and is intended to be filed for recording.

**"Plat, Final"** meansthe final map of all or a portion of a subdivision or development planthat contains all information or detail required by law and by these regulations. Prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location of all on site improvements, and is presented to the proper review authority for final approval. Recorded drawings may also be referred to as "as built" drawings.

**"Plat, Preliminary"** means an initial map of a subdivision of land or development plan that is presented to the proper review authority for preliminary review and approval is granted to an applicant by the Plan Commission after having determined, in a public hearing, that the proposed development complies with the standards prescribed in these regulations as defined by Indiana Code 36-7-4-702 as amended. The Preliminary Plat must be completed and approved before the Secondary Plat approval process can be initiated.

**"Plat, Secondary"** meansthe second reviewable plat document in recordable form in which approval is granted to an applicant by the Plan Commission after having determined that the proposed development complies with the standards prescribed in these regulations as defined by Indiana Code 36-7-4-710 as amended and that all required documentation has been submitted and approved. ASecondary Plat shall substantially conform to the preceding Preliminary Plat, or section thereof. TheSecondary Plat and plans are not subject to public notices and public hearings.This approval authorizes the applicant to record the plat.

**"Platted Area"** means any platted lot or group of lots as displayed and recorded in the plat books / records maintained bythe Wabash County Recorder's Office.

**"Point of Intersection"** meansthe point at which two street lines abutting a corner lot intersect or if the two street lines meet in a curve then it is the point at which the production of the two lot lines abutting the two streets intersect.

**"Pool"** means any structure placed or constructed above and/or below ground, is at least Twenty Four (24) inches deep, has a top water surface area greater than One Hundred (100) square feet and when filled with water may be used for swimming, wading, recreation.

**"Pond"** means any inland body of water that in its natural state has a surface area ofTwo Hundred(200) square feet or more with a depth no less than Four (4) feet, or a body of water artificially formed or increased resulting in a surface area of Two Hundred (200) square feet or more with a depth no less than Four (4) feet. For setback purposes the setback boundary of a pond, lake, or earthen structure, shall be measured to the toe of the slope of the bank of the pond, or to the high water level of the pond, whichever is closer.

**"Pond, Detention / Retention"**means a pond designed to be used as a means to detain or temporarily hold storm water as part of a storm water drainage system. A detention pond is generally dry and typically does not detain storm water for longer than Twenty Four to Seventy Two(24-72) hours after a storm event. Detention Pond construction must receive County Drainage Board approval. . A retention pond generally retains storm water to some normal

water level but may also temporarily detain additional amounts of storm water above the normal water level. Retention Pond construction must receive County Drainage Board approval.

**"Porch"** means a roofed, open gallery, or portico attached to the exterior of a structure commonly open to the weather in part.

**"Pre-Application Permit (CFO)"** means a certificate of intention to construct, reconstruct, alter, enlarge, or move, a building, structure, lagoon, pit, holding tank, or use land in accordance with the requirements of this Ordinance and all relevant laws, rules and regulations of the United States and the State of Indiana, and the National Pollutant Discharge Elimination System.

**"Premise"** means a parcel of land including any structures thereon.

**"Primary Road"** means a thoroughfarewithin the county designated as a Primary Road do to having ahigher volume of traffic regularly traveling on it. (see Thoroughfare Map).

**"Primary Structure**" means a structure in which the principal use of the lot on which it is located is conducted, including a structure that is attached to such a structure in a substantial way. With respect to residential uses it means the main dwelling.

**"Primary Use"** means the predominant use of any lot or parcel or as determined by the primary structure.

**"Prime Farmland"** Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, oilseed crops and is also available for these uses. This land cannot be urban built-up land or water. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields or crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, afavorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

**"Private Garage"** means a garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments.

**"Private School"** means a school other than a public school.

**"Process Waste Liquid"** means liquid to be handled as manure that is generated by a CFO/CAFO including excess drinking water, clean-up water, contaminated livestock truck or trailer wash water, milking parlor wash water, milk house wash water, egg wash water, silage leachate, or any run off that threatens water quality standards.

**"Professional Office**" means an office used by members of a recognized profession such as architects, artist, dentist, engineers, lawyers, musicians, physicians, pharmacist, surgeons, realtors, insurance agents, brokers, educational, religious, government, or any similar type professional.

**"Property Line"** meansthe surveyed points which define the legal boundary of a lot, tract or parcel. Property lines may be designated as front, side, or rear property lines.

**"Public Building"** means any structure, edifice, or building, regardless of location held, used, or controlled for public purposes by any department or branch of government, without reference to the ownership of the building or of the real estate upon which it is situated.

**"Public Camp"** means an area of land used or designed to be used to accommodate Two (2) or more camping parties, including dorms, cabins, tents, campers, or other camping outfits, and associated amenities, Does not include a travel trailer park or recreational vehicle park.

**"Public Improvements**" means any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

**"Public Notice"** means the act of notifying all interested parties to any proposed action concerning the business of the administration and enforcement of this Ordinance.

**"Public Street"** means a street established for or dedicated to the public use.

**"Public Utility"** means any person, firm, or corporation duly authorized to furnish, under public regulation, to the public, electricity, gas, telephone, fiber optics, transportation, water, or sewage systems. Or every corporation, company, partnership, limited liability company, individual, association of individuals, theirleases, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the State for the conveyance of telephone messages, or production, transmission, delivery, or furnishing of heat, light, water, power, or collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, and industrial waste.

**"Public Way"** means a publicly dedicated area in which a public entity or the general public have the legal right-of passage regardless of improvements to the dedicated area. Public ways include, but are not limited to, an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, orbicycle path.

**"Rear Lot Line"** means the lot line that is opposite the front lot line and farthest from it for interior lots and corner lots. For a triangular or other irregularly-shaped lotit means the line,at least Ten (10) feet long, parallel to the front lot line, and wholly within the lot that is farthest from the front lot line.

**"Rear Yard"** means a yard that extends across the full width of a lot and is bounded on the rear by the rear lot line, and the depth of which is the least distance between the rear lot line, and the rear of the principal structure.

**"Record"** means the written documentation of the actions and expressions of a public body, such as the Plan Commission or Board of Zoning Appeals.

**"Recreational Development, Commercial"** means structures and or land used for recreational activities in which tickets are sold or fees are collected from the general public for participation in the activities offered.

**"Recreational Development, Private"** means a private recreational facility for which a membership charge may be made and which is open only to bona fide members and their guest. The development may not be open to members of the general public.

**"Recreational Development, Public"** means a development in which recreational activities are available to any member of the public who wishes to use the recreational development for its intended purposes and no direct fee is collected for such use.

**"Recreational Vehicle"** means a wheeled, tracked or propulsion vehicledesigned for personal recreational use, and pleasure, but not for permanent habitation or primary transportation. Recreational vehicles include, but are not limited to motor homes, jet skis, boats, dune buggies, stock cars, three wheelers, four wheelers, s, golf carts, utility vehicles, snowmobiles, and motorcycles that are not street legal.

**"Redevelopment"** meansthe removal of buildings or structures from land and the construction or erection of other buildings or structures thereon.

**"Register Land Surveyor"** means a person properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**"Register Professional Engineer"** meansa person properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**"Re-plat"** means a change in a recorded subdivision plat or development plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement, or if it affects any map or plan legally recorded.

**"Reservoir"** means a pond, lake, tank or basin, natural or man-made, used for the storage, regulation and control of water.

**Residential Area"** shall mean and refer to any parcel of real estate or lot in a platted area intended to be used for residential purposes whether zone residential or otherwise.

**"Residential District"** refers to zoned districts designated as Residential One (R1), Residential Two (R2), Residential Three (R3), Residential Lake One (RL1), and Residential Lake Two (RL2) districts.

**"Resort"** meansa tourist establishment that provides accommodation throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other recreational purposes.

**"Responsible Party"** means an individual or group of people that are legally responsible or liable for  a decision or action and therefore liable for the outcome.

**"Right-of-Way"** means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or is occupied by transportation facilities, public utilities, or other special public uses . Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

**"Roadside Stand"** means a removable, temporary structure, not permanently affixed to the ground, used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonable agricultural products in which a portion of the products are produced on the premises.The structure is to be removed and stored behind the front building line of the property at the conclusion of the seasonal sales. No roadside stand shall be more than Five Hundred (500) square feet in ground areaand there shall not be more than One (1) roadside stand on any One (1) premise.

**"Roof, Flat"** means a roof, not pitched and the surface of which is parallel to the ground.

**"Roof, Gabled"** means a ridged roof forming a gable at both ends of the building.

**"Roof, Mansard"** meansa roof with Two (2) slopes on each of Four (4) sides, the lower, steeper than the upper.

**"Rotor Diameter"** means the diameter of the circle (arc) defined by the moving rotor blades.

**"Rummage Sale"** means the sale of used or new articles, not to exceed Seven (7) consecutive days, and no more than Two (2) sales per property owner, in any one (1) year period. Includes garage, porch, yard, and other designated sales.

**"Salvage Yard"**means a place where One (1) or more of the following occur:

A. Land or buildings on which motorized vehicles and/or vehicle parts are collected, dis-assembled, assembled and resold.

B. Aplace where secondhand goods including but not limited to waste paper, bottles, tires, clothing, rags, bones, bicycles, steel, old metal, other scrap material or salvage are bought, sold, exchanged, baled, packed, disassembled, handled for further use, or collected to be sorted.

C. A place where used lumber and used building materials are collected, stored, and offered for sale, resale or exchange.

D. A salvage yard as defined in this Ordinance and licensed by the State of Indiana. A valid License must be issued and current to the occupant by the State of Indiana.

**"Salvage Yard, Licensed"** means a salvage yard as defined in this Ordinance and licensed by the State of Indiana. A valid license must be issued and current to the occupant by the State of Indiana.

**"Sanitary Dumping Station**" means a sewage inlet with cover surrounded by a concrete apron which is used for the disposal of recreational vehicle holding tank waste.

**"Satellite Manure Storage System" "SMSS"** means a building, lagoon, pad, pit, pond, tank or storage system that is not located at a livestock or poultry facility and is designed for use in part or in whole for the storage of manure, as defined in this ordinance, in volumes exceeding One Million gallons of manure or Five Thousand cubic yards of manure per IC 13-11-2-196.2 as amended.

**"Screening"** means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden.

**"Secondary Road"**means a thoroughfare in the county designated as a road which has a lower volume of traffic regularly traveling on it. (see Thoroughfare Map).

**"Section Corner"** means a corner established as part of the United States Public Land Survey System used for horizontal control in describing land.

**"Sensitive Area"** meansa site where conditions pose a specific water quality threat to One (1) or more of the following:

A. Public water supply wells, wellhead protection areas, drinking water supply wells.

B. Identified wetlands, habitat of endangered species, natural areas including parks, natural preserves, historic sites, and public lands.

**"Septic System, Private"** means a septic tank, filtration field and subsurface drainage, if required, which are located on an individual parcel. Installations of such a system shall be based on the requirements of the Wabash County Health Department Ordinance as amended, and administered by the Wabash County Health Department.

**"Setback"** a distance, usually in feet, designated by the Zoning Ordinance defining the limits of a yard in which no structure may be located except as may be excluded in this Ordinance.

**"Sewer, Public"** means any system, other than an individual septic tank, tile field, mound system or similar disposal method, which is operated by a municipality, governmental agency, or public utility for collection, treatment, and disposal of wastes under the policies of the State of Indiana.

**"Shooting Range"** meansa permanently located and improved area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery and other similar sport shooting, in an indoor or outdoor environment. The area may be publicly or privately owned and operated for profit or not for profit. "Shooting range" does not include any area for the exclusive use of air guns.

**"Shopping Center"** means a group of continuous retail stores, originally planned and developed as a single unit, having a total ground floor building area of not less than Fifty Thousand (50,000) square feet, with immediate adjoining off street parking facilities.

**"Side Lot Line"** means a lot boundary other than a front or rear lot line.

**"Side Yard"** means a yard, between the principal building and the adjacent side lot line, which extends from the front yard, or street right-of-way where there is no front yard, to the rear yard, and the width of which is the least distance between the side lot line and the adjacent side of the structure.

**"Sign"** meansany name, identification, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or pieceof land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Types of signs include but are not limited to:

A. Ground sign, mural sign, off-premise sign, on premise sign, portable sign, temporary sign, building mounted sign, free-standing sign, canopy sign, projecting sign, monument style sign, illuminated sign, pole sign, wall sign, awning sign, and electronic sign.

**"Site Plan"** means a plan presented by the applicant along with other associated materials showing accurately and with complete dimensions:

A. The boundaries of the site, the location of all current and proposed structures, uses and principal site development features with all utilities and applicable easements identified.

B. Setbacks from lot lines, structure heights, floor areas, percent of impervious lot Coverage.

C. Septic tank /leach field, tile fields, proposed interior vehicular and pedestrian access.

D. Any special or particular use for a specific parcel of land.

E. The plan shall be prepared in accordance with the rules and regulations of the appropriate jurisdiction, and submitted to the Wabash County Plan Commission or other designated body or authority for review or approval. The plan shall illustrate the proposed development or alterations of the site.

**"Sketch Plan"** means arough diagram of a proposed development site with sufficient accuracy to be used for the purpose of discussion for classification of subdivision type or development type and the application process requirements based on the classification.

**"Skirting"** means a weather resistant material which,when placed between the outside exterior lower extremity of a mobile home and extended to the ground,encloses the entire undercarriage of a mobile/manufactured home to aid in protecting the home's underside from adverse weather as well as providing a cosmetically pleasing appearance to the structure.

**"Slope"** meansthe degree of deviation of a surface from horizontal, expressed in percentage or degrees.

**"Solar Access"** means the ability to receive sunlight across real property for any solar energy device.

**"Solar Energy System"** means any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in the heating or cooling of a structure or building, the heating or pumping of water, or the generation of electricity. A solar energy system may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member or part of the roof of a building or structure and serving as a window or wall. A solar energy system may be mounted on the building or on the ground and is not the principal use of the property.

**"Solar Farm, Commercial"** means a solar power generating facility that converts solar energy into electrical power for distribution to utility companies. This includes but is not limited to both photovoltaic (PV) and concentrated solar power (CSP) methods utilized at a large scale for commercial purposes regulated by the Public Utility Commission.

**"Solar Farm, Private"** means a solar power generating facility, located on the power beneficiary's property, that converts solar energy into electrical power or solar heat, is intended primarily to offset part or all of the beneficiary's utility needs, and is secondary to the beneficiary's use of the premises. This includes but is not limited to both photovoltaic (PV) and concentrated solar power (CSP) methods.

**"Solid Waste" 40 CFR 261.2**

A solid waste is any discarded material that is not excluded under 40 CFR 261.4(a), or that is not excluded by a variance granted under 40 CFR 260.30 and 260.31 or that is not excluded by a non-waste determination under 40 CFR 260.30 and 260.34.

A discarded material is any material which is:

- Abandon by being disposed of, or
- Burned or incinerated, or
- Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated, or
- Sham recycled, which is recycling that is not legitimate recycling.

Solid waste is the useless and unwanted products in the solid state, semi-solid state, liquid state, or gaseous state, derived from the activities of and discarded by society. It is produced either by product of production process or arise from the domestic or commercial sector when objects or materials are discarded after use.

However, the term solid waste shall not include:

A. Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation.

**"Solid Waste Disposal Facility"** means any facility that is suitable for solid waste disposal and is constructed and approved under IC 36-9-30 and 329 IAC rule as amended.

**"Sound Level Meter"** meansan electronic instrument that includes amicrophone, output meter and amplifier, and measures sound pressure levels.

**"Special Exception"** means uses that, becauseof potential incompatibility and negative impact on the immediate neighborhood, require agreater degree of scrutiny and review of sitecharacteristics and impacts to determine theirsuitability in a given location. A Special Exception use may be designated as being permitted within a district provided it complies with all of the development standards of that district and satisfies the criteria, which the Board of Zoning Appeals utilizes when reviewing the application for Special Exception approval during an advertised public hearing.

**"Stable, Riding, Commercial**" means a structure and/or land use along with the necessary associated amenities for which equines are kept for the purpose of sale, hire to the public, breeding, boarding, training,recreational and therapeutic riding.

**"Stable, Private"** means a structure, or portion thereof and/or land use in which equine are kept for the private use of the property owner or tenant, but not for hire, remuneration, or sale.

**"Staging"** means the temporary placement of fertilizer material (manure) in a pile at the site in which it is to be applied for field application. Staging shall comply with 355 IAC 8 as amended from time to time.

**"Street"** means a right-of-way that is established by a recorded plat to provide the principal means of access to abutting property.

**"Street, Private"** means a recorded public way for vehicular traffic that is maintained by the owners ofproperty which use the street. In order for a private street to be considered for dedication and acceptance by the county the private street must meet or exceed the construction specifications for county roads as specified at the time of construction.

**"Structure"** means anything constructed or erected that requires location on or in the ground, or attachment to something having a location on or in the ground.

**"Sub-divider"** means aperson who has interest in land, or causes it, directly or indirectly to be subdivided as defined herein, or directly sells, leases, or develops or offers to sell, lease, or develop, or advertise to sell, lease, or develop, any interest, lot, parcel, site, or unit in a subdivision, or engages in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, or unit in a subdivision, or is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

**"Subdivision"** means the division of a lot, tract or parcel of land into Two (2) or more lots, tracts, parcels or other divisions of land for sale, development, lease or use.

**"Subdivision, Administrative"** means any division of land which :

A. Is adivision of land into lots, tracts, or parcels creating no more than Two (2) parcels

including the parent parcel.

B. Does not require the addition or extension of public ways, public utilities, public places, or storm water control.

C. Is exempt from many of the provisions of the Subdivision Control Ordinance.

D. Requires application review and approval by the plan commission administrator only, as outlined in Chapter 8, Section 16 of this Ordinance.

**"Subdivision, Major"** means any division of land which:
A. Is any division of land into lots, tracts, or parcels creating Two (2) or more parcels in addition to the parent parcel.

B. Any segment of the division results inthe addition or extension of public ways, public utilities, public places, or storm water control.
C. Must follow the major subdivision procedures as outlined in Chapter 8, Section 14 of this Ordinance.

D. Requires application review and approval of the primary and secondary plat by the plan commission board as outlined in this Ordinance.

**"Subdivision, Minor"** means any division of landwhich:
A. Is a division of land into lots, tracts, or parcels creating Two (2) parcels or less in addition to the parent parcel.

B. Is located along an existing public or private street or private drive

C. Does not require theaddition or extension of public ways, public utilities, public places, or storm water control.

D. Must follow the BZA Rules of Procedure for public hearing on matter.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed Fifty One percent (51%) of the market value of the structure before the damage occurred.

**"Substantial Modification"** meansany reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds Fifty One percent (51%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures that incurred "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 or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

**"Substantial Property Interest"** means any right in real property that may be affected in a substantial way by actions authorized by this Ordinance, including but not limited to a fee interest, a life estate interest, a future interest, a present possessory interest, or an equitable interest of a contract purchaser as defined at IC 36-7-9-2 as amended.

**"Substation"** means an electrical facility which connects with the electrical grid system of an electric utility grid or a WECS and is designed to increase the power output in order to adequately supply area power demand or for inter-connection with transmission lines.

**"Surety"** meansany form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Wabash County Commissioners. All bonds shall be approved by the County Commissioners whenever a bond is required.

**"Surface Water"** means thewater on the earth's surface exposed to the atmosphere as rivers, lakes, streams, ponds and ocean.

**"Switching Station"** means an electrical facility in the system similar to a substation but not necessarily increasing the voltage produced by a power source or a turbine going into the grid.

**"Technical Review"**means a process prior to Development Plan approval in which detailed technical information pertaining to all applicable local building, fire and County Codes are presented to and reviewed by the County for conformance.

**"Telecommunications Tower"** means any structure that is designed and constructed primarily for the purpose of supporting One (1) or more antennas. The term includes:

A. Radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.

**"Temporary Structure" –** means a structure having no foundation or footings that is removed from the site location when the designated time period, activity, or use for which the temporary structure was permitted has ceased.

**"Temporary Use"** means a use that is established for a limited, fixed period of time with the intent to discontinue such use upon the expiration of the time period, or expiration of the use whichever emanates first.

**"Tent"** means a shelter designed to provide temporary quarters for travel, recreation, parties, camping, or circus with at least some portion of its walls and/or roof made of, or covered or protected by, canvas or any similar fabric material.

**"Thoroughfare Plan**" means the official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as found in the Wabash County Comprehensive Plan, (see Thoroughfare Map, Chapter 9).

**"Through Lot"** means a lot fronting on Two (2) parallel or approximately parallel streets. This includes lots fronting on both a street and a watercourse or lake. In the case of a through lot, the area at each end of the lot between the setback line and the middle of the street shall be treated as if it were part of the front yard.

**"Topography"**means the configuration of the earth's surface, including the relative relief, elevations, and position of land features.

**"Total Height"** means the distance from the tip of the rotor blade at its highest point to the top of the surface of a tower's foundation.

**"Tourist Home**" means a tourist structure in which not more than Four (4) guest rooms are used to provide or offer overnight accommodations to transient guest for compensation.

**"Tower"** meansa structure situated on a site that is intended for supporting antennas used for transmitting or receiving television, radio, telephone communications, or for dispatch communications.

**"Tower Height"** means the total height from the foundation to the top of the tower structure or the total height from the foundation to the top of the tower structure for a wind turbine exclusive of the nacelle and rotor blades.

**"Town"** means the Town of Lafontaine, Lagro, and Roann as may be applicable, which are under the jurisdiction of this Ordinance.

**"Tract**" means a unit, or contiguous units, of land under single ownership.

**"Travel Trailer"** means a wheeled structure or other portable structure registered with the BMV, Forty Nine (49) feet or less in length that is designed to move on the highway and designed for personal recreational use, pleasure, or travel but not for permanent habitation. Travel trailers include but are not limited to an RV, motor home, camper, Winnebago, caravan, van, tin can. May not be used as a temporary dwelling.

**"Travel Trailer Park"** means an area of land on which Two (2) or more travel trailers are regularly accommodated with or without charge, including any structure, fixture, or equipment that is used or intended to be used in connection with providing that accommodation.

"**Truck Stop"** means a paved area with access to major roads and highways which may also include fuel pumps, overnight accommodations, truck service and repair garage, truck washing facilities, restaurant, office space for brokers, and shops for the sale of truck or truck related items, all designed to serve the Twenty Four(24) hour needs of over-the-road trucks and truckers.

**"Use"** means the specific purpose, for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

**"Vacant"** means any useable structure that is abandoned, not in use, or not occupied.

**"Vacation"**means the termination of interest in a plat, an easement, or a right-of-way or other public dedication.

**"Variance, Development Standards"** meansa specific approval granted by the Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

**"Variance, Use**" means a specific approval granted by a Board of Zoning Appeals in the manner prescribed by this Ordinance, of a use other than that prescribed in this Ordinance to deviate from what the ordinance otherwise prescribes.

**"Veterinary Clinic"** means a facility where the primary use is for a licensed veterinarian and supervised staff to care for, diagnose and treat sick, ailing, infirm or injured animals, fowl and those in need of medical or surgical attention. Boarding is permitted during recovery periods.

**"Vibration"**means the oscillatory motion transmitted through the ground.

**"Vicinity Map"**meansa drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed development or use to other nearby developments or

landmarks and community facilities and service within the general area in order to better locate and orient the area in question.

**"Violation**" means any act or existence of an act of violating this Ordinance, or non-compliance with an approval, substantiated during an enforcement official inspection or investigation, witnesstestimonial, or other evidence.

**"Violator**" means the owner, possessor, tenant, occupant, legal representative, or manager of a property who is in violation or is subject to an alleged violation of this Ordinance.

**"Vision of Clearance"**meansa triangular space at the street corner of a corner lot or at the intersection of driveways and alleys with streets or at the intersection of alleys with alleys, or at the intersection of streets with streets, or roads with roads which must be kept free from any kind of obstruction as further specified in this Ordinance.

**"WECS- Commercial"** means all necessary devices including but not limited to the blades, rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower, the substation, switching stations, meteorological towers, communications facilities, and other required facilities and equipment, as customarily related to the WECS project, that together convert wind energy into electricity and most of that electricity is delivered to a public utility's transmission lines.

**"WECS-Non-Commercial""** means all necessary devices , including but is not limited to the blades, rotor, nacelle, generator, WECS tower ,electrical components, WECS foundation, transformer, electrical cabling from the WECS Tower, the substation(s), switching stations, meteorological towers, communication facilities, and other required facilities and equipment, as customarily related to a WECS Project that together convert wind energy into electricity and most of that electricity is not delivered to a public utility's transmission lines, but rather is consumed privately, and wholly within that property described in the application on which the WECS project is to be located.

**"WeedsandOtherRankVegetation"**means any and all plant, grass, brush, vegetation life, that, when left uncut, produce an excessive growth and may harbor vermin, insects, disease that can be harmful to the health or well-being of citizens. This term does not include shade trees, ornamental shrubs, fruit trees, domesticated berry bushes and vines, wetlands, storm water best management practice areas, cover crops and domestic grains and plantings that are appropriately maintained.

**"Well, Private**" means a structure created in the ground by digging, driving, drilling, or boring to reach underground aquifers in which the water is generally drawn, by pump, through a vertical pipe column, to the surface and enters a storage unit or the well may function on a demand basis providing water to an individual dwelling and all associated needs for that private entity.

**"Well, Public"**means a public water system as an entity that provides water for all of a communities needs through one or more wells connect to treatment facilities, pumps, and a plumbing infrastructure of pipes which delivers water directly to the intended source, and when used with reference to a lot, a system of underground piping and relatedstorage, pumping and treatment facilities, operated by a public authority for public use, and to which such lot hasaccess to make connection thereto.

**"Wetland"**meansland that has a predominance of hydric soils which:

A. are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

B. under normal circumstances supports a prevalence of such vegetation.

Wetlands are important resources for surface water retention, thus aiding in flood prevention, groundwater recharge for clean groundwater, and are rich in diversity of plant and animal species.

**"Wind Energy Conservation System"** means a wind driven machine that convertswind energy into electrical power for the primary purpose of resale, on site or off-site use.

**"Winery"** meansan establishment which is primarily engaged in One (1) or more of the following:

A. Growing grapes and manufacturing wines and brandies.
B. Manufacturing wines and brandies from grapes and other fruits grown elsewhere.

C. Blending wines and brandies.

D. Bottling wines and brandies.

In addition, a winery may:

A. Include offices, reception area, indoor tasting rooms, outdoor tasting patio and/or deck, and a sales room where wine made or bottled on premise and wine related items produced or manufactured elsewhere may be sold.

B. Provide tours, and hold private and public events.

1. Private events, those limited to attendance by invitation or reservation, and public events, those open to the public without the requirement of an invitation or reservation at which entertainment, either a spectator or participatory event, is provided as the main attraction, are permitted.

Unless located in a zone that also permits eating and drinking places as a primary use, a winery may only serve food prepared by an off-premises caterer and may not include a restaurant. Wineries are also subject to all Federal and Indiana statutes and rules governing these activities. Growing grapes without manufacturing wine is a vineyard and is classified in SIC 0172, a part of Agricultural Production - Crops. Distribution of wine and brandy without bottling is classified in SIC 5182, a part of Wholesale Trade – Nondurable Goods.

**"Yard"** means a space on the same lot with a principal structure that is open and unobstructed by structures except as otherwise authorized by this Ordinance.

**"Zoning District"** means a mapped area to which different land use controls are imposed. These controls specify the allowed uses of land and buildings, the density of such uses, the maximum height and minimum setbacks for any proposed structures, and other matters as specified in this Ordinance.

**"Zoning Map"** meansthe maps displayed in paper form and on the Geographical Information System which are a part of this Zoning Ordinance and delineate the boundaries of the zoned districts and any amendments thereto of the jurisdictional area of the Wabash County Plan Commission.

**"Zoning Ordinance"** means the Wabash County Zoning Ordinance enacted by the Wabash County Plan Commission on_____ and as amended. The regulatory measure designed to encourage high standards of development and to foster the most efficient use of land within the county.

**"Zoning Regulations"** means the minimum land use requirements for each zoning district, adopted for the promotion of public health, safety, morals and general welfare. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.

### 1.5 Abbreviations / Acronyms

Abbreviations / Acronyms used in a special sense in this Ordinance or which may be used in the day to day business of this institution are identified in this Chapter and Section of the Wabash County Zoning Ordinance.

**AASHTO** American Association of State Highway & Transportation Officials

**ACOE** Army Corps of Engineers

**ADA** Americans with Disabilities Act

**ADT** Average Daily Traffic

**APA** American Planning Association

**APC** Advisory Plan Commission

**ATC** Alcohol Tobacco Commission

**BMV** Bureau of Motor Vehicles

**BOCC** Board of County Commissioners

**BZA** Board of Zoning Appeals

**CABO** Council of American Building Officials

**CAFO** Confined Animal Feeding Operation

**CFO** Confined Feeding Operation

**CPWC** Comprehensive Plan of Wabash County

**CRS** Community Rating System

**DCRA** Department of Community and Rural Affairs

**DHV** Design Hourly Volume

**DNR** Department of Natural Resources

**DU** Dwelling Unit

**CFR** Code of Federal Regulations

**CO** Certificate of Occupancy

**EDGWC** Economic Development Group Of Wabash County

**EMA** Emergency Management Agency

**EOC** Emergency Operations Center

**EPA** Environmental Protection Agency

**FAA** Federal Aviation Administration

**FCC** Federal Communications Commission

**FEMA** Federal Emergency Management Agency

**FF** Flood Fringe

**FHBM** Flood Hazard Boundary Map

**FIA** Flood Insurance Administration

**FIS** Flood Insurance Study

**FPG** Flood Protection Grade

**FSA** Farm Service Agency

**FW** Floodway

**GIS** Geographic Information System

**HUD** Department of Housing and Urban Development

**IAC** Indiana Administrative Code

**IC** Indiana Code

**ICC** Increased Cost of Compliance

**IDEM** Indiana Department of Environmental Management

**IDNR** Indiana Department of Natural Resources

**IDNR DOW** Indiana Department of Natural Resources Division of Water

**IGIC** Indiana Geographic Information Council

**IHA** Indiana Housing Authority

**ILP** Improvement Location Permit

**ILRC** Indiana Land Resources Council

**INDOT** Indiana Department of Transportation

**IOCRA** Indiana Office of Community and Rural Affairs

**IPA** Indiana Planning Association

**ISDA** Indiana State Department of Agriculture

**ISEP** Indiana State Excise Police

**LOMA** Letter of Map Amendment

**LOMR** Letter of Map Revision

**LOMR-F** Letter of Map Revision

**LESA** Land Evaluation Site Assessment

**MUTCD** Manual of Uniform Traffic Control Devices

**NAPG** North America Power Grid

**NAVD** North America Vertical Datum 1988

**NEC** National Electrical Code

**NFIP** National Flood Insurance Program

**NIGIC** Northeast Indiana Geographic Information Council

**NPDES** National Pollutant Discharge

**NPMS** National Pipeline Mapping System

**NRC** Nuclear Regulatory Commission

**OISC** Office of Indiana State Chemist

**OSHA** Occupational Safety and Health Administration

**PLSS** Public Land Survey System

**PRC** Parcel Review Committee

**PUD** Planned Unit Development

**RMA** Risk Management Agency

**ROW** Right of Way

**RV** Recreational Vehicle

**RVP** Recreational Vehicle Park

**SE** Special Exception

**SFHA** Special Flood Hazard Area

**SMSS** Satellite Manure Storage System

**UBC** Uniform Building Code

**USDA** United states Department of Agriculture

**USPS** United States Postal Service

**WCDH** Wabash County Department of Health

**NRCS** Natural Resources Conservation Service

**WCCVB** Wabash County Convention and Visitors Bureau

**WCHD** Wabash County Highway Department

**WCPRC** Wabash County Parcel Review Committee

**WECS** Wind Energy Conservation System

## 1.6 Rules of Construction

The following rules of construction shall apply to the text of this Ordinance:

1.6 A Distance

All measured distances shall be to the nearest integral foot. Unless otherwise specified, all distances shall be measured in a straight line in any direction.

1.6 B Meaning and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to this Ordinance's stated purpose and intent. The particular will control the general.

1.6 C Text Controls

In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, heading, drawing, or figure, the text shall control and no caption, illustration or table shall be construed to limit the scope or intent of the text of this Ordinance.

1.6 D List and Examples

Unless otherwise specifically indicated, list of items or examples that use terms such as including, such as, or similar language are intended to provide examples, not to be an exhaustive list of all possibilities.

1.6 E Computation of Time

Unless the terms of a specific provision state otherwise (e.g., some provisions specify "business days"), periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business, working days. However, if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. The time within which an act is to be done shall be computed by excluding the first day and including the last day of the specified period of time.

1.6 F Reference to Other Regulations, Publications, Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition (as amended), of such regulation, resolution, ordinance, statute, or document, or to the relevant successor document, unless otherwise expressly stated.

1.6 G Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Wabash County, unless otherwise expressly stated. Whenever reference is made to a public official , ordinance or name of a public agency, that reference shall be construed as referring to the most up-to-date Ordinance or agency name, or to the relevant successor, official or agency.

1.6 H Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

1.6 I Technical and Non-Technical Words
Words and phrases not otherwise defined in this Ordinance shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Ordinance that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

1.6 J Mandatory and Discretionary Terms
The words "shall" or "will" is always mandatory and not discretionary. The word "may"is always permissive and the word "should" is a preferred requirement.

1.6 K Conjunctions
Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two or more items, conditions, provisions, or events connected by the conjunction "and or" or "either or," the use of the conjunction is defined as follows:

A. "And" means that all the connected items, conditions, provisions, and events apply together and not separately.

B. "Or" means that the connected items, conditions, provisions, and events apply separately or in any combination.

C. "Either or" means that the connected items, conditions, provisions, or events shall apply separately but not in combination.

D. The word "includes" does not limit a term to the specified examples, but is intended to extend the term's meaning to all other instances or circumstances of like, kind or character.

1.6 L Tense and Usage
Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular. Words of the masculine gender will include the feminine gender. The neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.

1.6 M Used For
The phrase "used for" includes arranged for, designed for, intended for, maintained for, or occupied for.

1.6 N Person Includes
The word person includes an individual, acorporation, a partnership, an incorporated association, organization, a firm, trust, company, or any other similar entity.

## 1.7 Authority
This Zoning Ordinance is adopted by Wabash County pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. When codes cited in this Ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised Indiana Code.

## 1.8 Purpose
This Ordinance is intended to guide the growth and development of the County in accordance with the Wabash County Comprehensive Plan and for the following reasons:

A. To secure adequate light, air, convenience of access, and safety from fire, flood, and other dangers.

B. To promote the public health, safety, comfort, convenience, morals and welfare.

C. To plan for the future development of the county to the end:
1. That the community grows only with adequate public ways, utilities, health, education, and recreation facilities,
2. That the needs of agriculture, housing, industry, and business be recognized in further growth,
3. That residential areas provide healthful surroundings for family life,
4. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds,
5. The community strives for high aesthetic value and quality planning and design.

**1.9 Conflicting Requirements**

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions in this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

**1.10 Overlapping Regulations**

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations, regulate a structure or parcel of land, the greater restriction shall control.

**1.11 Compliance**

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be used or existing use be expanded, except in full compliance with all the provisions ofthis Ordinance andafter the lawful issuance of all permits and certificates required by this Ordinance.

**1.12 Transition Rules**

Transition from previous Ordinances as amended and in effect at the time of adoption of this Ordinance shall be received as follows:

<u>1.12 A Prior Improvement Location Permit Filing</u>

Any application for an Improvement Location Permit that has been filed with the Plan Commission or its designees and is full and completeprior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing.

<u>1.12 B Prior Zoning Map Amendment Filing</u>

Any application for a Zoning Map Amendment that was filed with the Plan Commission or its designee, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in this Ordinance, the Plan Commission shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.

<u>1.12 C Prior BZA Petition Filing</u>

Any application before the Board of Zoning Appeals that has been filed with the Board of Zoning Appeals or its designee and is full and complete prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:

1. If such application is no longer required by the terms of this Ordinance, the application will be dismissed,

2. If the proposed use or development requires additional approvals from the BZA pursuant to the terms of this Ordinance that were not required under the previous Ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the BZA.

1.12 D Expiration of Previous Approvals

All Variances, Special Exceptions, Re-Zonings, and other petitions regulated by this Ordinance which were approved prior to the effective date of this Ordinance but not executed through the proper receipt of an Improvement Location Permit shall expire and become void not later than One (1) year after the effective date of this Ordinance.

1. All Improvement Location Permits issued prior to the effective date of this Ordinance shall be void not later than One (1) year from the issue date of the ILP if construction has not begun,
2. Improvement Location Permits issued prior to the effective date of this Ordinance for which construction has begun shall become void if construction is abandoned for a period of One Hundred Eighty (180) days or, if, in the opinion of the Zoning Administrator, construction has otherwise ceased,
3. All approvals which expire and/or become void shall comply with all applicable provisions of this Ordinance if re-issued.

## 1.13Conditions

The attachment of reasonable conditions to the use and development of land within the County Jurisdictional Area as part of the approval of Rezoning Petitions, Special Exceptions, Variances, conditional uses, home occupations, temporary uses, outline plans, development plans, plat vacations, subdivisions, and amendments or as otherwise authorized, is an exercise of valid police power delegated to the County by the State. The application has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economic development of the County and top the safety and general welfare of present and future land owners and residents of the County. The failure to comply with any such conditions may be cause for denial of the permits and approvals prescribed by these regulations and shall constitute a violation of the Zoning Ordinance.

## 1.14Repealer

The Wabash County Zoning Ordinance dated, 1965, and the associated Zoning Maps and any amendments and/or revisions are hereby repealed. This Wabash County Zoning Ordinance and the referenced and updated Official Zoning Maps replace the repealed Ordinance.

## 1.15Severability

If any title, article, section, clause, paragraph, provision or portion of this Ordinance or the application of any provision to particular circumstances is held to be unconstitutional or invalid by any court of proper jurisdiction courts, such decision shall not affect any other title, article, section, clause, paragraph, provision or portion of the remainder of this Ordinance or the application of such provision to other circumstances shall not be affected.

## 1.16Saving Provision

This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning ordinance. Also this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

## 1.17 Amendments

This ordinance may be amended as provided by statute.

# Chapter 2
# Establishment of Zoning Districts

2.1 Agriculture 1 District "A1"

2.2 Agriculture 2 District "A2"

2.3 Flood Plain District "FP"

2.4 Forest, Recreation, Conservation District "FRC"

2.5 Residential 1 District "R1"

2.6 Residential 2 District "R2"

2.7 Residential 3 District "R3"

2.8 Residential Lake 1 District"RL1"

2.8A Residential Lake 2 District "RL2"

2.9 General Business District "GB"

2.10 Industrial District "I"

2.11 Unlisted or Questionable Uses

2.12 Official Zoning Map
2.12 A Location of Official Zoning Map

2.13 Zoning District Boundaries

2.14 Regular Revisions

2.15 Official Zoning Standards

2.16 Effect of Vacation on Zoning Districts

## Chapter 2
## Establishment of Zoning Districts

### 2.1 Agriculture 1 DistrictDesignated "A1"
The purpose of this district is to help preserve Wabash County's most productive farmland for agricultural use by discouraging non-farm uses within the district. A Factor Point Evaluation will be used to determine the advisability of any additional residential use.

### 2.2 Agriculture 2 DistrictDesignated "A2"
The purpose of this district is to provide for and protect substantial areas for a broad variety of agriculture uses on good farmland with limited urbanizationonly in those areas with less than suitable terrain for agriculture production. Residential development will be closely scrutinized in order to provide protection for agriculture land and agriculture uses in this district. The intentfor this district is to continue the preservation of farmland and at the same time permit development in conditionally marginal production areas.

### 2.3 Flood Plain DistrictDesignated "FP"
The flood hazard areas of Wabash County are subject to periodic inundation which can result in:the 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.
This district is established by FEMA and the Indiana Department of Natural Resources, Division of Water, Floodplain Management Section with the intent of providing guidelines for communities to aid in protecting public health, safety, general welfare, and minimize public and private loss due to flood conditions in specific areas.

### 2.4 Forest,Recreation, Conservation, DistrictDesignated "FRC"
The Conservation portion of this district is established primarily as a conservation measure to preserve, for existing and future generations, a part of the ecological balance between man and his natural environment. The Forest portion of this Zone is established to include areas of extensive forest and lands which are primarily in State or Federal ownership. These designated areas in addition to local designated areas should receive best practical conservation uses in order to diminish air and water pollution, soil erosion, provide cover for wildlife and flora and promote the preservation of natural resources located therein. The Recreation portion of this Zone is for communities or areas with parks, or areas where organized public recreational activities are held.

### 2.5 Residential 1 DistrictDesignated "R1"
Low Density Single Family Residences. This district is comprised primarily of existing residential areas in the county which previously were not of sufficient density or area to warrant central sewage facilities but may at some future date form a sewer district.

### 2.6 Residential 2 DistrictDesignated "R2"
Medium Density Single and Two Family Residences. This district is comprised of single and two family dwellings in which the area and density are sufficient enough that central sewage has been provided to these areas.

### 2.7 Residential 3 DistrictDesignated "R3"
Relatively High Density Single Family, Two Family and Multi-Family Residences. This district includes a wide range of dwelling unit types including single family, two family and multi-family dwellings with a density and area sufficient to be on a central sewage waste system.

**2.8 Residential Lake 1 DistrictDesignated "RL1"**
The intent of this districts is to provide lakefront and non-water front development for both seasonal and year round living along the water bodies in Wabash County. Development should be such that only single family dwellings built on approve lot sizesare a fixture in said district until such time as central sewage is available. Development must be such that shorelines are minimally impacted and the character and environment of the water body is protected.

**2.8A Residential Lake 2 District Designated "RL2"**
The intent of these districts is to provide lakefront and non-water front development for both seasonal and year round living along the water bodies in Wabash County. Development should be such that single family, two family and multi-family dwellings of all sizes can be a fixture in the district. Density will be sufficient enough where central sewage is provided immediately. Development must be such that shorelines are minimally impacted and the character and environment of the water body is protected.

**2.9 General Business DistrictDesignated "GB"**
The purpose of the GeneralBusiness District is to create and provide the necessary selection of convenience goods, and professional and personal services required for daily living by urban and rural neighborhoods and communities. This district will be appropriately supported and served by maintaining and establishing compact districts for such uses, providing efficient traffic movement, ample parking, and fire protection. The district must be limited to business uses, public uses and certain residential uses. The district must provide quality development standards to minimize impacts on adjacent residential properties while encouraging economic vitality.

**2.10 Industrial DistrictDesignated "I"**
The purpose of the Industrial District is to encourage the development and expansion of manufacturing and wholesale business establishments which are clean, quiet and free from hazardous or objectionable elements and generate a low impact traffic flow. In order to preserve Ag land, provide harmony for residential communities, and maintain environmentally sound development, all industry, whether large or small, shall be guided to establish operations in the appropriate industrial or business parks located in the county.

**2.11 Unlisted or Questionable Uses**
Any use not listed as a permitted use or as a Special Exception use is considered not permitted unless the Planning Director makes a determination otherwise. The Planning Director may determine which category any questionable use will be placed if it is not specifically listed but similar to another use that is a permitted use or Special Exception use. This determination may be appealed to the Board of Zoning Appeals.

**2.12 Official Zoning Map**
The zoning map of Wabash County officially labeled "Wabash County Zoning Map" is hereby included as part of this Ordinance. The map may also be referred to as the "Official Zoning Map", "County Zoning Map", or "Zoning Map".

<u>2.12 ALocation of the Official Zoning Map</u>
The location and boundaries of the zoning districts are hereby established on a map entitled "Official Zoning Map" as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this Zoning Ordinance. The Official Zoning Map is a geographic coverage layer entitled "Zoning" that is maintained as part of the County's Geographic Information System (GIS) under the direction of the County GIS Committee.

A. The Planning Director may authorize printed copies of the Official Zoning Map to be produced, and shall maintain digital or printed copies of suspended versions of the Official Zoning Map for historical reference.

B. Paper copies of the Official Zoning Map shall be on file and available for public inspection in the Plan Commission Office. Additionally, the geographic covered layer entitled "Zoning" shall be maintained on the Geographical Information System (GIS) and be available to the general public for viewing on the GIS web site.

C. The Official Zoning Map copies shall be labeled as copies and have the date, which they were last modified, printed on them.

### 2.13 Zoning District Boundaries

The Zoning District Boundaries shall be shown on the Official Zoning Map and on the GIS Web Site Zoning Layer. The abbreviations for the zoning districts appearing in this Ordinance shall be used to identify the zoning districts on the Official Zoning Map and GIS Web Site Zoning Layer. For convenience, zoning for the jurisdictional area of the Town of North Manchester and the City of Wabash shall also be displayed, according to the maps provided by said jurisdictions at the time of adoption of this Ordinance.

### 2.14 Regular Revisions

The Official Zoning Map and GIS Zoning Layer shall be formally revised whenever a zoning change,under the jurisdiction of the county, is made. Zoning Boundaries may be changed only by amending this Ordinance.
An update to a zoning map may be printed after the amendments are official and each copy shall be noted as an update with the "date last changed"noted on the map.

### 2.15 Official Zoning Standards

District boundaries on the Official Zoning Map or GIS Zoning Layershall be interpreted as follows:

A. District boundaries shown within the lines of roads, easements, and transportation right-of-way shall be deemed to follow the center lines.

B. District boundaries indicated as following section or fractional lines, platted lot lines, city or town corporation lines or city or town permitting lines shall be construed as following such lines.

C. District boundaries indicated as parallel to or extensions of the above listed features shall be construed as so.

D. District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.

E. No floodplain boundary shall be changed except under the directive of FEMA, division of Homeland Security, or IDNR Division of Water.

F. Where a district boundary line divides a lot at the time such line is adopted, the district in which the majority of the area of the property is included shall apply to the entire property. In cases where a property is divided equally between two or more zoning districts, the most restrictive district shall apply to the entire property. The Planning Director shall determine the applicable zoning for properties divided into several zoning districts consistent with this section.

G. When uncertain, exact boundaries shall be determined by use of the scale on the GIS Zoning Layer. If the Planning Director cannot definitely determine the location of the district boundary by such center lines, by scale or dimensions stated in the Official Zoning Map, or the GIS Zoning Layer, or by the fact that it does not clearly coincide with the property line, immediate action on any application shall be tabled and the Plan Commission shall interpret the location of the district boundary with reference to

the scale of the Official Zoning Map or GIS Zoning Layer and the purposes set forth in all relevant provisions of this Ordinance.

H. Any ruling of the Planning Director pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.

### 2.16 Effect of Vacation on Zoning District

Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then be subject to all appropriate regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area. The resolution of any disputes as to the exact zoning district boundaries shall be determined by the Planning Director. Appeals of the Planning Director's determination may be brought before the Board of Zoning Appeals.

# Chapter 3
# Standard Zoning District Intent, Uses & Standards

3.1 Agriculture 1 District w/ Private Septic and Well
Designated "A1"

3.2 Agriculture 2 District w/ Private Septic and Well
Designated "A2"

3.3 Agriculture 2 District w/ Public Sewer
Designated "A2"

3.4 Floodplain District w/ Private Septic and Well
Designated "FP"

3.5 Forest Recreation Conservation District w/ Private Septic and Well
Designated "FRC"

3.6 Residential 1 District Single Family w/ Private Septic and Well
Designated "R1"

3.7 Residential 1 DistrictSingle Family w/ Public Sewer
Designated "R1"

3.8 Residential 2 District One and Two Family w/ Public Sewer
Designated "R2"

3.9 Residential 3 District One or Multi –Family w/ Public Sewer
Designated "R3"

3.10 Lake Residential District, Lake Front Property, Single Family w/ Private Septic,
Designated "LR1"

3.10 A Lake Residential District, Non-Lake Front Property, Single Family w/ Private Septic,
Designated "LR1"

3.11 Lake Residential District, Lake Front Property, Single or Multi Family w/Public Sewer
(7,200 Min Sq. Ft Lot) Designated "LR2"

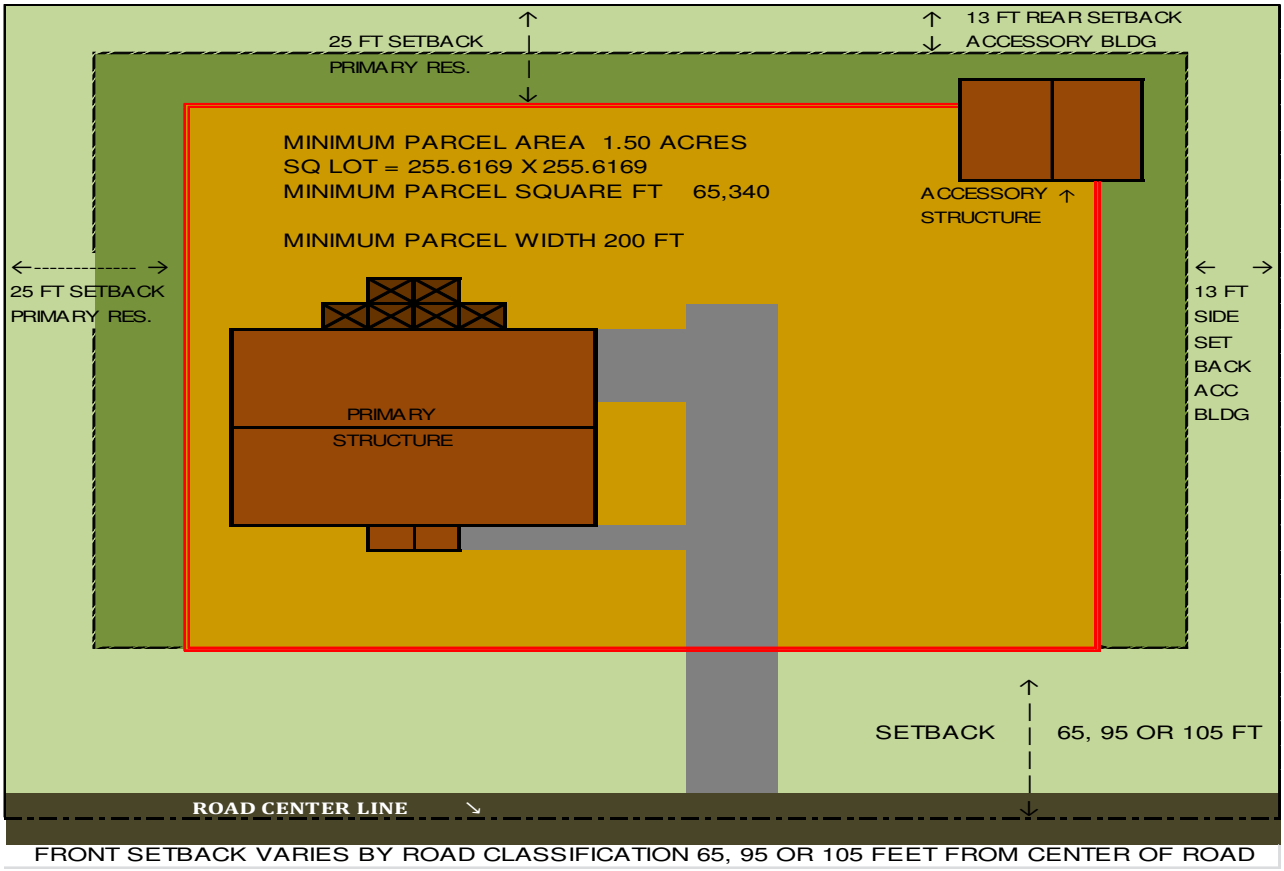
3.11 A Lake Residential District, Non-Lake Front Property, Single or Multi Family w/Public
Sewer (7,200 Min Sq. Ft Lot) Designated "LR2"

3.12General Business District / w Private Septic
Designated "GB"

3.13General Business District /w Public Sewer
Designated "GB"

3.14Industrial District w/ Public Sewer
Designated "ID

# 3.1 Agriculture 1 District A1Private Septic and Well




## Development Standards

Minimum Lot Area
Per Residential Unit
*1 ½ Acres

Minimum Lot Width
*200 Feet

Maximum Total Lot Coverage
*Structures 25% or 16,335 Sq. Ft
*Impervious 35% or 22,869 Sq. Ft

Water Utility
*Private Well

Sanitary Utility
*Private Septic

Maximum Residential
Structures
*One (1)

Minimum Front Yard Setback
*105 Feet State Road
*95 Feet Primary Co. Road
*65 Feet Secondary Co. Road

Minimum Side & Rear Yard
Setback Residential Structure
*25 Feet Side and Rear

Minimum Side & Rear Yard
Setback Accessory Structure
*13 Feet Side and Rear

Minimum Aggregate Distance
Residential Structures
*50 Feet

Minimum Aggregate Distance
Accessory Structures
*26 Feet

| A1 | AGRICULTURE 1 DISTRICT | SPEC |
|---|---|---|
| 3.1 | SINGLE FAMILY RESIDENCE / PRIVATE SEPTIC | 65,340 |

| | | | | | |
|---|---|---|---|---|---|
| MINIMUM LOT SIZE | W SEWER | N/A | MINIMUM ROOF PITCH | RES STRU | 5/12 |
| | W/O SEWER | 1.5 A | | ACC STRU | 5/12 |
| MINIMUM LOT WIDTH | | 200 FT | CORNER LOT VISION ENFORCED | | YES |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | 50 FT NOT TO BE INCLUDED IN PARCEL ACREAGE | MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | | | | 2 FAMILY | N/A |
| | | | | MULTI FAM | N/A |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | 10 FT | MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | | | | 2 FAMILY | N/A |
| | | | | MULTI FAM | N/A |
| MIN SIDE YD SETBACK | RES STRU | 25 FT | MAXIMUM LOT COVERAGE STRUCTURES | | 25% |
| | ACC STRU | 13 FT | | | |
| MIN REAR YD SETBACK | RES STRU | 25 FT | | | |
| | ACC STRU | 13 FT | | | |
| FRONT YARD SET BACK | ST RD / RES STRU | 105 FT | MAXIMUM LOT COVERAGE IMPERVIOUS | | 35% |
| | ST RD / ACC STRU | 105 FT | | | |
| | PRI CO RD / RES STRU | 95 FT | | | |
| | PRI CO RD / ACC STRU | 95 FT | MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| | SEC CO RD / RES STRU | 65 FT | | | |
| | SEC CO RD / ACC STRU | 65 FT | | | |
| MAXIMUM STRUCTURE HEIGHT | RES STRU | 36FT | MIN REAR YARD SETBACK WITH ALLEY | RES | N/A |
| | ACC STRU | 36FT | | ACC | N/A |
| | AG STRU | N/A | | | |
| MIN AGGREGATE DISTANCE SIDE & REAR YARD | RES STRU | 50 FT | MIN SIDE YARD SETBACK WITH ALLEY | RES | N/A |
| | ACC STRU | 26 FT | | ACC | N/A |
| | RES TO ACC | 38 FT | | | |
| WELL | | PRIVATE | SEPTIC | | PRIVATE |
| SIGNS | | BY PERMIT | LANDSCAPE REQUIREMENTS | | YES |
| TEMPORARY USE PERMITTED | | YES | FENCING PERMITTED | | YES |

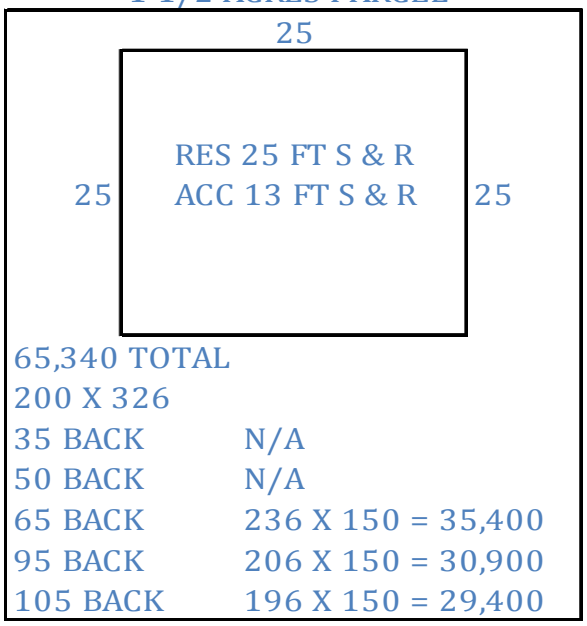
## SINGLE FAMILY RESIDENCE IN AN A1 ZONE

### PRIVATE SEPTIC

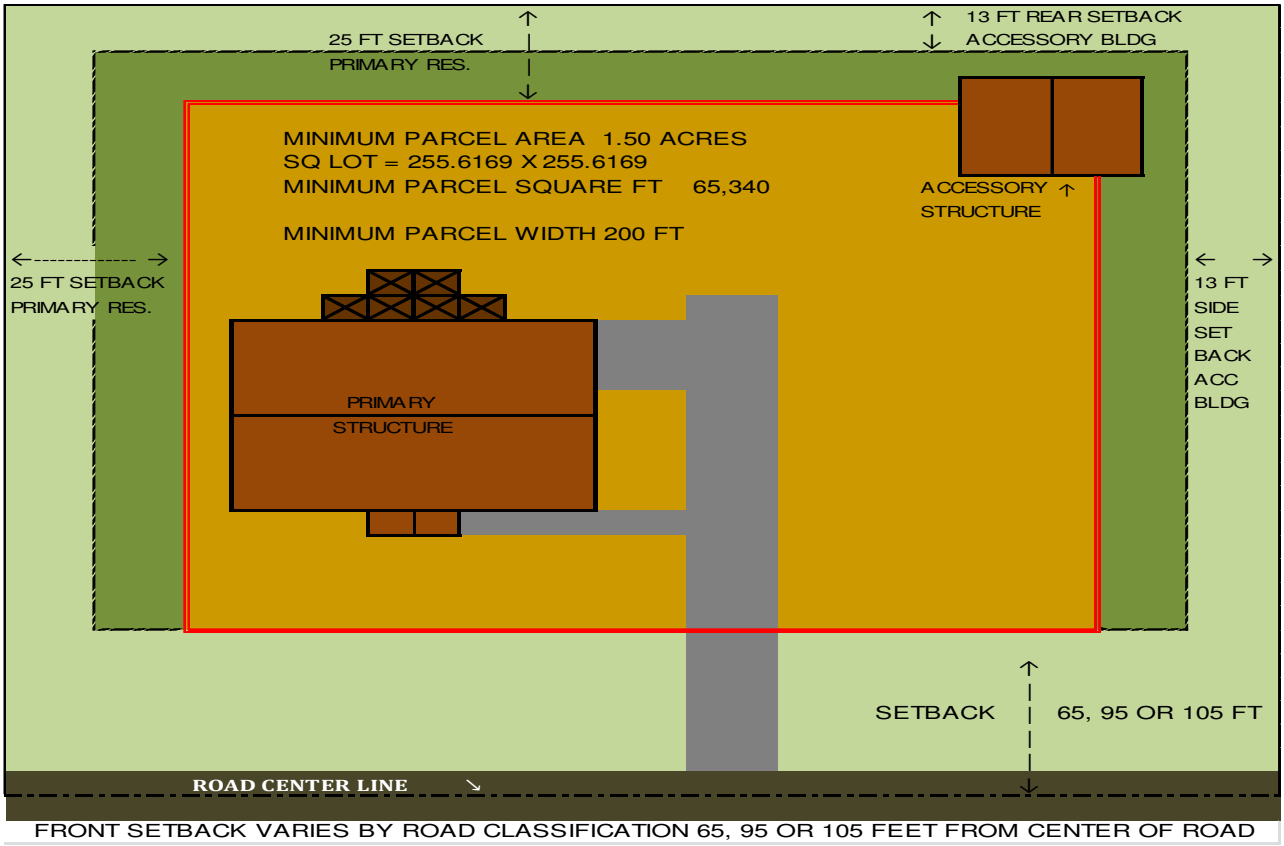
| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| LOT DIM. | 326.7 | X | 200 | 65,340 | | | | | | 255.6169 | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | **50 FOOT SETBACK** | | **35 FOOT SETBACK** | | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | **DEPTH AREA** | | **DEPTH AREA** | | |
| LOT DEPTH = | 326.7 | | LOT DEPTH = | 326.7 | LOT DEPTH = | 326.7 | LOT DEPTH = | 326.7 | LOT DEPTH = | 326.7 | |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | F SETBACK = | 50 | F SETBACK = | 35 | |
| R SETBACK = | 25 | | R SETBACK = | 25 | R SETBACK = | 25 | R SETBACK = | 25 | R SETBACK = | 25 | |
| REMAINDER = | 196.7 | | REMAINDER = | 206.7 | REMAINDER = | 236.7 | REMAINDER = | 251.7 | REMAINDER = | 266.7 | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | **WIDTH AREA** | | **WIDTH AREA** | | |
| LOT WIDTH = | 200 | | LOT WIDTH = | 200 | LOT WIDTH = | 200 | LOT WIDTH = | 200 | LOT WIDTH = | 200 | |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | S SETBACK = | 25 | S SETBACK = | 25 | |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | S SETBACK = | 25 | S SETBACK = | 25 | |
| REMAINDER = | 150 | | REMAINDER = | 150 | REMAINDER = | 150 | REMAINDER = | 150 | REMAINDER = | 150 | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | |
| DEPTH = | 196.7 | | DEPTH = | 206.7 | DEPTH = | 236.7 | DEPTH = | 251.7 | DEPTH = | 266.7 | |
| WIDTH = | 150 | | WIDTH = | 150 | WIDTH = | 150 | WIDTH = | 150 | WIDTH = | 150 | |
| TOT SQ FT = | 65,340 | | TOT SQ FT = | 65,340 | TOT SQ FT = | 65,340 | TOT SQ FT = | 65,340 | TOT SQ FT = | 65,340 | |
| AVAIL SQ FT = | 29,505 | | AVAIL SQ FT = | 31,005 | AVAIL SQ FT = | 35,505 | AVAIL SQ FT = | 37,755 | AVAIL SQ FT = | 40,005 | |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | | |
| 25% COVER | 7,376 | | 25% COVER | 7,751 | 25% COVER | 8,876 | 25% COVER | 9,439 | 25% COVER | 10,001 | |
| 30% COVER | 8,852 | | 30% COVER | 9,302 | 30% COVER | 10,652 | 30% COVER | 11,327 | 30% COVER | 12,002 | |
| 40% COVER | 11,802 | | 40% COVER | 12,402 | 40% COVER | 14,202 | 40% COVER | 15,102 | 40% COVER | 16,002 | |
| 50% COVER | 14,753 | | 50% COVER | 15,503 | 50% COVER | 17,753 | 50% COVER | 18,878 | 50% COVER | 20,003 | |
| 60% COVER | 17,703 | | 60% COVER | 18,603 | 60% COVER | 21,303 | 60% COVER | 22,653 | 60% COVER | 24,003 | |
| 75% COVER | 22,129 | | 75% COVER | 23,254 | 75% COVER | 26,629 | 75% COVER | 28,316 | 75% COVER | 30,004 | |

ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

1 1/2 ACRES PARCEL



# 3.2 Agriculture 2 District A2 Private Septic and Well




## Development Standards

Minimum Lot Area
Per Residential Unit
*1 ½ Acres

Minimum Lot Width
*200 Feet

Maximum Total Lot Coverage
*Structure 25% or 16,335 Sq. Ft
*Impervious 35% or 22,869 Sq. Ft

Water Utility
*Private Well

Sanitary Utility
*Private Septic

Maximum Residential
Structures
*One (1)

Minimum Front Yard Setback
*105 Feet State Road
*95 Feet Primary Co. Road
*65 Feet Secondary Co. Road

Minimum Side & Rear Yard
Setback Residential Structure
*25 Feet Side and Rear

Minimum Side & Rear Yard
Setback Accessory Structure
*13 Feet Side and Rear

Minimum Aggregate Distance
Residential Structures
*50 Feet

Minimum Aggregate Distance
Accessory Structures
*26 Feet

| A2 | AGRICULTURE 2 DISTRICT | SPEC |
|---|---|---|
| 3.2 | SINGLE FAMILY RESIDENCE / PRIVATE SEPTIC | 65,340 |

| | | | | | |
|---|---|---|---|---|---|
| MINIMUM LOT SIZE | W SEWER | N/A | MINIMUM ROOF PITCH | RES STRU | 5/12 |
| | W/O SEWER | 1.5 A | | ACC STRU | 5/12 |
| MINIMUM LOT WIDTH | | 200 FT | CORNER LOT VISION ENFORCED | | YES |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | 50 FT | MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | NOT TO BE INCLUDED IN PARCEL ACREAGE | | | 2 FAMILY | N/A |
| | | | | MULTI FAM | N/A |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | 10 FT | MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | | | | 2 FAMILY | N/A |
| | | | | MULTI FAM | N/A |
| MIN SIDE YD SETBACK | RES STRU | 25 FT | MAXIMUM LOT COVERAGE STRUCTURES | | 25% |
| | ACC STRU | 13 FT | | | |
| MIN REAR YD SETBACK | RES STRU | 25 FT | | | |
| | ACC STRU | 13 FT | | | |
| FRONT YARD SET BACK | ST RD / RES STRU | 105 FT | MAXIMUM LOT COVERAGE IMPERVIOUS | | 35% |
| | ST RD / ACC STRU | 105 FT | | | |
| | PRI CO RD / RES STRU | 95 FT | | | |
| | PRI CO RD / ACC STRU | 95 FT | MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| | SEC CO RD / RES STRU | 65 FT | | | |
| | SEC CO RD / ACC STRU | 65 FT | | | |
| MAXIMUM STRUCTURE HEIGHT | RES STRU | 36FT | MIN REAR YARD SETBACK TO ALLEY | RES | N/A |
| | ACC STRU | 36 FT | | ACC | N/A |
| | AG STRU | N/A | | | |
| MIN AGGREGATE DISTANCE SIDE & REAR YARD | RES STRU | 50 FT | MIN SIDE YARD SETBACK TO ALLEY | RES | N/A |
| | ACC STRU | 26 FT | | ACC | N/A |
| | RES TO ACC | 38 FT | | | |
| WELL | | PRIVATE | SEPTIC | | PRIVATE |
| SIGNS | | BY PERMIT | LANDSCAPE REQUIREMENTS | | YES |
| TEMPORARY USE PERMITTED | | YES | FENCING PERMITTED | | YES |

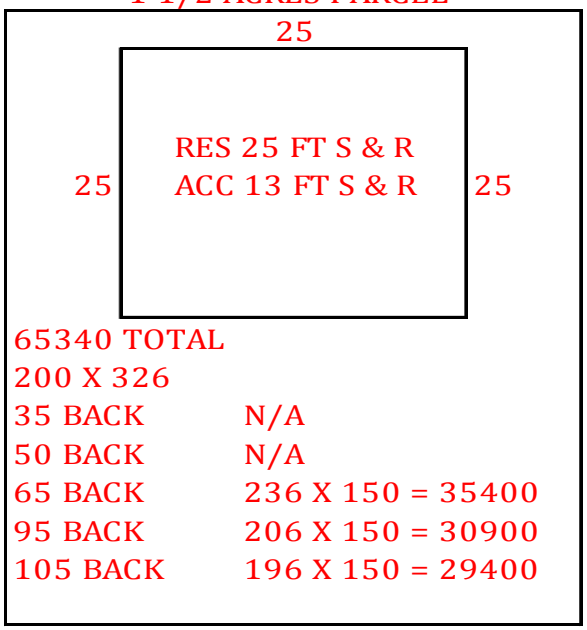
## SINGLE FAMILY RESIDENCE IN AN A2 ZONE

### PRIVATE SEPTIC

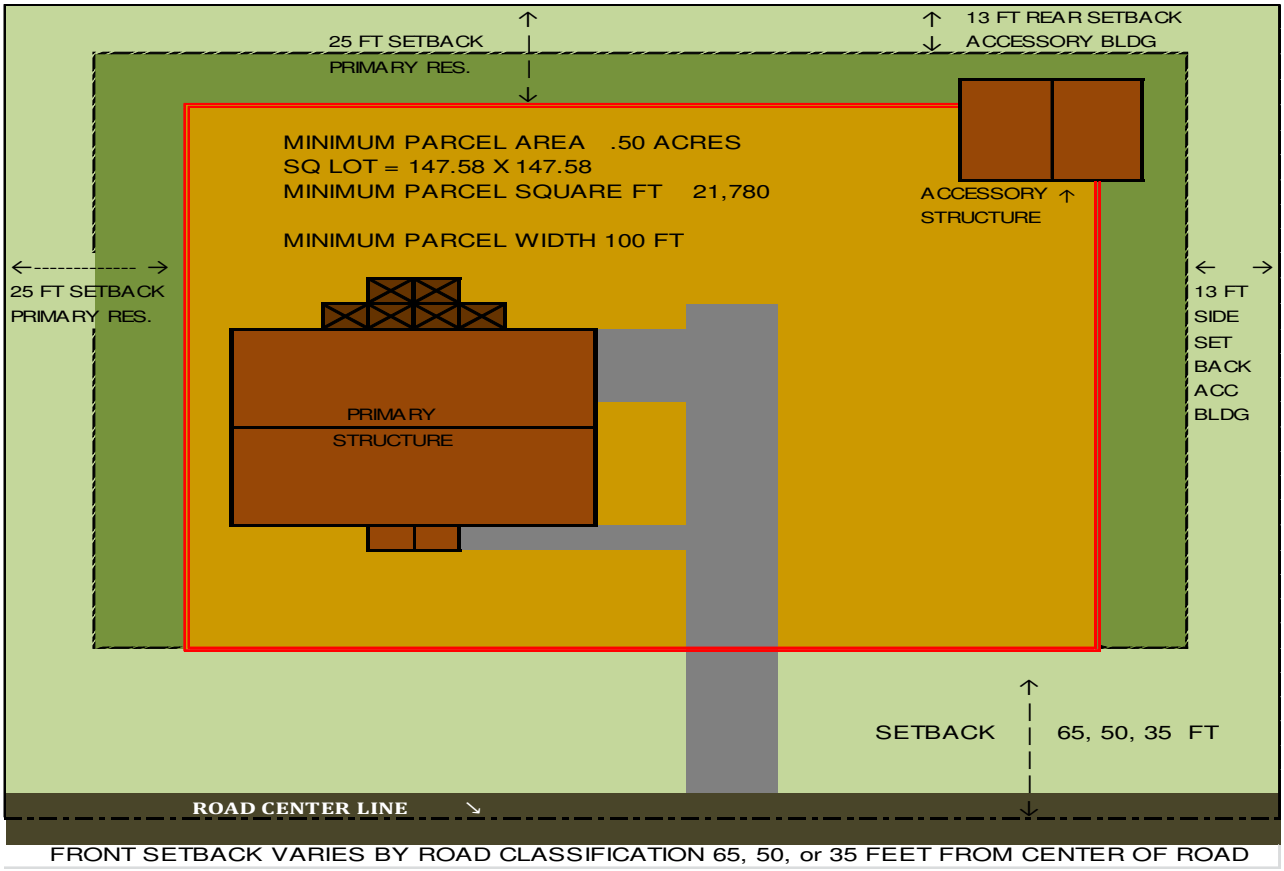
| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | SQ RT | |
| LOT DIM. | 435.6 | X | 200 | 87,120 | | | | | | | | 295.160973 | |
| | | | | | | | | | | | | | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | | **50 FOOT SETBACK** | | | **35 FOOT SETBACK** | | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | | **DEPTH AREA** | | | **DEPTH AREA** | | |
| LOT DEPTH = | 435.6 | | LOT DEPTH = | 435.6 | LOT DEPTH = | 435.6 | | LOT DEPTH = | 435.6 | | LOT DEPTH = | 435.6 | |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | | F SETBACK = | 50 | | F SETBACK = | 35 | |
| R SETBACK = | 25 | | R SETBACK = | 25 | R SETBACK = | 25 | | R SETBACK = | 25 | | R SETBACK = | 25 | |
| REMAINDER = | 305.6 | | REMAINDER = | 315.6 | REMAINDER = | 345.6 | | REMAINDER = | 360.6 | | REMAINDER = | 375.6 | |
| | | | | | | | | | | | | | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | | **WIDTH AREA** | | | **WIDTH AREA** | | |
| LOT WIDTH = | 200.0 | | LOT WIDTH = | 200.0 | LOT WIDTH = | 200.0 | | LOT WIDTH = | 200.0 | | LOT WIDTH = | 200.0 | |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | | S SETBACK = | 25 | | S SETBACK = | 25 | |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | | S SETBACK = | 25 | | S SETBACK = | 25 | |
| REMAINDER = | 150 | | REMAINDER = | 150 | REMAINDER = | 150 | | REMAINDER = | 150 | | REMAINDER = | 150 | |
| | | | | | | | | | | | | | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | |
| DEPTH = | 305.6 | | DEPTH = | 315.6 | DEPTH = | 345.6 | | DEPTH = | 360.6 | | DEPTH = | 375.6 | |
| WIDTH = | 150 | | WIDTH = | 150.0 | WIDTH = | 150.0 | | WIDTH = | 150.0 | | WIDTH = | 150.0 | |
| TOT SQ FT = | 87,120 | | TOT SQ FT = | 87,120 | TOT SQ FT = | 87,120 | | TOT SQ FT = | 87,120 | | TOT SQ FT = | 87,120 | |
| AVAIL SQ FT = | 45,840 | | AVAIL SQ FT = | 47,340 | AVAIL SQ FT = | 51,840 | | AVAIL SQ FT = | 54,090 | | AVAIL SQ FT = | 56,340 | |
| | | | | | | | | | | | | | |
| **MAX C0VERAGE OF AVAILABLE SQ FOOTAGE** | | | | | | | | | | | | | |
| 25% COVER | 11,460 | | 25% COVER | 11,835 | 25% COVER | 12,960 | | 25% COVER | 13,523 | | 25% COVER | 14,085 | |
| 30% COVER | 13,752 | | 30% COVER | 14,202 | 30% COVER | 15,552 | | 30% COVER | 16,227 | | 30% COVER | 16,902 | |
| 40% COVER | 18,336 | | 40% COVER | 18,936 | 40% COVER | 20,736 | | 40% COVER | 21,636 | | 40% COVER | 22,536 | |
| 50% COVER | 22,920 | | 50% COVER | 23,670 | 50% COVER | 25,920 | | 50% COVER | 27,045 | | 50% COVER | 28,170 | |
| 60% COVER | 27,504 | | 60% COVER | 28,404 | 60% COVER | 31,104 | | 60% COVER | 32,454 | | 60% COVER | 33,804 | |
| 75% COVER | 34,380 | | 75% COVER | 35,505 | 75% COVER | 38,880 | | 75% COVER | 40,568 | | 75% COVER | 42,255 | |

ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

1 1/2 ACRES PARCEL



## 3.3 Agriculture 2 District A2 Public Sewer




### Development Standards

Minimum Lot Area
Per Residential Unit
*½ Acres

Minimum Lot Width
*100 Feet

Maximum Total Lot Coverage
*Structures 30% or 6,534Sq. Ft
*Impervious 40% or 8,712 Sq. Ft

Water Utility
*Private / Public Well

Sanitary Utility
*Public Sewer

Maximum Residential
Structures*One (1)

Minimum Front Yard Setback
*105 Feet State Road
*95 Feet Primary Co. Road
*65 Feet Secondary Co. Road

Minimum Side & Rear Yard
Setback Residential Structure
*25 Feet Side and Rear

Minimum Side & Rear Yard
Setback Accessory Structure
*13 Feet Side and Rear

Minimum Aggregate Distance
Residential Structures
*50 Feet

Minimum Aggregate Distance
Accessory Structures
*26 Feet

| A2 | AGRICULTURE 2 DISTRICT | SPEC |
|---|---|---|
| 3.3 | SINGLE FAMILY RESIDENCE / PUBLIC SEWER | 21,780 |

| | | | | | |
|---|---|---|---|---|---|
| MINIMUM LOT SIZE | W SEWER | .50 A | MINIMUM ROOF PITCH | RES | 5/12 |
| | W/O SEWER | N/A | | ACC | 5/12 |
| MINIMUM LOT WIDTH | | 100 FT | CORNER LOT VISION ENFORCED | | YES |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | 50 FT NOT TO BE INCLUDED IN PARCEL ACREAGE | MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | | | | 2FAMILY | N/A |
| | | | | MULTI FAM | N/A |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | 10 FT | MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | | | | 2FAMILY | N/A |
| | | | | MULTI FAM | N/A |
| MIN SIDE YD SETBACK | RES STRU | 25 FT | MAXIMUM LOT COVERAGE STRUCTURES | | 30% |
| | ACC STRU | 13 FT | | | |
| MIN REAR YD SETBACK | RES STRU | 25 FT | | | |
| | ACC STRU | 13 FT | | | |
| FRONT YARD SET BACK | SEC CO RD / RES STRU | 65 FT | MAXIMUM LOT COVERAGE IMPERVIOUS | | 40% |
| | SEC CO RD / ACC STRU | 65 FT | | | |
| | FEEDER ST / RES STRU | 50 FT | MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| | FEEDER ST / ACC STRU | 50 FT | | | |
| | LOCAL ST / RES STRU | 35 FT | | | |
| | LOCAL ST / ACC STRU | 35 FT | | | |
| MAXIMUM STRUCTURE HEIGHT | RES STRU | 36 FT | MIN REAR SETBACK TO ALLEY | RES | N/A |
| | ACC STRU | 36 FT | | ACC | N/A |
| | AG STRU | N/A | | | |
| MIN AGGREGATE DISTANCE SIDE & REAR YARD | RES STRU | 50 FT | MIN SIDE SETBACK TO ALLEY | RES | N/A |
| | ACC STRU | 26 FT | | ACC | N/A |
| | RES TO ACC | 38 FT | | | |
| WELL | | PRIV/PUB | SEPTIC | | PUIBLIC |
| SIGNS | | BY PERMIT | LANDSCAPE REQUIREMENTS | | YES |
| TEMPORARY USE PERMITTED | | YES | FENCING PERMITTED | | YES |

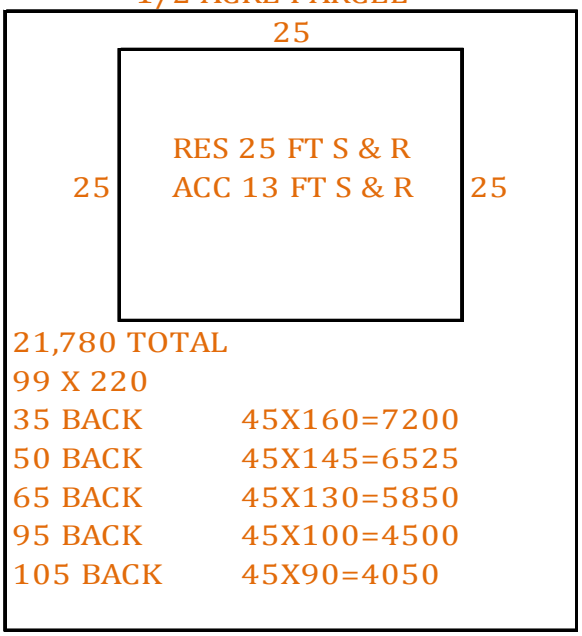
## SINGLE FAMILY RESIDENCE IN AN A2 ZONE

### PUBLIC SEWER

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | SQ RT | |
| LOT DIM. | 217.8 | X | 100 | 21,780 | | | | | | | | 147.5804865 | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | | **50 FOOT SETBACK** | | | | **35 FOOT SETBACK** | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | | **DEPTH AREA** | | | | **DEPTH AREA** | |
| LOT DEPTH = | 217.8 | | LOT DEPTH = | 217.8 | LOT DEPTH = | 217.8 | | LOT DEPTH = | 217.8 | | | LOT DEPTH = | 217.8 |
| **F SETBACK =** | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | | F SETBACK = | 50 | | | F SETBACK = | 35 |
| R SETBACK = | 25 | | R SETBACK = | 25 | R SETBACK = | 25 | | R SETBACK = | 25 | | | R SETBACK = | 25 |
| REMAINDER = | 87.8 | | REMAINDER = | 97.8 | REMAINDER = | 127.8 | | REMAINDER = | 142.8 | | | REMAINDER = | 157.8 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | | **WIDTH AREA** | | | | **WIDTH AREA** | |
| LOT WIDTH = | 100.0 | | LOT WIDTH = | 100.0 | LOT WIDTH = | 100.0 | | LOT WIDTH = | 100.0 | | | LOT WIDTH = | 100.0 |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | | S SETBACK = | 25 | | | S SETBACK = | 25 |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | | S SETBACK = | 25 | | | S SETBACK = | 25 |
| REMAINDER = | 50 | | REMAINDER = 5 | 50 | REMAINDER = | 50 | | REMAINDER = | 50 | | | REMAINDER = | 50 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | | | **AVAILABLE AREA** | |
| DEPTH = | 87.8 | | DEPTH = | 97.8 | DEPTH = | 127.8 | | DEPTH = | 142.8 | | | DEPTH = | 157.8 |
| WIDTH = | 50 | | WIDTH = | 50 | WIDTH = | 50 | | WIDTH = | 50 | | | WIDTH = | 50 |
| TOT SQ FT = | 21,780 | | TOT SQ FT = | 21,780 | TOT SQ FT = | 21,780 | | TOT SQ FT = | 21,780 | | | TOT SQ FT = | 21,780 |
| AVAIL SQ FT | 4,390 | | AVAIL SQ FT | 4,890 | AVAIL SQ FT | 6,390.0 | | AVAIL SQ FT | 7,140 | | | AVAIL SQ FT | 7,890 |
| **MAX C0VERAGE OF AVAILABLE SQ FOOTAGE** | | | | | | | | | | | | | |
| 25% COVER | 1,098 | | 25% COVER | 1,223 | 25% COVER | 1,598 | | 25% COVER | 1,785 | | | 25% COVER | 1,973 |
| 30% COVER | 1,317 | | 30% COVER | 1,467 | 30% COVER | 1,917 | | 30% COVER | 2,142 | | | 30% COVER | 2,367 |
| 40% COVER | 1,756 | | 40% COVER | 1,956 | 40% COVER | 2,556 | | 40% COVER | 2,856 | | | 40% COVER | 3,156 |
| 50% COVER | 2,195 | | 50% COVER | 2,445 | 50% COVER | 3,195 | | 50% COVER | 3,570 | | | 50% COVER | 3,945 |
| 60% COVER | 2,634 | | 60% COVER | 2,934 | 60% COVER | 3,834 | | 60% COVER | 4,284 | | | 60% COVER | 4,734 |
| 75% COVER | 3,293 | | 75% COVER | 3,668 | 75% COVER | 4,793 | | 75% COVER | 5,355 | | | 75% COVER | 5,918 |

ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

1/2 ACRE PARCEL



3.4 Floodplain District FP
Private Septic Public Sewer

**PARCEL SPECIFICATIONS FOR ANY STRUCTURE TO BE BUILT IN A DESIGNATED FLOODPLAIN AREA MUST FOLLOW ALL THE REQUIREMENTS OF ZONING DISTRICT IN WHICH THE STRUCTURE IS TO BE BUILT.**

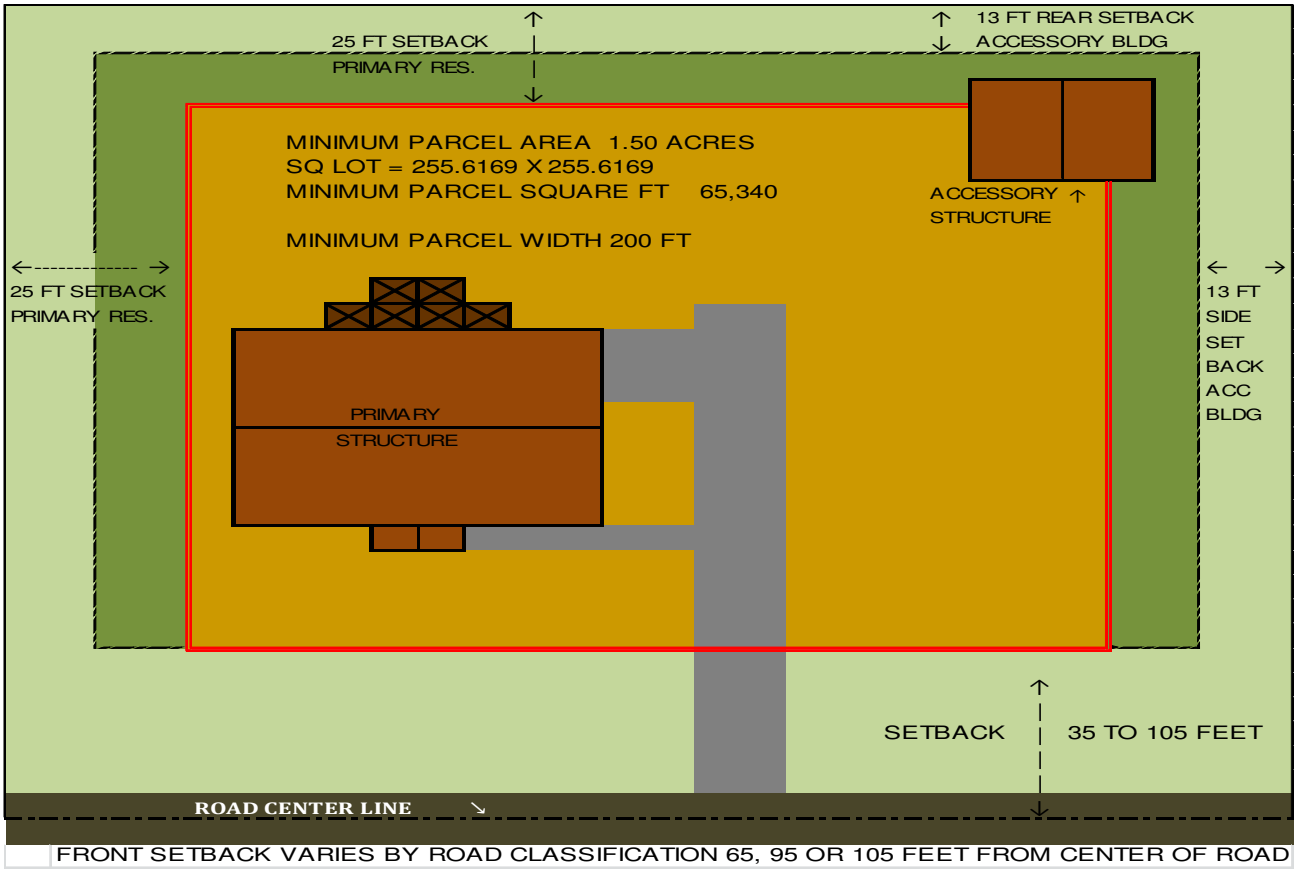
**IN ADDITION**

**NO NEW STRUCTURE SHALL BE BUILT IN ANY FLOOD ZONE AREA WITHOUT APPROVAL FROM INDIANA DNR DIVISION OF WATER, FEMA, AND/OR THE DIVISION OF HOMELAND SECURITY AND THE**

**AND**

**ALL CURRENT STRUCUTRES MUST COMPLY WITH THE CURRENT WABASH COUNTY FLOODPLAIN ORDINANCE.**

## 3.5Forest, Recreation, Conservation District FRC Private Septic




### Development Standards

Minimum Lot Area
Per Residential Unit
*1 ½ Acres

Minimum Lot Width
*200 Feet

Maximum Total Lot Coverage
*Structures 25% or 16,335 Sq. Ft
*Impervious 35% or 22,869Sq. Ft

Water Utility
*Private Well

Sanitary Utility
*Private Septic

Maximum Residential
Structures
*One (1)

Minimum Front Yard Setback
*105 Feet State Road
*95 Feet Primary Co. Road
*65 Feet Secondary Co. Road

Minimum Side & Rear Yard
Setback Residential Structure
*25 Feet Side and Rear

Minimum Side & Rear Yard
Setback Accessory Structure
*13 Feet Side and Rear

Minimum Aggregate Distance
Residential Structures
*50 Feet

Minimum Aggregate Distance
Accessory Structures
*26 Feet

| FRC | FOREST/RECREATION/CONSERVATION DISTRICT | SPEC |
|---|---|---|
| 3.5 | SINGLE FAMILY RESIDENCE / PRIVATE SEPTIC | 65,340 |

| | | | | | |
|---|---|---|---|---|---|
| MINIMUM LOT SIZE | W SEWER | N/A | MINIMUM ROOF PITCH | RES | 5/12 |
| | W/O SEWER | 1.5 A | | ACC | 5/12 |
| MINIMUM LOT WIDTH | | 200 FT | CORNER LOT VISION ENFORCED | | YES |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | 50 FT | MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQFT |
| | NOT TO BE INCLUDED IN PARCEL ACREAGE | | | 2 FAMILY | N/A |
| | | | | MULTI FAM | N/A |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | 10 FT | MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | | | | 2 FAMILY | N/A |
| | | | | MULTI FAM | N/A |
| MIN SIDE YD SETBACK | RES STRU | 25 FT | MAXIMUM LOT COVERAGE STRUCTURES | | 25% |
| | ACC STRU | 13 FT | | | |
| MIN REAR YD SETBACK | RES STRU | 25 FT | | | |
| | ACC STRU | 13 FT | | | |
| FRONT YARD SET BACK: ST RD | RES STRU | 105 FT | MAXIMUM LOT COVERAGE IMPERVIOUS | | 35% |
| ST RD | ACC STRU | 105 FT | | | |
| PRI CO RD | RES STRU | 95 FT | | | |
| PRI CO RD | ACC STRU | 95 FT | MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| SEC CO RD | RES STRU | 65 FT | | | |
| SEC CO RD | ACC STRU | 65 FT | | | |
| MAXIMUM STRUCTURE HEIGHT | RES STRU | 36 FT | MIN REAR SETBACK TO ALLEY | RES | N/A |
| | ACC STRU | 36 FT | | ACC | N/A |
| | AG STRU | N/A | | | |
| MIN AGGREGATE DISTANCE SIDE & REAR YARD | RES STRU | 50 FT | MIN SIDE SETBACK TO ALLEY | RES | N/A |
| | ACC STRU | 26 FT | | ACC | N/A |
| | RES TO ACC | 38 FT | | | |
| WELL | | PRIVATE | SEPTIC | | PRIVATE |
| SIGNS | | BY PERMIT | LANDSCAPE REQUIREMENTS | | N/A |
| TEMPORARY USE PERMITTED | | YES | FENCING PERMITTED | | YES |

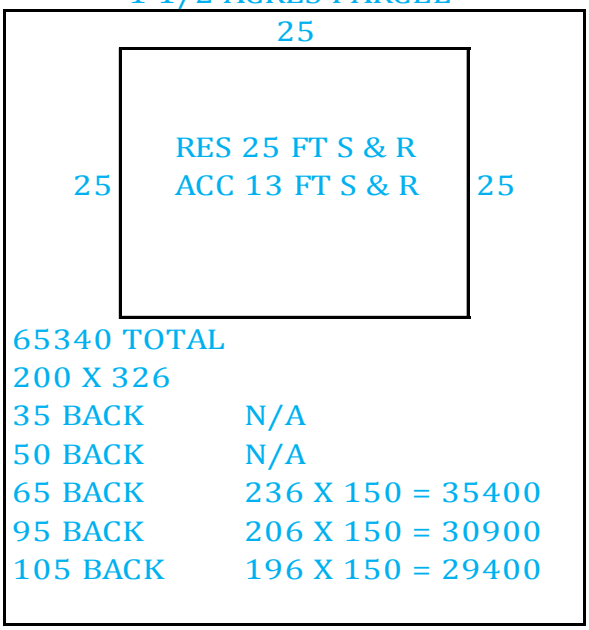
## SINGLE FAMILY RESIDENCE IN AN FRC ZONE

### PRIVATE SEPTIC

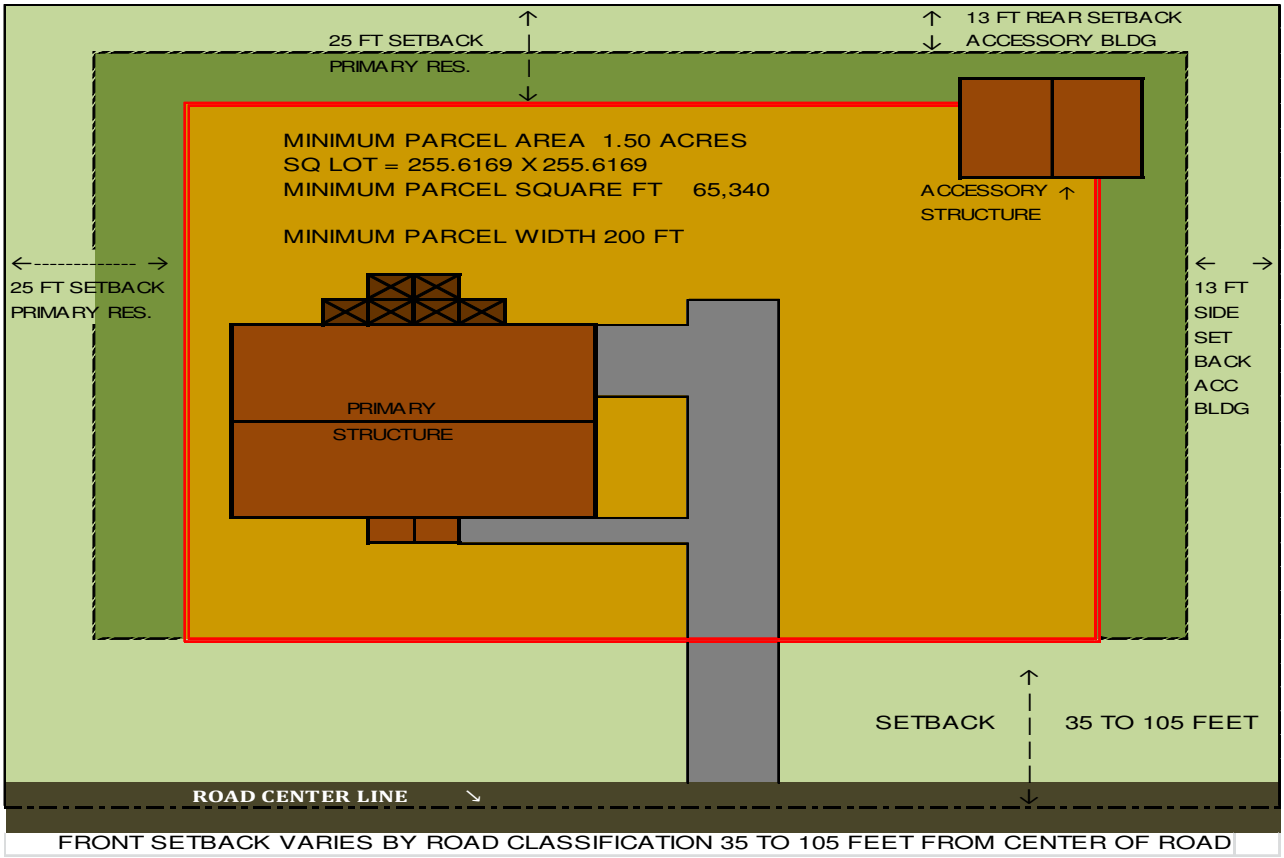
| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LOT DIM. | 326.7 | X | 200 | 65,340 | | | | | | | 255.6169 | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | **50 FOOT SETBACK** | | **35 FOOT SETBACK** | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | **DEPTH AREA** | | **DEPTH AREA** | |
| LOT DEPTH = | 326.7 | | LOT DEPTH = | 326.7 | LOT DEPTH = | 326.7 | LOT DEPTH = | 326.7 | LOT DEPTH = | 326.7 |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | F SETBACK = | 50 | F SETBACK = | 35 |
| R SETBACK = | 25 | | R SETBACK = | 25 | R SETBACK = | 25 | R SETBACK = | 25 | R SETBACK = | 25 |
| REMAINDER = | 196.7 | | REMAINDER = | 206.7 | REMAINDER = | 236.7 | REMAINDER = | 251.7 | REMAINDER = | 266.7 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | **WIDTH AREA** | | **WIDTH AREA** | |
| LOT WIDTH = | 200 | | LOT WIDTH = | 200 | LOT WIDTH = | 200 | LOT WIDTH = | 200 | LOT WIDTH = | 200 |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | S SETBACK = | 25 | S SETBACK = | 25 |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | S SETBACK = | 25 | S SETBACK = | 25 |
| REMAINDER = | 150 | | REMAINDER = | 150 | REMAINDER = | 150 | REMAINDER = | 150 | REMAINDER = | 150 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | **AVAILABLE AREA** | |
| DEPTH = | 196.7 | | DEPTH = | 206.7 | DEPTH = | 236.7 | DEPTH = | 251.7 | DEPTH = | 266.7 |
| WIDTH = | 150 | | WIDTH = | 150.0 | WIDTH = | 150.0 | WIDTH = | 150.0 | WIDTH = | 150.0 |
| TOT SQ FT = | 65,340 | | TOT SQ FT = | 65,340 | TOT SQ FT = | 65,340 | TOT SQ FT = | 65,340 | TOT SQ FT = | 65,340 |
| AVAIL SQ FT = | 29,505 | | AVAIL SQ FT = | 31,005 | AVAIL SQ FT = | 35,505 | AVAIL SQ FT = | 37,755 | AVAIL SQ FT = | 40,005 |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | |
| 25% COVER | 7,376 | | 25% COVER | 7,751 | 25% COVER | 8,876 | 25% COVER | 9,439 | 25% COVER | 10,001 |
| 30% COVER | 8,852 | | 30% COVER | 9,302 | 30% COVER | 10,652 | 30% COVER | 11,327 | 30% COVER | 12,002 |
| 40% COVER | 11,802 | | 40% COVER | 12,402 | 40% COVER | 14,202 | 40% COVER | 15,102 | 40% COVER | 16,002 |
| 50% COVER | 14,753 | | 50% COVER | 15,503 | 50% COVER | 17,753 | 50% COVER | 18,878 | 50% COVER | 20,002.5 |
| 60% COVER | 17,703 | | 60% COVER | 18,603 | 60% COVER | 21,303 | 60% COVER | 22,653 | 60% COVER | 24,003.0 |
| 75% COVER | 22,129 | | 75% COVER | 23,254 | 75% COVER | 26,629 | 75% COVER | 28,316 | 75% COVER | 30,004 |

ABOVEDATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

1 1/2 ACRES PARCEL



# 3.6Residential 1 District R1 Single Family Private Septic




## Development Standards

Minimum Lot Area
Per Residential Unit
*1 ½ Acres

Minimum Lot Width
*200 Feet

Maximum Total Lot Coverage
*25% Structure or 16,335 Sq. Ft
*35% Impervious or 22,869 Sq. Ft

Water Utility
*Private Well

Sanitary Utility
*Private Septic

Maximum Residential
Structures
*One (1)

Minimum Front Yard Setback
*95 Feet Primary Co Road
*65 Feet Secondary Co Road
*50 Feet Feeder Street
*35 Feet Local Street

Minimum Side & Rear Yard
Setback Residential Structure
*25 Feet Side and Rear

Minimum Side & Rear Yard
Setback Accessory Structure
*13 Feet Side and Rear

Minimum Aggregate Distance
Residential Structures
*50 Feet

Minimum Aggregate Distance
Accessory Structures
*26 Feet

| R1 | RESIDENTIAL 1 DISTRICT | SPEC |
|---|---|---|
| 3.6 | SINGLE FAMILY RESIDENCE / PRIVATE SEPTIC | 65,340 |

| | | | | | | |
|---|---|---|---|---|---|---|
| MINIMUM LOT SIZE | | W SEWER | N/A | MINIMUM ROOF PITCH | RES | 5/12 |
| | | W/O SEWER | 1.5 A | | ACC | 5/12 |
| MINIMUM LOT WIDTH | | | 200 FT | CORNER LOT VISION ENFORCED | | YES |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | | 50 FT | MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQFT |
| | | NOT TO BE INCLUDED IN PARCEL ACREAGE | | | 2 FAMILY | N/A |
| | | | | | MULTI FAM | N/A |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | | 10 FT | MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | | | | | 2 FAMILY | N/A |
| | | | | | MULTI FAM | N/A |
| MIN SIDE YD SETBACK | | RES STRU | 25 FT | MAXIMUM LOT COVERAGE STRUCTURES | | 25% |
| | | ACC STRU | 13 FT | | | |
| MIN REAR YD SETBACK | | RES STRU | 25 FT | | | |
| | | ACC STRU | 13 FT | | | |
| FRONT YARD SETBACK | PRI CO RD | RES STRU | 95 FT | MAXIMUM LOT COVERAGE IMPERVIOUS | | 35% |
| | PRI CO RD | ACC STRU | 95 FT | | | |
| | SEC CO RD | RES STRU | 65 FT | | | |
| | SEC CO RD | ACC STRU | 65 FT | MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| | FEEDER ST | RES STRU | 50 FT | | | |
| | FEEDER ST | ACC STRU | 50 FT | | | |
| | LOCAL ST | RES STRU | 35 FT | | | |
| | LOCAL ST | ACC STRU | 35 FT | MIN REAR SETBACK TO ALLEY | RES | N/A |
| | | | | | ACC | N/A |
| MAXIMUM STRUCTURE HEIGHT | | RES STRU | 36 FT | | | |
| | | ACC STRU | 36 FT | | | |
| | | AG STRU | N/A | MIN SIDE SETBACK TO ALLEY | RES | N/A |
| | | | | | ACC | N/A |
| MIN AGGREGATE DISTANCE SIDE & REAR YARD | | RES STRU | 50 FT | | | |
| | | ACC STRU | 26 FT | | | |
| | | RES TO ACC | 38 FT | SEPTIC | | PRIVATE |
| WELL | | | PRIVATE | LANDSCAPE REQUIREMENTS | | YES |
| SIGNS | | | BY PERMIT | FENCING PERMITTED | | YES |
| TEMPORARY USE PERMITTED | | | YES | | | |

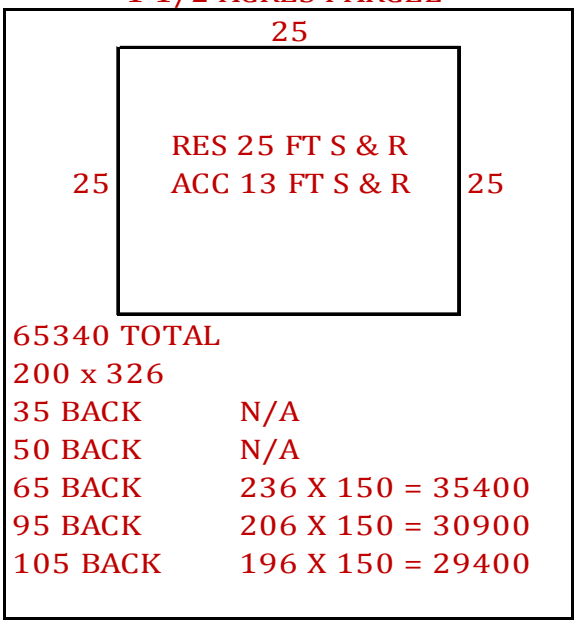
## SINGLE FAMILY RESIDENCE IN AN R1 ZONE

### PRIVATE SEPTIC

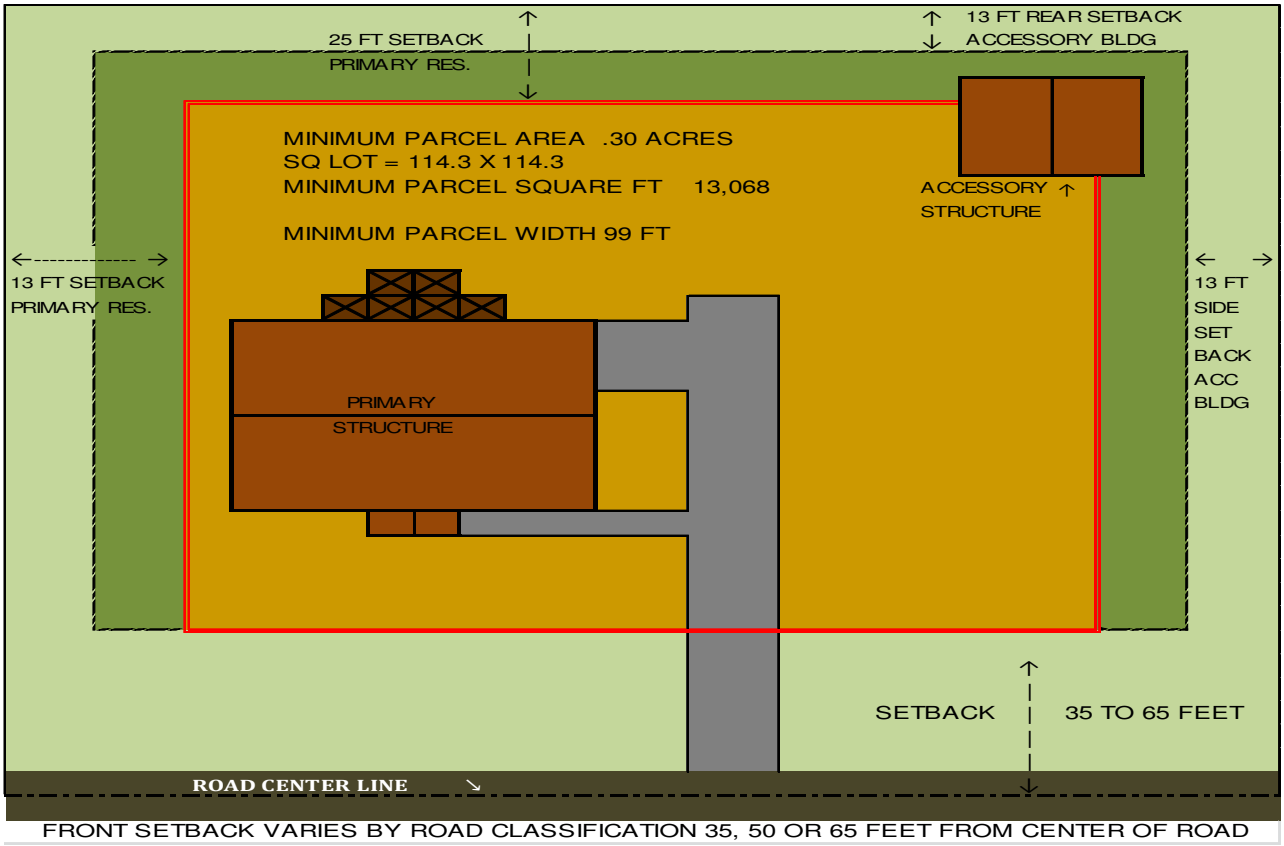
| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LOT DIM. | 326.7 | X | 200 | 65,340 | | | | | | | | 255.6169 | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | | **50 FOOT SETBACK** | | | **35 FOOT SETBACK** | | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | | **DEPTH AREA** | | | **DEPTH AREA** | | |
| LOT DEPTH = | 326.7 | | LOT DEPTH = | 326.7 | LOT DEPTH = | 326.7 | | LOT DEPTH = | 326.7 | | LOT DEPTH = | 326.7 | |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | | F SETBACK = | 50 | | F SETBACK = | 35 | |
| R SETBACK = | 25 | | R SETBACK = | 25 | R SETBACK = | 25 | | R SETBACK = | 25 | | R SETBACK = | 25 | |
| REMAINDER = | 196.7 | | REMAINDER = | 206.7 | REMAINDER = | 236.7 | | REMAINDER = | 251.7 | | REMAINDER = | 266.7 | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | | **WIDTH AREA** | | | **WIDTH AREA** | | |
| LOT WIDTH = | 200 | | LOT WIDTH = | 200 | LOT WIDTH = | 200 | | LOT WIDTH = | 200 | | LOT WIDTH = | 200 | |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | | S SETBACK = | 25 | | S SETBACK = | 25 | |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | | S SETBACK = | 25 | | S SETBACK = | 25 | |
| REMAINDER = | 150 | | REMAINDER = | 150 | REMAINDER = | 150 | | REMAINDER = | 150 | | REMAINDER = | 150 | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | |
| DEPTH = | 196.7 | | DEPTH = | 206.7 | DEPTH = | 236.7 | | DEPTH = | 251.7 | | DEPTH = | 266.7 | |
| WIDTH = | 150 | | WIDTH = | 150 | WIDTH = | 150 | | WIDTH = | 150 | | WIDTH = | 150 | |
| TOT SQ FT = | 65,340 | | TOT SQ FT = | 65,340 | TOT SQ FT = | 65,340 | | TOT SQ FT = | 65,340 | | TOT SQ FT = | 65,340 | |
| AVAIL SQ FT = | 29,505 | | AVAIL SQ FT = | 31,005 | AVAIL SQ FT = | 35,505 | | AVAIL SQ FT = | 37,755 | | AVAIL SQ FT = | 40,005 | |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | | | | |
| 25% COVER | 7,376 | | 25% COVER | 7,751 | 25% COVER | 8,876 | | 25% COVER | 9,439 | | 25% COVER | 10,001 | |
| 30% COVER | 8,852 | | 30% COVER | 9,302 | 30% COVER | 10,652 | | 30% COVER | 11,327 | | 30% COVER | 12,002 | |
| 40% COVER | 11,802 | | 40% COVER | 12,402 | 40% COVER | 14,202 | | 40% COVER | 15,102 | | 40% COVER | 16,002 | |
| 50% COVER | 14,753 | | 50% COVER | 15,503 | 50% COVER | 17,753 | | 50% COVER | 18,878 | | 50% COVER | 20,003 | |
| 60% COVER | 17,703 | | 60% COVER | 18,603 | 60% COVER | 21,303 | | 60% COVER | 22,653 | | 60% COVER | 24,003 | |
| 75% COVER | 22,129 | | 75% COVER | 23,254 | 75% COVER | 26,629 | | 75% COVER | 28,316 | | 75% COVER | 30,004 | |
| | | | | **MAX COVERAGE OF ENTIRE LOT SQ FT** | | | | | | | | | |
| 65,340 | | | | | | | | | | | | | |
| 25% COVER = | 65,340 | | 25% | 16,335 | | | | 40% COVER = | 65,340.0 | | 40% | 26,136 | |
| 30% COVER = | 65,340 | | 30% | 19,602 | | | | 50% COVER = | 65,340.0 | X | 50% | 32,670 | |
| 35% COVER = | 65,340 | X | 35% | 22,869 | | | | 65% COVER = | 65,340.0 | X | 65% | 42,471 | |

ABOVEDATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

1 1/2 ACRES PARCEL



# 3.7Residential 1 District R1 Single Family Public Sewer




## Development Standards

Minimum Lot Area
Per Residential Unit
*0.30Acres

Minimum Lot Width
*99 Feet

Maximum Total Lot Coverage
*Structures 35% OR 5,082 Sq. Ft
* Impervious 45% or 6,534 Sq. Ft

Water Utility
*Public / Private Well

Sanitary Utility
*Public Sewer

Maximum Residential
Structures
*One (1)

Minimum Front Yard Setback
*65 Feet Secondary County Road
*50 Feet Feeder Street
*35 Feet Local Street

Minimum Side & Rear Yard
Setback Residential Structure
*13 Feet Side
*25 Feet Rear

Minimum Side & Rear Yard
Setback Accessory Structure
*13 Feet Side and Rear

Minimum Aggregate Distance
Residential Structures
*26 Feet Side
*50 Feet Rear

Minimum Aggregate Distance
Accessory Structures
*26 Feet

| R1 | RESIDENTIAL 1 DISTRICT | SPECIFICATIONS |
|---|---|---|
| 3.7 | SINGLE FAMILY RESIDENCE / PUBLIC SEWER | 13,068 |

| | | | | | |
|---|---|---|---|---|---|
| MINIMUM LOT SIZE | W SEWER | .30 A | MINIMUM ROOF PITCH | RES | 5/12 |
| | W/O SEWER | N/A | | ACC | 5/12 |
| MINIMUM LOT WIDTH | | 99 FT | CORNER LOT VISION ENFORCED | | YES |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | 50 FT | MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | NOT TO BE INCLUDED IN PARCEL ACREAGE | | | 2 FAMILY | N/A |
| | | | | MULTI FAM | N/A |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | 10 FT | MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | | | | 2 FAMILY | N/A |
| | | | | MULTI FAM | N/A |
| MIN SIDE YD SETBACK | RES BLDG | 13 FT | MAXIMUM LOT COVERAGE STRUCTURES | | 35% |
| | ACC BLDG | 13 FT | | | |
| MIN REAR YD SETBACK | RES BLDG | 25 FT | | | |
| | ACC BLDG | 13 FT | | | |
| FRONT YARD SETBACK | PRI CO RD / RES STRU | N/A | MAXIMUM LOT COVERAGE IMPERVIOUS | | 45% |
| | PRI CO RD / ACC STRU | N/A | | | |
| | SEC CO RD / RES STRU | 65 FT | | | |
| | SEC CO RD / ACC STRU | 65 FT | MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| | FEEDER ST / RES STRU | 50 FT | | | |
| | FEEDER ST / ACC STRU | 50 FT | | | |
| | LOCAL ST / RES STRU | 35 FT | | | |
| | LOCAL ST / ACC STRU | 35 FT | MIN REAR SETBACK TO12 FT ALLEY | RES | 19 FT |
| | | | | ACC | 7 FT |
| MAXIMUM STRUCTURE HEIGHT | RES BLDG | 36 FT | | | |
| | ACC BLDG | 36 FT | | | |
| | AG BLDG | N/A | MIN SIDE SETBACK TO ALLEY | RES | N/A |
| | | | | ACC | N/A |
| MIN AGGREGATE DISTANCE SIDE & REAR YARD | RES SIDE | 26 FT | | | |
| | RES REAR | 50 FT | | | |
| | ACC BLDG | 26 FT | SEPTIC | | PUBLIC |
| WELL | | PUBLIC | LANDSCAPE REQUIREMENTS | | YES |
| SIGNS | | BY PERMIT | FENCING PERMITTED | | YES |
| TEMPORARY USE PERMITTED | | YES | | | |

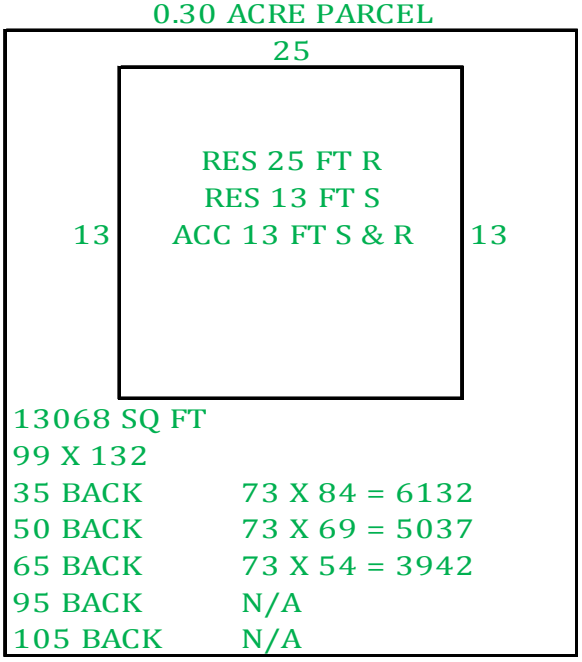
## SINGLE FAMILY RESIDENCE IN AN R1 ZONE

### PUBLIC SEWER

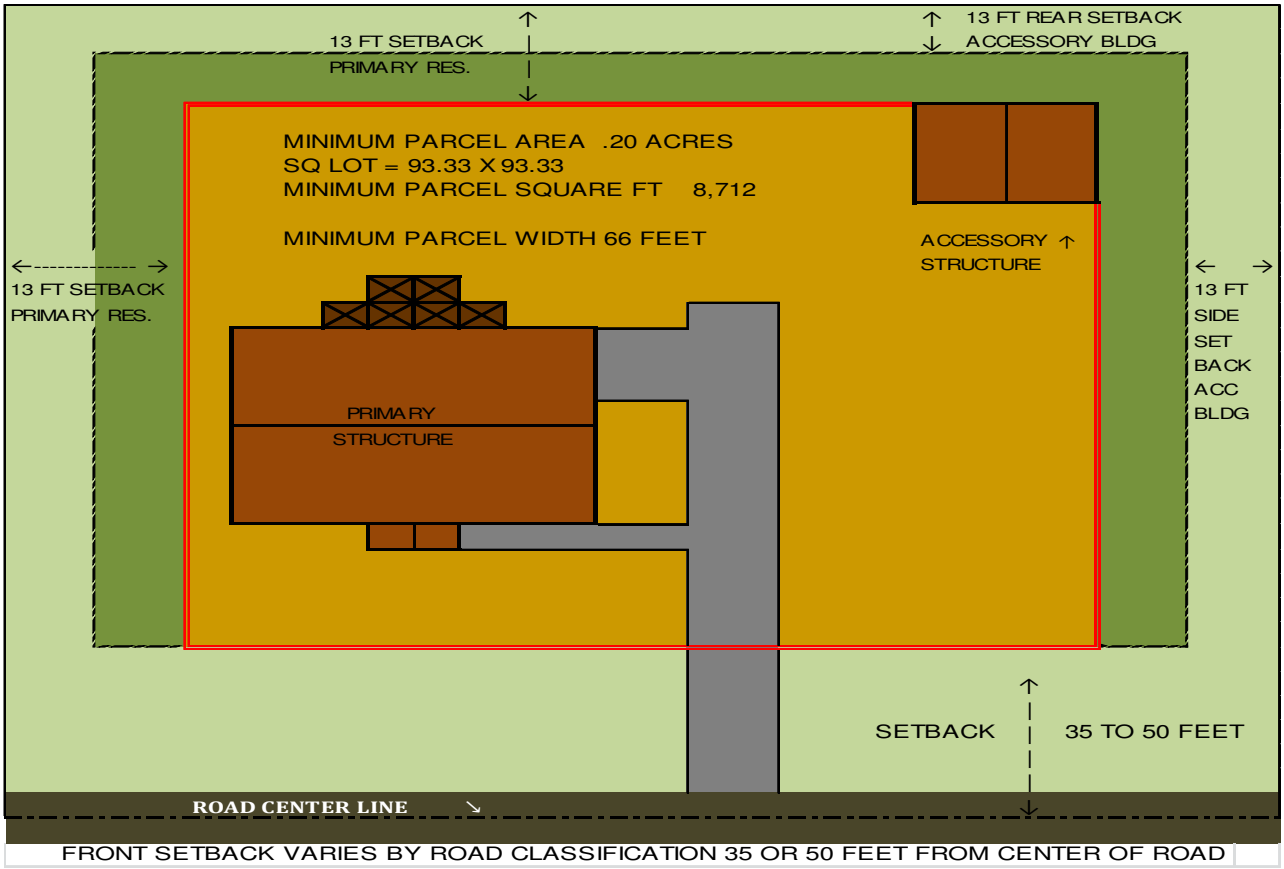
| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LOT DIM. | 132 | X | 99 | 13,068 | | | | | | | | 114.3154 | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | | **50 FOOT SETBACK** | | | | **35 FOOT SETBACK** | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | | **DEPTH AREA** | | | | **DEPTH AREA** | |
| LOT DEPTH = | 132.0 | | LOT DEPTH = | 132.0 | LOT DEPTH = | 132.0 | | LOT DEPTH = | 132.0 | | | LOT DEPTH = | 132.0 |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | | F SETBACK = | 50 | | | F SETBACK = | 35 |
| R SETBACK = | 25 | | R SETBACK = | 25 | R SETBACK = | 25 | | R SETBACK = | 25 | | | R SETBACK = | 25 |
| REMAINDER = | 2.0 | | REMAINDER = | 12 | REMAINDER = | 42 | | REMAINDER = | 57 | | | REMAINDER = | 72 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | | **WIDTH AREA** | | | | **WIDTH AREA** | |
| LOT WIDTH = | 99.0 | | LOT WIDTH = | 99.0 | LOT WIDTH = | 99.0 | | LOT WIDTH = | 99.0 | | | LOT WIDTH = | 99.0 |
| S SETBACK = | 13 | | S SETBACK = | 13 | S SETBACK = | 13 | | S SETBACK = | 13 | | | S SETBACK = | 13 |
| S SETBACK = | 13 | | S SETBACK = | 13 | S SETBACK = | 13 | | S SETBACK = | 13 | | | S SETBACK = | 13 |
| REMAINDER = | 73 | | REMAINDER = | 73 | REMAINDER = | 73 | | REMAINDER = | 73 | | | REMAINDER = | 73 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | | | **AVAILABLE AREA** | |
| DEPTH = | 2.0 | | DEPTH = | 12.0 | DEPTH = | 42.0 | | DEPTH = | 57.0 | | | DEPTH = | 72.0 |
| WIDTH = | 73 | | WIDTH = | 73 | WIDTH = | 73 | | WIDTH = | 73 | | | WIDTH = | 73 |
| TOT SQ FT = | 13,068 | | TOT SQ FT = | 13,068 | TOT SQ FT = | 13,068 | | TOT SQ FT = | 13,068 | | | TOT SQ FT = | 13,068 |
| AVAIL SQ FT | 146 | | AVAIL SQ FT | 876 | AVAIL SQ FT | 3,066 | | AVAIL SQ FT | 4,161 | | | AVAIL SQ FT | 5,256 |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | | | | |
| 25% COVER | 37 | | 25% COVER | 219 | 25% COVER | 767 | | 25% COVER | 1,040.3 | | | 25% COVER | 1,314 |
| 30% COVER | 44 | | 30% COVER | 263 | 30% COVER | 920 | | 30% COVER | 1,248.3 | | | 30% COVER | 1,577 |
| 40% COVER | 58 | | 40% COVER | 350 | 40% COVER | 1,226 | | 40% COVER | 1,664.4 | | | 40% COVER | 2,102 |
| 50% COVER | 73 | | 50% COVER | 438 | 50% COVER | 1,533 | | 50% COVER | 2080.5 | | | 50% COVER | 2,628 |
| 60% COVER | 88 | | 60% COVER | 526 | 60% COVER | 1,840 | | 60% COVER | 2496.6 | | | 60% COVER | 3,154 |
| 75% COVER | 110 | | 75% COVER | 657 | 75% COVER | 2,300 | | 75% COVER | 3120.75 | | | 75% COVER | 3,942 |
| | | | | **MAX COVERAGE OF ENTIRE LOT SQ FT** | | | | | | | | | |
| 13,068 | | | | | | | | | | | | | |
| 25% COVER = | 13,068 | X | 25% | 3,267 | | | | 40% COVER = | 13,068 | X | | 40% | 5,227 |
| 30% COVER = | 13,068 | X | 30% | 3,920 | | | | 50% COVER = | 13,068 | X | | 50% | 6,534 |
| 35% COVER = | 13,068 | X | 35% | 4,574 | | | | 65% COVER = | 13,068 | X | | 65% | 8,494 |

ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

0.30 ACRE PARCEL



# 3.8Residential 2 District R2 One or Two Family Public Sewer




## Development Standards

Minimum Lot Area
Per Residential Unit
*0.20 Acres

Minimum Lot Width
*66 Feet

Maximum Total Lot Coverage
*35% Structure or 3,049 Sq. Ft
*45% Impervious or 3,920 Sq. Ft

Water Utility
*Public Well

Sanitary Utility
*Public Sewer

Maximum Residential
Structures
*Two (2)

Minimum Front Yard Setback
*50 Feet Local Road
*35 Feet Feeder Street

Minimum Side & Rear Yard
Setback Residential Structure
*13 Feet Side and Rear

Minimum Side & Rear Yard
Setback Accessory Structure
*13 Feet Side and Rear

Minimum Aggregate Distance
Residential Structures
*26 Feet

Minimum Aggregate Distance
Accessory Structures
*26 Feet

| R2 | RESIDENTIAL 2 DISTRICT | SPEC |
|---|---|---|
| 3.8 | ONE & TWO FAMILY RESIDENCE / PUBLIC SEWER | 8,712 |

| | | | | | |
|---|---|---|---|---|---|
| MINIMUM LOT SIZE | W SEWER | .20 A | MINIMUM ROOF PITCH | RES | 5/12 |
| | W/O SEWER | N/A | | ACC | 5/12 |
| MINIMUM LOT WIDTH | | 66 FT | CORNER LOT VISION ENFORCED | | YES |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | N/A | MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | NOT TO BE INCLUDED IN PARCEL ACREAGE | | | 2 FAMILY | 800 SQ FT |
| | | | | MULTI FAM | N/A |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | 10 FT | MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | | | | 2 FAMILY | 800 SQ FT |
| | | | | MULTI FAM | N/A |
| MIN SIDE YD SETBACK | RES BLDG | 13 FT | MAXIMUM LOT COVERAGE STRUCTURES | | 35% |
| | ACC BLDG | 13 FT | | | |
| MIN REAR YD SETBACK | RES BLDG | 13 FT | | | |
| | ACC BLDG | 13 FT | | | |
| FRONT YARD SETBACK: PRI CO RD | RES STRU | N/A | MAXIMUM LOT COVERAGE IMPERVIOUS | | 45% |
| PRI CO RD | ACC STRU | N/A | | | |
| SEC CO RD | RES STRU | N/A | | | |
| SEC CO RD | ACC STRU | N/A | MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| FEEDER ST | RES STRU | 50 FT | | | |
| FEEDER ST | ACC STRU | 50 FT | | | |
| LOCAL ST | RES STRU | 35 FT | | | |
| LOCAL ST | ACC STRU | 35 FT | MIN REAR SETBACK TO ALLEY | RES | 7 FT |
| | | | | ACC | 7 FT |
| MAXIMUM STRUCTURE HEIGHT | RES BLDG | 36 FT | | | |
| | ACC BLDG | 36 FT | | | |
| | AG BLDG | N/A | MIN SIDE SETBACK TO ALLEY | RES | N/A |
| | | | | ACC | N/A |
| MIN AGGREGATE DISTANCE SIDE & REAR YARD | RES BLDG | 26 FT | | | |
| | ACC BLDG | 26 FT | SEPTIC | | PUBLIC |
| WELL | | PUBLIC | LANDSCAPE REQUIREMENTS | | YES |
| SIGNS | | BY PERMIT | FENCING PERMITTED | | YES |
| TEMPORARY USE PERMITTED | | YES | | | |

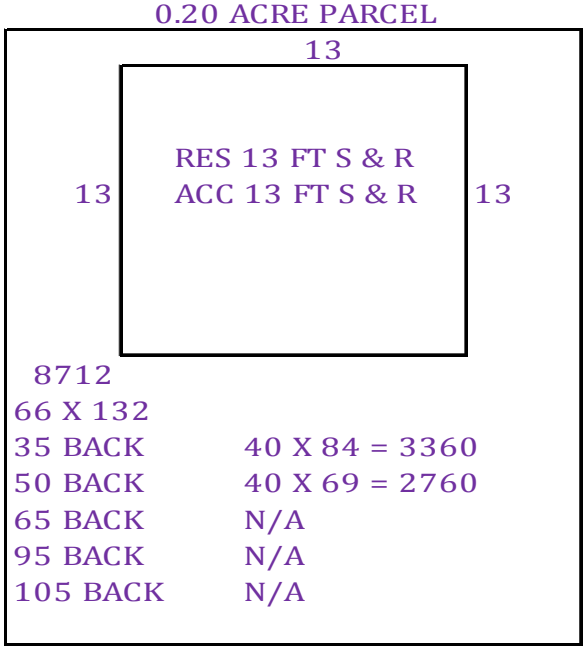
## ONE OR TWO FAMILY RESIDENCE IN AN R2 ZONE

### PUBLIC SEWER

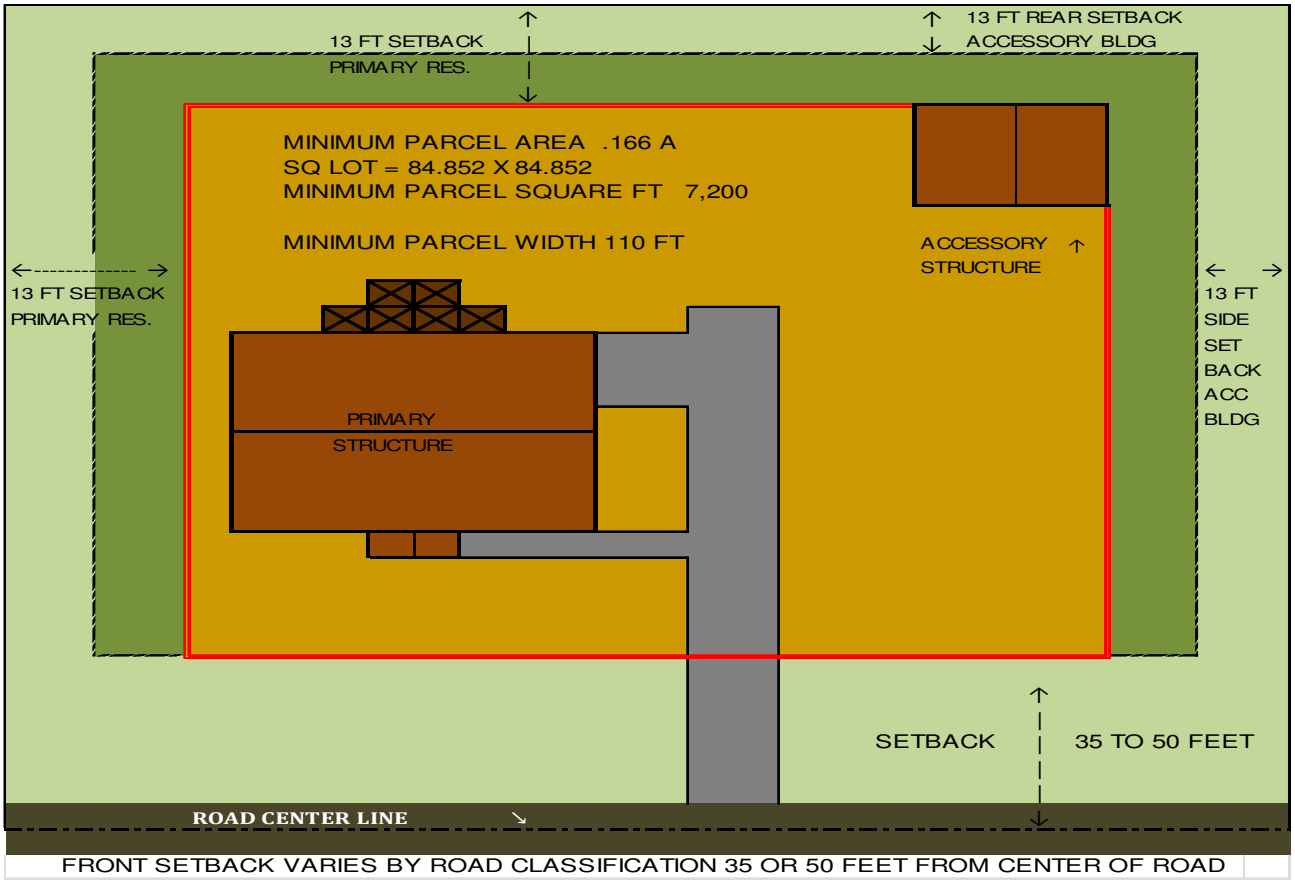
| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LOT DIM. | 132 | X | 66 | 8,712 | | | | | | | 93.3381 | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | | **50 FOOT SETBACK** | | | **35 FOOT SETBACK** | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | | **DEPTH AREA** | | | **DEPTH AREA** | |
| LOT DEPTH = | 132 | | LOT DEPTH = | 132 | LOT DEPTH = | 132 | | LOT DEPTH = | 132 | | LOT DEPTH = | 132 |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | | F SETBACK = | 50 | | F SETBACK = | 35 |
| R SETBACK = | 13 | | R SETBACK = | 13 | R SETBACK = | 13 | | R SETBACK = | 13 | | R SETBACK = | 13 |
| REMAINDER = | 14 | | REMAINDER = | 24 | REMAINDER = | 54 | | REMAINDER = | 69 | | REMAINDER = | 84 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | | **WIDTH AREA** | | | **WIDTH AREA** | |
| LOT WIDTH = | 66 | | LOT WIDTH = | 66 | LOT WIDTH = | 66 | | LOT WIDTH = | 66 | | LOT WIDTH = | 66 |
| S SETBACK = | 13 | | S SETBACK = | 13 | S SETBACK = | 13 | | S SETBACK = | 13 | | S SETBACK = | 13 |
| S SETBACK = | 13 | | S SETBACK = | 13 | S SETBACK = | 13 | | S SETBACK = | 13 | | S SETBACK = | 13 |
| REMAINDER = | 40 | | REMAINDER = | 40 | REMAINDER = | 40 | | REMAINDER = | 40 | | REMAINDER = | 40 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | |
| DEPTH = | 14 | | DEPTH = | 24 | DEPTH = | 54 | | DEPTH = | 69 | | DEPTH = | 84 |
| WIDTH = | 40 | | WIDTH = | 40 | WIDTH = | 40 | | WIDTH = | 40 | | WIDTH = | 40 |
| TOT SQ FT = | 8,712 | | TOT SQ FT = | 8,712 | TOT SQ FT = | 8,712 | | TOT SQ FT = | 8,712 | | TOT SQ FT = | 8,712 |
| AVAIL SQ FT | 560 | | AVAIL SQ FT | 960 | AVAIL SQ FT | 2,160 | | AVAIL SQ FT | 2,760 | | AVAIL SQ FT | 3,360 |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | | | |
| 25% COVER | 140 | | 25% COVER | 240 | 25% COVER | 540 | | 25% COVER | 690 | | 25% COVER | 840 |
| 30% COVER | 168 | | 30% COVER | 288 | 30% COVER | 648 | | 30% COVER | 828 | | 30% COVER | 1,008 |
| 40% COVER | 224 | | 40% COVER | 384 | 40% COVER | 864 | | 40% COVER | 1,104 | | 40% COVER | 1,344 |
| 50% COVER | 280 | | 50% COVER | 480 | 50% COVER | 1,080 | | 50% COVER | 1,380 | | 50% COVER | 1,680 |
| 60% COVER | 336 | | 60% COVER | 576 | 60% COVER | 1,296 | | 60% COVER | 1,656 | | 60% COVER | 2,016 |
| 75% COVER | 420 | | 75% COVER | 720 | 75% COVER | 1,620 | | 75% COVER | 2,070 | | 75% COVER | 2,520 |
| | | | | **MAX COVERAGE OF ENTIRE LOT SQ FT** | | | | | | | | |
| 8,712 | | | | | | | | | | | | |
| 25% COVER = | 8,712 | X | 25% | 2,178 | | | | 40% COVER = | 8,712 | X | 40% | 3,485 |
| 30% COVER = | 8,712 | X | 30% | 2,614 | | | | 50% COVER = | 8,712 | X | 50% | 4,356 |
| 35% COVER = | 8,712 | X | 35% | 3,049 | | | | 65% COVER = | 8,712 | X | 65% | 5,663 |

ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

0.20 ACRE PARCEL



## 3.9 Residential 3 District R3 One, Two, Multi Family Public Sewer




### Development Standards

Minimum Lot Area
Per Residential Unit
*0.166 Acres

Minimum Lot Width
*60 Feet

Maximum Total Lot Coverage
*50% Structures or 3,600 Sq. Ft
*60% Impervious or 4,320Sq. Ft

Water Utility
*Public Well

Sanitary Utility
*Public Sewer

Maximum ResidentialStructures
*Unlimited

Minimum Front Yard Setback
*35 Feet Local Street

Minimum Side & Rear Yard
Setback Residential Structure
*13 Feet Side and Rear

Minimum Side & Rear Yard
Setback Accessory Structure
*13 Feet Side and Rear

Minimum Aggregate Distance
Residential Structures
*26 Feet

Minimum Aggregate Distance
Accessory Structures
*26 Feet

| R3 | RESIDENTIAL 3 DISTRICT | SPEC |
|---|---|---|
| 3.9 | ONE, TWO, MULTI FAMILY RESIDENCE / PUBLIC SEWER | 7,200 |

| | | | | | |
|---|---|---|---|---|---|
| MINIMUM LOT SIZE | W SEWER | .166 A | MINIMUM ROOF PITCH | RES | 5/12 |
| | W/O SEWER | N/A | | ACC | 5/12 |
| MINIMUM LOT WIDTH | | 60 FT | CORNER LOT VISION ENFORCED | | YES |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | N/A | | | |
| | NOT TO BE INCLUDED IN PARCEL ACREAGE | | MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | | | | 2 FAMILY | 800 SQ FT |
| | | | | MULTI FAM | 720 SQ FT |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | N/A | MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | | | | 2 FAMILY | 800 SQ FT |
| | | | | MULTI FAM | 720 SQ FT |
| MIN SIDE YD SETBACK | RES BLDG | 13FT | MAXIMUM LOT COVERAGE STRUCTURES | | 50% |
| | ACC BLDG | 13 FT | | | |
| MIN REAR YD SETBACK | RES BLDG | 13 FT | | | |
| | ACC BLDG | 13 FT | | | |
| FRONT YARD SETBACK: PRI CO RD | RES STRU | N/A | MAXIMUM LOT COVERAGE IMPERVIOUS | | 60% |
| PRI CO RD | ACC STRU | N/A | | | |
| SEC CO RD | RES STRU | N/A | | | |
| SEC CO RD | ACC STRU | N/A | MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| FEEDER ST | RES STRU | 50 FT | | | |
| FEEDER ST | ACC STRU | 50 FT | | | |
| LOCAL ST | RES STRU | 35 FT | | | |
| LOCAL ST | ACC STRU | 35 FT | MIN REAR SETBACK TO ALLEY | RES | 7 FT |
| | | | | ACC | 7 FT |
| MAXIMUM STRUCTURE HEIGHT | RES BLDG | 36 FT | | | |
| | ACC BLDG | 36 FT | | | |
| | AG BLDG | N/A | MIN SIDE SETBACK TO ALLEY | RES | N/A |
| | | | | ACC | N/A |
| MIN AGGREGATE DISTANCE SIDE & REAR YARD | RES REAR | 26 FT | | | |
| | RES SIDE | 26 FT | | | |
| | ACC BLDG | 26 FT | SEPTIC | | PUBLIC |
| WELL | | PUBLIC | LANDSCAPE REQUIREMENTS | | YES |
| SIGNS | | BY PERMIT | FENCING PERMITTED | | YES |
| TEMPORARY USE PERMITTED | | NO | | | |

## MULTI FAMILY RESIDENCE IN AN R3 ZONE

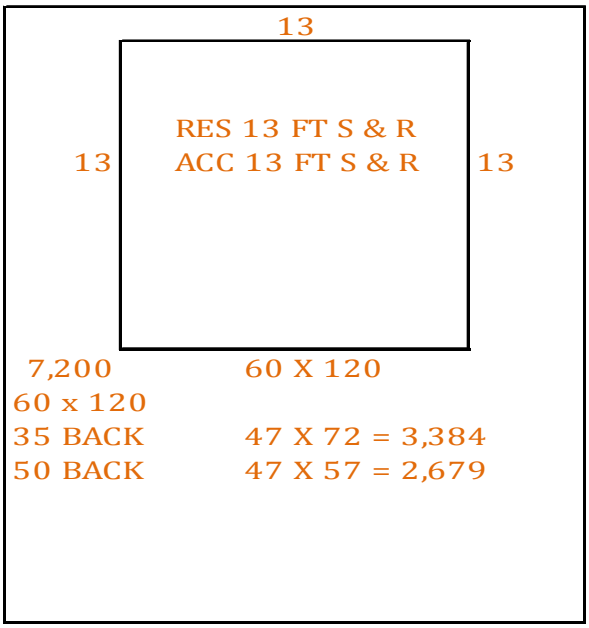
### PUBLIC SEWER

XXX

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LOT DIM. | 120 | X | 60 | 7,200 | | | | | | | | 84.852 | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | | **50 FOOT SETBACK** | | | **35 FOOT SETBACK** | | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | | **DEPTH AREA** | | | **DEPTH AREA** | | |
| LOT DEPTH = | 120.0 | | LOT DEPTH = | 120.0 | LOT DEPTH = | 120.0 | | LOT DEPTH = | 120.0 | | LOT DEPTH = | 120.0 | |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | | F SETBACK = | 50 | | F SETBACK = | 35 | |
| R SETBACK = | 13 | | R SETBACK = | 13 | R SETBACK = | 13 | | R SETBACK = | 13 | | R SETBACK = | 13 | |
| REMAINDER = | 2.0 | | REMAINDER = | 12 | REMAINDER = | 42 | | REMAINDER = | 57 | | REMAINDER = | 72 | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | | **WIDTH AREA** | | | **WIDTH AREA** | | |
| LOT WIDTH = | 60.0 | | LOT WIDTH = | 60.0 | LOT WIDTH = | 60.0 | | LOT WIDTH = | 60.0 | | LOT WIDTH = | 60.0 | |
| S SETBACK = | 13 | | S SETBACK = | 13 | S SETBACK = | 13 | | S SETBACK = | 13 | | S SETBACK = | 13 | |
| S SETBACK = | 13 | | S SETBACK = | 13 | S SETBACK = | 13 | | S SETBACK = | 13 | | S SETBACK = | 13 | |
| REMAINDER = | 34 | | REMAINDER = | 34 | REMAINDER = | 34 | | REMAINDER = | 34 | | REMAINDER = | 34 | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | |
| DEPTH = | 2.0 | | DEPTH = | 12.0 | DEPTH = | 42.0 | | DEPTH = | 57.0 | | DEPTH = | 72.0 | |
| WIDTH = | 34 | | WIDTH = | 34 | WIDTH = | 34 | | WIDTH = | 34 | | WIDTH = | 34 | |
| TOT SQ FT = | 7,200 | | TOT SQ FT = | 7,200 | TOT SQ FT = | 7,200 | | TOT SQ FT = | 7,200 | | TOT SQ FT = | 7,200 | |
| AVAIL SQ FT | 68 | | AVAIL SQ FT | 408 | AVAIL SQ FT | 1,428 | | AVAIL SQ FT | 1,938 | | AVAIL SQ FT | 2,448 | |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | | | | |
| 25% COVER | 17 | | 25% COVER | 102 | 25% COVER | 357 | | 25% COVER | 485 | | 25% COVER | 612 | |
| 30% COVER | 20 | | 30% COVER | 122 | 30% COVER | 428 | | 30% COVER | 581 | | 30% COVER | 734 | |
| 40% COVER | 27 | | 40% COVER | 163 | 40% COVER | 571 | | 40% COVER | 775 | | 40% COVER | 979 | |
| 50% COVER | 34 | | 50% COVER | 204 | 50% COVER | 714 | | 50% COVER | 969 | | 50% COVER | 1,224 | |
| 60% COVER | 41 | | 60% COVER | 245 | 60% COVER | 857 | | 60% COVER | 1,163 | | 60% COVER | 1,469 | |
| 75% COVER | 51 | | 75% COVER | 306 | 75% COVER | 1,071 | | 75% COVER | 1,454 | | 75% COVER | 1,836 | |
| | | | | **MAX COVERAGE OF ENTIRE LOT SQ FT** | | | | | | | | | |
| 7,200 | | | | | | | | | | | | | |
| 25% COVER = | 7,200 | X | 25% | 1,800 | | | | 40% COVER = | 7,200 | X | 40% | 2,880 | |
| 30% COVER = | 7,200 | X | 30% | 2,160 | | | | 50% COVER = | 7,200 | X | 50% | 3,600 | |
| 35% COVER = | 7,200 | X | 35% | 2,520 | | | | 65% COVER = | 7,200 | X | 65% | 4,680 | |

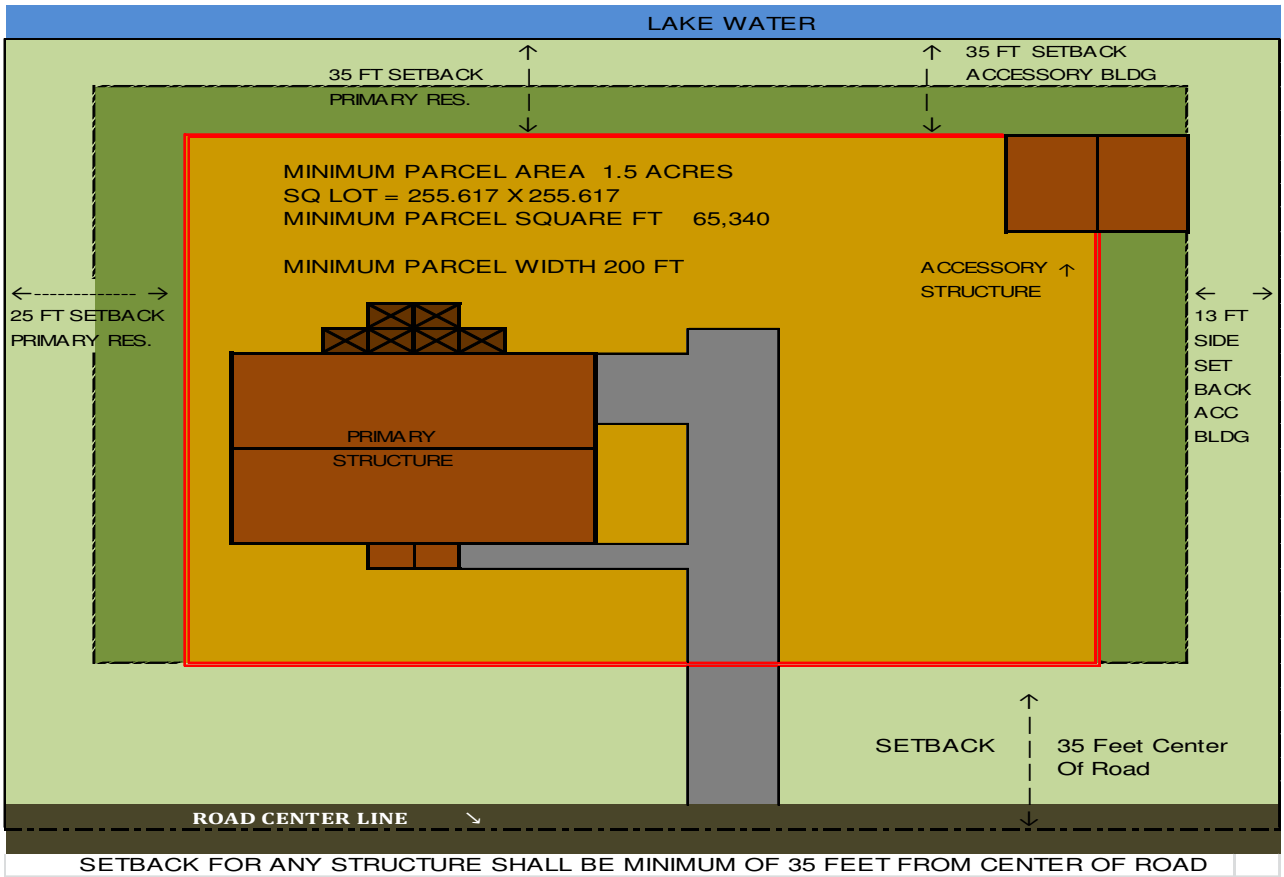
ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

0.166 ACRE PARCEL



## 3.10 Residential Lake District RL1Single Family,Private Septic

**LAKEFRONT PARCEL**




### Development Standards Lakefront Parcel

Minimum Lot Area
Per Residential Unit
*1.5 Acres

Minimum Lot Width
*200 Feet

Maximum Total Lot Coverage
*25% Structures or 16,335. Ft
*35% Impervious or 22,869Sq. Ft

Water Utility
*Private Well

Sanitary Utility
*Private Septic

Maximum Residential
Structures
*1 Single Family Dwelling

Minimum Front Yard Setback
Primary& Accessory Structure
*35 Feet

Minimum Rear Yard Setback
Primary& Accessory Structure
*35 Feet Rear

Minimum Side YardSetback
*25 Feet Primary Structure
*13 Feet Accessory Structure

Minimum Aggregate Distance
Primary Structures
*50 Feet

Minimum Aggregate Distance
Accessory Structures
*26 Feet

| RL1 | RESIDENTIAL LAKE 1 DISTRICT | SPEC |
|---|---|---|
| | SINGLE FAMILY RESIDENCE / PRIVATE SEPTIC | 65,340 |
| 3.10 | LAKEFRONT PARCEL | |

| | | | |
|---|---|---|---|
| MINIMUM LOT SIZE | W SEWER | N/A | |
| | W/O SEWER | 1.5 | |
| MINIMUM LOT WIDTH | | 200 FT | |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | 50 FT | |
| | NOT TO BE INCLUDED IN PARCEL ACREAGE | | |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | 10 FT | |
| MIN SIDE YD SETBACK | RES BLDG | 25 FT | |
| | ACC BLDG | 13 FT | |
| MIN REAR YD SETBACK | RES BLDG | 35 FT | |
| | ACC BLDG | 35 FT | |
| FRONT YARD SETBACK | PRI CO RD | RES STRU | N/A |
| | PRI CO RD | ACC STRU | N/A |
| | SEC CO RD | RES STRU | N/A |
| | SEC CO RD | ACC STRU | N/A |
| | FEEDER ST | RES STRU | N/A |
| | FEEDER ST | ACC STRU | N/A |
| | LOCAL ST | RES STRU | 35 FT |
| | LOCAL ST | ACC STRU | 35 FT |
| MAXIMUM STRUCTURE HEIGHT | RES BLDG | 36 FT | |
| | ACC BLDG | 36 FT | |
| | AG BLDG | N/A | |
| MIN AGGREGATE DISTANCE SIDE YARD | RES BLDG | 50 FT | |
| | ACC BLDG | 26 FT | |
| | RES TO ACC | 38 FT | |
| WELL | | PRIVATE | |
| SIGNS | | BY PERMIT | |
| TEMPORARY USE PERMITTED | | BY PERMIT | |

| | | |
|---|---|---|
| MINIMUM ROOF PITCH | RES | 5/12 |
| | ACC | 5/12 |
| CORNER LOT VISION ENFORCED | | YES |
| MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQFT |
| | 2 FAMILY | N/A |
| | MULTI FAM | N/A |
| MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | 2 FAMILY | N/A |
| | MULTI FAM | N/A |
| MAXIMUM LOT COVERAGE STRUCTURES | | 25% |
| MAXIMUM LOT COVERAGE IMPERVIOUS | | 35% |
| MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| MIN REAR SETBACK TO ALLEY | RES | N/A |
| | ACC | N/A |
| MIN SIDE SETBACK TO ALLEY | RES | N/A |
| | ACC | N/A |
| SEPTIC | | PRIVATE |
| LANDSCAPE REQUIREMENTS | | YES |
| FENCING PERMITTED | | YES |

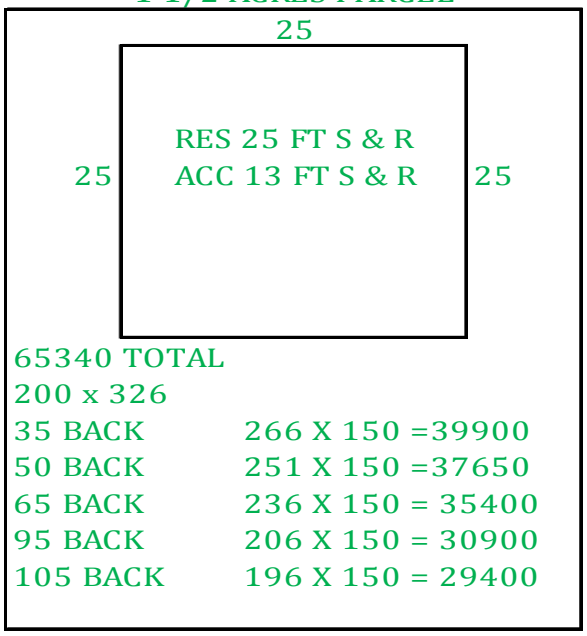
## SINGLE FAMILY RESIDENCE IN AN RL1 ZONE

### PRIVATE SEPTIC

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LOT DIM. | 326.7 | X | 200 | 65,340 | | | | | | | | 255.6169 | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | | **50 FOOT SETBACK** | | | **35 FOOT SETBACK** | | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | | **DEPTH AREA** | | | **DEPTH AREA** | | |
| LOT DEPTH = | 326.7 | | LOT DEPTH = | 326.7 | LOT DEPTH = | 326.7 | | LOT DEPTH = | 326.7 | | LOT DEPTH = | 326.7 | |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | | F SETBACK = | 50 | | F SETBACK = | 35 | |
| R SETBACK = | 25 | | R SETBACK = | 25 | R SETBACK = | 25 | | R SETBACK = | 25 | | R SETBACK = | 25 | |
| REMAINDER = | 196.7 | | REMAINDER = | 206.7 | REMAINDER = | 236.7 | | REMAINDER = | 251.7 | | REMAINDER = | 266.7 | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | | **WIDTH AREA** | | | **WIDTH AREA** | | |
| LOT WIDTH = | 200.0 | | LOT WIDTH = | 200.0 | LOT WIDTH = | 200.0 | | LOT WIDTH = | 200.0 | | LOT WIDTH = | 200.0 | |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | | S SETBACK = | 25 | | S SETBACK = | 25 | |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | | S SETBACK = | 25 | | S SETBACK = | 25 | |
| REMAINDER = | 150 | | REMAINDER = | 150 | REMAINDER = | 150 | | REMAINDER = | 150 | | REMAINDER = | 150 | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | |
| DEPTH = | 196.7 | | DEPTH = | 206.7 | DEPTH = | 236.7 | | DEPTH = | 251.7 | | DEPTH = | 266.7 | |
| WIDTH = | 150 | | WIDTH = | 150 | WIDTH = | 150 | | WIDTH = | 150 | | WIDTH = | 150 | |
| TOT SQ FT = | 65,340 | | TOT SQ FT = | 65,340 | TOT SQ FT = | 65,340 | | TOT SQ FT = | 65,340 | | TOT SQ FT = | 65,340 | |
| AVAIL SQ FT = | 29,505 | | AVAIL SQ FT = | 31,005 | AVAIL SQ FT = | 35,505 | | AVAIL SQ FT = | 37,755 | | AVAIL SQ FT = | 40,005 | |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | | | | |
| 25% COVER | 7,376 | | 25% COVER | 7,751 | 25% COVER | 8,876 | | 25% COVER | 9,439 | | 25% COVER | 10,001 | |
| 30% COVER | 8,852 | | 30% COVER | 9,302 | 30% COVER | 10,652 | | 30% COVER | 11,327 | | 30% COVER | 12,002 | |
| 40% COVER | 11,802 | | 40% COVER | 12,402 | 40% COVER | 14,202 | | 40% COVER | 15,102 | | 40% COVER | 16,002 | |
| 50% COVER | 14,753 | | 50% COVER | 15,503 | 50% COVER | 17,753 | | 50% COVER | 18,878 | | 50% COVER | 20,003 | |
| 60% COVER | 17,703 | | 60% COVER | 18,603 | 60% COVER | 21,303 | | 60% COVER | 22,653 | | 60% COVER | 24,003 | |
| 75% COVER | 22,129 | | 75% COVER | 23,254 | 75% COVER | 26,629 | | 75% COVER | 28,316 | | 75% COVER | 30,004 | |
| | | | | **MAX COVERAGE OF ENTIRE LOT SQ FT** | | | | | | | | | |
| 65,340 | | | | | | | | | | | | | |
| 25% COVER = | 65,340 | X | 25% | 16,335 | | | | 40% COVER = | 65,340 | X | 40% | 26,136 | |
| 30% COVER = | 65,340 | X | 30% | 19,602 | | | | 50% COVER = | 65,340 | X | 50% | 32,670 | |
| 35% COVER = | 65,340 | X | 35% | 22,869 | | | | 65% COVER = | 65,340 | X | 65% | 42,471 | |

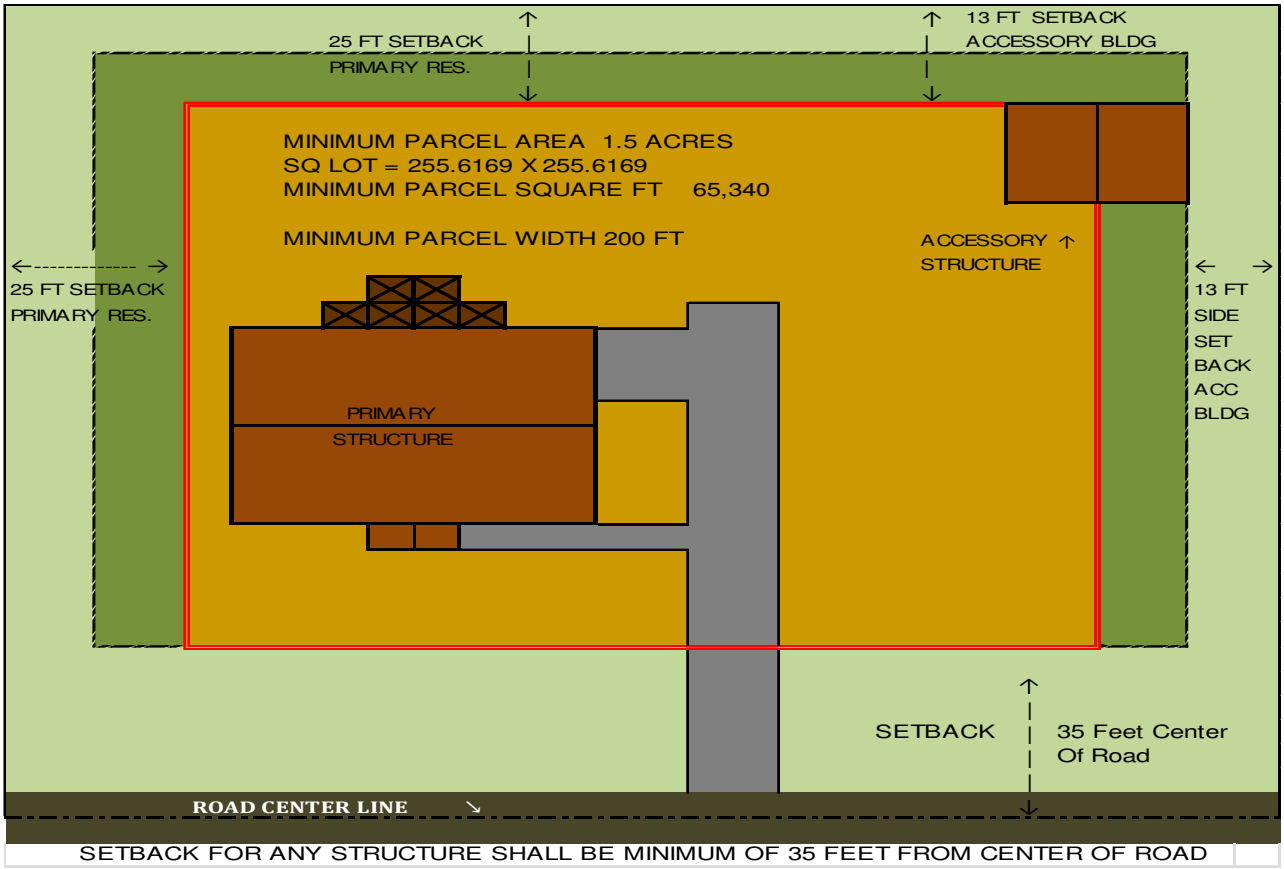
ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

1 1/2 ACRES PARCEL



## 3.10A Residential Lake District RL1 Single Family, Private Septic

**NON-LAKEFRONT PARCEL**




### Development Standards Lakefront Parcel

Minimum Lot Area
Per Residential Unit
*1.5 Acres

Minimum Lot Width
*200 Feet

Maximum Total Lot Coverage
*25% Structures or 16,335 Sq. Ft
*35% Impervious or 22,869 Sq. Ft

Water Utility
*Private Well

Sanitary Utility
*Private Septic

Maximum Residential
Structures
*1 Single Family Dwelling

Minimum Front Yard Setback
Primary & Accessory Structure
*35 Feet

Minimum Side & Rear Yard
Setback Primary Structure
*25 Feet Side & Rear

Minimum Side& RearYard
Setback Accessory Structure
*13 Feet Side
*13 Feet Rear

Minimum Aggregate Distance
Residential Structures
*50 Feet

Minimum Aggregate Distance
Accessory Structures
*26 Feet

| RL1 | RESIDENTIAL LAKE 1 DISTRICT | SPEC |
|---|---|---|
| | SINGLE FAMILY RESIDENCE / PRIVATE SEPTIC | 65,340 |
| 3.10A | NON-LAKEFRONT PARCEL | |

| | | |
|---|---|---|
| MINIMUM LOT SIZE | W SEWER | N/A |
| | W/O SEWER | 1.5 |
| MINIMUM LOT WIDTH | | 200 FT |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | 50 FT |
| | NOT TO BE INCLUDED IN PARCEL ACREAGE | |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | 10 FT |
| MIN SIDE YD SETBACK | RES BLDG | 25 FT |
| | ACC BLDG | 13 FT |
| MIN REAR YD SETBACK | RES BLDG | 25 FT |
| | ACC BLDG | 13 FT |

| | | | |
|---|---|---|---|
| FRONT YARD SETBACK | PRI CO RD | RES STRU | N/A |
| | PRI CO RD | ACC STRU | N/A |
| | SEC CO RD | RES STRU | N/A |
| | SEC CO RD | ACC STRU | N/A |
| | FEEDER ST | RES STRU | N/A |
| | FEEDER ST | ACC STRU | N/A |
| | LOCAL ST | RES STRU | 35 FT |
| | LOCAL ST | ACC STRU | 35 FT |

| | | |
|---|---|---|
| MAXIMUM STRUCTURE HEIGHT | RES BLDG | 36 FT |
| | ACC BLDG | 36 FT |
| | AG BLDG | N/A |
| MIN AGGREGATE DISTANCE SIDE YARD | RES BLDG | 50 FT |
| | ACC BLDG | 26 FT |
| WELL | | PRIVATE |
| SIGNS | | BY PERMIT |
| TEMPORARY USE PERMITTED | | BY PERMIT |

| | | |
|---|---|---|
| MINIMUM ROOF PITCH | RES | 5/12 |
| | ACC | 5/12 |
| CORNER LOT VISION ENFORCED | | YES |
| MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | 2 FAMILY | N/A |
| | MULTI FAM | N/A |
| MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | 2 FAMILY | N/A |
| | MULTI FAM | N/A |
| MAXIMUM LOT COVERAGE STRUCTURES | | 25% |
| MAXIMUM LOT COVERAGE IMPERVIOUS | | 35% |
| MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| MIN REAR SETBACK TO ALLEY | RES | 19 FT |
| | ACC | 7 FT |
| MIN SIDE SETBACK TO ALLEY | RES | N/A |
| | ACC | N/A |
| SEPTIC | | PRIVATE |
| LANDSCAPE REQUIREMENTS | | YES |
| FENCING PERMITTED | | YES |

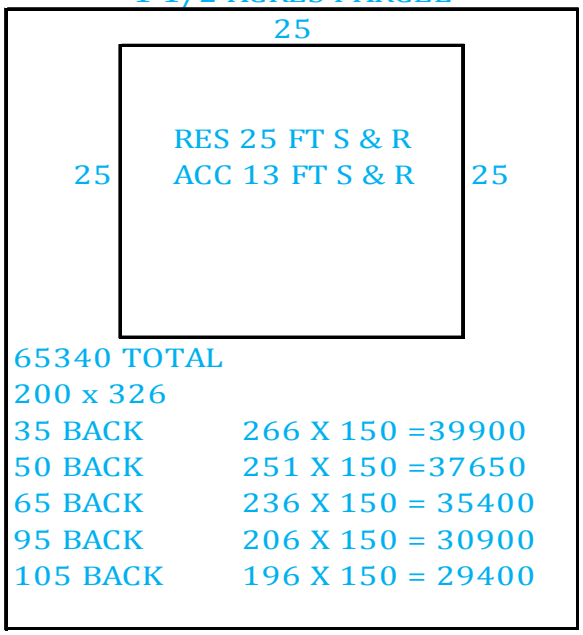
## SINGLE FAMILY RESIDENCE IN AN RL1 ZONE

### PRIVATE SEPTIC

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LOT DIM. | 326.7 | X | 200 | 65,340 | | | | | | | 255.6169 | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | **50 FOOT SETBACK** | | | | **35 FOOT SETBACK** | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | **DEPTH AREA** | | | | **DEPTH AREA** | |
| LOT DEPTH = | 326.7 | | LOT DEPTH = | 326.7 | LOT DEPTH = | 326.7 | LOT DEPTH = | 326.7 | | | LOT DEPTH = | 326.7 |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | F SETBACK = | 50 | | | F SETBACK = | 35 |
| R SETBACK = | 25 | | R SETBACK = | 25 | R SETBACK = | 25 | R SETBACK = | 25 | | | R SETBACK = | 25 |
| REMAINDER = | 196.7 | | REMAINDER = | 206.7 | REMAINDER = | 236.7 | REMAINDER = | 251.7 | | | REMAINDER = | 266.7 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | **WIDTH AREA** | | | | **WIDTH AREA** | |
| LOT WIDTH = | 200 | | LOT WIDTH = | 200 | LOT WIDTH = | 200 | LOT WIDTH = | 200 | | | LOT WIDTH = | 200 |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | S SETBACK = | 25 | | | S SETBACK = | 25 |
| S SETBACK = | 25 | | S SETBACK = | 25 | S SETBACK = | 25 | S SETBACK = | 25 | | | S SETBACK = | 25 |
| REMAINDER = | 150 | | REMAINDER = | 150 | REMAINDER = | 150 | REMAINDER = | 150 | | | REMAINDER = | 150 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | | | **AVAILABLE AREA** | |
| DEPTH = | 196.7 | | DEPTH = | 206.7 | DEPTH = | 236.7 | DEPTH = | 251.7 | | | DEPTH = | 266.7 |
| WIDTH = | 150 | | WIDTH = | 150 | WIDTH = | 150 | WIDTH = | 150 | | | WIDTH = | 150 |
| TOT SQ FT = | 65,340 | | TOT SQ FT = | 65,340 | TOT SQ FT = | 65,340 | TOT SQ FT = | 65,340 | | | TOT SQ FT = | 65,340 |
| AVAIL SQ FT = | 29,505 | | AVAIL SQ FT = | 31,005 | AVAIL SQ FT = | 35,505 | AVAIL SQ FT = | 37,755 | | | AVAIL SQ FT = | 40,005 |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | | | |
| 25% COVER | 7,376 | | 25% COVER | 7,751 | 25% COVER | 8,876 | 25% COVER | 9,439 | | | 25% COVER | 10,001 |
| 30% COVER | 8,852 | | 30% COVER | 9,302 | 30% COVER | 10,652 | 30% COVER | 11,327 | | | 30% COVER | 12,002 |
| 40% COVER | 11,802 | | 40% COVER | 12,402 | 40% COVER | 14,202 | 40% COVER | 15,102 | | | 40% COVER | 16,002 |
| 50% COVER | 14,753 | | 50% COVER | 15,503 | 50% COVER | 17,753 | 50% COVER | 18,878 | | | 50% COVER | 20,003 |
| 60% COVER | 17,703 | | 60% COVER | 18,603 | 60% COVER | 21,303 | 60% COVER | 22,653 | | | 60% COVER | 24,003 |
| 75% COVER | 22,129 | | 75% COVER | 23,254 | 75% COVER | 26,629 | 75% COVER | 28,316 | | | 75% COVER | 30,004 |
| | | | | **MAX COVERAGE OF ENTIRE LOT SQ FT** | | | | | | | | |
| 65,340 | | | | | | | | | | | | |
| 25% COVER = | 65,340 | X | 25% | 16,335 | | | 40% COVER = | 65,340 | X | | 40% | 26,136 |
| 30% COVER = | 65,340 | X | 30% | 19,602 | | | 50% COVER = | 65,340 | X | | 50% | 32,670 |
| 35% COVER = | 65,340 | X | 35% | 22,869 | | | 65% COVER = | 65,340 | X | | 65% | 42,471 |

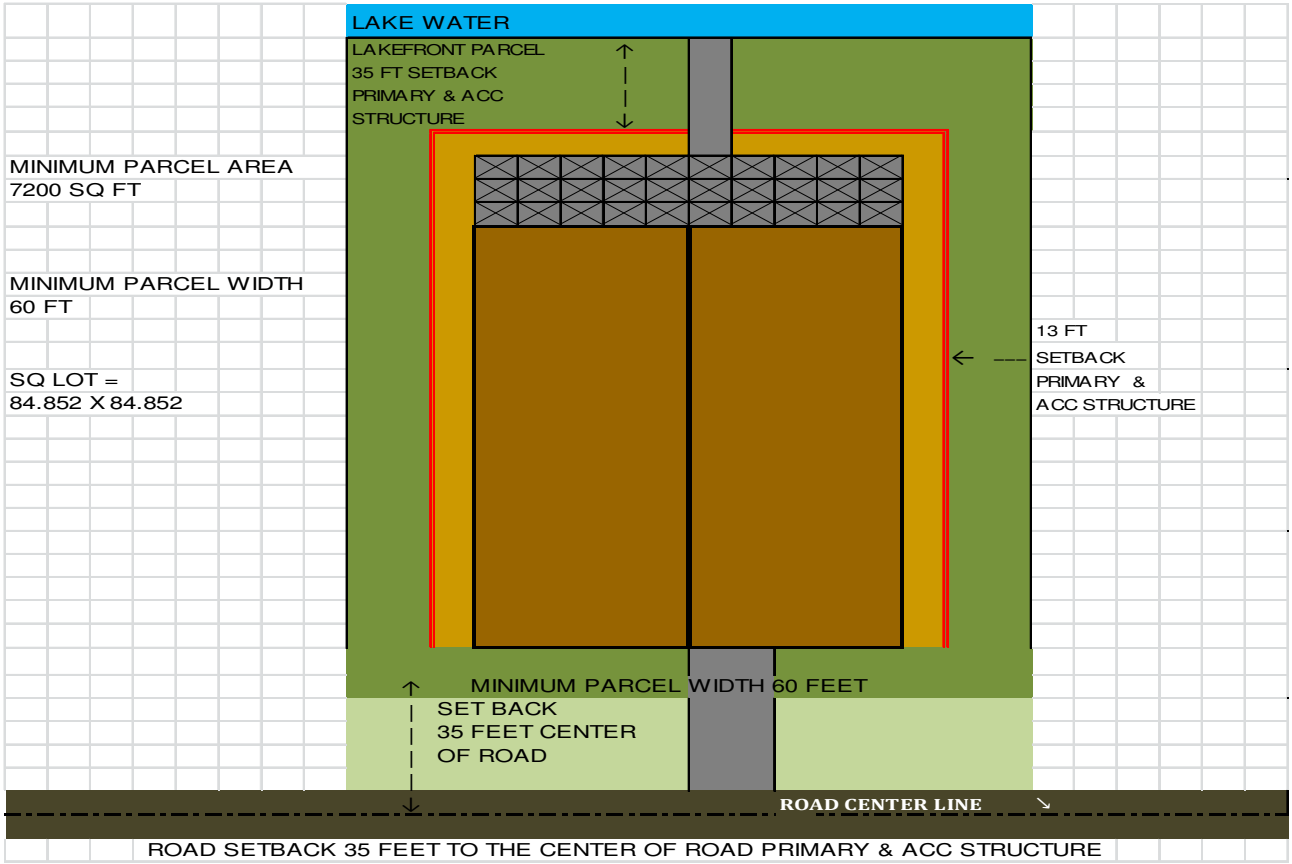
ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

1 1/2 ACRES PARCEL



# 3.11Residential Lake District LR2 Single –Multi Family, Public SewerMinimum 7200 Square Foot Lots

## Lakefront Parcel




Development Standards Lakefront Parcel

Minimum Lot Area
Per Residential Unit
*7,200 Sq. Ft

Minimum Lot Width
*60 Feet

Maximum Total Lot Coverage
*24% Structures or 1,728Sq. Ft
*40% Impervious or 2,880Sq. Ft

Water Utility
*Public Well

Sanitary Utility
*Public Sewer

Maximum Residential
Structures
*One, Two, Multi, Family

Minimum Front Yard Setback
Primary& Accessory Structure
*35 Feet

Minimum Rear Yard Setback
Primary & Accessory Structure
*35 Feet

Minimum Side Yard Setback
Primary& Accessory Structure
*13 Feet

Minimum Aggregate Distance
Primary Structures
*26 Feet Side Yard

Minimum Aggregate Distance
Accessory Structures
*26 Feet

| RL2 | RESIDENTIAL LAKE 2 DISTRICT | SPEC |
|---|---|---|
| | SINGLE - MULTI FAMILY RESIDENCE / PUBLIC SEWER | 7,200 |
| 3.11 | LAKEFRONT PARCEL | SQ FT |

| | | | | | |
|---|---|---|---|---|---|
| MINIMUM LOT SIZE | W SEWER | 7200 SQ FT | MINIMUM ROOF PITCH | RES | 5/12 |
| | W/O SEWER | N/A | | ACC | 5/12 |
| MINIMUM LOT WIDTH | | 60 FT | CORNER LOT VISION ENFORCED | | YES |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | 50 FT | MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | 720 SQ FT |
| | NOT TO BE INCLUDED IN PARCEL ACREAGE | | | 2 FAMILY | 720 SQ FT |
| | | | | MULTI FAM | 720 SQ FT |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | 10 FT | MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 720 SQ FT |
| | | | | 2 FAMILY | 720 SQ FT |
| | | | | MULTI FAM | 720 SQ FT |
| MIN SIDE YD SETBACK | RES BLDG | 13 FT | MAXIMUM LOT COVERAGE STRUCTURES | | 28% |
| | ACC BLDG | 13 FT | | | |
| MIN REAR YD SETBACK | RES BLDG | 35 FT | | | |
| | ACC BLDG | 35 FT | | | |
| FRONT YARD SETBACK | PRI CO RD | RES STRU | N/A | MAXIMUM LOT COVERAGE IMPERVIOUS | 40% |
| | PRI CO RD | ACC STRU | N/A | | |
| | SEC CO RD | RES STRU | N/A | | |
| | SEC CO RD | ACC STRU | N/A | MAXIMUM LOT COVERAGE AG STRUCTURES | N/A |
| | FEEDER ST | RES STRU | N/A | | |
| | FEEDER ST | ACC STRU | N/A | | |
| | LOCAL ST | RES STRU | 35 FT | | |
| | LOCAL ST | ACC STRU | 35 FT | MIN REAR SETBACK TO ALLEY | RES N/A |
| | | | | | ACC N/A |
| MAXIMUM STRUCTURE HEIGHT | RES BLDG | 36 FT | | | |
| | ACC BLDG | 36 FT | | | |
| | AG BLDG | N/A | MIN SIDE SETBACK TO ALLEY | RES | N/A |
| | | | | ACC | N/A |
| MIN AGGREGATE DISTANCE SIDE YARD | RES SIDE | 26 FT | | | |
| | ACC BLDG | 26 FT | | | |
| | | | SEPTIC | | PUBLIC |
| WELL | | PUBLIC | LANDSCAPE REQUIREMENTS | | YES |
| SIGNS | | BY PERMIT | FENCING PERMITTED | | YES |
| TEMPORARY USE PERMITTED | | NO | | | |

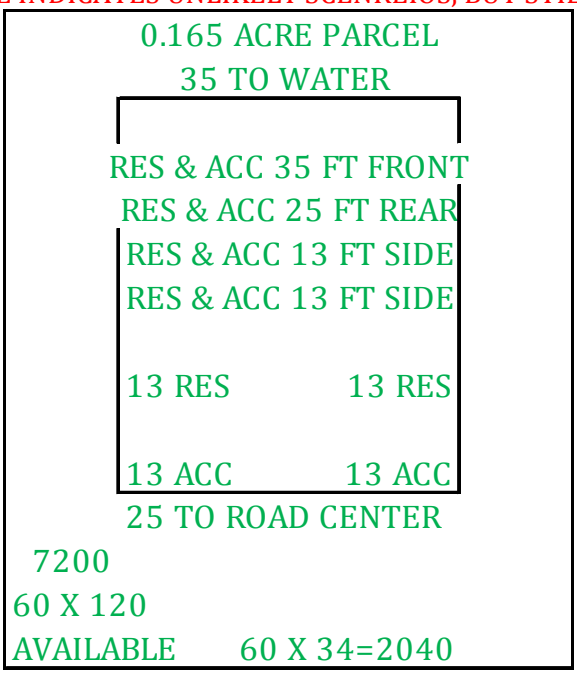
## SINGLE - MULTI FAMILY RESIDENCE IN A LAKEFRONT RL2 ZONE

### PUBLIC SEWER

### 7,200 SQ FT LOT

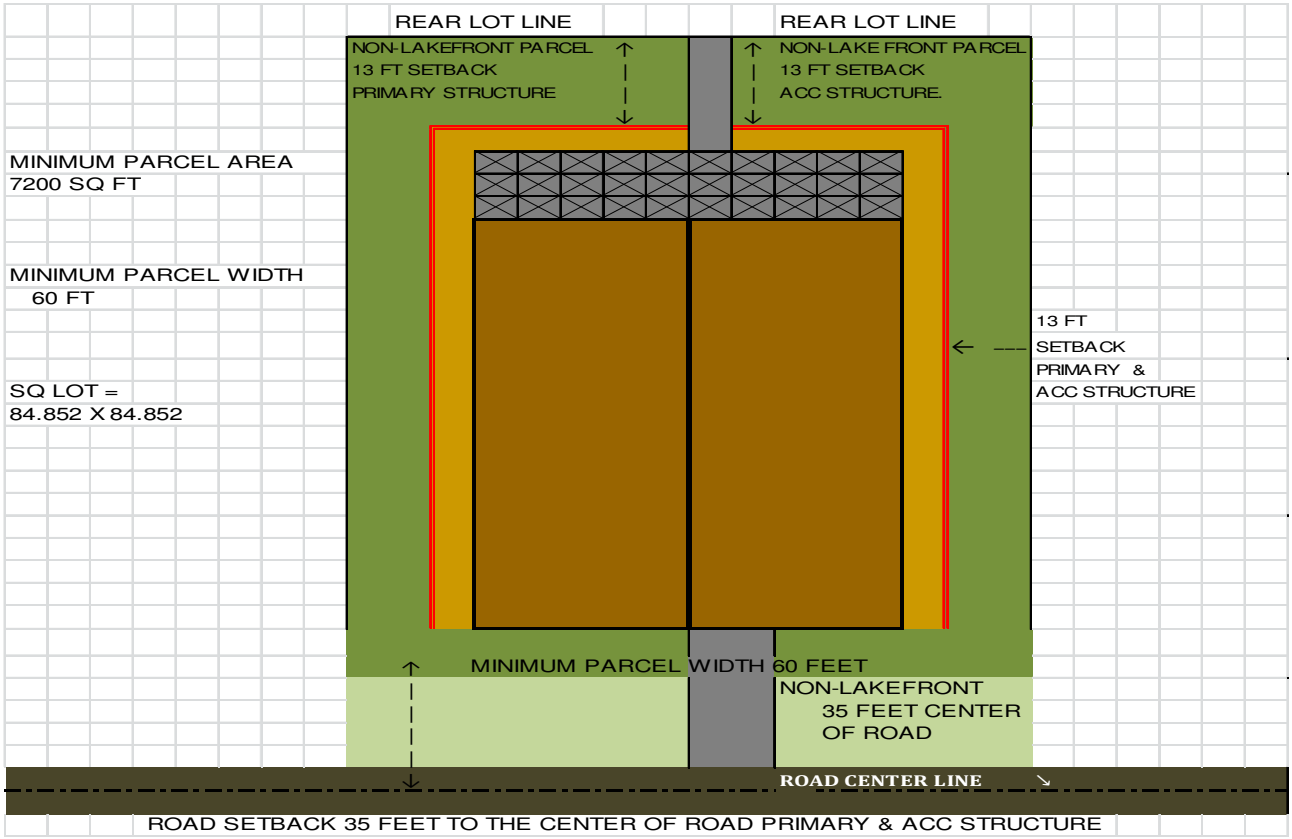
| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LOT DIM. | 120 | X | 60 | 7,200 | | | | | | | 84.85281 | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | **50 FOOT SETBACK** | | | | **35 FOOT SETBACK** | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | **DEPTH AREA** | | | | **DEPTH AREA** | |
| LOT DEPTH = | 120 | | LOT DEPTH = | 120 | LOT DEPTH = | 120 | LOT DEPTH = | 120 | | | LOT DEPTH = | 120 |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | F SETBACK = | 50 | | | F SETBACK = | 35 |
| R SETBACK = | 35 | | R SETBACK = | 35 | R SETBACK = | 35 | R SETBACK = | 35 | | | R SETBACK = | 35 |
| REMAINDER = | -20 | | REMAINDER = | -10 | REMAINDER = | 20 | REMAINDER = | 35 | | | REMAINDER = | 50 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | **WIDTH AREA** | | | | **WIDTH AREA** | |
| LOT WIDTH = | 60 | | LOT WIDTH = | 60 | LOT WIDTH = | 60 | LOT WIDTH = | 60 | | | LOT WIDTH = | 60 |
| S SETBACK = | 13 | | S SETBACK = | 13 | S SETBACK = | 13 | S SETBACK = | 13 | | | S SETBACK = | 13 |
| S SETBACK = | 13 | | S SETBACK = | 13 | S SETBACK = | 13 | S SETBACK = | 13 | | | S SETBACK = | 13 |
| REMAINDER = | 34 | | REMAINDER = | 34 | REMAINDER = | 34 | REMAINDER = | 34 | | | REMAINDER = | 34 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | | | **AVAILABLE AREA** | |
| DEPTH = | -20 | | DEPTH = | -10 | DEPTH = | 20 | DEPTH = | 35 | | | DEPTH = | 50 |
| WIDTH = | 34 | | WIDTH = | 34 | WIDTH = | 34 | WIDTH = | 34 | | | WIDTH = | 34 |
| TOT SQ FT = | 7200 | | TOT SQ FT = | 7200 | TOT SQ FT = | 7200 | TOT SQ FT = | 7200 | | | TOT SQ FT = | 7200 |
| AVAIL SQ FT= | (680) | | AVAIL SQ FT= | (340) | AVAIL SQ FT= | 680 | AVAIL SQ FT= | 1,190 | | | AVAIL SQ FT= | 1,700 |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | | | |
| 25% COVER | N/A | | 25% COVER | N/A | 25% COVER | 170 | 25% COVER | 298 | | | 25% COVER | 425 |
| 30% COVER | N/A | | 30% COVER | N/A | 30% COVER | 204 | 30% COVER | 357 | | | 30% COVER | 510 |
| 40% COVER | N/A | | 40% COVER | N/A | 40% COVER | 272 | 40% COVER | 476 | | | 40% COVER | 680 |
| 50% COVER | N/A | | 50% COVER | N/A | 50% COVER | 340 | 50% COVER | 595 | | | 50% COVER | 850 |
| 60% COVER | N/A | | 60% COVER | N/A | 60% COVER | 408 | 60% COVER | 714 | | | 60% COVER | 1,020 |
| 75% COVER | N/A | | 75% COVER | N/A | 75% COVER | 510 | 75% COVER | 893 | | | 75% COVER | 1,275 |
| | | | | **MAX COVERAGE OF ENTIRE LOT SQ FT** | | | | | | | | |
| 7,200 | | | | | | | | | | | | |
| 25% COVER = | 7,200 | X | 25% | 1,800 | | | 40% COVER = | 7,200 | X | | 40% | 2,880 |
| 30% COVER = | 7,200 | X | 30% | 2,160 | | | 50% COVER = | 7,200 | X | | 50% | 3,600 |
| 35% COVER = | 7,200 | X | 35% | 2,520 | | | 65% COVER = | 7,200 | X | | 65% | 4,680 |

ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED



## 3.11A Residential Lake District LR2 Single –Multi Family Public Sewer Minimum 7200 Square Foot Lots

## Non-Lakefront Parcel




Development Standards Non-Lakefront Parcel

Minimum Lot Area
Per Residential Unit
*7,200 Sq. Ft

Minimum Lot Width
*60 Feet

Maximum Total Lot Coverage
*34% Structures or 2,448 Sq. Ft
*45% Impervious or 3,240 Sq. Ft

Water Utility
*Private/ Public Well

Sanitary Utility
*Public Sewer

Maximum Residential
Structures
*One, Two, Multi, Family

Minimum Front Yard Setback
*35 Feet Primary Structure
*35 Accessory Structure

Minimum Rear Yard Setback
*13 Residential Structure
*13 Feet Accessory Structure

Minimum Side Yard Setback
Residential or Accessory Structure
*13 Feet

Minimum Aggregate Distance
Residential Structures
*26 Feet Rear Yard
*26 Feet Side Yard

Minimum Aggregate Distance
Accessory Structures
*26 Feet

| RL2 | RESIDENTIAL LAKE 2 DISTRICT | SPEC |
|---|---|---|
| | SINGLE - MULTI FAMILY RESIDENCE / PUBLIC SEWER | 7,200 |
| 3.11A | NON-LAKEFRONT PARCEL | SQ FT |

| | | |
|---|---|---|
| MINIMUM LOT SIZE | W SEWER | 7200 SQ FT |
| | W/O SEWER | N/A |
| MINIMUM LOT WIDTH | | 60 FT |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | 50 FT |
| | NOT TO BE INCLUDED IN PARCEL ACREAGE | |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | 10 FT |
| MIN SIDE YD SETBACK | RES BLDG | 13 FT |
| | ACC BLDG | 13 FT |
| MIN REAR YD SETBACK | RES BLDG | 13 FT |
| | ACC BLDG | 13 FT |

| | | | |
|---|---|---|---|
| FRONT YARD SETBACK | PRI CO RD | RES STRU | N/A |
| | PRI CO RD | ACC STRU | N/A |
| | SEC CO RD | RES STRU | N/A |
| | SEC CO RD | ACC STRU | N/A |
| | FEEDER ST | RES STRU | N/A |
| | FEEDER ST | ACC STRU | N/A |
| | LOCAL ST | RES STRU | 35 FT |
| | LOCAL ST | ACC STRU | 35 FT |

| | | |
|---|---|---|
| MAXIMUM STRUCTURE HEIGHT | RES BLDG | 36 FT |
| | ACC BLDG | 36 FT |
| | AG BLDG | N/A |
| MIN AGGREGATE DISTANCE SIDE REAR YARD | RES REAR | 26 FT |
| | RES SIDE | 26 FT |
| | ACC BLDG | 26 FT |
| WELL | | PUBLIC |
| SIGNS | | BY PERMIT |
| TEMPORARY USE PERMITTED | | NO |

| | | |
|---|---|---|
| MINIMUM ROOF PITCH | RES | 5/12 |
| | ACC | 5/12 |
| CORNER LOT VISION ENFORCED | | YES |
| MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | 720 SQ FT |
| | 2 FAMILY | 720 SQ FT |
| | MULTI FAM | 720 SQ FT |
| MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 720 SQ FT |
| | 2 FAMILY | 720 SQ FT |
| | MULTI FAM | 720 SQ FT |
| MAXIMUM LOT COVERAGE STRUCTURES | | 34% |
| MAXIMUM LOT COVERAGE IMPERVIOUS | | 45% |
| MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| MIN REAR SETBACK TO ALLEY | RES | 7 FT |
| | ACC | 7 FT |
| MIN SIDE SETBACK TO ALLEY | RES | N/A |
| | ACC | N/A |
| SEPTIC | | PUBLIC |
| LANDSCAPE REQUIREMENTS | | YES |
| FENCING PERMITTED | | YES |

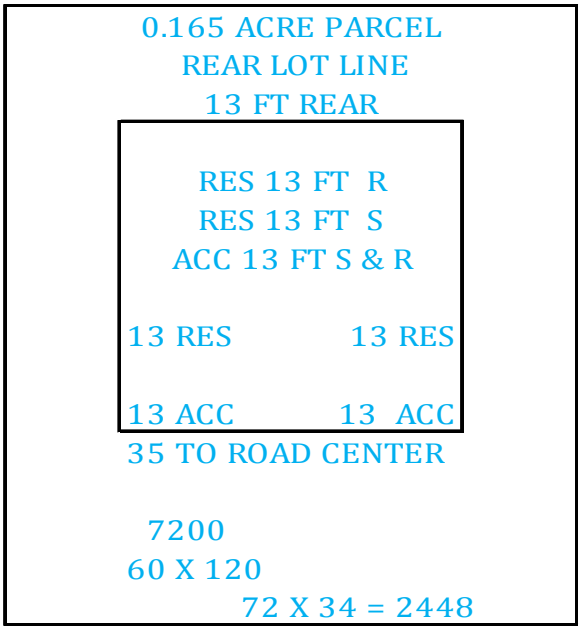
## SINGLE FAMILY RESIDENCE IN A NON-LAKEFRONT RL2 ZONE

### PUBLIC SEWER

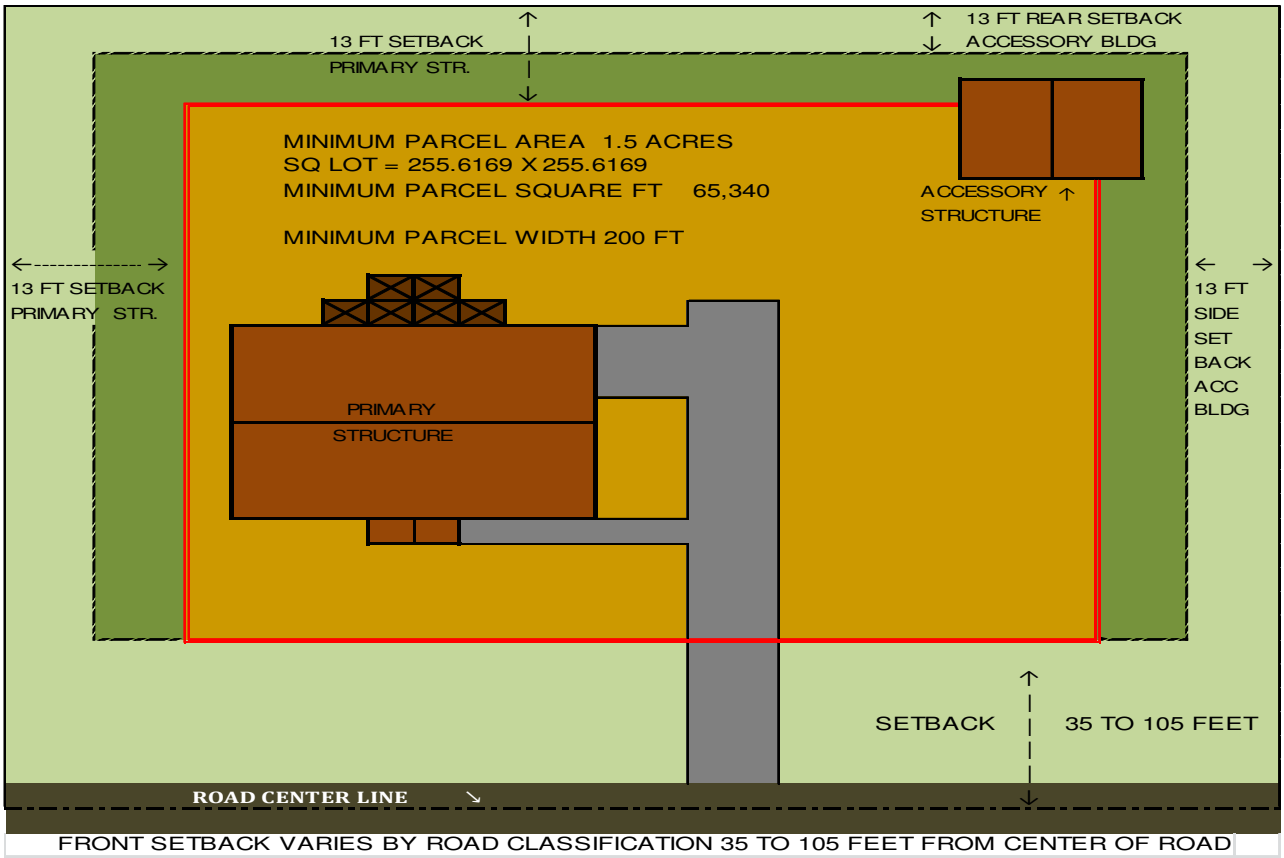
### 7,200 SQ FT LOT

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| LOT DIM. | 120 | X | 60 | 7,200 | | | | | | | 84.85281 |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | **50 FOOT SETBACK** | | | **35 FOOT SETBACK** | |
| **RES. SPEC. DEPTH AREA** | | | **RES. SPEC. DEPTH AREA** | | **RES. SPEC. DEPTH AREA** | | **RES. SPEC. DEPTH AREA** | | | **RES. SPEC. DEPTH AREA** | |
| LOT DEPTH = | 120 | | LOT DEPTH = | 120 | LOT DEPTH = | 120 | LOT DEPTH = | 120 | | LOT DEPTH = | 120 |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | F SETBACK = | 50 | | F SETBACK = | 35 |
| R SETBACK = | 13 | | R SETBACK = | 13 | R SETBACK = | 13 | R SETBACK = | 25 | | R SETBACK = | 13 |
| REMAINDER = | 2 | | REMAINDER = | 12 | REMAINDER = | 42 | REMAINDER = | 45 | | REMAINDER = | 72 |
| **RES. SPEC. WIDTH AREA** | | | **RES. SPEC. WIDTH AREA** | | **RES. SPEC. WIDTH AREA** | | **RES. SPEC. WIDTH AREA** | | | **RES. SPEC. WIDTH AREA** | |
| LOT WIDTH = | 60 | | LOT WIDTH = | 60 | LOT WIDTH = | 60 | LOT WIDTH = | 60 | | LOT WIDTH = | 60 |
| S SETBACK = | 13 | | S SETBACK = | 13 | S SETBACK = | 13 | S SETBACK = | 13 | | S SETBACK = | 13 |
| S SETBACK = | 13 | | S SETBACK = | 13 | S SETBACK = | 13 | S SETBACK = | 13 | | S SETBACK = | 13 |
| REMAINDER = | 34 | | REMAINDER = | 34 | REMAINDER = | 34 | REMAINDER = | 34 | | REMAINDER = | 34 |
| **RES. SPEC. AVAILABLE AREA** | | | **RES. SPEC. AVAILABLE AREA** | | **RES. SPEC. AVAILABLE AREA** | | **RES. SPEC. AVAILABLE AREA** | | | **RES. SPEC. AVAILABLE AREA** | |
| DEPTH = | 2 | | DEPTH = | 12 | DEPTH = | 42 | DEPTH = | 45 | | DEPTH = | 72 |
| WIDTH = | 34 | | WIDTH = | 34 | WIDTH = | 34 | WIDTH = | 34 | | WIDTH = | 34 |
| TOT SQ FT = | 7200 | | TOT SQ FT = | 7200 | TOT SQ FT = | 7200 | TOT SQ FT = | 7200 | | TOT SQ FT = | 7200 |
| AVAIL SQ FT= | 68 | | AVAIL SQ FT= | 408 | AVAIL SQ FT= | 1,428 | AVAIL SQ FT= | 1,530 | | AVAIL SQ FT= | 2,448 |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | | |
| 25% COVER | N/A | | 25% COVER | N/A | 25% COVER | 357 | 25% COVER | 383 | | 25% COVER | 612 |
| 30% COVER | N/A | | 30% COVER | N/A | 30% COVER | 428 | 30% COVER | 459 | | 30% COVER | 734 |
| 40% COVER | N/A | | 40% COVER | N/A | 40% COVER | 571 | 40% COVER | 612 | | 40% COVER | 979 |
| 50% COVER | N/A | | 50% COVER | N/A | 50% COVER | 714 | 50% COVER | 765 | | 50% COVER | 1,224 |
| 60% COVER | N/A | | 60% COVER | N/A | 60% COVER | 857 | 60% COVER | 918 | | 60% COVER | 1,469 |
| 75% COVER | N/A | | 75% COVER | N/A | 75% COVER | 1,071 | 75% COVER | 1,148 | | 75% COVER | 1,836 |
| | | | | **MAX COVERAGE OF ENTIRE LOT SQ FT** | | | | | | | |
| 7,200 | | | | | | | | | | | |
| 25% COVER = | 7,200 | X | 25% | 1,800 | | | 40% COVER = | 7,200 | X | 40% | 2,880 |
| 30% COVER = | 7,200 | X | 30% | 2,160 | | | 50% COVER = | 7,200 | X | 50% | 3,600 |
| 35% COVER = | 7,200 | X | 35% | 2,520 | | | 65% COVER = | 7,200 | X | 65% | 4,680 |

ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.



# 3.12GENERAL BUSINESS DISTRICT GBPRIVATE SEPTIC




## Development Standards

Minimum Lot Area
Per Residential Unit
*1 ½ Acres

Minimum Lot Width
*200 Ft

Maximum Total Lot Coverage
*50% Structure or 32,670 Sq. Ft
*75% Impervious or 49,005 Sq. Ft

Water Utility
*Public /Private Well

Sanitary Utility
*Private Septic

Maximum Residential
Structures
*N/A

Minimum Front Yard Setback
*105 Feet to 35 Feet
Per Road Type

Minimum Rear Yard Setback
Primary or Accessory Structure
*13 Feet

Minimum Side Yard Setback
Primary or Accessory Structure
*13 Feet

Minimum Aggregate Distance
Primary or Accessory Structure
*26 Feet

| GB | GENERAL BUSINESS DISTRICT | SPEC |
|---|---|---|
| 3.12 | PRIVATE SEPTIC | 65,340 |

| | | |
|---|---|---|
| MINIMUM LOT SIZE | W SEWER | N/A |
| | W/O SEWER | 1.5 A |
| MINIMUM LOT WIDTH | | 200 FT |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | 50 FT |
| | NOT TO BE INCLUDED IN PARCEL ACREAGE | |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | N/A |
| MIN SIDE YD SETBACK | PRI STRU | 13FT |
| | ACC BLDG | 13 FT |
| MIN REAR YD SETBACK | PRI STRU | 13 FT |
| | ACC BLDG | 13 FT |

| | | | |
|---|---|---|---|
| FRONT YARD SETBACK | STATE RD | ANY STRU | 105 FT |
| | PRI CO RD | ANY STRU | 95 FT |
| | SEC CO RD | ANY STRU | 65 FT |
| | FEEDER ST | ANY STRU | 50 FT |
| | LOCAL ST | ANY STRU | 35 FT |
| | | | |
| | | | |
| | | | |

| | | |
|---|---|---|
| MAXIMUM STRUCTURE HEIGHT | RES BLDG | 36 FT |
| | ACC BLDG | 36 FT |
| | AG BLDG | N/A |
| MIN AGGREGATE DISTANCE SIDE & REAR YARD | PRI STRU | 26 FT |
| | ACC BLDG | 26 FT |
| WELL | | PRIVATE |
| SIGNS | | BY PERMIT |
| TEMPORARY USE PERMITTED | | NO |

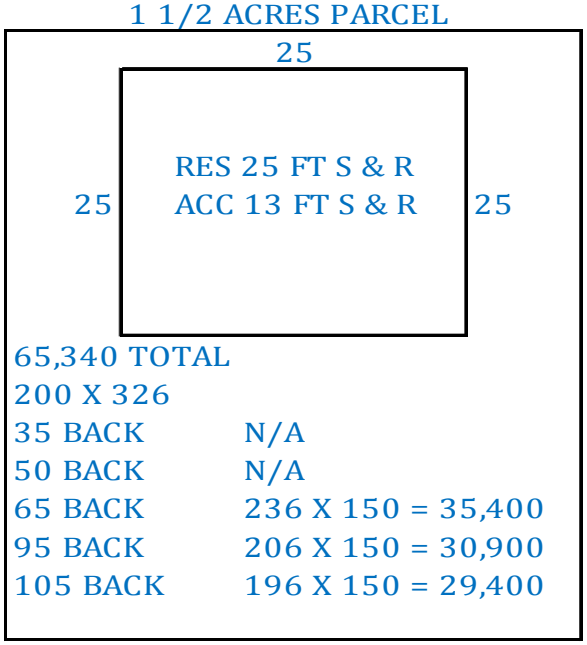
| | | |
|---|---|---|
| MINIMUM ROOF PITCH | PRI STRU | BPS |
| | ACC | BPS |
| CORNER LOT VISION ENFORCED | | YES |
| MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | N/A |
| | 2 FAMILY | N/A |
| | MULTI FAM | N/A |
| MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 840 SQ FT |
| | 2 FAMILY | 720 SQ FT |
| | MULTI FAM | 600 SQ FT |
| MAXIMUM LOT COVERAGE STRUCTURES | | 50% |
| MAXIMUM LOT COVERAGE IMPERVIOUS | | 75% |
| MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| MIN REAR SETBACK TO ALLEY | RES | 7 FT |
| | ACC | 7 FT |
| MIN SIDE SETBACK TO ALLEY | RES | 0 FT |
| | ACC | 0 FT |
| SEPTIC | | PRIVATE |
| LANDSCAPING | | YES |
| FENCING PERMITTED | | YES |

## GENERAL BUSINESS IN AN GBD ZONE

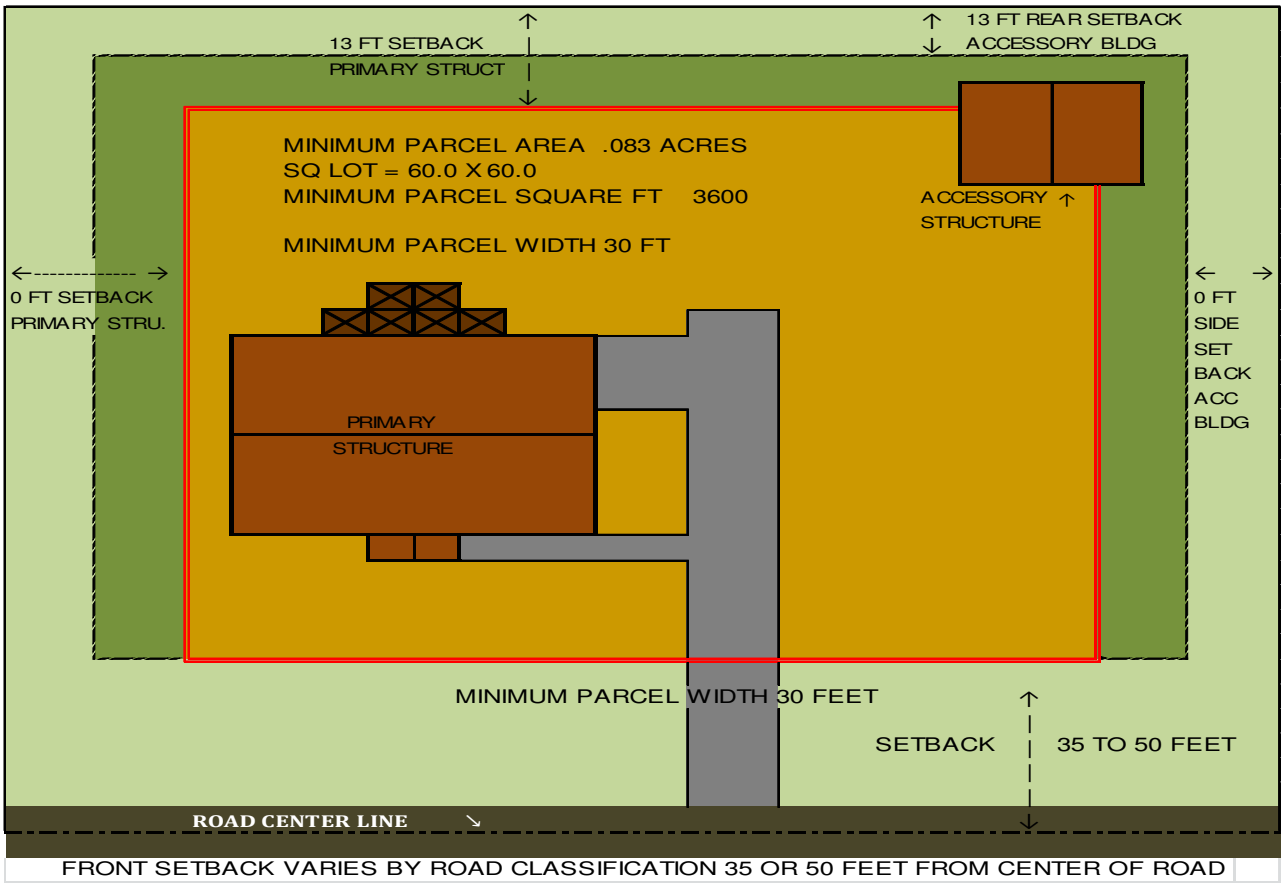
### PRIVATE SEPTIC

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LOT DIM. | 326.7 | X | 200 | 65,340 | | | | | | | | 255.6169 | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | | **50 FOOT SETBACK** | | | | **35 FOOT SETBACK** | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | | **DEPTH AREA** | | | | **DEPTH AREA** | |
| LOT DEPTH = | 326.7 | | LOT DEPTH = | 326.7 | LOT DEPTH = | 326.7 | | LOT DEPTH = | 326.7 | | | LOT DEPTH = | 326.7 |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | | F SETBACK = | 50 | | | F SETBACK = | 35 |
| R SETBACK = | 13 | | R SETBACK = | 13 | R SETBACK = | 13 | | R SETBACK = | 13 | | | R SETBACK = | 13 |
| REMAINDER = | 208.7 | | REMAINDER = | 218.7 | REMAINDER = | 248.7 | | REMAINDER = | 263.7 | | | REMAINDER = | 278.7 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | | **WIDTH AREA** | | | | **WIDTH AREA** | |
| LOT WIDTH = | 200 | | LOT WIDTH = | 200 | LOT WIDTH = | 200 | | LOT WIDTH = | 200 | | | LOT WIDTH = | 200 |
| S SETBACK = | 13 | | S SETBACK = | 13 | S SETBACK = | 13 | | S SETBACK = | 13 | | | S SETBACK = | 13 |
| S SETBACK = | 13 | | S SETBACK = | 13 | S SETBACK = | 13 | | S SETBACK = | 13 | | | S SETBACK = | 13 |
| REMAINDER = | 174 | | REMAINDER = | 174 | REMAINDER = | 174 | | REMAINDER = | 174 | | | REMAINDER = | 174 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | | **RES. SPEC.** | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | | | **AVAILABLE AREA** | |
| DEPTH = | 208.7 | | DEPTH = | 218.7 | DEPTH = | 248.7 | | DEPTH = | 263.7 | | | DEPTH = | 278.7 |
| WIDTH = | 174 | | WIDTH = | 174 | WIDTH = | 174 | | WIDTH = | 174 | | | WIDTH = | 174 |
| TOT SQ FT = | 65,340 | | TOT SQ FT = | 65,340 | TOT SQ FT = | 65,340 | | TOT SQ FT = | 65,340 | | | TOT SQ FT = | 65,340 |
| AVAIL SQ FT = | 36,314 | | AVAIL SQ FT = | 38,054 | AVAIL SQ FT = | 43,274 | | AVAIL SQ FT = | 45,884 | | | AVAIL SQ FT = | 48,494 |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | | | | |
| 25% COVER | 9,078 | | 25% COVER | 9,513 | 25% COVER | 10,818 | | 25% COVER | 11,471 | | | 25% COVER | 12,123 |
| 30% COVER | 10,894 | | 30% COVER | 11,416 | 30% COVER | 12,982 | | 30% COVER | 13,765 | | | 30% COVER | 14,548 |
| 40% COVER | 14,526 | | 40% COVER | 15,222 | 40% COVER | 17,310 | | 40% COVER | 18,354 | | | 40% COVER | 19,398 |
| 50% COVER | 18,157 | | 50% COVER | 19,027 | 50% COVER | 21,637 | | 50% COVER | 22,942 | | | 50% COVER | 24,247 |
| 60% COVER | 21,788 | | 60% COVER | 22,832 | 60% COVER | 25,964 | | 60% COVER | 27,530 | | | 60% COVER | 29,096 |
| 75% COVER | 27,235 | | 75% COVER | 28,540 | 75% COVER | 32,455 | | 75% COVER | 34,413 | | | 75% COVER | 36,370 |
| | | | | **MAX COVERAGE OF ENTIRE LOT SQ FT** | | | | | | | | | |
| 65,340 | | | | | | | | | | | | | |
| 25% COVER = | 65,340 | X | 25% | 16,335 | | | | 40% COVER = | 65,340 | X | | 40% | 26,136 |
| 30% COVER = | 65,340 | X | 30% | 19,602 | | | | 50% COVER = | 65,340 | X | | 50% | 32,670 |
| 35% COVER = | 65,340 | X | 35% | 22,869 | | | | 65% COVER = | 65,340 | X | | 65% | 42,471 |

1 1/2 ACRES PARCEL



# 3.13GENERAL BUSINESS DISTRICT GB PUBLIC SEWER




## Development Standards

Minimum Lot Area
Per Primary Unit
*3,600 Sq. Ft

Minimum Lot Width
*30 Ft

Maximum Total Lot Coverage
*60% Structure or 2,160Sq. Ft
*100% Impervious or 3,600Sq. Ft

Water Utility
*Public Well

Sanitary Utility
*Public Sewer

Maximum Residential
Structures
*N/A

Minimum Front Yard Setback
*50 Feet to 35 Feet
Per Road Type

Minimum Rear Yard Setback
*13 Feet Primary, Accessory Structures

Minimum Side Yard Setback
*0 Feet Primary, Accessory Structures

Minimum Aggregate Distance
Rear Yard
*26 Feet Primary Structures
*26 Feet Accessory Structures

Minimum Aggregate Distance
Side Yard
*0 Feet Primary Structures
*0 Feet Accessory Structures

| GB 3.13 | GENERAL BUSINESS DISTRICT PUBLIC SEWER | SPEC 3,600 |
|---|---|---|

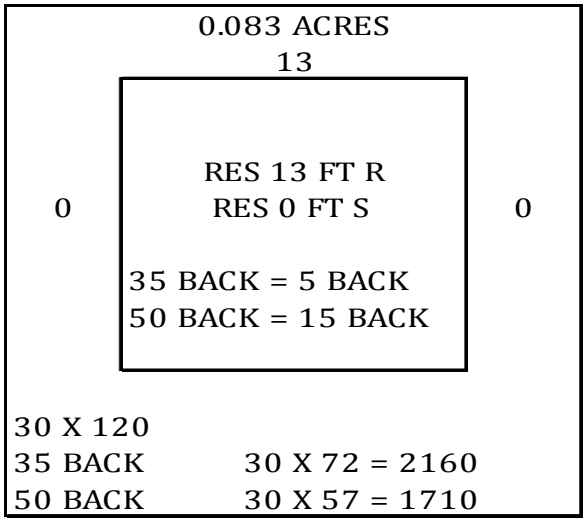
| | | | | | |
|---|---|---|---|---|---|
| MINIMUM LOT SIZE | W SEWER | 3600 SQ FT | MINIMUM ROOF PITCH | RES | BPS |
| | W/O SEWER | N/A | | ACC | BPS |
| MINIMUM LOT WIDTH | | 30 FT | CORNER LOT VISION ENFORCED | | YES |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | N/A | MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | N/A |
| | NOT TO BE INCLUDED IN PARCEL ACREAGE | | | 2 FAMILY | N/A |
| | | | | MULTI FAM | N/A |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | N/A | MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | 720 SQ FT |
| | | | | 2 FAMILY | 720 SQ FT |
| | | | | MULTI FAM | 720 SQ FT |
| MIN SIDE YD SETBACK | RES BLDG | 13 FT | MAXIMUM LOT COVERAGE STRUCTURES | | 60% |
| | ACC BLDG | 13 FT | | | |
| MIN REAR YD SETBACK | RES BLDG | 13 FT | | | |
| | ACC BLDG | 13 FT | | | |
| FRONT YARD SETBACK: STATE RD | ANY STRU | 105 FT | MAXIMUM LOT COVERAGE IMPERVIOUS | | 100% |
| PRI CO RD | ANY STRU | 95 FT | | | |
| SEC CO RD | ANY STRU | 65 FT | | | |
| FEEDER ST | ANY STRU | 50 FT | MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| LOCAL ST | ANY STRU | 35 FT | | | |
| | | | | | |
| | | | | | |
| | | | MIN REAR SETBACK TO ALLEY | RES | 7 FT |
| | | | | ACC | 7 FT |
| MAXIMUM STRUCTURE HEIGHT | RES BLDG | 36 FT | | | |
| | ACC BLDG | 36 FT | | | |
| | AG BLDG | N/A | MIN SIDE SETBACK TO ALLEY | RES | 0 FT |
| | | | | ACC | 0 FT |
| MIN AGGREGATE DISTANCE SIDE & REAR YARD | SIDE YARD | 0 FT | | | |
| | REAR YARD | 26 FT | | | |
| | | | SEPTIC | | PUBLIC |
| WELL | | PUBLIC | LANDSCAPING | | YES |
| SIGNS | | BY PERMIT | FENCING PERMITTED | | YES |
| TEMPORARY USE PERMITTED | | NO | | | |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | GENERAL BUSINESS IN AN GBD ZONE | | | | | | | | | |
| | | | | PUBLIC SEWER | | | | | | | | |
| LOT DIM. | 120 | X | 30 | 3,600 | | | | | | | 60.00 | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | **65 FOOT SETBACK** | | | **50 FOOT SETBACK** | | | **35 FOOT SETBACK** | |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | |
| **DEPTH AREA** | | | **DEPTH AREA** | | **DEPTH AREA** | | | **DEPTH AREA** | | | **DEPTH AREA** | |
| LOT DEPTH = | 120.0 | | LOT DEPTH = | 120.0 | LOT DEPTH = | 120.0 | | LOT DEPTH = | 120.0 | | LOT DEPTH = | 120.0 |
| F SETBACK = | 105 | | F SETBACK = | 95 | F SETBACK = | 65 | | F SETBACK = | 50 | | F SETBACK = | 35 |
| R SETBACK = | 13 | | R SETBACK = | 13 | R SETBACK = | 13 | | R SETBACK = | 13 | | R SETBACK = | 13 |
| REMAINDER = | 2.0 | | REMAINDER = | 12 | REMAINDER = | 42 | | REMAINDER = | 57 | | REMAINDER = | 72 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | |
| **WIDTH AREA** | | | **WIDTH AREA** | | **WIDTH AREA** | | | **WIDTH AREA** | | | **WIDTH AREA** | |
| LOT WIDTH = | 30 | | LOT WIDTH = | 30 | LOT WIDTH = | 30 | | LOT WIDTH = | 30 | | LOT WIDTH = | 30 |
| S SETBACK = | 0 | | S SETBACK = | 0 | S SETBACK = | 0 | | S SETBACK = | 0 | | S SETBACK = | 0 |
| S SETBACK = | 0 | | S SETBACK = | 0 | S SETBACK = | 0 | | S SETBACK = | 0 | | S SETBACK = | 0 |
| REMAINDER = | 30 | | REMAINDER = | 30 | REMAINDER = | 30 | | REMAINDER = | 30 | | REMAINDER = | 30 |
| **RES. SPEC.** | | | **RES. SPEC.** | | **RES. SPEC.** | | | **RES. SPEC.** | | | **RES. SPEC.** | |
| **AVAILABLE AREA** | | | **AVAILABLE AREA** | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | | | **AVAILABLE AREA** | |
| DEPTH = | 2.0 | | DEPTH = | 12.0 | DEPTH = | 42.0 | | DEPTH = | 57.0 | | DEPTH = | 72.0 |
| WIDTH = | 30 | | WIDTH = | 30 | WIDTH = | 30 | | WIDTH = | 30 | | WIDTH = | 30 |
| TOT SQ FT = | 3,600 | | TOT SQ FT = | 3,600 | TOT SQ FT = | 3,600 | | TOT SQ FT = | 3,600 | | TOT SQ FT = | 3,600 |
| AVAIL SQ FT | 60.0 | | AVAIL SQ FT | 360.0 | AVAIL SQ FT | 1,260.0 | | AVAIL SQ FT | 1,710.0 | | AVAIL SQ FT | 2,160.0 |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | | | |
| 25% COVER | 15 | | 25% COVER | 90 | 25% COVER | 315 | | 25% COVER | 428 | | 25% COVER | 540 |
| 30% COVER | 18 | | 30% COVER | 108 | 30% COVER | 378 | | 30% COVER | 513 | | 30% COVER | 648 |
| 40% COVER | 24 | | 40% COVER | 144 | 40% COVER | 504 | | 40% COVER | 684 | | 40% COVER | 864 |
| 50% COVER | 30 | | 50% COVER | 180 | 50% COVER | 630 | | 50% COVER | 855 | | 50% COVER | 1,080 |
| 60% COVER | 36 | | 60% COVER | 216 | 60% COVER | 756 | | 60% COVER | 1,026 | | 60% COVER | 1,296 |
| 75% COVER | 45 | | 75% COVER | 270 | 75% COVER | 945 | | 75% COVER | 1,283 | | 75% COVER | 1,620 |
| | | | | **MAX COVERAGE OF ENTIRE LOT SQ FT** | | | | | | | | |
| 3,600 | | | | | | | | | | | | |
| 50% COVER = | 3,600 | X | 50% | 1,800 | | | | 80% COVER = | 3,600 | X | 80% | 2,880 |
| 60% COVER = | 3,600 | X | 60% | 2,160 | | | | 90% COVER = | 3,600 | X | 90% | 3,240 |
| 70% COVER = | 3,600 | X | 70% | 2,520 | | | | 100% COVER = | 3,600 | X | 100% | 3,600 |

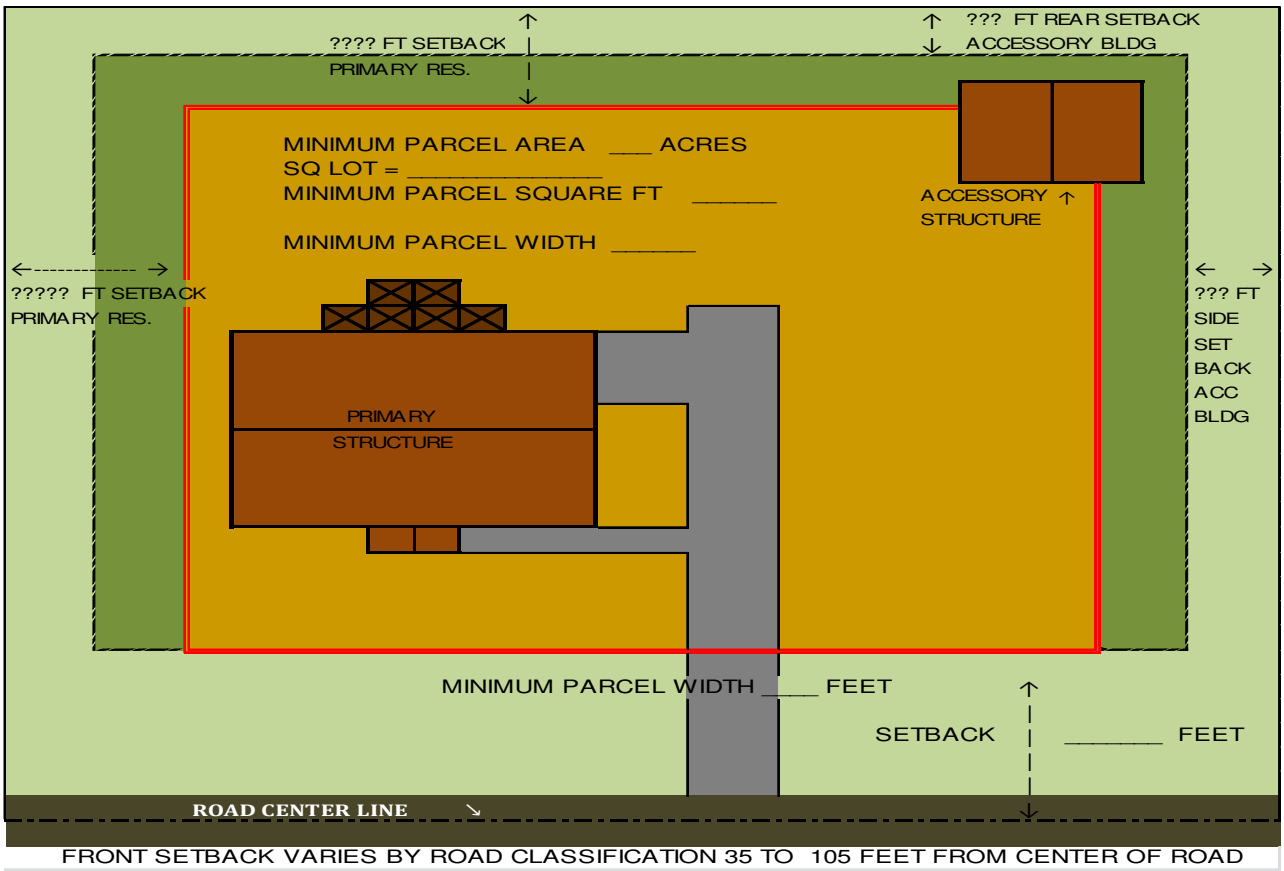
ABOVE DATA IN ORANGE INDICATES UNLIKELY SCENREIOS, BUT STILL LISTED.

**NOTE:**

In a General Business District, with public sewer, the side lot line setback between Two (2) business structures may be Zero (0) feet. Structures must be built according to code in order to be side by side.




## 3.14INDUSTRIAL DISTRICT I PUBLIC SEWER




### Development Standards

Minimum Lot Area
Per Residential Unit
*N/A

Minimum Lot Width
*N/A

Maximum Total Lot Coverage
*100% Structures
*100% Impervious

Water Utility
*Public Well

Sanitary Utility
*Public Sewer

Maximum Residential
Structures
*N/A

Minimum Front Yard Setback
*65 Feet Secondary Co. Road
*50 Feet Feeder Street
*35 Feet Local Street

Minimum Side & Rear Yard
Setback Residential Structure
*0 Feet Side and Rear

Minimum Side & Rear Yard
Setback Accessory Structure
*0 Feet Side and Rear

Minimum Aggregate Distance
Residential Structures
*0 Feet

Minimum Aggregate Distance
Accessory Structures
*0 Feet

| I | | | INDUSTRIAL DISTRICT | | | SPEC |
|---|---|---|---|---|---|---|
| 3.14 | | | | PUBLIC SEWER | | TBD |
| MINIMUM LOT SIZE | | W SEWER | BPS | MINIMUM ROOF PITCH | RES | BPS |
| | | W/O SEWER | BPS | | ACC | BPS |
| MINIMUM LOT WIDTH | | | BPS | CORNER LOT VISION ENFORCED | | YES |
| MINIMUM DRIVE WIDTH NON ROAD FRONTAGE PARCEL | | | BPS | MINIMUM GRND FLR LIVING AREA (PER UNIT) | SINGLE FAM | N/A |
| | | NOT TO BE INCLUDED IN PARCEL ACREAGE | | | 2 FAMILY | N/A |
| | | | | | MULTI FAM | N/A |
| DRIVEWAY MINIMUM DISTANCE FROM LOT LINE | | | BPS | MINIMUM TOTAL LIVING AREA (PER UNIT) | SINGLE FAM | N/A |
| | | | | | 2 FAMILY | N/A |
| | | | | | MULTI FAM | N/A |
| MIN SIDE YD SETBACK | | RES BLDG | BPS | MAXIMUM LOT COVERAGE STRUCTURES | | BPS |
| | | ACC BLDG | BPS | | | |
| MIN REAR YD SETBACK | | RES BLDG | BPS | | | |
| | | ACC BLDG | BPS | | | |
| FRONT YARD SETBACK | STATE RD | ANY STRU | 105 FT | MAXIMUM LOT COVERAGE IMPERVIOUS | | BPS |
| | PRI CO RD | ANY STRU | 95 FT | | | |
| | SEC CO RD | ANY STRU | 65 FT | | | |
| | FEEDER ST | ANY STRU | 50 FT | MAXIMUM LOT COVERAGE AG STRUCTURES | | N/A |
| | LOCAL ST | ANY STRU | 35 FT | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| MAXIMUM STRUCTURE HEIGHT | | RES BLDG | 40 FT | MIN REAR SETBACK TO ALLEY | RES | BPS |
| | | ACC BLDG | 40 FT | | ACC | BPS |
| | | AG BLDG | N/A | MIN SIDE SETBACK TO ALLEY | RES | BPS |
| | | | | | ACC | BPS |
| MIN AGGREGATE DISTANCE SIDE & REAR YARD | | RES BLDG | BPS | | | |
| | | ACC BLDG | BPS | | | |
| | | | | SEPTIC | | BPS |
| WELL | | | BPS | LANDSCAPING | | YES |
| SIGNS | | | BY PERMIT | FENCING PERMITTED | | YES |
| TEMPORARY USE PERMITTED | | | NO | | | |

## INDUSTRIAL ZONE
## PUBLIC SEWER

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LOT DIM. | 0 | X | 0 | 0 | | | | | | | | | | | | | |
| **105 FOOT SETBACK** | | | **95 FOOT SET BACK** | | | **65 FOOT SETBACK** | | | **50 FOOT SETBACK** | | | **35 FOOT SETBACK** | | | | | |
| **RES. SPEC. DEPTH AREA** | | | **RES. SPEC. DEPTH AREA** | | | **RES. SPEC. DEPTH AREA** | | | **RES. SPEC. DEPTH AREA** | | | **RES. SPEC. DEPTH AREA** | | | | | |
| LOT DEPTH = | 0 | | LOT DEPTH = | 0 | | LOT DEPTH = | 0 | | LOT DEPTH = | 0 | | LOT DEPTH = | 0 | | | | |
| F SETBACK = | | | F SETBACK = | | | F SETBACK = | | | F SETBACK = | | | F SETBACK = | | | | | |
| R SETBACK = | | | R SETBACK = | | | R SETBACK = | | | R SETBACK = | | | R SETBACK = | | | | | |
| REMAINDER = | 0 | | REMAINDER = | 0 | | REMAINDER = | 0 | | REMAINDER = | 0 | | REMAINDER = | 0 | | | | |
| **RES. SPEC. WIDTH AREA** | | | **RES. SPEC. WIDTH AREA** | | | **RES. SPEC. WIDTH AREA** | | | **RES. SPEC. WIDTH AREA** | | | **RES. SPEC. WIDTH AREA** | | | | | |
| LOT WIDTH = | 0 | | LOT WIDTH = | 0 | | LOT WIDTH = | 0 | | LOT WIDTH = | 0 | | LOT WIDTH = | 0 | | | | |
| S SETBACK = | | | S SETBACK = | | | S SETBACK = | | | S SETBACK = | | | S SETBACK = | | | | | |
| S SETBACK = | | | S SETBACK = | | | S SETBACK = | | | S SETBACK = | | | S SETBACK = | | | | | |
| REMAINDER = | 0 | | REMAINDER = | 0 | | REMAINDER = | 0 | | REMAINDER = | 0 | | REMAINDER = | 0 | | | | |
| **RES. SPEC. AVAILABLE AREA** | | | **RES. SPEC. AVAILABLE AREA** | | | **RES. SPEC. AVAILABLE AREA** | | | **RES. SPEC. AVAILABLE AREA** | | | **RES. SPEC. AVAILABLE AREA** | | | | | |
| DEPTH = | 0 | | DEPTH = | 0 | | DEPTH = | 0 | | DEPTH = | 0 | | DEPTH = | 0 | | | | |
| WIDTH = | 0 | | WIDTH = | 0 | | WIDTH = | 0 | | WIDTH = | 0 | | WIDTH = | 0 | | | | |
| TOT SQ FT = | 0 | | TOT SQ FT = | 0 | | TOT SQ FT = | 0 | | TOT SQ FT = | 0 | | TOT SQ FT = | 0 | | | | |
| AVAIL SQ FT= | - | | AVAIL SQ FT= | - | | AVAIL SQ FT= | - | | AVAIL SQ FT= | - | | AVAIL SQ FT= | - | | | | |
| **MAX C0VERAGE OF AVAILABLE SQ FTT** | | | | | | | | | | | | | | | | | |
| 25% COVER | - | | 25% COVER | - | | 25% COVER | - | | 25% COVER | - | | 25% COVER | - | | | | |
| 30% COVER | - | | 30% COVER | - | | 30% COVER | - | | 30% COVER | - | | 30% COVER | - | | | | |
| 40% COVER | - | | 40% COVER | - | | 40% COVER | - | | 40% COVER | - | | 40% COVER | - | | | | |
| 50% COVER | 0 | | 50% COVER | 0 | | 50% COVER | 0 | | 50% COVER | 0 | | 50% COVER | 0 | | | | |
| 60% COVER | 0 | | 60% COVER | 0 | | 60% COVER | 0 | | 60% COVER | 0 | | 60% COVER | 0 | | | | |
| 75% COVER | 0 | | 75% COVER | **0** | | 75% COVER | 0 | | 75% COVER | 0 | | 75% COVER | 0 | | | | |
| 0 | | | | **MAX COVERAGE OF ENTIRE LOT SQ FT** | | | | | | | | | | | | | |
| 25% COVER = | - | X | 25% | - | | | | | 40% COVER = | - | X | 40% | - | | | | |
| 30% COVER = | - | X | 30% | - | | | | | 50% COVER = | - | X | 50% | - | | | | |
| 35% COVER = | - | X | 35% | - | | | | | 65% COVER = | - | X | 65% | - | | | | |

# Chapter 4
# Authorized Uses in Established Zoning District

4.1 Permitted Uses

4.2 Special Exception Uses
4.2A Existing Uses
4.2 B Eligible for Granting of Special Exception

4.4 Unauthorized Uses

4.3 Intentionally Left Blank

4.5 Unlisted Uses

4.6 Accessory Use

4.7Chart of Designated Uses
4.7 A Factor Point System
4.7 B Factor Point Total
4.7 C Failure to Achieve Required Point Total
4.7 D Parcel Size

4.8 Variances
4.8 A Variance of Use
4.8 B Variance From Development Standards
4.8 C Variance Approval

4.9 Special Exception with Variance
4.9 A Order of Ruling

4.10 Floodplain Variance

4.11 Conditions Applied to Special Exceptions, Variances

4.12 Nonconforming Use

4.13 Illegal Nonconforming

4.14 Legal Nonconforming

4.15 Nonconforming Buildings, Structures, and Use of Land

4.16Nonconforming Lots of Record

4.17Nonconforming Miscellaneous

4.18 Agricultural Use, Nonconforming

4.19 Travel Trailer Residency

4.20Repairs and Maintenance

4.21Avoidance of Undue Hardship

# Chapter 4
# Authorized Uses in Established Zoning Districts

## 4.1 Permitted Uses
Permitted uses are authorized in the districts established under "Establishment of Zoning Districts". These uses are designated under each zoning district by the letter "P" indicating the use as being permitted in that zone. To be eligible for the granting of a permitted use under this section, a person must apply for an Improvement Location Permit as outlined in Chapter 12 "Permit Process" of this Ordinance.

## 4.2 Special Exception Uses
Special Exception uses are granted in the districts established under "Establishment of Zoning Districts". These uses are designated under each zoning district by the letter "S" indicating the use as requiring a Special Exception in that zone. The Plan Commission Board may grant a Special Exception for use in a district, if after a public hearing before the Board of Zoning Appeals it finds that:

A. The "Establishment of Zoning District" table authorizes a Special Exception for the requested use in a designated district.

B. The requirements for Special Exceptions prescribed by this Ordinance, includebut are not limited to:

1. Minimum lot size, setbacks, buffering, minimum distances, fences, walls, screen planting, entrances, loading and use.

C. Granting the Special Exception will not subvert the general purposes served by this Ordinance and will not materially and permanently injure other property or uses in the same district or vicinity.

4.2 A Existing Use

The granting of a Special Exception under the above listed section is unnecessary for a use authorized by "Authorized Uses in Established Zones" if the use exist on the date this Ordinance was passed. However, this subsection does not extend to the expansion of such a use, if it involves the enlargement of a building, structure, or land area.

4.2 B Eligible for Granting of Special Exception

To be eligible for the granting of a Special Exception under this section, a person must apply for an Improvement Location Permit as outlined in Chapter 12, "Permit Process".The Plan Commission shall send each applicant before the Plan Commission Board which shall determine how the granting of the Special Exception would affect the County Zoning Ordinance and render, by vote, a favorable or un-favorable recommendation to proceed with scheduling the applicant to appear before the Board of Zoning Appeals. The BZA, at a public hearing, shall act on the application in accordance with Indiana Code and direct the Plan Commission Staff, if approved, to issue an Improvement Location Permit for the Special Exception.

## 4.3 Intentionally Left Blank

## 4.4 Unauthorized Uses
Where a District is marked with an "X" the use as listed, is not permitted in that district under that particular category of uses.

## 4.5 Unlisted Uses
For uses not listed, the Director shall attempt to determine if the requested use is similar to a permitted use. If the proposed use is determined to be similar to a permitted use, the permit shall be issued and shall follow the guidelines under the category the use it is declared to be

similar to. If the Director determines that the use is not similar, then the application shall be denied. In case of uncertainty, the Director may refer the request for clarification to the Board of Zoning Appeals for consideration.

### 4.6 Accessory Uses

Accessory uses and structures are permitted in all zoning districts in accordance with the provisions of this Ordinance. Accessory uses and structures shall be incidental to, subordinate to,and commonly associated with, the operation of the principal use of the property, and shall be operated and maintained under the same ownership as the principal use.

A. Except for A-1, A-2 and Industrial Districts in which the use is clearly for agricultural purpose, accessory uses shall be clearly subordinate in height, area, bulk, extent, and purpose to the principal use served. Accessory structures shall not contain a dwelling, habitable room or rooms except as outlined in Chapter 5, Section 5.4.

B. An accessory use shall be operated and maintained on the same parcel as the primary use. When a platted lot or other lot described by deed as a single parcel is interrupted by a right-of-way, the principal building and accessory building may be on contiguous parcels, provided that the parcel would be contiguous if the right-of-way were disregarded. Such parcels may not be sold separately unless the parcel with the accessory use is sold to another contiguous parcel owner containing a primary structure in which case the accessory use must meet the requirements of this section.

C. Accessory uses, buildings, and structures shall comply with all development standards of the applicable zoning district unless an exception is specifically provided for in this section. By way of example only, the following is a list of typical accessory uses, structures, and buildings which may be considered but shall not be limited to the following:

1. Private garage, carport, canopy, mini barn, storage shed, portable shed, pole building, fence, private greenhouse, porch enclosure, pavilion, cabanas, gazebo, swimming pool, pool house, hot tub room, sauna room, recyclable collection station, green energy apparatus, outdoor merchandise display in a business zone, signage.

D. Such appurtenant features as walks, drives, curbs, drainage installations, utility installations, satellite dish antennas, refuse disposal containers, mail boxes, nameplates, lamp post, flag poles, ornamental landscape, individual pet shelters, outdoor fireplaces, tree houses, child play houses, and playground apparatus, shall be considered incidental uses, structures, or buildings and not as accessory uses, structures, or buildings which are subject to the provisions of thissection.

E. Migrant housing facilities of all types may be permitted as accessory uses in conjunction with an agricultural operation provided the housing is not occupied more than four (4) months in any calendar year and that the housing conforms to all applicable County and State requirements.

### 4.7 Chart of Designated Uses

USE IDENTIFICATION

**P**= USE PERMITTED IN DESIGNATED ZONE
**P***= PERMITTED RESIDENCE/BUSINESSDETERMINED BY POINT SYSTEM
**P****=REVIEW BY PC BOARD REQUIRED
**S**= USE PERMITTED ONLY BY SPECIAL EXCEPTION IN DESIGNATED ZONE
**X**=USE NOT PERMITTED IN THIS CATEGORY FOR THE DESIGNATED ZONE
**Z** = ONLY IN A MANUFACTURED HOME PARK

| PRIMARY USE LISTING | | | | DESIGNATION OF USES BY DISTRICT | | | | | | | 1 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **AGRICULTURE USES** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| AG BIO ENTERPRISE | S | S | X | X | X | X | X | X | X | X | S |
| AGRIBUSINESS | S | S | X | X | X | X | X | X | X | S | S |
| COMMERCIAL FISH, WORM, FUR, APIARIES,AND OTHER SPECIALTY FARMS | S | S | X | S | X | X | X | X | X | X | S |
| CFO EXISTING EXPANSION | S | S | X | X | X | X | X | X | X | X | X |
| CFO NEW SITE | P | P | X | X | X | X | X | X | X | X | X |
| CROPLAND | P | P | P | P | P | X | X | P | X | X | P |
| FARM IMP SALES / SERV | S | S | X | X | X | X | X | X | X | P | X |
| FEEDMILL | S | S | X | X | X | X | X | X | X | X | S |
| FERTILIZER SALES, SERVICE, DIST. NON LIVESTOCK WASTE | S | S | X | X | X | X | X | X | X | S | S |
| FOREST / WOODLAND | P | P | P | P | P | X | X | X | X | X | P |
| GRAIN HANDLING, COMMERCIAL | S | S | X | X | X | X | X | X | X | X | S |
| GREENHOUSE, COMMERCIAL | S | S | X | X | X | X | X | X | X | X | S |
| LIVESTOCK | P | P | X | X | X | X | X | X | X | X | X |
| LIVESTOCK BOARDING | S | S | X | X | X | X | X | X | X | X | X |
| LIVESTOCK PRODUCT SUPPLY / SALES | S | S | X | X | X | X | X | X | X | P | X |
| LOCKER PLANT PROCESSING | S | S | X | X | X | X | X | X | X | S | S |
| ORCHARDS | P | P | X | P | X | X | X | X | X | X | X |
| PASTURE LAND | P | P | P | P | X | X | X | X | X | X | X |
| PLANT NURSERY | S | S | X | X | X | X | X | X | X | X | S |
| PROCESSING OF AGRICULTURE GOODS FROM ANY LOCATION | S | S | X | X | X | X | X | X | X | X | S |
| PROCESSING OF AGRICULTURE GOODS PRODUCED ON SITE | S | S | X | X | X | X | X | X | X | X | S |
| STOCKYARD / SALE BARN | S | S | X | X | X | X | X | X | X | X | S |
| TEST/ RERSEARCH PLOTS | P | P | P | X | X | X | X | X | X | X | P |
| OTHER SIMILAR USES AS APPROVED BY THE BZA OR PCD | S | S | S | S | S | X | X | S | X | S | S |
| **BUSINESS USES / RETAIL** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| ANTIQUE SHOP | X | X | X | X | X | X | X | X | X | P | X |
| APPAREL CLOTHING STORE | X | X | X | X | X | X | X | X | X | P | X |
| APPLIANCE SALES / SERV | X | X | X | X | X | X | X | X | X | P | X |
| ATV / CYCLE SALES /SERV | X | S | X | X | X | X | X | X | X | P | X |
| AUTO SALES / SERV | X | X | X | X | X | X | X | X | X | P | X |
| BAIT AND TACKLE | X | X | X | S | X | X | X | S | X | P | X |
| BAKERY | X | X | X | X | X | X | X | X | X | P | X |
| BICYCLE SALES / SERV. | X | X | X | X | X | X | X | X | X | P | X |
| BILLBOARD, COMMERCIAL | S | S | X | X | X | X | X | X | X | S | S |
| BOAT SALES / SERV | X | X | X | S | X | X | X | X | X | P | X |
| CAFÉ / DINER | X | X | X | S | S | X | X | S | X | P | X |
| COMPUTER SALES / SERV | X | X | X | X | X | X | X | X | X | P | X |
| CONVENIENCE STORE | X | X | X | X | S | X | X | S | X | P | X |
| DISH SALES / SERV | X | X | X | X | X | X | X | X | X | P | X |
| DRUG STORE | X | X | X | X | X | X | X | X | X | P | X |
| ELECTRONICS SALES / SERV | X | X | X | X | X | X | X | X | X | P | X |
| FLEA MARKET | X | S | X | S | S | X | X | S | S | S | X |
| FLORAL SHOP | X | X | X | X | X | X | X | X | X | P | X |
| FURNITURE STORE | X | X | X | X | X | X | X | X | X | P | X |

| PRIMARY USE LISTING | | | | DESIGNATION OF USES BY DISTRICT | | | | | | | 2 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **BUSINESS USES / RETAIL CONT** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| GAS STATION | X | S | X | X | X | X | X | X | X | P | X |
| GIFT / CARD SHOP | X | X | X | X | X | X | X | X | X | P | X |
| GROCERY | X | X | X | X | X | X | X | X | X | P | X |
| HARDWARE STORE | X | X | X | X | X | X | X | X | X | P | X |
| HEAVY MACHINERY SALES | X | S | X | X | X | X | X | X | X | S | S |
| HOME FURNISHINGS | X | X | X | X | X | X | X | X | X | P | X |
| INDUSTRIAL SUPPLIES | X | X | X | X | X | X | X | X | X | P | P |
| JEWELRY STORE | X | X | X | X | X | X | X | X | X | P | X |
| JUNK YARD | X | S | X | X | X | X | X | X | X | X | X |
| LUMBER / BLDG SUPPLIES / HOME IMPROVEMENT SUPPLIES | X | S | X | X | X | X | X | X | X | P | S |
| MARINA SUPPLY, SALES, SERVICE | X | X | X | S | X | X | X | S | X | P | X |
| MUSIC STORE | X | X | X | X | X | X | X | X | X | P | X |
| NEWS, BOOK, MAGAZINE STORE | X | X | X | X | X | X | X | X | X | P | X |
| OFFICE SUPPLY SALES / SERV | X | X | X | X | X | X | X | X | X | P | X |
| OUTDOOR SIGN SALES | X | X | X | X | X | X | X | X | X | P | X |
| PET STORE | X | X | X | X | X | X | X | X | X | P | X |
| PHOTO STUDIO | X | X | X | X | X | X | X | X | X | P | X |
| PRINT SHOP | X | X | X | X | X | X | X | X | X | P | X |
| RESTURANT | X | X | X | S | S | X | X | S | X | P | X |
| ROADSIDE STAND SEASONAL | P | P | X | X | X | X | X | X | X | P | X |
| RV SALES / SERVICE | X | S | X | X | X | X | X | X | X | P | X |
| SPIRITS | X | X | X | X | X | X | X | X | X | P | X |
| SPORTING GOODS | X | X | X | X | X | X | X | X | X | P | X |
| THRIFT / SECOND HAND STORE | X | X | X | X | X | X | X | X | X | P | X |
| TOBACCO STORE | X | X | X | X | X | X | X | X | X | P | X |
| TRUCK STOP | X | S | X | X | X | X | X | X | X | X | S |
| VARIETY STORE | X | X | X | X | X | X | X | X | X | P | X |
| OTHER SIMILAR USES AS APPROVED BY THE BZA OR PCD | S | S | X | S | S | X | X | S | S | S | S |
| **BUSINESS USES / SERVICE** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| ACCOUNTING / TAX PREP | X | X | X | X | X | X | X | X | X | P | X |
| AIRPORT | X | S | X | X | X | X | X | X | X | X | X |
| ANIMAL DAY CARE | S | S | X | X | X | X | X | X | X | P | X |
| AUTOMOBILE REPAIR SHOP | X | X | X | X | X | X | X | X | X | P | P |
| BANK / CREDIT UNION | X | X | X | X | X | X | X | X | X | P | X |
| BARBER SHOP | X | X | X | X | X | X | X | X | X | P | X |
| BED AND BREAKFAST | S | S | X | S | S | X | X | S | X | P | X |
| CATERER | X | X | X | X | X | X | X | X | X | P | X |
| CEMETARY / CREMATORIUM | X | S | X | X | X | X | X | X | X | X | X |
| CHURCH | X | S | X | X | S | S | X | S | X | P | X |
| COMMUNICATION TOWERS | S | S | X | S | X | X | X | X | X | S | S |
| COMMUNITY CENTER | X | X | X | X | S | S | X | S | S | P | X |
| COMPOSTING CENTER | X | S | X | X | X | X | X | X | X | X | S |
| CONTRACTOR, OFFICE / YARD | S | P | X | X | X | X | X | X | X | P | X |
| DENTIST / DOCTOR / EYE | X | X | X | X | X | X | X | X | X | P | X |
| DRESSMAKER | X | X | X | X | X | X | X | X | X | P | X |

| | | | | DESIGNATION OF USES | | | | | | | 3 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| LISTING | | | | | BY DISTRICT | | | | | | |
| **BUSINESS USES / SERVICE CONT.** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| DRY CLEAN SHOP | X | X | X | X | X | X | X | X | X | P | X |
| EXTERMINATOR | X | X | X | X | X | X | X | X | X | P | X |
| HEALTH / FITNESS SPA / CENTER | X | X | X | X | X | X | X | X | X | P | X |
| HOSPITAL / CLINIC | X | X | X | X | X | X | X | X | X | S | X |
| HOTEL / MOTEL | X | X | X | X | X | X | X | X | X | S | X |
| INSURANCE CO. | X | X | X | X | X | X | X | X | X | P | X |
| INTERIOR DECORATOR | X | X | X | X | X | X | X | X | X | P | X |
| JOB SERVICES | X | X | X | X | X | X | X | X | X | P | X |
| KENNEL / PET BOARDING / TRAINING | S | S | X | X | X | X | X | X | X | X | X |
| LANDFILL | X | S | X | X | X | X | X | X | X | X | X |
| LANDSCAPE BUSINESS | S | S | X | X | X | X | X | X | X | S | S |
| LAUNDRY MAT | X | X | X | X | X | X | X | X | X | P | X |
| LEGAL SERVICES | X | X | X | X | X | X | X | X | X | P | X |
| MACHINE SHOP / TOOL & DIE | X | S | X | X | X | X | X | X | X | S | S |
| MORTUARY / FUNERAL HOME | X | S | X | X | S | X | X | X | X | P | X |
| NAIL GALLERY | X | X | X | X | X | X | X | X | X | P | X |
| PET GROOMER | X | X | X | X | X | X | X | X | X | P | X |
| PRISON | X | X | X | X | X | X | X | X | X | X | X |
| RADIO / TV STATION | X | X | X | X | X | X | X | X | X | P | X |
| REAL ESTATE SALES | X | S | X | X | P | X | X | X | X | P | X |
| RECYCLE CENTER | X | S | X | X | X | X | X | X | X | S | S |
| REPAIR SHOP | S | S | X | X | S | X | X | S | X | S | S |
| SALON, BEAUTY PARLOR | X | X | X | X | X | X | X | X | X | P | X |
| STORAGE FACILITIES / UNITS | X | X | X | X | X | X | X | X | X | P | X |
| TRAVEL AGENCY | X | X | X | X | X | X | X | X | X | P | X |
| UPHOLSTERY SHOP | X | X | X | X | X | X | X | X | X | P | X |
| VEHICLE REPAIR | X | X | X | X | X | X | X | X | X | P | X |
| VETERINARY CLINIC | S | S | X | X | X | X | X | X | X | P | X |
| WAREHOUSING | X | S | X | X | X | X | X | X | X | P | S |
| OTHER SIMILAR USES AS APPROVED BY THE BZA OR PCD | S | S | X | S | S | S | X | S | S | S | S |
| **BUSINESS USES / OTHER** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| HOME OCCUPATION TYPE I | P** | P** | X | X | P** | X | X | P** | X | P** | X |
| HOME OCCUPATION TYPE II | S | S | X | X | S | X | X | S | X | P | X |
| HOME PROF BUSINESS / OFFICE | S | S | X | X | S | X | X | S | X | P | X |
| **INDUSTRIAL USES** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| BOTTLE GAS STORAGE AND DIST | X | S | X | X | X | X | X | X | X | X | S |
| BREWERY | X | X | X | X | X | X | X | X | X | S | S |
| CONCRETE/ASPHALT PLANT | X | X | X | X | X | X | X | X | X | X | S |
| FREIGHT TERMINAL | X | S | X | X | X | X | X | X | X | X | S |
| GAS STORAGE DIST TERMINAL | X | X | X | X | X | X | X | X | X | X | S |
| INDUSTRIAL PARK | X | S | X | X | X | X | X | X | X | X | S |
| INDUSTRY, GENERAL | X | X | X | X | X | X | X | X | X | X | S |
| INDUSTRY, LIGHT | X | X | X | X | X | X | X | X | X | X | S |
| LIVESTOCK PROCESSING PLANT | X | S | X | X | X | X | X | X | X | X | S |
| MINERAL EXTRACTION | S | S | S | X | X | X | X | X | X | X | X |

| PRIMARY USE LISTING | | | | DESIGNATION OF USES BY DISTRICT | | | | | | | 4 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **INDUSTRIAL USES CONTINUED** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| SALVAGE YARD | X | S | X | X | X | X | X | X | X | X | S |
| SAWMILL | X | S | X | X | X | X | X | X | X | X | S |
| WAREHOUSING | X | X | X | X | X | X | X | X | X | S | S |
| WINERY | S | S | X | X | X | X | X | X | X | S | S |
| OTHER SIMILAR USES AS APPROVED BY THE BZA OR PCD | S | S | S | X | X | X | X | X | X | X | S |
| **EDUCATION** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| BUSINESS SCHOOL | X | S | X | X | S | S | X | X | X | S | X |
| COLLEGE / UNIVERSITY | X | S | X | X | S | S | X | X | X | S | X |
| DAYCARE | S | S | X | X | S | S | X | X | X | S | X |
| FRAT, SORO, COOP | X | S | X | X | S | P | P | X | X | X | X |
| NURSERY SCHOOL | X | S | X | X | S | S | X | X | X | S | X |
| SCHOOL, K-12, PRIVATE SCHOOL | X | S | X | X | S | S | X | X | X | S | X |
| SECONDARY SCHOOLS | X | S | X | X | S | S | X | X | X | S | X |
| TECHNICAL INSTITUTE | X | S | X | X | S | S | X | X | X | S | X |
| TRADE SCHOOL | X | S | X | X | S | S | X | X | X | S | X |
| OTHER SIMILAR USES AS APPROVED BY THE BZA OR PCD | S | S | X | S | S | S | S | X | X | S | X |
| **NATURAL RESOURCES** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| COMMERCIAL FACILITY FOR RAISING / BREEDING NON-FARM FOWL, ANIMALS | X | S | X | S | X | X | X | X | X | X | X |
| NATURE PRESERVE | X | S | X | S | X | X | X | X | X | X | X |
| WILDLIFE PRESERVE | X | S | X | S | X | X | X | X | X | X | X |
| OTHER SIMILAR USES AS APPROVED BY THE BZA OR PCD | X | S | X | S | X | X | X | X | X | X | X |
| **RECREATION / ENTERTAINMENT** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| BOWLING ALLEY | X | X | X | X | X | X | X | X | X | P | X |
| CAMPGROUND | X | S | X | S | X | X | X | S | X | X | X |
| CYCLE / ATV RIDING TRACK | X | S | X | X | X | X | X | X | X | X | X |
| DANCE / GYMNASTICS | X | S | X | X | S | X | X | X | X | P | X |
| GOLF COURSE | X | S | X | S | X | X | X | S | X | X | X |
| LAKE, POND, EARTHEN STRUCTURE 100 SQ FT OR GREATER | S | S | S | S | S | X | X | X | X | S | S |
| MUSEUM | X | X | X | S | X | X | X | X | X | S | X |
| NIGHT CLUB / BAR / TAVERN | X | X | X | X | X | X | X | X | X | S | X |
| PRIVATE CLUB | X | S | X | S | X | X | X | S | X | S | X |
| PUBLIC LODGE | X | S | X | S | X | X | X | S | X | S | X |
| REC. DEV./CAMP, COMMERCAIL | X | S | S | S | X | X | X | S | S | S | X |
| REC. DEV./CAMP, PRIVATE | X | S | S | S | X | X | X | S | S | S | X |
| REC. DEV./CAMP, PUBLIC | X | S | S | S | X | X | X | S | S | S | X |
| RIDING STABLE / TRAILS | S | S | S | S | X | X | X | X | X | X | X |
| SHOOTING RANGE / IN / OUT | X | S | X | S | X | X | X | X | X | X | X |
| SPORTS COMPLEX | X | S | X | S | X | X | X | X | X | X | X |
| THEATRE / INDOOR | X | X | X | X | X | X | X | X | X | P | X |
| THEATRE / OUTDOOR | X | S | X | S | X | X | X | X | X | S | X |
| OTHER SIMILAR USES AS APPROVED BY THE BZA OR PCD | S | S | S | S | S | S | S | S | S | S | S |

| PRIMARY USE LISTING | | | | DESIGNATION OF USES BY DISTRICT | | | | | | | 5 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **RESIDENTIAL USES** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| APARTMENT RENTALS | X | X | X | X | X | P | P | X | X | P | X |
| ASSTD LIV. FAC./ NURSING HOME | X | X | X | X | X | S | S | X | S | X | X |
| CABIN / COTTAGE | S | S | X | P | P | X | X | P | P | X | X |
| CHILDRENS HOME | X | X | X | X | X | S | S | X | X | X | X |
| DWELLING, MULTI FAMILY | X | X | X | X | X | X | P | X | P | X | X |
| DWELLING, SINGLE FAMILY | P* | P | X | S | P | P | P | P | P | P | X |
| DWELLING, TWO FAMILY | X | X | X | X | X | P | P | X | P | P | X |
| GROUP HOME / HALFWAY HOUSE | X | X | X | X | X | S | S | X | X | X | X |
| LODGING HOUSE | X | X | X | S | X | S | S | X | S | X | X |
| MANUFACTURED HOME PERMANENT | Z | Z | X | X | S | S | X | S | S | X | X |
| MANUFACTURED HOME ACCESSORY | S | S | X | S | S | X | X | S | X | X | X |
| MANUFACTURED HOME TEMPORARY | S | S | X | S | S | X | X | S | X | X | X |
| MANUFACTURED HOME PARK | X | S | X | X | S | S | S | X | S | X | X |
| MOBILE HOME | X | X | X | X | X | X | X | X | X | X | X |
| MODEL HOME | S | S | X | S | S | S | S | S | S | S | X |
| RETIREMENT CENTER | X | X | X | X | X | S | S | X | S | X | X |
| SUB DIVISION, MINOR | X | S | X | X | S | P | P | S | P | X | X |
| SUBDIVISION, MAJOR | X | S | X | X | S | S | S | S | S | X | X |
| OTHER SIMILAR USES AS APPROVED BY THE BZA OR PCD | S | S | X | S | S | S | S | S | S | S | X |
| **UTILITY USES** | **A1** | **A2** | **FP** | **FRC** | **R1** | **R2** | **R3** | **RL1** | **RL2** | **GBD** | **I** |
| WECS, COMMERCIAL | X | S | S | S | X | X | X | X | X | X | S |
| WECS, NON COMMERCIAL | P | P | X | P | P | X | X | P | X | P | P |
| SOLAR UNIT, COMMERCIAL | X | S | S | S | X | X | X | X | X | X | S |
| SOLAR UNIT, PRIVATE | P | P | X | P | P | X | X | P | P | P | P |
| PIPELINE SUBSTATION | S | S | X | S | X | X | X | X | X | X | S |
| PUBLIC WELLS | S | S | X | S | S | X | X | X | X | X | X |
| SEWAGE TREATMENT, COMMERCIAL | X | S | X | X | X | X | X | X | X | X | S |
| UTILITY SUB STATION | S | S | X | S | S | X | X | X | X | S | S |
| UTILITY TRANSMISSION LINES | S | S | S | S | S | X | X | X | X | S | S |
| OTHER SIMILAR USES AS APPROVED BY THE BZA OR PCD | S | S | S | S | S | X | X | S | S | S | S |

### 4.7 A Factor Point System

Every parcel, located in the A1 Zone, selected as a potential site to build a residential structure or a non-agriculture related businessstructure shall be evaluatedfor use as a residential or non-agriculture related business siteusing the "Factor Based Point System". This point system is based on the Land Evaluation and Site Assessment (LESA) program guidelines and shall be the guideline for issuing permits for residential or business structures in all Ag 1 Zoned Districts. The evaluation shall be completed under the guidelines of the Wabash County Plan Commission Point Factor Evaluation Instructions as may be amended from time to time.

**4.7 B Factor Point Total**

A residential structureor non-agriculture related business structure may be approved in the A1 Zone when the proposed parcel attains a calculated point total of 15 points or greater.

A. Any potential site factored to be within Two (2) points of being a permitted site may request a Factor Point Review before the BZA to determine if a residential dwelling or business structure is compatible with the surroundings and will not compromise the goals of the Wabash County Comprehensive Plan.

**4.7 C Failure to Achieve Required Point Total**

Any potential site which fails to achieve the required minimum of 15 points or receives anun-satisfactory review by the BZA, when within 2 points of the required minimum of 15 points, shall not be developed as a residential or non-agriculture related business site.

**4.7 D Parcel Size**

Some potential residential sites may not meet the minimum required parcel size due to existing adjoining parcel boundaries. In situations where this occurs and the area in consideration is not actively operated agriculture farm land, the BZA may, but shall not be required to, grant a Variance for the site to be used for a residential structure. In granting a Variance from the required parcel size the BZA shall first require septic approval by the county health department and may require an expert analysis of the proposed parcel at the expense of the land owner.

A. Any parcel of record or land contract of record, dated prior to the effective date of this Ordinance, that has been recorded in the Wabash County Recorder's Office, and was a conforming parcel under the previous Ordinance, shall be considered grandfathered.

**4.8 Variances**

The Board of Zoning Appeals (BZA) may grant a Variance with regard to a specific parcel. An application may be requested for a "Variance from Developmental Standards" or for a "Variance of Use".

<u>4.8 A Variance of Use</u>

The BZA shall approve or deny an application for aVariance of Use from the terms of the zoning ordinance. The board may also impose reasonable provisions as a part of its approval.

<u>4.8 B Variances from Developmental Standards</u>

The BZA shall approve or deny an application for aVariancefromDevelopmental Standards from the terms of the zoning ordinance. The board may also impose reasonable provisions as part of its approval.

<u>4.8 C Variance Approval</u>

A Variance may be approved by the BZA after a hearing if it finds that:

A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

B. The use and value of the area adjacent to the property included in the Variance will notbe affected in a substantially adverse manner.

C. The need from the Variance arises from some condition peculiar to the property involved.

D. The strict application of the terms of the zoning ordinance will constitute an un-necessary hardship if applied to the property for which the Variance is sought.

E. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. However, the zoning ordinance may establish a stricter standard than the "practical difficulties" standard prescribed by this section.

F. Approval does not interfere substantially with the intent of the Comprehensive Plan.

**4.9 Special Exception with Variance**

The Plan Commission Board may grant a Special Exception with a Variance for Use in a district if,after review of the application during a public hearing, the Board of Zoning Appeals finds that:

A. The "Establishment of Zoning Districts" chart authorizes a Special Exception for that specific use in that district.

B. The requirements for a Special Exceptionprescribed by this Ordinance including, but not limited to:

1. Minimum lot size, setbacks, buffering, minimum distances,buffering fences and walls, buffering screen planting, entrances, loading, through planned developments will be met.

C. Granting the exception will not subvert the general purposes served by this Ordinance and will not materially and permanently injure other property or uses in the same district or vicinity.

4.9 A Order of Ruling

The BZA will rule on each Variance associated with the Special Exception prior to making a final determination on the Special Exception. A Variance may be approved by the BZA after a hearing if it finds that:

A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

B. The use and value of the area adjacent to the property included in the Variance will notbe affected in a substantially adverse manner.

C. The need from the Variance arises from some condition peculiar to the property involved.

D. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the Variance is sought.

E. The approval does not interfere substantially with the intent of the Comprehensive Plan.

An unfavorable vote by the BZA on a Variance associated with a Special Exception shall only apply to the Variance. The BZA shall then approve or decline the Special Exception after following the procedure for Special Exception reviews.

**4.10 Floodplain Variance**

Petitions for Variances to the provisions set forth in the Wabash County Floodplain Ordinance may be considered provided all terms and conditions imposed by the Indiana Department of Natural Resources, FEMA, and Department of Homeland Security, shall be incorporated into the issuance of any local permit.

A. The Board of Zoning Appeals may consider issuing a Variance to the terms and provisions of this Ordinance provided the applicant demonstrates that:

1. There exista good and sufficient cause for the requested Variance,
2. The strict application of the terms of this Ordinance will constitute an exceptional hardship to the applicant,
3. The granting of requested Variances will not increase flood heights, create additional threats to the public safety, cause additional public expense, create nuisances,cause fraud or victimization of the public, or conflict with existing laws,

ordinances, or the Comprehensive Plan.

B. The Board of Zoning Appeals may issue a Variance to the terms and provisions of the Wabash County Floodplain Ordinance subject to the following standards and conditions:

1. No Variance or exception for a residential use within a floodway subject to the WabashCounty Floodplain Ordinance may be granted,
2. Any Variance or exception granted in a floodway subject to the Wabash County Floodplain Ordinance will require written approval from the Indiana Department of Natural Resources, Division of Water, Floodplain Management Section,
3. Variances or exceptions may be granted and shall require a permit from the Indiana Department of Natural Resources for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects,
4. All Variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction,
5. The Board of Zoning Appeals shall issue a written notice to the recipient of a Variance or exception that the proposed construction will be subject to increased risk to life andproperty and could require payment of increased flood insurance premiums.

**4.11 Conditions Applied to Special Exceptions, Variances**

In the case of anapplication for a Special Exception or a Variance from the termsof the zoning ordinance, the BZA may introduce conditions to be applied to the use or development of that parcel.Conditions imposed on the granting of a Special Exception, use, or Variance, are subject tothe following rules:

A. The BZA may adopt, govern the creation of, publicize, modify, enforce, and terminate conditions for Special Exceptions and Variances.

B. Conditions shall be entered and publicized in the “Notes” section of the Auditors Data. This will be available for viewing by the general public on the GIS Web site. These conditions shall take effect upon the granting of the exception, use, or variance, unless modified or terminated by the BZA. A condition applied to a Variance is binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel.

C. A condition applied to a Special Exception shall apply only to that applicant and will cease immediately with the termination of said Special Exception. Conditions are binding on the owner of the parcel even if it is un-recorded, however, an unpublished condition is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the condition.

D. A condition applied to a Special Exception or Variancemay be modified or terminated only by a decision of the BZA made during apublic hearing after proper notice is provided for said hearing.

E. By permitting or requiring conditions, the BZA does not obligate itself to approve or deny any request.

F. This section does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.

**4.12 Nonconforming Use**

Upon adoption of this Ordinance and Zoning Map, some buildings, structures, lots, and uses may no longer conform to the regulations of the Zoning District in which they are located. For this reason, this Section has been generated to provide the rules, policies and regulations that apply to these buildings, structures, lots, and uses referred to as nonconforming. In order to administer the policies of this Ordinance Section a determination between Illegal Nonconforming and Legal Nonconforming must first be made.

**4.13 Illegal Nonconforming**

A building, structure, parcel lot or use, which was createdwithout or is being used without an approved Improvement Location Permit, approval from the BZA, or Plan Commission, is considered Illegal Nonconforming. An Illegal Nonconforming property shall be subject to actions and penalties allowed by this Ordinance and all other applicable County law and shall be altered to conform to all applicable standards and regulations of this Ordinance. Further, an Illegal Nonconforming building, structure, parcel, lot, or use is created at the fault of the owner, tenant or property manager.

**4.14 Legal Nonconforming**

Legal Nonconforming differs from Illegal Nonconforming in that the reason for the nonconformance is caused by the enactment of the new Zoning Ordinance or a change to the Zoning Ordinance. The previously conforming building, structure, parcel, lot or use has not changed, but due to the enactment of a new Zoning Ordinance or an Amendment to the Zoning Ordinance, the building, structure, parcel, lot, or use no longer conforms to the policies and standards of the Zoning District in which the building, structure, parcel, lot, or useresides. When this situation occurs, the building, structure, parcel, lot, or use is deemed Legal Nonconforming or another term commonly used is "Grandfathered."

**4.15Nonconforming Buildings, Structures, and Uses of Land**

Any continuously occupied, lawfully established structure, building, or use of land prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the developmental standards due to reasons stated below, shall be deemed a Legal Nonconforming Building, Structure, or Use of Land.

A. A Legal Nonconforming structure or use of land no longer meets one or more of the following development standards of this Ordinance:

1. Front, Side or Rear Yard Setbacks,
2. Maximum Lot Coverage,
3. Minimum Ground Floor Living Area,
4. Structure Height,
5. Buffer Yard,
6. Parking,
7. Use,
8. Accessory Structures,
9. Any other provision of this Ordinance that is applicable to the structure.

B. A Legal Nonconforming structure, or use of land may continue provided that it remains the same or fits within the below described tolerances:

1. A Legal Nonconforming building, structure, or use of land may be enlarged or altered provided it does notincrease the breach of the development standards for which the nonconformity exist, and does not createanadditional nonconformity,
2. A Legally Established Nonconforming Single Family or Two Family Dwelling may be enlarged or extended one time along a legally established nonconforming side yard provided that the lineal footage of such enlargement or extension does not exceed Fifty percent (50%) of the lineal footage of the original dimension of the Single Familyor Two Family Dwelling along that side yard setback, provided such enlargement or extension does not interfere with a Vision of Clearance area or

encroach into any Right-of-Way, easement, or property line,

3. Any legal nonconforming building or structure which is damaged or destroyed by more than Fifty One percent (51%) (Considered as Substantial Damage) of its fair market value shall thereafter conform to the regulations of the district in which it is located. The above stated Fifty One percent (51%) of the fair market value does not include any damage or destruction that is self-imposed,

4. Primary residential structures and churches are exempt from the Fifty One percent(51%) rule. However, if the structure is rebuilt,it must follow the guidelines as noted in Section 4.15, B, 1 and B, 2,

5. Any reconstruction, rehabilitation, addition, or substantial modification of a structure, the cost of which equals or exceeds Fifty One percent (51%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures that incurred "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 or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

6. A Legally Established Nonconforming Use shall be permitted to increase the breach of the nonconforming development standards when such increase is required to comply with applicable Federal, State or Local regulations (i.e., minor enlargements to accommodate ADA Accessibility Guidelines or current Building Codes),

7. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of this Ordinance.

### 4.16 Nonconforming Lots of Record

All legally established and recorded parcels or lots, prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet one of the parcel or lot standards listed below shall be deemed a Legal Nonconforming Lot of Record.

A. A Legal Nonconforming Lot of Record no longer meets one or more of the following lot standards of this Ordinance:

1. Parcel or Lot Area,
2. Parcel or Lot Width,
3. Parcel or Lot Depth,
4. Parcel or Lot Frontage,
5. Any other provision of this Ordinance that is applicable to parcels or lots.

B. Legal Nonconforming Parcels or Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable Zoning District of this Ordinance are met.

C. Parcels of record, or parcels individually held, prior to the passage of Wabash County Onsite Sewer System Ordinance #2012-85-18, effective 12/17/2012, which are used for single family dwelling purpose and have an individual septic system which has been approved by the Wabash County Health Department, may be smaller than the One and One Half(1 ½ ) acre parcel size prescribed in this Ordinance and will not be classified as Nonconforming parcels for being less than One and One Half(1 ½ ) acres, provided:

1. Said parcel was not previously nonconforming due to parcel size,
2. The Wabash County Health Department will issue or has issued a septic permit or a septic approval for a residential single family dwelling.

### 4.17 Nonconforming, Miscellaneous

A. A nonconforming structure may be enlarged, increased, expanded, extended, reconstructed, moved or structurally altered provided the changes create a structure, use, or combination thereof that conforms to the standards of the zoning district and this Ordinance.

B. No new structure shall be constructed in connection with an existing legal non-conforming use of land, until such time that the existing structure conforms to the Wabash County Zoning Ordinance.

C. Any legal nonconforming use of a structure may be extended throughout any part of a building which was clearly arranged or designed for such use by the effective date of this Ordinance or its subsequent amendments, but such extension shall follow the standards of this Ordinance as outlined in Section 4.15.

D. If no structural alterations are made, a legal nonconforming use of a structure, or structure and land in combination, may be changed to another legal nonconforming use, provided that the zoning administrator shall make specific findings that the proposed use is equally appropriate or more appropriate to the district than the existing legal nonconforming use. With the exception that, if the new use requires more parking or loading area than the previous use, such new use will comply with the parking requirements set by this Ordinance unless a Variance from developmental standards is granted by the Board of Zoning Appeals.

E. If a legal nonconforming use is discontinued or abandoned for Two (2) years, except when government action impedes access to the premises, any subsequent use of such land, structure or combination thereof shall conform to the provisions of this Ordinance.

F. When a legal nonconforming use is superseded by a permitted use, it shall thereafter conform to regulations of the district. The legal nonconforming use may not thereafter be resumed.

G. Where a legal nonconforming use applies to a structure and land in combination, removal or destruction of the structure shall eliminate both the nonconforming use of the structure and the land. Destruction shall be considered as damage of Seventy Five percent (75%) or more of its fair market value at the time of destruction.

H. When a mobile home / manufactured home is legally nonconforming due to the size and / or type of structure, it may only be replaced by a structure that conforms to the zoning of the district. When the structure is another manufactured home, the home shall meet the standards established in Chapter 5 of this Ordinance.

**4.18 Agricultural Non-Conforming Use**

As used in this section, "Agricultural Nonconforming Use" means the agricultural use of land that is not permitted under the most recent Comprehensive Plan or Zoning Ordinance, including any amendments, for the area where the land is located.

A. An agricultural use of land that constitutes an agricultural nonconforming use may be changed to another agricultural use of land without losing nonconforming use status.

B. A county or municipality may not, through the county or municipality's zoning authority, do any of the following:

1. Terminate an agricultural nonconforming use if the agricultural nonconforming use has been maintained for at least Three (3) years in a current Five (5) year period,
2. Restrict an agricultural nonconforming use,

3.Require any of the following for the agricultural nonconforming use of the land:
a. a variance for the land,
b. a special exception for the land,
c. a special use for the land,
d. a conditional use for the land.

C. Notwithstanding section B, this section does not prohibit a county, a municipality, or the state from requiring an agricultural nonconforming use to be maintained and operated in compliance with all:
1. State environmental and state health laws and rules,
2.Requirements to which conforming agricultural use land is subject under the Wabash CountyComprehensive Plan or Zoning Ordinance.

**4.19Travel Trailer Residency**
No person shall reside in a travel trailer or motor home for more than Seven (7) days during any Ninety (90) day period.However this provision shall not apply to:
A. A person residing in a travel trailer or motor home in a campground licensed by the State of Indiana, or an approved county campground.

B. Chapter 5, Section 5.4B, Manufactured Home as stated.

**4.20Repairs and Maintenance**
The following applies to legal nonconforming structures or buildings, and legal nonconforming uses of structures, or structures and land in combination:
A. Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the cubic content existing when the structure became nonconforming shall not be increased.

B. If a structure or portion of a structure were to become unsafe or condemned due to lack of repairs or maintenance, and is declared by an authorized official to be unsafe or condemned due to physical condition, Chapter 6 Section 22 "Unsafe Building Law " of this Ordinance shall apply.

C. If a building or structure becomes unsafe or unlawful due to physical condition and is razed, the new building or structure shall be built in conformity with the district in which it is located.

D. Nothing in this Section shall be deemed as preventing the strengthening, repairing, or Restoring, to a safe condition, any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety, when said official issues such order.

**4.21Avoidance of Undue Hardship**
To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans for or construction of any building or structure, or the designation of use of any building or structure, for which an Improvement Location Permit has been properly filed for or issued prior to the effective date of this Ordinance; provided that the construction of such building or structure is commenced within Four (4) months of such effective date and diligently prosecuted to completion; and provided further however that such construction shall be completed within One (1) year of the issuance of said Improvement Location Permit.

# Chapter 5
# Mobile Home/Manufactured Home Standards

5.1 Determination of Dwelling Type

5.2 Mobile Home /Manufactured Home Permanent Dwelling Permit
5.2 A Mobile Home
5.2 B Manufactured Home
5.2 C Manufactured Home in an A1 or A2 Zone

5.3Manufactured Home Alterations

5.4Mobile Home /Manufactured Home Temporary Dwelling
5.4 A Mobile Home
5.4 B Manufactured Home

5.5Mobile Trailers as Temporary Non-Residential Occupancy

5.6Manufactured Home Display

5.7Mobile Home / Manufactured Home Park
5.7 A Mobile Home
5.7 B Manufactured Home

5.8Park Development Application Process

5.9Park Specifications

5.10 Park Covenants

# Chapter 5
# Mobile Home/Manufactured Home Standards

## 5.1 Determination of Dwelling Type

TheNational Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 provide the basisfor the vocabulary used to determine one type of dwelling from the other.Refer to the Definitions Section of this Ordinance for determination of dwelling type.

## 5.2 Mobile Home/Manufactured Home Permanent Dwelling Permit

This section shall apply to mobile or manufactured homes, intended for use as dwellings, located in or outside of mobile or manufactured home parks.

5.2A Mobile Home (See Definition)

The placement of any mobile home within the jurisdiction of this Ordinance for use as a permanent or temporary dwelling shall be strictly prohibited effective immediately upon adoption of this Ordinance.A mobile home which exists on a particular parcel or lot at the time of passage of this Ordinance shall be allowed to remain at such location as a legal non-conforming use (provided it is already a legally permitted use).Said mobile home may be replaced at the same location with a conforming manufactured home.

A. A mobile homemay be sold or transferred in ownership, but shall not be relocated within the jurisdiction of this Ordinance.

1.A non-permitted mobile home shall be considered as an illegal non-conforming use.

5.2 B Manufactured Home(See Definition)

A manufactured home may be permanently occupied as a single family dwelling in zones designated by this Ordinanceprovided:

A. The manufactured home is the only principal dwelling structure on the parcel.

B. The manufactured home passes inspection by an authorized inspector and meets all other applicable requirements of this Ordinance.

C. Applicant completes the SE Application process and receives a favorable review from the PC Board and BZA. ( A S.E. Applicationis not required for units going into a Mobile / Manufactured Home Park.) See Chapter 5, Section 5.7 B, 11

D. Manufactured homes shall:

1.Be placed onpoured concrete foundations 18” wide x 36” deep and runningthe full length of the dwelling or placed on individual piers 24” x 24” x 36” deep, spaced a maximum of Ten (10) feet apart on center, or per manufactures specifications,

2. Have all wheel, axle, and hitch mechanism removed,
3. Meet or exceed dimensional size and composition as outlined in definitions,
4. Be enclosedwith an approved siding or skirting which encloses the entire perimeter of the manufactured home,
5. Have skirting which blends with the exterior siding of the dwelling and is unaffected by decay, oxidation, or winds,
6. Be anchored and attached to the permanent foundation, in accordance with manufacturer's specifications and the One and Two Family Dwelling Code,
7. Must have a gabled roof with roofing material customarily used on site constructed residences such as asphalt shingles, fiber glass shingles, tile materials,or steel sheeting, all of which are installed on a surface properly pitched for the material used,
8. Have Eight Hundred Forty (840) or more square feet of living space,
9. Have all required utilities connected in accordance with the One and Two Family Dwelling Code and manufacture’s specifications.

5.2 C Manufactured Home in an A1 or A2 Zone

A Manufactured Home shall only be permitted as a permanent residence in an A1 orA2 Zone when the manufactured home is placed in a mobile/manufactured home park.

An occupied manufactured home, which becomes legal non-conforming as a result of this Ordinance,shall be permitted to retain its occupancy. However, if the legal non-conforming use is not occupiedfor a period of One (1) consecutive year, the manufactured home shall be removed and the land thereafter shall be used in conformity with all provisions of this Ordinance.

A. A legal non-conforming manufactured home may be replaced by a newer, conforming manufactured home with the completion of an ILP, provided the parcel has not been without a manufactured home for more than Ninety (90) days, and the applicant obtains septic approval from the Wabash County Health Department.

**5.3 Manufactured Home Alterations**

Alterations to manufactured homes for the purpose of adding to the manufactured home structure are prohibited. Any additions shall be structurally separate from the manufactured home. An ILP shall be completed prior to the addition of any accessory structure associated with the manufactured home.

**5.4 Mobile Home/Manufactured Home/Travel Trailer, Temporary Use, Accessory Use**

This section shall apply to mobile homes, manufactured homes, or travel trailers located outside of mobile or manufactured home parks which are intended to serve as temporary or accessory dwellings.

5.4 A Mobile Home

The placement of any mobile home within the jurisdiction of this Ordinance for use as a temporary dwelling shall be strictly prohibited effective immediately upon adoption of this Ordinance.

A legally permitted mobile home in use as a temporary dwelling, on a parcel at the time of passage of this Ordinance, shall be allowed to remain at such location as a legal non-conforming use.

A. A non-permitted mobile home or manufactured home shall be considered as an illegal non-conforming use.

5.4 B Manufactured Home / Travel Trailer

A. Temporary Permit Issue During Construction

A temporary permit may be issued for the placement and occupancy of a manufactured home/travel trailer on the same parcel, as listed on the ILP for the new residential structure upon:

1. Verification of the completion of an ILP for the new residential structure, and
2. completion of the S. E. Application process, and
3. receiving a favorable review by the Wabash County Plan Commission Board, and
4. approval by the Board of Zoning Appeals during a public hearing, and
5. acquiring septic approval from the Wabash County Health Department.

The Temporary Permit is valid for One (1) year. A request for renewal of the Temporary Permit shall require completion of the Variance Application process and approval being granted by the BZA for an additional Twelve (12) month period, providing construction of the new dwelling has started but has not been completed.

No extension of a temporary permit shall be granted for the temporary use of a Manufactured Home / Travel Trailer beyond the total Twenty Four (24) month period.

Occupancy of the manufactured home/travel trailer is restricted to the immediate family of the ILP Applicant and the Temporary Permit Applicant, which must be the same person.

The Manufactured Home / Travel Trailer is to be located on the same parcel in which the new permanent dwelling, with a valid ILP, is to be built. (See Chapter 12, Section 12.11, A, 1),

Placement of a Manufactured Home / Travel Trailer for use as a temporary residence prior to completion of the application process shall be just cause to order the temporary structure removed from the location and the use of a temporary structure for any purpose for the 12 to 24 month period to be denied.

B. Temporary Permit Issue, Health, Hardship Care

A temporary permit may be issued, to an applicant whose own health or the health of another necessitates care, for the placement and occupancy of a manufactured home/travel trailer adjacent to the residence of one who is able to provide such care or who is in need of such care and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured home / travel trailer adjacent to the residence of one who is able to provide such care or one who is in need of such care upon:

1. Verification of the health conditions and/or hardship, and
2. completion of the S. E. Application process, and
3. receiving a favorable review by the Wabash County Plan Commission Board, and
4. approval by the Board of Zoning Appeals during a public hearing, and
5. acquiring septic approval from the Wabash County Health Department.

In all cases the manufactured home/travel trailer shall remain on the property no longer than Forty Five (45) days after the culmination of the permitted need.

Such placement and use of a manufactured home/travel trailer, before being placed on any premise, (except a manufactured home park)shall require completion, review and approval through the S. E. Application Process.

The following regulations shall apply to the temporary or accessory occupancy of a manufactured home/travel trailer:

1. The manufactured home / travel trailer shall be connected to and served by the same water supply, sewage facilities and electric utility serving the existing residence or the residential structure to be constructed,
2. The structure is to be located on the same parcel as the existing residence is located.
3. Applicable front, side, and rear yard setbacks of the district in which the unit is to be located are to be observed,
4. The structure should be served by the same address,
5. The structure shall not be required to set on a permanent foundation, but shall be anchored as per the requirements of the One and Two Family Dwelling Code or the Manufacturer's recommendation,
6. Manufactured homes/travel trailers shall be enclosed with an approved siding or skirting which encloses the entire perimeter. Skirting shall blend with the exterior siding of the dwelling and shall be unaffected by decay, oxidation, or winds,
7. The use of stationary / portable utility buildings, cargo containers, enclosed semi-trailers, or like structures as a temporary or permanent residence is prohibited.
8. Use must comply with all other county and state health requirements which would be imposed upon a permanent residence on the same parcel.

## 5.5 Mobile Trailer as Temporary Non-Residential Occupancy

A mobile construction trailer /office /van may be utilized as a contractor's office, watchman's shelter, or tool and equipment storage unit on a project site or on a pre-approved alternate site during a project construction period. No unit under this permit application shall be occupied as a dwelling for any period of time.

A. Placement on pre-approved alternate sites shall require the completion of an ILP before being located on any premise. The ILP shall be valid only for the duration of the construction period

B. On site mobile work trailers or vans shall not require an ILP.

## 5.6 Manufactured Homes Display

Manufactured homes may be displayed as being for sale as part of an authorized manufactured home sales lot or within a manufactured/mobile home park only.

## 5.7 Mobile Home/Manufactured Home Park

5.7 A Mobile Home

The placement of any mobile home within a manufactured/mobile home park within the jurisdiction of this Ordinance for use as a permanent dwelling shall be strictly prohibited effective immediately upon adoption of this Ordinance.

A legal non-conforming mobile home which exists on a mobile home park lot at the time of passage of this Ordinance shall be allowed to remain at such location as a legal non-conforming use.

A. Upon completion of an ILP said mobile home may be replaced at the same location with a newer manufactured home of equal or greater size that conforms to this Ordinance.

5.7 B Manufactured Home

A manufactured home as defined in the definitions of this Ordinance shall be permitted in a manufactured/mobile home park provided the following requirements are met:

1. Park has an independent parksewer systemor a public sewer system,
2. Units are placed on pads, footers, pillars as specified by the manufactured home park that must meet or exceed state regulations for mobile home parks,
3. Have all wheel, axle, and hitch mechanisms removed from the unit,
4. Meet or exceed dimensional size and composition as outlined in definitions,
5. Be enclosed with an approved siding or skirting which encompasses the entire perimeter of the unit,
6. Skirting shall blend with the exterior siding of the dwelling and shall be unaffected by decay, oxidation, or winds,
7. Unit must be anchored and attached to the permanent foundation, in accordance with manufacturer's specifications and the One and Two Family Dwelling Code,
8. Must have a gabled roof with roofing material of a type customarily used on site constructed residences such as asphalt shingles, fiber glass shingles, tile materials, or steel sheeting, all of which are installed on a surface properly pitched for the material used,
9. Have all required utilities connected in accordance with the One and Two Family Dwelling Code and manufacture's specifications,
10. Comply with the development covenants/conditions of the mobile/manufactured home park,
11. Complete an ILP for the manufactured home.

## 5.8Park Development Application Process

A Special Exception shall be required in order to expand an existing park or create a new manufactured home park.

A. The Application process for expansion of an existing park or the creation of a new park shall follow the permitting process of the Wabash County Subdivision Control Ordinance.

**5.9Park Specifications**

A park constructed under the jurisdiction of this Ordinance shall adhere to the regulations required by IC 16-41-27-1 through 16-41-27-34 as amended, the State Board of Health regulations governing parks and all terms and provisions of this Ordinance. In the event of conflict between state and county regulations, the more restrictive policies shall apply.

A. Every park shall contain an electrical wiring system consisting of approved wiring, fixtures, equipment, and appurtenances that shall be installed and maintained in accordance with the applicable codes and regulations governing those systems. All parts of the park's electrical distribution system shall conform to the approved standards for safety to life and property and accepted engineering practices.

B. No new park shall be permitted to have individual lot septic systems with a leach field. Park must have independent sewage plant or be connected to a public sewage system.

C. A park must be located on a site that is no less than Five (5) acres. If less than Five (5) acres, a Variance must be approved by the Board of Zoning Appeals.

D. The density of a park shall not exceed Six (6) dwelling units per acre, or (7260 sq. ft. / lot) minimum.

E. No part of any park shall be used for non-residential purposes, except those uses required for direct servicing and well-being of park residents,or for the management and maintenance of the park, a laundromatand recreational playground for the exclusive use of park residents shall be permitted and deemed not to be in violation of the restrictions of this Ordinance. Section 5.6 may apply.

F. The minimum distance between any 2 residential dwellings shall be Fifty (50) feet, between any 2 associated accessory structures shall beTwenty Six (26) feet.

G. Park streets shall be considered as local streets and require a minimum setback of Thirty Five (35) feet from the center of the street to any dwelling or accessory structure.

H. A residential structure and accessories shall cover no more than Sixty percent (60%) of the lot. Dwelling and accessory structure setbacks shall be included when determining lot size.

I. All homes bordering a state road, county road, feeder street, or local street shall meet the setback requirements for such designated road/street.

J. All dwellings or accessory structuresshall be a minimum distance of Twenty Six (26) feet from any park boundary.

K. Resident parking shall be provided on each dwelling site and/or in common parking areas, and shall be designed so as not to interfere with the flow of park traffic and allow adequate space for visitor parking in common parking areas.

**5.10Park Covenants**

Covenants shall be submitted and recorded with the Development Plan approval of the Mobile Home Park. Such Covenants must contain/address the following:

A. The Park owner shall furnish each occupant of a manufactured home sitewith a

copy of the recorded Covenants,which shall be signed for,

B. The placement or replacement of any dwelling or accessory structure shall require the completion of an ILP along with written consent from the park before the structure is placed/ built on the lot,

C. In order not to impede safety vehicles, no on-street parking of boats, trailers,semi-trucks, etc. shall be permitted.

D. Alteration of any interior or exterior boundaries (including the splitting of a lot) shall require review and approval by the Wabash County Plan Commission Board.

Additional covenants induced by the park owner shall be permitted and governed accordingly by the park owner or park association.

# Chapter 6
# Property Development Standards

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# Chapter 6
# Development Standards

## 6.1 Development Standards, Height of Structures

All structures hereafter shall comply with the height regulations of the District inwhich it is located as listed in this Ordinance, with the exception of the following:

A. Spires, belfries and domes, church steeples, flag poles, water towers, television and radio antenna towers, telecommunication towers, receiving stations and aerials, and observation towers, utility transmission line towers and poles, commercial and non-commercial wind turbines, tree vegetation, and necessary mechanical appurtenances may be erected or changed to any height that is not otherwise prohibited.

B. All structures in an Agriculture Zoned District, or a district in which agriculture is allowed, that are used directly in agricultural production, storage and/or processing may exceed the permitted height standards for that district and be erected to the required height that is necessary for that agricultural operation.

Nothing in this Ordinance, including the exceptions listed above shall be interpreted as waiving any height regulations related to air transportation. All applicable (FAA) Federal Aviation Administration and State of Indiana restrictions and regulationsshall apply to all structures.

The Board of Zoning Appeals may, but shall not be required to authorize a Variance to this regulation for anyprincipal or accessory structure in any district provided the request follows the Variance application and hearing procedures.

## 6.2 Development Standards, Maximum Lot Coverage, Residential Use

The buildings on a lot may not exceed, in coverage, more than the listed percent of the lotarea as stated in Chapter 3, "Standard Zoning District Intent, Uses and Standards". Maximum lot coverage is stated in Two (2) categories:

A. As the maximum total area of the parcel, lot, tract that may be covered by structures.

B. As the maximum total imperviouscoverage for the parcel, lot, tract.

## 6.3 Development Standards, Minimum Ground Floor Area, Residential Use

A. No dwelling may be erected or changed so that its ground floor living area, in square feet, is less than that prescribedin Chapter 3, "Standard Zoning District Intent, Uses and Standards".

1. This is limited to ground floor living area only and does not include:
   a. garages, walks, porches, patios, decks, breezeways.

B. No addition may be added to a manufactured home in order to make the home compliant with the minimum ground floor square footage requirement for the designated zone.

C. No residential dwelling shall be erected, placed or changed other than a conventional built dwelling, a pre-assembled dwelling,or a modular homethat meets the minimum ground floor square footage requirements for the designated zone. All such structures shall become permanent improvements on the land and shall be placed on a permanent footing with solid foundations and/or basement walls.

D. Those modular homes designated in the zoning ordinance as requiring a permanent perimeter enclosure must be set into an excavated area with foundations, footers, and crawl space or basement walls constructed in accordance with the terms of the One and Two Family Dwelling Code. The space between the floor and joist of the home and the excavated under-floor grade shall be completely enclosed by a permanent

perimeter enclosure except for required openings.

**6.4 Development Standards, Minimum Lot Size, Residential Use**

A. A parcel created after December 17, 2012 in which aresidential dwelling is to be erected having an individual septic system, may not be smaller in parcel size, in square feet per dwelling unit, then thatprescribed in the Wabash CountyOnsite Sewer System Ordinance #2012-85-18, effective 12/17/2012. In all other cases lot size shall be determined by the property zoning and available sanitation service as prescribed by the ordinance which was in effect on the date of record of the parcel development.

B. Parcels of record, or parcels individually held, prior to the passage of Wabash County Onsite Sewer System Ordinance #2012-85-18, effective 12/17/2012, which are used for single family dwelling purpose and have an individual septic system which has been approved by the Wabash County Health Department, may be smaller than the 1½ acre parcel size prescribed in this Ordinance and will not be classified as non-conforming for reason of being less than 1 ½ acres, provided:

1. The parcel size was conforming under the prior Ordinance.

**6.5 Development Standards, Special Exception, Lot Size, Setbacks, and Screening**

The following table provides the specifications for Special Exception use:

A. Lot sizes.

B. Front parcel line setbacks

C. Side parcel line setbacks

D. Rear parcel line setbacks

E. Required distance from a Residential Zone.

F. Screening requirements.

<u>6.5 A Reading the Chart</u>

**N/A** Not Applicable
*Same as road setback
** Lot size specified in designated zoning district
*** Setback of primary structure in designated zone
**** See tower standards for setbacks for towers over 200 feet total height.
**BPS** Based on Plan Submission
**IP** Industrial Park
**RROW** Road Right of Way
**Y** Screening, Fencing, Mounding or any combination thereof required as determined by the Wabash County Plan Commission& BZA during application review.

<u>6.5 B Special Exception, Lot Size, Setbacks,and Screening Specifications</u>

| | SPECIAL EXCEPTION SETBACKS | | | | | 1 |
|---|---|---|---|---|---|---|
| | MINIMUM PARCEL SIZE | | | | | |
| | | SCREENING | | | | |
| USE | MINIMUM PARCEL SIZE ACRES | FRONT SET BACK FEET | SIDE SET BACK FEET | REAR SET BACK FEET | DISTANCE FROM RESIDENTIAL ZONE FEET | SCREENING, FENCING, TREE & MOUND |
| AG BIO ENTERPRISE | BPS | * | 100 | 100 | 5280 | Y |
| AGRIBUSINESS | BP[S | * | *** | *** | 50 | |
| AIRPORT | 200 | * | 500 | 500 | 5280 | Y |
| ANIMAL DAY CARE | ** | * | *** | *** | 1320 | Y |
| ATV, CYCLE SALES / SERVICE | ** | * | *** | *** | 660 | Y |
| BAIT AND TACKLE | ** | * | *** | *** | *** | |
| BED AND BREAKFAST | ** | * | *** | *** | *** | |
| BILLBOARD / COMMERCIAL | N/A | RROW | 25 | 25 | 330 | |
| BOAT SALES / SERVICE | ** | * | *** | *** | 660 | Y |
| BOTTLE GAS STORAGE / DIST | BPS | * | 50 | 50 | 1320 | Y |
| BREWERY | BPS | * | 50 | 50 | | Y |
| BUSINESS SCHOOL | BPS | * | *** | *** | *** | |
| CABIN / COTTAGE | ** | * | *** | *** | *** | |
| CAFÉ / DINER | ** | * | *** | *** | *** | |
| CAMP GROUND | BPS | * | 25 | 25 | 660 | Y |
| CEMETERY / CREMATORIUM | BPS | * | 10 / 25 | 10 / 25 | 0 | |
| CFO EXISTING EXPANSION | | SEE SECTION 6.25 FOR ALL REQUIREMENTS | | | | |
| CHILDRENS HOME | ** | * | *** | *** | *** | Y |
| CHURCH | ** | * | *** | *** | *** | |
| COLLEGE / UNIVERSITY | BPS | * | *** | *** | *** | |
| COMMUNICATIONS TOWER | BPS | 250**** | 250**** | 250**** | 1320 | Y |
| COMMUNITY CENTER | ** | * | *** | *** | *** | |
| COMMERCIAL FACILITY FOR RAISING/BREEDING NON-FARM FOWL/ANIMALS | BPS | * | *** | *** | 1320 | Y |
| COMMERCIAL FISH, WORM, FUR, APIARIES, AND OTHER SPECIALTY FARMS | BPS | * | *** | *** | 1320 | Y |
| COMPOSTING CENTER | BPS | * | 50 | 50 | 1320 | Y |
| CONCRETE / ASPHALT PLANT | BPS | * | 50 | 50 | 660 | Y |
| CONTRACTOR OFFICE | ** | * | *** | *** | 50 | |
| CONVENIENCE STORE | ** | * | *** | *** | 0 | |
| CYCLE ATV RIDING TRACK | 25 | 1320 | 1320 | 1320 | 15,840 | Y |
| DANCE / GYMNASTICS | ** | * | *** | *** | *** | |
| DAYCARE | ** | * | *** | *** | *** | Y |
| DWELLING, SINGLE FAMILY | ** | * | *** | *** | *** | |
| FARM IMP SALES SERV | BPS | * | 25 | 25 | 1320 | Y |
| FEED MILL | BPS | * | 50 | 50 | 1320 | Y |
| FERTILIZER SALES, SERVICE, DIST. NON-LIVESTOCK WASTE | BPS | * | *** | *** | 1320 | Y |
| FLEA MARKET | BPS | * | *** | *** | *** | |
| FRATERNITY, SORORITY | ** | * | *** | *** | *** | |
| FREIGHT TERMINAL | BPS | * | 50 | 50 | 1320 | Y |
| GAS STATION | ** | * | *** | *** | 0 | |

| | SPECIAL EXCEPTION SETBACKS | | | | | 2 |
|---|---|---|---|---|---|---|
| | MINIMUM PARCEL SIZE | | | | | |
| | SCREENING | | | | | |
| USE | MINIMUM PARCEL SIZE ACRES | FRONT SET BACK FEET | SIDE SET BACK FEET | REAR SET BACK FEET | DISTANCE FROM RESIDENTIAL ZONE FEET | SCREENING FENCE, TREE, MOUND |
| GAS STORAGE DIST. TERMINAL | BPS | 100 | 100 | 100 | 2640 | Y |
| GOLF COURSE | N/A | * | 25 | 25 | 0 | |
| GRAIN HANDLING, COMMERCIAL | BPS | * | 50 | 50 | 2640 | |
| GREENHOUSE, COMMERCIAL | BPS | * | 25 | 25 | 330 | |
| GROUP HOME / HALFWAY HOUSE | ** | * | 25 | 25 | | Y |
| HEAVY MACHINERY SALES | ** | * | *** | *** | 1320 | Y |
| HOME OCCUPATION, TYPE 2 | ** | * | *** | *** | *** | Y |
| HOME PROF. BUSINESS /OFFICE | ** | * | *** | *** | *** | Y |
| HOSPITAL | BPS | * | 50 | 50 | 1320 | |
| HOTEL/MOTEL | BPS | * | 50 | 50 | 1320 | |
| INDUSTRIAL PARK | BPS | * | TBD | TBD | 2640 | Y |
| INDUSTRY, GENERAL | BPS | * | 50 | 50 | 2640 | Y |
| INDUSTRY, LIGHT | BPS | * | 50 | 50 | 2640 | Y |
| JUNK YARD | 10 | * | 50 | 50 | 5280 | Y |
| KENNEL / PET BOARDING / TRNG | 0.5 | * | 25 | 25 | 1320 | Y |
| LAKE, POND, EARTHEN STRUCTURE | BPS | 105 | 100 | 100 | 0 | |
| LANDFILL | BPS | 2640 | 2640 | 2640 | 15,840 | Y |
| LANDSCAPE BUSINESS | ** | * | 13 | 13 | 330 | |
| LIVESTOCK BOARDING | BPS | * | 25 | 25 | 1,320 | |
| LIVESTOCK PROCESSING PLANT | BPS | * | 50 | 50 | 2640 | Y |
| LIVESTOCK PRODUCT SUPPLY/ SALES | ** | * | *** | *** | 50 | Y |
| LOCKER PLANT PROCESSING | BPS | * | 25 | 25 | 1320 | Y |
| LODGING HOUSE | ** | * | *** | *** | *** | |
| LUMBER / BLDG SUPPLY | BPS | * | 50 | 50 | 50 | Y |
| MACHINE SHOP / TOOL DIE | BPS | * | 50 | 50 | 50 | |
| MANUFACTURED HOME, ACCESSORY | 1.5 | * | *** | *** | *** | |
| MANUFACTURED HOME PARK | 5 | * | *** | *** | *** | |
| MANUFACTURED HOME, PERMANENT | 1.5 | * | *** | *** | *** | |
| MANUFACTURED HOME, TEMPORARY | 1.5 | * | *** | *** | *** | |
| MARINA SUPPLY, SALES, SERVICE | ** | * | 25 | 25 | 660 | Y |
| MINERAL EXTRACTION | BPS | 150 | 150 | 150 | 2640 | Y |
| MODEL HOME | 1.5 | * | *** | *** | 0 | |
| MORTUARY / FUNERAL HOME | ** | * | *** | *** | 0 | |
| MUSEUM | ** | * | *** | *** | 25 | |
| NATURE PRESERVE | BPS | * | 50 | 50 | 1320 | Y |
| NIGHT CLUB/BAR/TAVERN | ** | * | *** | *** | 660 | |
| NURSERY SCHOOL | ** | * | *** | *** | *** | Y |
| NURSING HOME | ** | * | *** | *** | *** | |
| PIPELINE SUBSTATION | BPS | * | 13 | 13 | 660 | Y |

| SPECIAL EXCEPTION SETBACKS<br>MINIMUM PARCEL SIZE<br>SCREENING | | | | | | 3 |
|---|---|---|---|---|---|---|
| USE | MINIMUM PARCEL SIZE ACRES | FRONT SET BACK FEET | SIDE SET BACK FEET | REAR SET BACK FEET | DISTANCE FROM RESIDENTIAL ZONE FEET | SCREENING FENCE, TREE, MOUND |
| PLANT NURSERY | ** | * | 50 | 50 | 330 | |
| PRIVATE CLUB | ** | * | 50 | 50 | 50 | Y |
| PROCESSING OF AGRICULTURE GOODS FROM ANY LOCATION | BPS | * | 50 | 50 | 1320 | Y |
| PROCESSING OF AGRICULTURE GOODS PRODUCED ON SITE | ** | * | 50 | 50 | 330 | Y |
| PUBLIC LODGE | ** | * | 50 | 50 | 50 | |
| PUBLIC WELL | 1 | * | 50 | 50 | 50 | Y |
| REAL ESTATE SALES | ** | * | *** | *** | *** | |
| REC. DEV./CAMP, COMMERCIAL | BPS | * | 100 | 100 | 1320 | Y |
| REC. DEV./CAMP, PRIVATE | BPS | * | 100 | 100 | 1320 | Y |
| REC. DEV./CAMP, PUBLIC | BPS | * | 100 | 100 | 1320 | Y |
| RECYCLE CENTER | ** | * | 50 | 50 | 660 | Y |
| REPAIR SHOP | BPS | * | 50 | 50 | 50 | |
| RESTAURANT | ** | * | 50 | 50 | 50 | |
| RETIREMENT CENTER | ** | * | 50 | 50 | 50 | |
| RIDING STABLE / TRAILS | BPS | * | 100 | 100 | 1320 | |
| RV SALES SERVICE | BPS | * | *** | *** | 660 | Y |
| SALVAGE YARD | 10 | * | 50 | 50 | 5280 | Y |
| SAWMILL | BPS | * | 50 | 50 | 2640 | Y |
| SCHOOL, K-12 / PRIVATE | BPS | * | 50 | 50 | 50 | |
| SECONDARY SCHOOL | ** | * | 50 | 50 | 50 | |
| SEWAGE TRTMENT PLANT, COMM. | 5 | * | 300 | 300 | 660 | Y |
| SHOOTING RANGE, IN / OUT | BPS | * | 100 | 100 | 5280 | Y |
| SOLAR UNIT, COMMERCIAL | BPS | * | 25 | 25 | 1320 | Y |
| SPORTS COMPLEX | 25 | * | 25 | 25 | 1320 | |
| STOCKYARD / SALE BARN | BPS | * | 50 | 50 | 1320 | |
| SUBDIVISION, MAJOR | BASED ON PLAN SUBMISSION AND SUBDIVISION PLAT REVIEWS | | | | | |
| SUBDIVISION, MINOR | BASED ON PLAN SUBMISSION AND SUBDIVISION PLAT REVIEWS | | | | | |
| TECHNICAL INSTITUTE | BPS | * | 50 | 50 | 50 | |
| THEATRE / OUTDOOR | BPS | * | 50 | 50 | 1320 | Y |
| TRADE SCHOOL | BPS | * | 50 | 50 | 50 | |
| TRUCK STOP | BPS | * | 50 | 50 | 1320 | |
| UTILITY SUB STATION | BPS | * | 25 | 25 | 660 | Y |
| UTILITY TRANSMISSION LINES | N/A | N/A | N/A | N/A | 1320 | |
| VETINARY CLINIC | 1.5 | * | *** | *** | 50 | Y |
| WAREHOUSING | BPS | * | 50 | 50 | 2640 | |
| WECS, COMMERCIAL | N/A | SEE WECS STANDARDS 6.24 | | | | |
| WILDLIFE PRESERVE | BPS | * | 50 | 50 | 2640 | |
| WINERY | BPS | * | 50 | 50 | 1320 | |
| OTHER SIMILAR USES AS DETERMINED BY THE BZA | BPS | BPS | BPS | BPS | BPS | BPS |

## 6.6 Development Standards, Entrances, Parking and Loading Berths

Any use, for which a Special Exception is required or review of a development plat by the Plan Commission Board is necessitated, shall meet entrance, parking and loading berth requirements as determined by the PCB or BZA during the review process.

6.6 A Entrances

The maximum permitted number of entrances for any Special Exception shall be One(1).

A. This does not include any entrance which is used for emergency purposes only or as a utility easement entrance.

B. All entrances/exits,in which truck traffic will exceed 5 departures per day, shall have a concrete or asphalt driveway approach to the road of no less than One Hundred Fifty (150) feet in length or the length of the driveway, whichever is less.

6.6 BParking and Loading Berths

A. To reduce traffic congestion and hazards by eliminating unnecessary on-street parking and loading the following shall apply:

1. Every use of land must include on premises parking and loading berths sufficient for the needs normally generated by the use, as noted by this section,
2. Off-street parking spaces shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing, or the continuous storage of vehicles for more than Twenty Four (24) hours,
3. Space allotted to loading berths and loading areas shall not be used to satisfy parking space requirements,
4. Parking and loading areas shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust,
   a. however, a gravel surface may be usedfor a period not exceeding One (1) year after the date of granting the occupancy permit where ground conditions are not immediately suitable for permanent surfacing.
5. All parking or loading areas shall be maintained in good condition and free of weeds, dirt, trash and debris,
6. Parking areas shall have adequate lighting so as to promote visibly safe passage to and from vehicles.

B. No use lawfully established prior to the effective date of this section shall be required to provide and maintain the parking and loading requirements of this section, provided that parking and loading spaces required by any previous Ordinance pursuant to state statutes shall be continued and maintained.

C. For any nonconforming use which is hereafter damaged or partially destroyed, and whichis lawfully reconstructed, re-established, or repaired, parking and loading facilities equivalent to those maintained at the time of such damage or partially destroyed shall be restored and continued in operation, provided, however, it is not necessary to restore or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new uses.

D. When the use intensity of any building, structure, or premises is increased through the addition of dwelling units, floor area, beds, seating capacity, or other units of measure, parking and loading facilities shall be provided for such increase in intensity of use.

E. When the existing use of a building, structure or premises shall be changed or converted to a new use permitted by this Ordinance, parking and loading facilities shall be provided as required for the new use. Parking and loading facilities in

existence on the effective date of this section shall not be reduced below, or if already less than, shall not be further reduced below, the requirements for a new use under this section.

6.6 C Parking Space Design

Due to particularities of any given development, the inflexible application of required pre-determined parking spaces may result in parking spaces in excess of,or insufficient of need. Therefore each application shall be evaluated independently and the total lot area, as well as individual parking space size, shall be determined and applied accordingly. Such decision and determination shall be at the discretion of the PC Board and such decision may be may be appealed to the BZA.

6.6 D Loading Berth Design

Due to particularities of any given development, the inflexible application of required loading berths may result in loading berths in excess of need or insufficient of need. Therefore each application shall be evaluated independently and the total lot area, as well as loading berth size, shall be determined and followed accordingly. Such decision and determination shall be at the discretion of the PC Board and such decision may be appealed to the BZA.

A. No loading berth shall be so designed as to require use of a public street, public or private pedestrian access way, or alley to achieve proper docking at loading berth.

**6.7 Development Standards, Minimum Lot Road Frontage**

The minimum lot width for any parcel with road frontage shall be as listed in Chapter 3, "Standard Zoning District Intent, Uses and Standards".

A. For any parcel that does not have road frontage the minimum parcel width shall be the same minimum width as required for a parcel with road frontage.

1. For parcels set back from the road and not having road frontage, the area of the access drivebetween the road and parcel shall be a minimum of Fifty (50) feet wide This requirementshallextend from the road, through parcel, to the end of the parcel. This area shall not be included when calculating parcel size for septic.

**6.8 Development Standards, Minimum Setbacks**

The minimum front, side, and rear setback distance for primary and accessory structures from property lines shall be as prescribed in Chapter 3 "Standard Zoning District Intent, Uses, and Standards" for the designated zone.

A. The following policies shall apply when measuring the setback distance:

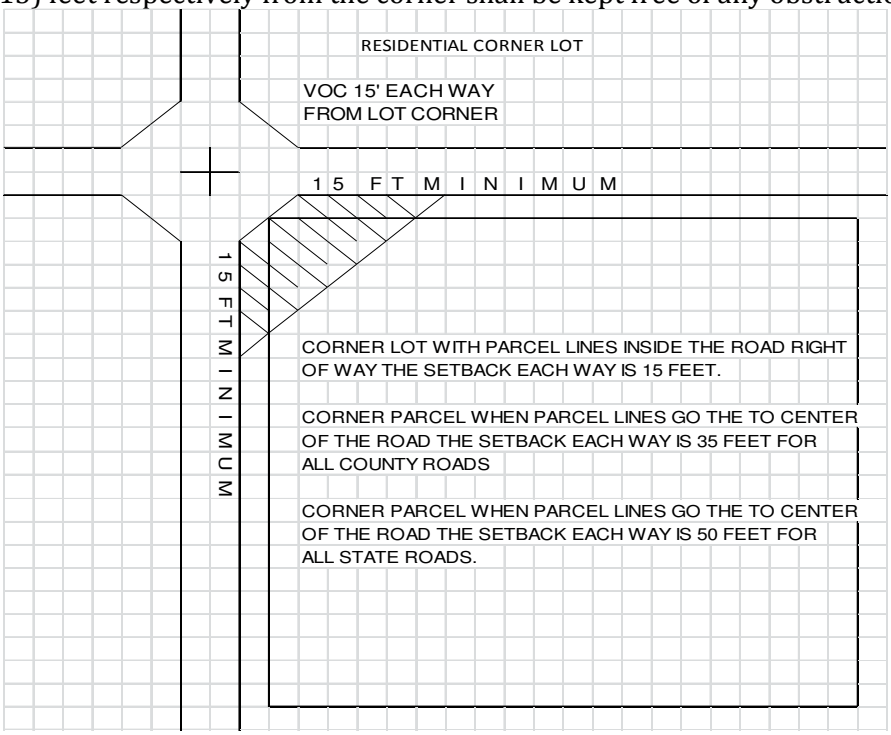
1. Setbacks from all streets or roads are to be measured from the center of the street, road,
2. A through lot has a front yard on each abutting street and shall be laid out accordingly,
3. If in a residential or business zone,Fifty percent (50%) of the lots in the block are occupied bybuildings, the minimum depth of front yard for that block shall be the average setback of those buildings,
4. One half (1/2) of the width of an alley abutting the rear of a lot may be used as part ofthe rear yardfor setback purposes only,
5. Except where a business district adjoins any other district, there is no minimum side yard setback for a business use,

a. suchstructures must meet fire code specification.

6. Minimum side or rear yard setback for an Industrial Zone from a Residential Zoneshall beFifty (50) feet for the sideand rear setback,
7. Minimum side or rear yard setback for a Business Zone from a Residential Zone shall be Twenty Five (25) feet side setback and Fifty (50) feet rear setback.

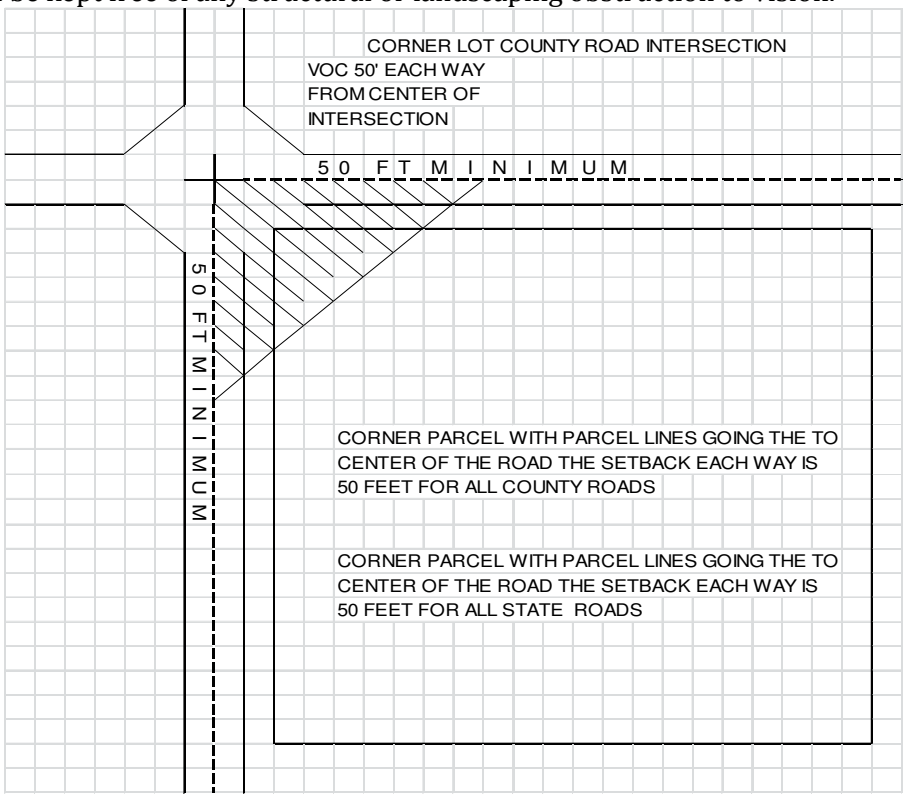
6.8 A Platted Areas, Vision of Clearance

At the intersecting corner of each corner lot, the triangular space determined by the Two (2) lot lines at that corner and by a diagonal line connecting the Two (2) points on those lot lines that are Fifteen (15) feet respectively from the corner shall be kept free of any obstruction to vision.




6.8 B Rural Areas, Vision of Clearance

At the intersection corner of each corner parcel that meets in the center of the roadway, (Point of Intersection) the triangular space determined by the Two (2) lot lines at that corner and by a diagonal line connecting the Two (2) points on those lot lines that are Fifty(50) feet from the corner shall be kept free of any structural or landscaping obstruction to vision.



6.8 C Setbacks Along Streams and County Drains

No structure, other than a fence, may be erected and, if erected in violation of this section, no such structure may be used, if the location of the structure is Seventy Five(75) feet or less from the center line of a county drain tile, or the top of the bank of any stream identified as follows:

A. Streams as identified in Chapter 14, Section 14.2 through 14.9 "Streams and Water Bodies" maps.

B. County Drains, as identified on GIS Layers, under the editing and jurisdiction of the Wabash County Surveyor and Wabash County Drainage Board.

1. In the event of any discrepancy as to the actuality of any stream or county drain, a final determination by the Wabash County Surveyor and/or theWabash County Drainage Board shall be upheld.
2. Structure, as used in Section 6.8C,also includes ponds, septic tanks, leach fields, lagoons, and detention ponds.
3. Structure, as used in Section 6.8C does not include public utilities.
4. Contact the Wabash County Drainage Board for policies regarding fencing along any stream or county drain area.

6.8 D Utility Setbacks

All setbacks established by utility providers for utility purposes shall be observed.

6.8 E Lake Front Setbacks

A. In the RL1 and RL2 District where a parcel adjoins both a lake or lake channel and road right-of-way, the lake side shall be considered as the front yard and the road side may be considered as the rear yard. In this case, the lake side shall comply with the front yard setback as outlined in Chapter 3, "Standard Zoning District Intent, Uses and Standards" but in no case shall the rear yard extend less than Thirty Five (35) feet for a principle or accessory structure.

1. Front yard setback will be measured from structure to the high water level.

B. In the event a lake front property does not have public road access, the rear yard setback shall be a minimum of Thirty Five (35) feet from the rear property line for any dwelling or accessory structure.

C. Accessory structures for lake front parcels does not include piers, docks, or a boat house when the boat house is constructed in such manner that the boat is partially or completely within the waterbody when stowed in said structure.

## 6.9 Development Standards, Buffering, Fences, Mounds, or Trees

The Plan Commission shall review each Special Exception request and make a determination, based on location, setbacks, intended application, zoning, and any other factors, as to the required buffer for said S. E.. Buffering may be a single source or a combination of trees, shrubs, mounds, fencing.

A. The selection of tree or shrub species shall provide tight screen planting giving the required coverage within the designated time period after installation.

B. The combination of mound, shrubs, trees, or fence shall be permitted provided the mix reaches the required coverage andheight within the designated time period.

C. Any other use, timeline, screening selection shall be at the discretion of the PC Board or BZA.

## 6.10 Development Standards, Miscellaneous Residential Standards

A. Any new residential dwelling or accessory structure in which an ILP is being applied

for shall blend with the décor of the neighborhood when it is to be located in a platted area, housing development, or subdivision within the jurisdiction of the WCPC.

B. An accessory structure may not be constructed in an R1, R2, R3, RL1, RL2, District prior to the construction of the principal building.

C. In aplatted R1, R2, R3, RL1, RL2, District, no accessory structure may be forward of the rear of the primary residential structure.

D. The raising, boarding of livestock shall be prohibited in all platted areas within the jurisdiction of this Ordinance.See definition of "Livestock ".

**6.11 Development Standards, Industrial Uses**

While the WCAPC supports the growth and development of Industry in Wabash County it is the intent of this Ordinance to steer Industry growth to the Industrial and Business Parks established within Wabash County. In order to benefit the citizens of Wabash County at the highest possible level the use of current infrastructure as well as the health of the citizens must receive the highest consideration for placement of industry.
In the event industry is requesting to be developed outside the Industrial Parks the following performance standards shall apply to all industrial uses, in addition to any other requirements of this Ordinance.

6.11 A Smoke

No operation or activity shall be carried out in any district which causes or creates levels of smoke that are determined to be a nuisance to the surrounding areas. The levels of emissions may be measured from any point of emission using opacity charts, and shall be emissions not darker than Ringleman 0 or 0% opacity may be emitted except that smoke not darker or more opaque than RinglemanNo. 1 or 20% may be emitted for periods not longer than Three (3) minutes in any Thirty (30) minute period. This provisionshall apply to any emissions.

6.11 B Odor, Air Pollution

No industrial use in any Zoning District may release an odor that is detectable beyond the lot line. This does not include CFOs in an Ag 1 or Ag 2 District. IDEM rules for air pollution under IAC 326 as amended shall apply"

6.11 C Toxic Materials

No gases or fumes toxic to persons or injurious to property shall bepermitted to escape beyond the structure in which it occurs.

6.11 D Heat

No industrial use may cause heat at the property line so intense as to be apublic nuisance or hazard. No activity shall be permitted to cause a temperature change of more than 1 degree Fahrenheit as measured at any adjoining property line.

6.11 E Glare

No operation or activity shall be carried out in any district which causes or creates an amount of glare that is determined to be a nuisance to the surrounding areas, and may not be of such an intensity or brilliance as to cause glare or to impair the vision of drivers, pedestrians, employees or neighbors. All outdoor lighting shall be located, screened, or shielded so that adjacent lots are not directly illuminated. If necessary, the levels of glare may be measured on any property line of the tract on which the operation is located, to determine the amount of glare. The levels of glare shall be measured in foot-candles. No operation or activity shall produce a level of illumination that exceeds 0.5 foot-candles at any adjoining property line of the tract on which the activity is located.

6.11 F Vibration

No operation or activity shall be carried out in any district which causes or creates levels of vibration that are determined to be a nuisance to the surrounding areas. If necessary, the levels of vibration may be measured on any property line of the tract on which the operation is located. Vibration shall be expressed as displacement in inches and shall be measured with a three component measuring device that is approved by the Planning Director. The specific type of vibration shall not exceed the designated displacement in inches as defined in the table of Section 6.11 F , based on the frequency. Vibrations that exist outside of the tract on which the operation is located and is not directly related to the operation, such as vibration from motor vehicles or other transportation facilities, may be excluded from these regulations and may be compensated for in the measurement of the vibration.

STANDARDS FOR VIBRATION

| **FREQUENCY** | **VIBRATION DISPLACEMENT IN INCHES** | |
|---|---|---|
| Cycles / Second | Steady -state Vibrations | Impact Vibrations |
| under 10 | .0055 | 00.10 |
| 10-19 | .0044 | .0008 |
| 20-29 | .0033 | .0006 |
| 30-39 | .002 | .0004 |
| 40 and over | .001 | .0002 |

6.11 G Noise and Sound

At no boundary line of any residential or business District may the sound level of any industrial use (excluding background noises produced by sources not under thecontrol of this ordinance such as the operation of motor vehicles) exceed 70 decibels. Noise is tobe muffled so as not to be objectionable due to intermittence, frequency, or shrillness.

STANDARDS FOR NOISE

| **OCTAVE BAND** | **MAXIMUM PERMITTED SOUND LEVELS IN DECIBELS** | |
|---|---|---|
| **FREQUENCY** Cycles / Second | ALONG RESIDENTIAL DISTRICT BOUNDARIES | ALONG BUSINESS DISTRICT BOUNDARIES |
| 0 TO 75 | 67 | 73 |
| 76 TO 150 | 62 | 68 |
| 151 TO 300 | 58 | 64 |
| 301 TO 600 | 54 | 60 |
| 601 TO 1200 | 49 | 55 |
| 1201 TO 2400 | 45 | 51 |
| 2401 TO 4800 | 41 | 47 |
| OVER 4800 | 37 | 43 |

PERMITTED DECIBEL CORRECTIONS

| TYPE OF OPERATION OR CHARACTER OF NOISE | CORRECTION IN DECIBELS |
|---|---|
| Noise source operates less than 20% of any one hour period | Plus 5 |
| Noise source operates less than 5% of any one hour period | Plus 10 |
| Noise source operates less than 1% of any one hour period | Plus 15 |
| Noise of impulsive character (hammering, etc.) | Minus 5 |
| Noise of periodic character (hum, screech, etc.) | Minus 5 |

6.11 H Fire Hazards

Solid substances ranging from free or active burning to intense burning may be stored, used, or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

The storage, utilization, or manufacture of flammable liquids or materials which produce flammable vapors or gases shall be permitted in accordance with the Rules and Regulations of the State Fire Marshall. A certificate of compliance, issued by the State Fire Marshall's office, stating that the plans and specifications for a light or general industrial use comply with the Rules and Regulations of the State Fire Marshall shall accompany the application for an improvement location permit.

6.11 I Detonation Materials

No activity involving the storage, use, or manufacture of materials that decompose by detonation may be curried on except in accordance with the rules issued by the State Fire Marshal and the State Administrative Building Council. These materials include primary explosives such as lead azide, lead styphnate, Fulminates, and tetracene; high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and their components, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetyl ides, tetrazoles, end ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perch/orates, chlorates, and hydrogen peroxide in concentrations greater than 35 per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

6.11 JExceptions

Chapter 6, Sections 11A through 11I above inclusive do not apply to:

A. Site preparation or construction, maintenance, repair, alterations, or improvements of buildings, structures, equipment, or other improvements on or within the lot lines.

B. The operation of motor vehicles or other facilities for the transportation of personnel, materials, or products; and safety or emergency warning signals or alarms necessary for the protection of life, limb, or property.

C. Conditions beyond the control of the user such as fire, explosion, accident, failure, or breakdown.

D. Safety or emergency warning signals or alarms necessary for the protection of life, limb, or property.

E. Processes for which there is no known means of control.
   1. Research shall be promptly conducted to discover methods of control leading to the installation of protective equipment.

6.11 KSpecial Restrictions

Any industrial operation or activity must, in addition to the above,conform to any applicable Acts of the state and federal government. Where the requirements ofthis Ordinance are more restrictive, they shall take precedence. All relevant federal and state permits or approvals are required prior to issuance of any ILP.

**6.12 Development Standards, Signs / Advertising**

Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert a sign without first obtaining an ILP for said sign from the Wabash

County Plan Commission Office. This shall not include the changing of the advertising face of a sign or routine maintenance of a sign, sign structure, or sign apparatus.

A. Any sign erected on a lot for the purpose of identification or for advertising a use conducted therein or thereon shall be an accessory structure to the principal use.

B. Any sign attached to the structure for the purpose of identification or for advertising a use conducted therein shall be considered as a part of the structure.

6.12 A Prohibited Signs

The following types of signs are expressly prohibited in all zoning districts as noted below: Signs that emit audible sound, odor or visible matter. Signs that purport to be, are imitations of, or resemble an official traffic sign or signal. Signs which bear the words "stop", "slow", "caution", "danger", "warning", or similar words in an attempt to mimic traffic control or warning signs. Signs with lights that resemble emergency, utility, or road equipment vehicles. Signs that hide or partially hide from view any traffic or roadway sign, signal or device. Signs that obstruct any door, fire escape, stairway, or opening intended to provide entrance or exit for a building or structure. Signs which contain statements, words, or pictures of an obscene, indecent, or immoral character that may offend public morals or decency or any sign that is not expressly permitted in this Ordinance.

6.12 B Exempt Signs

The following items are exempt from the sign provisions of this Ordinance: Flags of any country, state, unit of government, institution of higher learning, or similar institutional flags. Corporate flags with a business name or logo provided the flag has no commercial messages. Names of buildings, date of construction, dedication plaques, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or denoted on a commemorative plaque, or other permanent material and made an integral part of the structure, provided it has no commercial messages. Utility signs used to mark cables, pipes and lines for public and private. Other exempt signs include, signs of a noncommercial nature and in the public interest erected by an officer of the County, including signs to promote safety, no trespassing, traffic signs, memorial plaques, historical interest signs, and signs directing people to public and quasi-public facilities.

6.12 C Heritage Markers

In no instance shall this Ordinance be interpreted as prohibiting sites, memorials, edifices, and/or monuments in commemoration of persons or objects of historical or architectural interest.

6.12 D Temporary Signs, Residential Districts

One temporary sign no larger than Thirty Two (32) square feet in size shall be allowed, on the immediate premise of anevent, without a permit, for the duration ofthe event (i.e. garage sale, property for sale, construction project, election). Political signs may be placed no sooner than Thirty (30) days prior to an election and must be removed within Five (5) days after an election.

6.12 E Permanent Signs, Residential Districts

A permanent gateway sign shall be allowed at the entrance of a residential development. Such sign must be a minimum of Fifteen (15) feet from any road right of way.

6.12 F Signs, General Business District

Signs in a business district relating to the advertisement of said business shall not exceed Thirty percent (30%) of the wall face of the business. A ground sign may not extend above the permitted structure height of the designated zone. No sign mounted on a building shall project above the roof line.

6.12 G Signs, Industrial Districts
Sign specifications relating to the identification of said business within the Industrial District shall be determined and entered on the plat drawings for the specified Industrial Park. In addition all informational, directional and parking signs shall be listed and identified on the plat drawings.

6.12 H Placement of Signs

A. No sign shall be permitted to interfere with or obstruct the "Vision of Clearance" ofa motorist exitingor entering a private drive, public drive, road intersection, or alley. No sign shall be placed in any right-of-way.

B. All signs shall meet accessory structure side and rear lot line setback requirements for the zoning district in which it is to be located.
   1. Setbacks along streams shall apply.

C. A signs direct or reflected light shall not create a traffic hazard to motor vehicles. The light shall be shielded or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto an adjacent property.

6.12 I Calculating Sign Area
For a single-faced, double-faced, or multi-faced sign, the area of a sign shall be calculated by measuring the face area of the sign.

6.12 J Sign Maintenance
All signs shall be constructed and maintained so as to be aesthetically pleasing to the eye. It is further intended that all signs within a given development be coordinated with the architecture of the principal use in such a manner that the overall appearance is harmonious in color, form, proportion. Signs shall be structurally sound so as to ensure the safety of the general public. Signs must be maintained in good state of repair, kept free of rust, rot, insect infestations, bird nests, and any other deterioration. All illuminating elements shall be kept in working condition and immediately repaired or replaced when damaged or burned out. All electrical wiring for permanent signs shall meet all applicable electrical codes.

6.12 K Abandon Signs
A sign, mounting equipment, and related components shall be removed, by the owner or lessee of the premises upon which the sign is located, when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign within Thirty (30) days of written notice, the Plan Commission may have the sign removed. All cost associated with a signs removal shall be reimbursed by the owner of the sign. If the sign is not redeemed within Forty Five (45) days of the written notice, it may be disposed of by the County.

6.12 L Nonconforming Signs
Legal Nonconforming Signs which exist prior to this Ordinance being passed and were in conformance with the previous Ordinance and amendments shall be legally nonconforming until such time a major change is made to the sign.

A. Major changes include increasing the size, changing the height, altering the structure, adding lights, and/or relocation of the sign on said premise.

6.12 M Outdoor Advertising Control
The Indiana Department of Transportation (INDOT) manual entitled "Indiana Department of Transportation Outdoor Advertising Control Manual" establishes the procedures involved in erecting and maintaining outdoor advertising signs adjacent to the Interstate System, Federal

Aid Primary Roads, the National Highway System, and other Control Routes within the State of Indiana in compliance with Federal Law and State Law.

A. The manual displays the Billboard Controlled Routes for the Fort Wayne, Indiana District in which Wabash County is located. Individual Outdoor Advertising structures and locations must be evaluated by the INDOT Permit Department, on a per case basis under the most current rules.

B. Signage, within the jurisdiction of Wabash County Plan Commission, located in areas that are, by law, required to meet, the policies of said manual shall meet or exceed the policies of the Indiana Outdoor Advertising Control Manual, as amended from time to time,

C. All commercial billboards shall complete the Special Exception Application process to place a billboard within the jurisdiction of the Wabash County Plan Commission.

**6.13 Development Standards, Fencing**

Unless otherwise specified by this Ordinance, fencing may be allowed within all zones with the issuance of an ILP, provided the applicant is in conformance with all provisions of this Ordinance.

A. Fencing constructed for agricultural uses, recreationaluses, construction barriers,and hidden/invisible fence systems shall be exempt from these regulations.

1. Agriculture partition fences shall be governed by IC 32-26 Chapter 9 and 32-26-3-1 as amended.

B. Fences may be constructed of wood, vinyl, steel, wire, stone or masonryand have post placed on the installing property owner's side of the fence.

C. In no instance shall an electric or barb wire fence be allowed in a residential district.

1. This does not include a hidden/invisible fence system used for pet control.

D.In Residential Zoned Districtsfences shall be allowed on side and rearproperty lines and front yards as follows:

1. All fencing which extends forward of the front of the primary structure shall be chain link fence not to exceed Four (4) feet in height,
2. All front yard fencing in Residential Zones must be setback a minimum of Three (3) feet from the road-right-of-way,
3. Side and rear yardfences which may be constructed from materials listed in 6.13, B may not exceed Four (4) feet in height, may be constructedon the property line, or set a predetermined distance back from the property line unlessotherwise specified in this Ordinance,
4. Unless otherwise permitted in this Ordinance, no property line fencing shall be a solid partition fence.

E. Eight (8) foot high privacy fencing shall be permitted around the immediate area of pools, spas, hot tubs, patios/decks, or as screen barriers listed in Section 6.9.

F. Fencing whichis intended for decorative or landscaping purpose only,does notsurround any area which is intended or otherwise required to be completely enclosed,and does not define property lines, may be allowed on any part of a parcel without an ILP provided that it does not:

1. Exceed Six (6) feet in height,
2. Hamper the Vision of Clearance of any intersection, alley, driveway, or walk.

G. Fencing in aGeneral Business Districts(GBD) that is intended for security purposes

shall be allowed within the propertiesfront, side and rear yard setback.

1. Fences in an GBD may be barbed at the top provided the fence portion does not exceed Eight (8) feet in height and the barb must be a minimum of Six (6) feet above the ground.

H. Fences in an Industrial District(ID) may be placed in a required front yard setback, provided the fencing is placed a minimum of Ten (10) feet from the road right-of-way.

1. Security fences in an Industrial District may be barbed at the top provided the fence portion does not exceed Eight (8) feet in height and the barb must be a minimum of Six (6) feet above the ground.]

**6.14 Development Standards, Ponds, Lakes, Earthen Structures**

No pond, lake or earthen structure, containing more than Two Hundred (200) square feet of water surface area, shall be constructed, increased in size,or altered in design prior to completing the Special Exception Application process, unless otherwise stated in this Ordinance.

A. The following information shall be submitted with the application for a pond, lake or earthen structure:

1. Site plan listing finished pond setbacks, surrounding structures, roads, zoning, floodplain and flowage easement verification,
2. Watershed area into pond, outlet drain data, maximum outflow rate, dam schematic, emergency overflow information, water surface area(acres).
3. Location of any private/public drainage tiles/ditches within Two Hundred Fifty (250) Feet of the construction zone.
4. Listing of all property owners within Two Hundred Fifty (250) feet of the proposed pond parcel.
5. Name, address, phone number of contractor constructing the pond.

B. The information shall be reviewed and approved by the Wabash County Drainage Board, Wabash County Plan Commission Board, Wabash County BZA, and when applicable, the Wabash County Highway Department, prior to granting permit application approval.

C. The setback boundary of a pond, lake, or earthen structure, shall be measured to the toe of the slope of the bank of the pond, or to the high water level of the pond, whichever will be closest to the adjoining property line.

1. Ponds, Lakes, or earthen structures shall be constructed to have a minimum setback of One Hundred Five (105) feet from any adjoining side or rear property line, or from any public road. Seventy Five (75) feet from any public/private easement,
2. Any pond, lake, or earthen structure constructed closer than One Hundred Fifty (150) feet to the center of a public roadway with the water impounding area below, even with, or less than Six (6) feet above the grade of the roadway, shall provide a deterrent barrier sufficient to minimize vehicle entry.

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D. The pond/ lake shall have an overflow system constructed which allows the water overflow to follow the natural drainage course thus preventing erosion.

1. Waterdischarge shall not flow across neighboring properties, roads, or directly into a county roadside ditch. No fill may be placed within Ten (10) feet of any road right-of- wayunless approval is granted by the Wabash County Highway Department and the Wabash County Commissioners.

E. Any pond designed to discharge directly to a regulated drain shall be approved by the Wabash County Drainage Board.

**6.15 Development Standards, Pools**

All pools having a water surface area greater than One Hundred(100) square feet, or Twelve (12) feet or larger in diameter for round pools and a depth greater than Twenty Four (24) inches shall apply for an ILP prior to construction.

Pools classified as accessory structures shall meet the setback requirements for said structures in the zoning district they are placed. This shall include any structure associated with the pool such as bath house, filtration system, lounging area, heat exchangers.

A. For security and safety purposes all poolswhich require an Improvement Location Permit shall follow the requirements of "675 IAC 14-4.3-296 Safety Features", as may be amended from time to time. Basic requirements include:

1. Walls or fencing not less than four (4) feet high and completely surrounding the pool and deck area with theexception of self-closing and latching gates and doors, both capable of being locked.
2. Other means not less than four (4) feet high and deemed impenetrable by the enforcing authority at the time ofconstruction and completely surrounding the pool and deck area when the pool is not in use.
3. A combination of (6.15 A, 1) and (6.15 A, 2) that completely surrounds the pool and deck with the exception of self-closingand latching gates and doors which are capable ofbeing locked.
4. A power safety pool cover that shall provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool.
   a. unit shall be mechanically operated such that the cover cannot be drawn open or retracted without the use of a key, or key and switch, ortouch pad with a personal access code;
   b. unit is installed with track, rollers, rails, guides, or other accessories necessary to accomplish item6.15 A, 4in accordance with the manufacturer's instructions,
   c. shall bear an identification tag indicating that the cover satisfies the requirementsof ASTM F 1346–19.

B. The following information shall be submitted when applying for a pool permit. A plot plan identifying:

1. All structures on the parcel, setbacks from the property lines, roads, and location of septic and leach field,
2. Any easements identified,
3. Anyoverhead or underground utilities, or drainage tiles located on the parcel,
4. Pool dimensions and configuration,
5. Any additional equipment, structures associated to the pool.

C. No pool or associated equipment or structures shall be placed within any utility right-of-way or, vertically above/ below any utility lines.

**6.16 Development Standards, Communication Towers**

The standards of this section apply to all telecommunication facilities covered by the Telecommunications Act of 1996. It does not apply to personal television antennas, ham radio and short wave radio antennas One Hundred(100) feet and under in total height.

A. The placement of any tower in Wabash County under the jurisdiction of this Ordinance shall require the completion of a Special Exception Application review by the PC Board and a public hearing before the BZA. The applicant shall provide a parcel survey, site plan with tower location, distance to structures on adjoining parcels, fall zone distancesproperty line setbacks, accessory structures, guy wire system with anchors, fencing, drive entrance, tower photos, tower specifications and certification, land lease agreement/easement, FCC, FAA approvals, and statement of non-interference.

B. The County may request applicant topermit other providers to attach antennas or communications apparatus to the structure provided they do not interfere with the primary purpose of the tower. The proposed facility must provide sufficient space and support to accommodate additional antennas.

C. The height standards established for primary or accessory structures within a district do not apply to cell towers constructed in said district.

D. The proposed structure shall meet the following setback requirements for towers Two Hundred and Fifty (250) feet or less in height:

1. The setback for State and County roads as measured from the tower base to the center of the road shall be a minimum of Two Hundred Fifty (250) feet. The setback from any residence as measured from the tower base to the closet point of a residence shall be a minimum of Two Hundred Fifty Feet (250) feet. The setback as measured from the tower base to any adjoining property line shall be a minimum of Two Hundred Fifty (250) feet,
2. For any tower exceeding Two Hundred Fifty (250) feet in total height the setbackfrom a road, residence, or property line shall equal or exceedtotal tower height plus 50 feet.

E. Commercial communication towers shall be of monopole, lattice pole, self-supporting, or guyed design.

1. The proposed tower structure, and any associated structures, or apparatus shall be enclosed in a chain link fenced area. Fencing shall be a minimum of Six(6) feet high and may have a barbed top starting Six (6) above the ground,
2. Guy anchor bases are not required to be fenced, however they must be clearly marked and have all guy wires cover with fluorescent sleeves to a minimum height of Ten (10) feet above the ground.

F. Only lighting which is required by Federal, State or FAA Regulations is permitted to be placed on towers. All required lighting shall be oriented inward so as not to project outward onto surrounding properties.

G. Use of any portion of a communications structure, including fencing, for the purpose of placing any signs other than site information signs or warning signs is prohibited.

H. Any tower or associated equipment unused or left abandoned for a period of Twenty Four (24) months shall beremoved by the tower owner at the owner's expense.

1. The Wabash County Plan Commission shall notify the owner of said violation and request the tower be razed,
2. Should thetelecommunications tower owner fail to request a hearing before the BZA or fail to removethe tower and all associated equipment within Thirty (30) days from the date a notice of violation is issued, the County shall have the tower removed and the owner assessed for the cost of removal and cleanup of the site.

I. All requests to install additional equipment on an existing approved tower, structure, or site location, shall be submitted in writing to the Wabash County Plan Commission and require completion of an Improvement Location Permit.

### 6.17 Development Standards, Kennels

The purpose of this section is to provide for the safe and healthy housing of domestic animals as well as to preserve the health, safety, use, and enjoyment of the surrounding properties.

A. Noise produced by the animals and/or operation of the kennel shall not interfere with the use and enjoyment of neighboring properties.

B. Kennels, including shelters, fenced areas, exercise runs, customer service rooms, and parking lots shall be set back a minimum of One Thousand Three Hundred Twenty (1320) feet from thenearest residence in which the operator of the Kennel does not reside.

C.For any kennel operated on the same parcel as the primary residence the following shall apply:

1. The minimum area dedicated to the kennel shall be One Half (½) acre,
2. This designated acreage shall be in addition to the required acreage for the residential structure when located on the same parcel,
3. No portion of the kennel, (runs, fencing, boarding rooms, business office, or customer service area) shall be attached to the residence,
4. No portion of the kennel, including parking area, shall be forward of the front of the primary structure in any permitted zone.

D. Sufficient fencing in and around the kennel shall be provided to secure animals.

1. Fencing materials and installation shall be suitable for containing the animal species and breeds being boarded. Security must be comprised of a primary enclosure for normal operations of the Kennel anda secondary enclosure to prevent total escape in the event of breakout from the primary enclosure or entrance by unwanted intruders.

E. Sufficient shelter shall be provided to protect the animals from extremes of moisture, and temperature.

1. Animals shall be housed in a noise suppressing shelter between the hours of 8:00 pm and 7:00 am. Boarding facilities shall be approved by the USDA Animal and Plant Health Inspection service (APHIS), Wabash County Humane Society and the Indiana BOAH or its appointed entity.

F.Proper sanitary disposal of animal waste shall be maintained in accordance with all USDA , Indiana BOAH, IDEM and Wabash County Health Department requirements.

G. Kennels shall be open to periodic inspection for compliance by USDA–APHIS, Indiana BOAH regulations. The Wabash County Health Department and the Wabash County Animal Shelter may alsobe enlisted to assist with inspections.

### 6.18 Development Standards, Home Occupation

It is the purpose and intent of this Section to provide for certain types of home occupations to be conducted within a dwelling unit or accessory structure on the resident's premise. Two(2) classes of home occupation have been established based upon the intensity of the occupation.

A. Minimum standards have been established for each class of home occupation in order to:

1. Assure the compatibility of home occupations with other uses permitted in the applicable district,
2. Preserve the character of all neighborhoods while not adversely influencingthe future development of nearby land for uses which are permitted under the district classification.
3. Promote opportunities for business growth throughout the county.

B. Initial request for a home occupation permit shall be reviewed only after submitting the necessary information for the Plan CommissionBoard to determine the classification of the Home Occupation as a Type I or Type II Home Occupation.

6.18 A Type I and Type II Home Occupation Use

The use of the dwelling unit or accessory structure for the home occupation shall be clearly incidental and subordinate to the parcels use for residential purposes by its occupants and must adhere to the following:

A.There shall be no exterior indication of the home occupation or variation from theresidential character of the premises for both the residential dwelling and the accessory structureexcluding one sign which identifies the business and structure entrance.

B. In no case shall a home occupation be open to the public at times earlier than 8:00 a.m. or later than 5:00 p.m.

C. There shall be no use which creates noise, vibration, smoke, dust, electrical interference, smell, heat, glare, fire hazard, or any other hazard or nuisance to a greater or more frequent extent beyond what normally occurs from the residence.

D. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.

E. There shall be no outdoor storage of materials or goods in the development process and no outdoor display or storage of finished goods.

6.18 BHome Occupation Type I

Type I Home Occupation shall be reviewed and approved by the Plan Commission Board. The Plan Commission Board may request reasonable conditions as part of the approval.If approved, an Improvement Location Permit for the home occupation shall be issued.

A Type I Home Occupation may be approved when the following standards are met:

A. The home occupation shall be carried on by a resident of the premise with no more than one additional employee, who may or may not be a resident of the dwelling.

B. All business must be conducted within the primary residential structure.

1.Business use of the residential structure shall not exceed more than Thirty percent (30%) of the total living space.

C. The use shall not increase vehicular traffic flow and parking by more than Two (2) additional vehicles at a time in addition to the vehicle of the One (1) additional employee.

1.No additional ingress or egress drives to serve such home occupation shall be permitted,

2. All traffic must be able to exit premise without backing onto any public road,

3. Parkingalong the street may be permitted provided it does not interfere with traffic flow, intrude on adjoining property owners, or violate any current parking regulations.

4. Delivery of materials, to or from the premises by commercial vehicles (excluding UPS and Fed Ex) shall not exceed One (1) time per week , during business hours, for a Period no longer than One (1) hour. Loading and unloadingalong the street shall be permitted provided it does not interfere with traffic flow or intrude on adjoin property owners.

6.18 CHome Occupation Type II

Type II Home Occupation applications shall be reviewed and treated as a Special Exception request. The standards set forth for Special Exception applications and reviews shall be followed. The Board may impose reasonable conditions as part of the approval.

A Type IIHome Occupation may be approved when the following standards are met:

A. The home occupation shall be carried on by a resident of the premise with no more than Two (2)additional employees, which may or may not beresidents of dwelling.

B. All business must be conducted within the accessory structure.

1. Maximum allowable separation distance between Primary Structure (Residence) and Accessory Structure,which must be on the same deeded parcel, shall be Two Hundred Fifty (250) Feet,
2. In no case shall both the principal dwelling (Residence) and an accessory structure be used for the Type II home occupation,
3. Accessory structure use shall not exceed Nine Hundred (900) square feet of occupied space.

C. The use shall not increase vehicular traffic flow and parking by any more than Three(3) additional vehicles at a time in addition to the vehicles of the Two (2) additional employees.

1. No additional ingress or egress drive to serve such home occupation shall be permitted,
2. All parking generated by the conduct of such home occupation shall be met off street and other than in a required residential dwelling front yard. Sufficient area for parking and turn-around shall be provided so as to prevent traffic from exiting the premise by backing onto any public road,
3. Delivery of materials to or from the premises by commercial vehicles (excluding UPS and Fed Ex) shall not exceed Two (2) times per week, during business hours,and for a period no longer than One (1) hour.Loading and unloading along the street shall be permitted provided it does not interfere with traffic flow or intrude on adjoin property owners.

6.18 D Transfer of Permit

A. A permit for a Type I or Type II Home Occupation is not transferablefor:

1. A different location,
2. For new ownership of the permitted location,
3. For a change of the permitted occupation.

6.18 E Home Occupation Violation

In the event the Plan Commission determines that the operation of any home occupation is in violation of the provisions of this Ordinance or any permit condition, notice shall be provided to the permit applicant setting forth a description of the violation, corrective action required, and a date by which such corrective action must be accomplished. The permit may be revoked if not corrected in the manner and time specified in the notice in accordance with the revocation procedures applicable for Special Exceptions. In addition, violations of this Section are subject to the penalties provided for in this Ordinance.

**6.19Development Standards, Campgrounds**

This section applies to allpublic use campgrounds located within the jurisdiction of the Wabash County Plan Commission, containing more than Two (2) campsites,not under the jurisdiction of the State of Indiana,that are solely designated for continuous seasonal camping, and the proprietor is being compensated in some way foruse of the facilities within the campground.

6.19 A Construction Requirement

Any person planning to construct, add to, or make a significant change in any campground shall submit plans, drawn to scale, for review and approval by the Wabash County Plan Commission Board, following the Planned Developments review process.

6.19 B Campground Plan

The campground owner /operator shall maintain a plan of the campground showing infrastructure, campsites, roads, utilities, public facilities, sanitary dumping stations, office, and all other associated amenities.

6.19 C Campground Campsite
Campgrounds shall have designated campsites, and each site shall be visibly marked with an identification number, letter or name. No more than One (1) camping dwelling shall be allowed per designated campsite at the same time.

6.19 D Conditions for Health and Safety
No condition, situation, or installation shall be created, installed, or maintained that:
A. May cause or result in a health or safety hazard.
1. All fires shall be maintained within a campfire ring or pit, with no more than One (1) camp fire per campsite.

B. May cause or transmit disease, harbor rodents or other vermin, or provide any type of refuge for criminal activity.

6.19 E Campground Water Supply
Campgrounds shall provide an adequate and convenient supply of potable water for culinary, drinking, laundry, and bathing purposes. There shall be no direct physical connection between any campground potable and non-potable water supply system.

6.19 F Campground Sewage Disposal
All campground generated sewage, including gray water, shall be disposed of under the guidelines established by the Indiana State Board of Health.

6.19 G Campground Sanitary Facilities
Any campground with dependent campsites shall have flush toilets, sanitary vault privies, or portable toilets ofthe quantity and design specification stated in 410 IAC 6-7.1-26 as amended.

6.19 H Campground Swimming Pools, Bathing Beaches
Swimming pools shall comply with410IAC 6-2 and 675 IAC 20 as amended. Bathing beaches shall comply with 410IAC 6-7.1-27 as amended.

6.19 I Campground Refuse Disposal
Refuse, including garbage, shall be collected, stored and disposed of properly so the campground is clean and litter free. Refuse shall not accumulate in a manner that could:
A. Result in rodent or insect harborage or promote rodent or insect breeding, create a fire, safety or health hazard.
1. Each garbage can and dumpster shall be covered with a tight-fitting lid,
2. Collection shall occur at least Three (3) times per week, more when necessary,
3. Community dumpsters shall be a minimum of Fifty (50) feet from any campsite.

6.19 J Campground Electrical Distribution
Electrical distribution shall,at minimum meet 410 IAC 6-7.1-29 requirements, as amended.

6.19 K Emergency Equipment and Services
All campgrounds shall,at minimum, be equipped with a basic campground first aid kit and have staff knowledgeable of the proper use of such. All campsite users shall be provided with the campsite address and contact procedures in the event First Responders are needed. Local weather updates shall be available to all campers before, during, and immediately following hazardous weather conditions.

6.19 L Campsite Registration
A register containing the camp site applicants name, home address, driver license number, phone number, vehicle license plate number, vehicle type, camper license plate number, as well as the name, address, driver license number, phone number of all occupants of each campsite

along with arrival and departure times shall be maintained and available upon request for inspection by law enforcement and/or the local health officer.

6.19 M Right of Entry

The local health officeror an associate may enter public or private property at anyreasonable time and, upon presentation of credentials, do any of the following:

A. Inspect facilities, equipment, or records.

B. Investigate allegations, conduct tests, collect samples.

C. Obtain information necessary to the issuance of a permit pursuant to this rule.

D. Determine whether any person is subject to, or in violation of, this rule, or a permit issued pursuant to this rule.

**6.20 Development Standards, Grounds Property Maintenance**

It is the purpose and intent of this section to provide for safe, healthy, and pleasingly aesthetic landscaping of the platted areas of Wabash County.

6.20 A Weeds and Other Rank Vegetation Control

The presence of noxious weeds, high weeds, high grass, and other rank vegetation in the platted areas
of Wabash County constitutes a menace to public health, safety and welfare, therefore no person or commerce shall maintain any condition which may:

1. Cause a fire hazard,
2. Furnish cover for prowlers,
3. Create a potential danger of injury on obstacles covered by excess growth,
4. Obstruct visibility at street, alley, drive, or walkway intersections,
5. Create a public nuisance,
6. Furnish potential harborage and breeding grounds for disease-carrying insects, mice, rats, other vermin and reptiles.
7. support vectors, generate, transmit, or promote disease, OR
8. in general, cause or possibly cause health problems for a person or persons of the County.

6.20 B Weeds and Other Rank Vegetation Exceeding Twelve (12) Inches in Height Prohibited.

It shall be a violation of this Ordinance for any person to cause or permit weeds, grass and/or other rank vegetation exceeding Twelve (12) inches in height to be upon property located in any developed or partially developed platted area, in which he, she, or a commerce has a substantial property interest.

6.20 C Liability of Responsible Parties

1. All responsible parties and persons with a substantial property interest shall be jointly and severally responsible for maintaining property in compliance with this Ordinance.
2. In the event a violation under this Ordinance occurs, each responsible party and persons with a substantial property interest are deemed to have committed the violation, whether or not such responsible party personally contributed to or was actuallyaware of the violation.

6.20 D Notification

Annual notification, as a local news item, published in local newspapers shall serve as a general notice and reminder to all property owners.

6.20 E Inspection for Violation

The Wabash County Advisory Plan Commission, or its authorized agent or representative, is empowered to the fullest extent of the law, in the performance of its functions, to enter upon any land within the jurisdiction of the Wabash County Plan Commission, that is subject to this Ordinance, for the purposes of making inspections.

1. The Plan Commission or its authorized agent or representative shall, upon request, present proper identification when entering upon any land or structure for the purposes of this Ordinance.

6.20 F Notice of Violation

1.In the event a violation is found to exist, the Plan Commission or its agent shall notify a responsible party of the existence of the violation.

2. Such notice shall be sent to the land owner at the address as indicated in the records of the county auditor or as otherwise provided in IC 1-1-7-1, IC 36-7-10.1 or other applicable Indiana law. Notice shall be sent by certificate of mailing. The date of service shall be the date of mailing or date of delivery if given in person.
3. The written notice shall inform the responsible party of the violation and the action that must be taken to correct the violation including:
   a. The location of the violation,
   b. The nature of the violation,
   c. The allowed time period for correction of the violation,
   d. The continued maintenance required to prevent re-occurrence of the violation,
   e. The remedy the department may seek for the violation,
4. Notification will be sent to first time violators to mow the property and shall inform the responsible party of the penalties for failure to abate the violation,
5. In the event that the Zoning Administrator gives notice under Section 7 of this Ordinance that a violation of this Ordinance has occurred, the Zoning Administrator may post at the subject property at the time of abatement a continuous abatement notice. Such continuous abatement notice shall provide notice to the landowner that the Zoning Administrator may abate each subsequent violation of this Ordinance during the same calendar year in which the Zoning Administrator served notice of an initial violation.

6.20 G Action and Penalties on Violation

1. A property owner shall have Ten (10) days from the mailing date of the written notice of violation, to abate the violation.
2. If the violation is not abated within the allotted time period, the county or an appointed contractor may enter and mow the property.
3. A property owner who fails to comply shall be charged a mowing fee of **$120.00** plus **$25.00per quarter hour** after the first hour, plus a **surcharge of $65.00**for a first time offense.
4. Each subsequent violation shall be assessed a mowing fee of **$120.00** plus **$25.00 per quarter hour** after the first hour, plus a **surcharge of $65.00** for each subsequent offense.
5. The Plan Commission may issue any other order against a responsible party that is, in its discretion, necessary to remedy violations of this Ordinance, penalize violations of this Ordinance, and/or deter future violations of this Ordinance.

6.20 H Billing and Payment

1. Upon completion of mowing, the deeded owner shall be invoiced for the amount due with said payment to be received by the Wabash County Plan Commission within 14 days of the invoice mailing date..
2. Failure to pay within the required time period shall require the Wabash County

Auditor to place the total amount so certified on the tax duplicate for the property at issue, and the total amount, including any accrued interest, administrative cost to process, and recording fees shall be collected as delinquent taxes are collected. All collected fees, excluding the recording and release fees, shall be disbursed to the Unsafe Premise Fund of the Wabash County Advisory Plan Commission.

6.20 I Shrubs, Bushes, Trees, Vinery

Shrubs, bushes, trees, climbing vinery located on or immediately around the perimeter of a structure shall remain pruned so as to not provide thorough camouflage of the windows, window wells, and doors of any structure.

6.20 J Junk, Solid Waste, Trash

No person or commerce shall cause, discard, permit or place an accumulation or scattering of any junk, solid waste, trash in the County upon any street, lot, park, waterway, waterway bank, public place, personal property or other area whether publicly or privately owned.

This does not include:

1. Accumulations of junk, solid waste, trash prior to compaction and application of daily co cover at a designated solid waste disposal facility,
2. Accumulations of junk, solid waste, trash for the purpose of immediate, (Two (2 days)), pick-up and disposal at a solid waste facility.
3. No person or commerce shall cause or allow to be caused the disposal of hazardous waste within the county except as approved by the US EPA or IDEM.
4. No person or commerce shall maintain a property structure so as to indirectly provide harborage forinsect infestations, vermin, critters, varmints, reptile,vagrants, or criminal activity.
5. No person or commerce shall keep junk automobiles, water craft, trailers, campers, ATVs, UTVs, trucks, cycles, motorcycles, snowmobiles, or associated parts on any property without having sufficient storage to keep said objects and parts stored inside. Said vehicles or trailers of such type without current plates, and/or in an inoperable condition so as to be deemed dead storage shall be prohibited in all Zoning Districts unless stored in completely enclosed buildings. Junk automobiles shall not be parked or stored outside in any district unless specifically authorized under the terms of this Ordinance except for:

a. A currently licensed junk yard or salvage yard shall have and shall maintain a privacy fence around the entire property sufficient in height to block the view from the general public.

6.No person or commerce shall conduct any salvage operation or open dump by open burning or burn, or allow the burning of any solid waste upon his property in any manner that violates 326 IAC 4-1, IC13-17-9, as amended from time to time,or this Ordinance.

6.20 K Geothermal

Open Loop and Closed Loop Geothermal renewable energy systems may be permitted within the jurisdictional area of this Ordinance. Discharge and drainage plans for open loop systems, which arerequired to drain into a pond, stream, creek, or drainage tile shall be reviewedand approved by the Wabash County Drainage Board prior to completion of the ILP.

### 6.21 Development Standards, Abandon Structures

The Wabash County Plan Commission determines that the presence of vacant and abandon structures attract youth, become harborage for vermin, serve as temporary abodes for vagrants, provide shelter for criminal activity,, and creates blight. It is recognized that such conditions lower property values, lead to deteriorating conditions, undermine quality of life,

affect public health, safety and general welfare, support criminal activities and may also result in the cause of human injury. It is also determined that vacant and unoccupied structures demand an inordinate amount of County administrative and ordinance enforcement resources. As such, the plan commission finds the prolonged presence of vacant and abandon structures to be un-acceptable for the citizens of Wabash County.

A. Deeded owners of abandon structures in R1, R2, R3, LR1, LR2, and GB Districts and deeded owners of abandon residential dwellings in A1, A2 Zones shall be notified by certified mail of infractions. Deeded owners of abandon structures, (excluding Agricultural Structures) which haveinfractions, shall be required to provide the following information:

1. Plans for restoration or removal with an establishedtimeline.

B. An order to secure an abandon structure shall be fulfilled by the owner within Ten (10) days from the signature date on the certified mail. If the act of securing has not beencompleted or does not comply with the requirements of this Ordinance, the County may have the structure secured, or have the structure razed. Either action shall be just cause for the county to bill the owner of record for all costs incurred. The County shall be entitled to all attorney fees and costs incurred in obtaining any required legal documents, or to obtain a judgment against an owner for any overdue or unpaid fee associated with any abandoned structure.

C. All points of entry on an abandon structure that are suitable for animal, fowl, or human entry shall be secured as follows:

1. Unless otherwise specified by the county plan commission, all structure and ground accessible points of entry of an abandon structure shall be secured by use of materials matching those of the structure or exterior grade sheeting of at least one-half inch (1/2") thickness, cutto the size of the opening and secured by screws,
2. No abandon property shall be allowed to have a functional swimming pool, which retains water, and is accessible to the general public by normal means of ingress.

D. In addition all lots must be maintained according to the Development Standards for Grounds Property Maintenance, Chapter 6, Section 6.20.

E. The owner of any abandon structure shall be obligated to provide written notice to any prospective purchaser of an abandoned structure of any violations, fees, or obligations imposed by the County regarding that abandon structure. Failure by an owner to comply with this Section shall constitute a violation of this Ordinance. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to an extension of time, unless granted by the PC Board, to correct or address the violations present at the time of sale, transfer, or conveyance of the property.

### 6.22 Development Standards, Unsafe Building /Premise Law

A. For the purposes of this standard, a building or a structure is considered unsafe if any part of such building or structure is:

1. In an impaired structural condition that makes it unsafe to any person or property,
2. A fire hazard,
3. A hazard to public health,
4. A public nuisance,
5. An abandon structure which is not maintained according to the Abandon Structure Development Standards,
6. Dangerous to any person or property due to violation of statute or ordinance concerning building condition or maintenance.

B. For the purpose of this Ordinance, an unsafe building and the tract of real estate on

whichthe unsafe building is located are considered unsafe premises.

C. The provisions of Indiana Code 36-7-9 as amended are hereby incorporated by reference into this Ordinance Chapter and Section. Within the jurisdiction of the Wabash County Plan Commission, all proceedings for the inspection, repair and removal of unsafe buildings shall be governed by the provisions of Indiana Code 36-7-9 as amended and the provisions of this Ordinance. In the event of any conflict between the provisions of this Ordinance and the provisions of the Indiana Code, the Indiana Code provisions shall control.

D. The Wabash County Plan Commission Director, as the enforcement authority, is hereby authorized to administer and to proceed under the provisions of Indiana Code 36-7-9 as amended in issuing any orders requiring action relative to any unsafe premises.

### 6.23 Development Standards, Septic Systems

It is the intent of this section to provide safe, healthy, and environmentally sound practices for the establishment of new septic systems, and the proper maintenance of existing septic systems.

The Wabash County Plan Commission shall follow the policies of County Ordinance 2012-85-18, "The Wabash County Onsite Sewer System Ordinance" as may be amended, for residential on-site sewage systems, and commercial sewage systems. No Improvement Location Permit, for which a structure is to be built, requiring a septic permit, shall be issued prior to the approval of said septic system from the Wabash County Health Dept.

### 6.24 Development Standards, Wind Energy Conservation System, (WECS)

It is the purpose of the WECS Development Standards to:

A. Assure that the development and production of wind-generated electricity in Wabash County is safe and effective by establishing predictable and balanced regulations for the establishment of COMMERCIAL and NON COMMERCIAL WECS in the locations and circumstances under which the use may be established without detriment to the public health, safety and welfare of neighboring property owners or occupants.

B. It is the intent of the Wind Energy Conservation System (WECS) siting regulations to provide a regulatory scheme for the construction and operation of WECS in Wabash County subject to reasonable restrictions. These regulations are intended to preserve the health, safety, and welfare of the community.

<u>6.24 A Applicability</u>

The provisions of the WECS Development Standards are applicable to those zoned Districts which allow WECS, or govern the siting of WECS and WECS associated equipment that generate electricity to be sold to wholesale or retail markets, or that generate electricity for private use. A reasonable attempt shall be made by the Wabash County Plan Commission, at the applicants expense, to notify all property owners within the proposed defined area of a WECS project prior to review of any application for a Commercial WECS . Notification may be done by media, separate mailings, or through the public notice requirements prescribed in IC 5-3-1 as amended. Said notice shall inform land owners of the proposed project intent to develop a COMMERCIAL WECS.

<u>6.24 B Prohibition</u>

No person or entity shall construct, operate or locate a WECS within the Jurisdiction of the Wabash County Plan Commission without having fully complied with all of the provisions of this Ordinance.

6.24 C Commercial WECS Application Requirements

Prior to the construction of a COMMERCIAL WECS, the Applicant(s) shall seekapproval for a COMMERCIAL WECS by completing a Special Exception Application in which the following conditions shall be met:

Special Exceptions and Variances shall be applied for and reviewed under the procedures outlined in Indiana Code, The Plan Commission and BZA Rules of Procedure, and this Ordinance. Applications for COMERCIAL WECS shall include, but not be limited to requiring the following information:

A. Contact information of the project applicant including names, addresses, and phone numbers for the applicant and applicant's overall role in the proposed project.

B. Contact information of current project owner including names, addresses and phone numbers of the owner and owner's overall roll in the proposed project.

C. Contact information of project operator including names, addresses and phone numbers of the operator and operator's overall role in the proposed project,

D. Contact information of the current project applicant shall include a description of the project applicant's business structure with Three (3) references.

E. Contact information of the current project owner shall including a description of the project owner's business structure with Three (3) references.

F. Contact information of the current project operator shall include a description of the project operator's business structure with Three (3) references.

G. The legal description, property addresses, deeded owner addresses, and location of the proposed project, including documentation of land ownership or legal control of the property on which the WECS is proposed to be located.

H. For all COMMERCIAL WECS, the manufacturer's engineer or a Certified Indiana Structural Engineer shall certify, by Seal, as part of the permitting application, that the turbines foundations, tower design, substations, and power distribution for the COMMERCIAL WECS are within accepted professional standards, given local soil and climate conditions.
   1. Must certify soil type at each turbine site location.

I. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by the certified drawings of the wind turbine structure, including the tower, base, and footers.

J. A WECS project description, providing information on each wind turbine proposed including:
   1. Each turbines point location,
   2. Turbine type,
   3. Nameplate generating capacity,
   4. Tower height and design,
   5. Blade arc diameter,
   6. Total height,
   7. Anchor base schematic,
   8. Underground cable routing path,
   9. Means of interconnection with the electrical grid (Electrical Schematic),

10. Equipment Manufactures,
11. All related accessory structures.

K. All COMMERCIAL WECS shall comply with all air hazard rules by applying for and receiving permits and approvals of compliance for all required Federal Aviation Administration rules and regulations.

L. A copy of the Communications Study and Noise Profile for each wind turbine unit which is proposed to be installed on each specific site.

M. For the purpose of preventing unnecessary harm to nature and wildlife, the applicant shall provide written documentation verifying they are in direct correspondence and cooperation with the U.S. Fish and Wildlife Service, Indiana Department of Natural Resources and the Wabash County NRCS.

N. A Transportation Plan for construction, operation, and maintenance phases shall be submitted. Indicate by description and map what roads the project will utilize during the construction, operation and maintenance phases of the project, along with current road surfacing and conditions. Specify any new roads and proposed upgrades or improvements needed to the existing road system to serve the project (for both the construction and O&M periods), identify needed bridges, culverts, fence crossings etc. Also identify all areas where modification of the topography will be or is anticipated (cutting/filling) to construct, improve roadways or intersections. Address road improvement, restoration and maintenance needs associated with the construction, ongoing maintenance/repair, and potential dismantling of the project. Provide projected traffic counts for the construction period, broken down by the general type and size of vehicles, and identify how many trips will have oversized or overweight loads. If significant impacts to the transportation system are anticipated, the County shall require financial guarantees to ensure proper repair/ restoration of roadways or other infrastructure damaged or degraded during construction, operation or dismantling of the project. In such case, the "before" conditions of the roadways and other infrastructure shall be documented through appropriate methods such as videos, photos, and written records, to provide for proper reference and restoration.

O. Applications for COMMERCIAL WECS shall include a preliminary site layout plan with distances, certified by a registered land surveyor, drawn to scale (one inch= 30 feet preferred) illustrating the following:
1. Property lines, including identification of all adjoining properties,
2. The longitude and latitude of each wind turbine, along with individual identification for each WECS turbine, (ID by number),
3. Dimensional representation of the structural components of the tower construction including the base and footers,
4. All WECS access roads and road composition,
5. Substations and switching stations,
6. All WECS electrical cabling runs,
7. Ancillary equipment,
8. All Primary Structures within One (1) mile of all proposed COMMERCIAL WECS equipment,
9. Required setbacks identified and displayed,
10. Location of all public roads which abut, or traverse the proposed site,
11. Location of all above-ground utility lines within One (1) mile of any proposed COMMERCIAL WECS turbine or structure,
12. Location of all existing underground utilities that may impede buried cable runs

and all underground utilities associated with the WECS,

13. The location of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the IDNR or the Wabash County Historical Society, within One (1) mile of the proposed COMMERCIAL WECS,
14. The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines, within One (1) mile of the proposed COMMERCIAL WECS,
15. A USGS topographical map or map with like data, of the property and the surrounding area, including contours at One (1) foot intervals,
16. Any other items reasonably requested by the Wabash County Plan Commission.

P. Due to the possible complexity of large-scale solar power projects, the county may require a development agreement or other appropriate instrument to address taxing, land use, property assessment, and other issues related to the project. Cooperation to establish an agreement for payment in lieu of taxes (PILT), or other acceptable solutions, may be necessary. A development agreement may be required as a condition of the permit process, and must be approved by the board of county commissioners prior to completion of the permitting process.

6.24 D Aggregate Project Applications

Aggregate projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, and reviews, and as appropriate, approvals.

6.24 E Application for Variance

Contemporaneously with the application for a Special Exception, the applicant shall submit a Variance Application for any variances sought as part of the WECS. A Variance Application shall be submitted for each different variance category sought.

A. One Variance shall be submitted for each variance category, however consideration of said variance, by the board, shall be applied to each individual applicable unit or situation for which the variance covers.

6.24 F Non-Commercial WESC Application Requirements

Prior to the construction of a NON-COMMERCIAL WECS, the Applicant(s) shall obtain approval for a NON-COMMERCIAL WECS by completing an Application for an Improvement Location Permit in which the following conditions shall be met. Variances shall be applied for and reviewed under the procedures established by the Wabash County Zoning Ordinance. Applications for NON-COMMERCIAL WECS shall include the following information:

A. Contact information of the project applicant, including name, address, and phone number of the applicant.

B. Contact information of current project owner, including name, address, and phone number of the owner.

C. The legal description, address, and location of the proposed turbine(s) and associated equipment including documentation of land ownership or legal control of the property on which the NON-COMMERCIAL WECS will be located.

D. A NON-COMMERCIAL WECS project description, providing information on each wind turbine proposed including:
   1. Number of turbines,
   2. Turbine type,
   3. Nameplate generating capacity,
   4. Tower height and design,
   5. Blade arc diameter,

6. Total Height,
7. Anchor base schematic,
8. Underground cable routing path,
9. Means of interconnection with the electrical grid (Electrical Schematic),
10. Equipment Manufactures,
11. All related accessory structures.

E. Most of the energy produced by a non-commercial WECS project shall be consumed on said property defined in the application.

F. A site layout plan drawn to scale (one inch equal Thirty (30) feet preferred).

G. For all NON-COMMERCIAL WECS, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the building permit application, that the turbine, foundation and tower design of the NON-COMMERCIAL WECS are within accepted professional standards, for the proposed location soil types and climate conditions.

H. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code and meets all the requirements of the electrical utility's service regulations applicable to WECS as amended from time to time.

I. All NON-COMMERCIAL WECS shall comply with all air hazard rules by applying for and receiving permits and approvals of compliance for all required Federal Aviation Administration rules and regulations.

J. All NON-COMMERCIAL WECS applicants must provide a copy of Communications Study and Noise Profile of the actual wind turbine that is to be installed on the selected site.

K. No NON-COMMERCIAL WECS shall be installed until verification that the local utility company has been informed of the customer's intent to install an interconnected customer owned wind turbine generating system.
1. All applicants must provide a completed "Agreement to Interconnect Application" between the public utility company providing electrical service and the customer before an application for an Improvement Location Permit can be completed,
2. Off-grid systems shall provide proof of notification of the local utility company before and after installation with verification of approval from the utility company.

<u>6.24 G Zoning Requirements</u>

WECS shall be permitted by Special Exception and/or Application for Improvement Location Permit in the following zones according to Commercial WECS or Non-Commercial WECS classification.

| **COMMERCIAL** | **NON-COMMERCIAL** |
|---|---|
| AGRICULTURE 2 AGRICULTURE 1 | |
| FLOOD PLAIN | AGRICULTURE 2 |
| FOREST, RECREATION, | FOREST, RECREATION, CONSERVATION |
| CONSERVATION | RESIDENTIAL 1 |
| INDUSTRIAL | RESIDENTIAL LAKE 1 |
| | GENERAL BUSINESS |
| | INDUSTRIAL |

6.24 H Application Fees

All fees for Special Exceptions, Variances, and ILPs shall be paid at the time of application. The fees charged by the County aid the County in recovering the cost incurred in connection with the application process resulting from engineering and other professional fees and expenses, including but not limited to attorney's fees.

A. All Improvement Location Permit Applications for NON-COMMERCIALWECS shall be charged a fee based on the current Permit Fee Schedule.

B. All Variance Application fees for COMMERCIAL and NON-COMMERCIAL WECS shall be based on the current Permit Fee Schedule. Multiple Variances may be listed on one application.

C. The Special Exception Application fee for COMMERCIAL WECS shall be based on the current Permit Fee Schedule.

D. All Improvement Location Permit Applications for all COMMERCIAL WECS shall be charged a fee, based on the current Permit Fee Schedule, for each tower.

E. WECS shall conform to all industry standards. Applicant shall submit a certificate of design compliance that the wind turbine manufactures have obtained from Underwriters Laboratories, Det Norske Vertas, Germanishcer Lloyd Wind Energie, or an equivalent Third party.

6.24 I WECS Standards

A. Tower Construction
All wind turbines shall be installed on a certified tubular free standing tower, a guyed lattice tower, or a monopole tower. Towers may be guyed or self-supporting.

B. Filtering
All NON- COMMERCIAL and COMMERCIAL WECS shall be filtered, shielded or otherwise designed and constructed so as not to cause electrical, radio frequency, television, navigational, microwave, or any other electro-magnetic interference.

C. Grounding
All NON-COMMERCIAL AND COMMERCIAL WECS components shall be grounded and shielded to protect against natural lightning strikes and system faults in conformance with the National Electrical Code (NEC), and local utilities service regulations which may apply to WECS.

D. Speed Control
All NON-COMMERCIAL and COMMERCIAL WECS shall be designed with automatic over speed control to render the system inoperable when winds are in excess of speeds for which the machine is designed to operate.

E. Brake Control
All NON-COMMERCIAL and COMMERCIAL WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. All mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.

F. Power Loss
All NON-COMMERCIAL and COMMERCIAL WECS, connected to an electric utility grid, shall be designed with an automatic and a manual control that will render the system

inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.

G. Utility Interconnection
All NON-COMMERCIAL and COMMERCIAL WECS connected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's service regulations applicable to WECS, as amended from time to time.

H. Electrical Applications
1. All electrical components of all NON-COMMERCIAL and COMMERCIAL WECS shall conform to all applicable local, state, federal and national codes, and any relevant national and international standards,
2. All NON-COMMERCIAL and COMMERCIAL WECS, turbines, structures, substations, feeder lines, facilities, and accessory equipment shall comply with the National Electrical Code and operate as set forth in the electrical utility's service regulations Applicable to WECS, as amended from time to time.

I. Noise and Vibration
1. At no time outside of any Primary Structure shall the sound pressure levels from a wind turbine or any of the components that make up a NON-COMMERCIAL or COMMERCIAL WECS exceed 32 decibels on the "A" weighted scale of a Sound Level Meter.

2. At no time shall vibration created by any Commercial or Non-Commercial WECS be detectable on any non-participating land owners property or within the structures located on said property.

J. Shadow Flicker
For NON-COMMERCIAL OR COMMERCIAL WECS.
At no time shall a wind turbines tower, nacelle, or blades create shadow flicker on or within the current structures of any non-participating land owners property.

K. Lighting
All lighting, including lighting intensity and frequency of strobe, shall adhere to, but not exceed, requirements established by the Federal Aviation Administration (FAA) permits and regulations. Except with respect to lighting required by the FAA, all other lighting shall require shielding so that no glare extends Twenty (20) feet beyond any any NON-COMMERCIAL or COMMERCIAL WECS structures.

6.24 J WECS Conditions
In addition to all WECS requirements and standards, all WECS shall meet or exceed the following WECS conditions as designated dependent on the classification of each WECS as a NON-COMMERCIAL or COMMERCIAL WECS.

A. Final Site Layout Plan
APPLIES TO COMMERCIAL WECS
1. Provide a copy of the Final Site Layout Plan illustrating the final location of all that is required in the preliminary site layout plan, as approved by the landowners, WECS project owners, WECS project operators, WECS project applicants, Wabash County Highway Department, Wabash County Drainage Board, Wabash County Plan Commission, and the Wabash County Commissioners.
2. The final site plan shall include a utility plan drawn to scale (One (1) inch equals Thirty (30) feet preferred) illustrating the location of all underground utility lines associated with the total WECS project.
3. A site plan shall be required for any WESC Commercial Work Yard in which WECS

materials, work equipment, portable engineering offices, etc. are to be located during the construction period, operations period, and demolition period.

a. Site shall be fenced and gated for security purposes.

b. Any work site facility requiring sewer, septic or well, shall comply with the current regulations of the Wabash County Health Department, and the Indiana State Department of Public Health,

B. Drainage and Erosion

APPLIES TO COMMERCIAL WECS

1. Requirements of the IDEM Rule 5 and the Wabash County Storm Water Control Ordinance shall be followed during construction, operation and maintenance of the WECS. An erosion control plan developed in consultation with NRCS, IDEM, and any storm water quality management plan adopted by the applicable jurisdiction shall be submitted and approved.

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

2. All site locations shall be reviewed by the Wabash County Drainage Board and shall comply with all requirements administered by the drainage board for each specific site. All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by construction, construction equipment, maintenance, maintenance equipment, turbine transportation equipment or all-purpose use vehicles of the WECS must be completely repaired to original or better condition, and so as to not impede the natural flow of water. All maintenance and repairs must be completed immediately.

C. Drainage, Road and Property Maintenance Agreement

APPLIES TO COMMERCIAL WECS

1. Any applicant, owner, or operator of a Commercial WECS proposing to use any county road for the purpose of transporting any COMMERCIAL WECS associated substation parts and/or equipment for construction, operation, maintenance, or demolition of any part of the COMMERCIAL WECS, shall prior to construction:

a. Identify all such public roads, bridges, culverts, ditches, county drains, personal property and services. Any proposed routes that will be used for construction and maintenance purposes shall be identified. Any route that includes a public road shall be approved by the Wabash County Highway Supervisor. The WECS applicant and County Highway Supervisor shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future road damage,

b. Any damage, to above listed items , or items noted during the survey, created during the construction of the WECS, by the project equipment, by the installation, removal, maintenance or demolition of same, must be repaired to the satisfaction of the Wabash County Highway Superintendent, County Drainage Board and/or County Commissioners. The Wabash County Highway Superintendent and/or the County Commissioners shall require remediation of all road damage under a scheduled timeline previously set and agreed to by all parties. Further, a corporate surety bond, in an amount to be fixed by a county selected professional engineer, shall be required by the Wabash County Commissioners to insure the County that the future repairs are completed to the Satisfaction of the County. The cost of bonding is to be paid by the applicant.

APPLIES TO COMMERCIAL and NONCOMMERCIAL WECS

c. Culvert pipes shall be sized by the County Highway Superintendent and installed as required at all exits from roadways onto WECS access roads and any intersection corners expanded to provide ample turning area for oversized

or wide loads,

d. Newly constructed WECS access roads and expanded intersection corners shall not impede the natural flow of water and shall comply with the Wabash County Storm Water Control Ordinance,
e. Dust control measures shall be required by the county in scheduled work areas during construction of all Commercial WECS,

D. Required Agreement
APPLIESTOCOMMERCIALWECS
All WECS applicants, operators, owners shall complete and follow an economic development agreement, a drainage agreement, and a road use and maintenance agreement approved by the Wabash County Commissioners. The agreement shall also prescribe or reference provisions to address all current and future crop and field tile damages.

6.24 K Color and Finish
APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

A. All WECS turbines shall be white, light grey, or another non-obtrusive color. Finishes shall be matt or non-reflective. Must meet all applicable FAA color requirements. No advertising or signage shall be allowed on a WECS turbine, or WECS related equipment except for the manufactures name on the Nacelle.
B. Upon review by the WCPC Board, exception may be made for meteorological towers, with regard to color, where concerns exist relative to aerial spray applicators.

6.24 L Timetable
APPLIES TO COMMERCIAL WECS
A work schedule shall be provided, to the Wabash County Commissioners by 8:30 AM every Monday morning, for review during the County Commissioners weekly scheduled meeting outlining the construction zone and all other related project activity for the current week.

6.24 M Modification, Repairs, Maintenance
APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS
Any physical modification to a WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Prior to making any physical modifications (other than like-kind) the owner, operator or service technician shall confer with the Wabash County Plan Commission to determine whether the physical modification requires re-certification.

6.24 N Inspections
APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS
The Wabash County Plan Commission, along with a licensed 3rd party professionals, retained by the County for the specific purpose of conducting inspections of the WECS, shall have the right, at any reasonable time and with sufficient prior notice, to accompany the owner, operator, agent, or service technician onto the premises where a WECS has been constructed, to inspect all parts of said WECS installation and to require repairs or alterations be made. The owner or operator of a WECS may also retain a licensed 3rd party professional engineer, familiar with WECS systems, to prepare and submit data to address the repairs or alterations requested and may suggest alternate methods for addressing the defaults or provide evidence that said repairs or alterations are unnecessary.

6.24 O Written Notices
APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS
Prior to implementation of the existing procedures for the resolution of such default, the Wabash County Plan Commission shall first provide written notice to the owner, operator, or

service technician setting forth the alleged default. Response to the written notice must be submitted to the Wabash County Plan Commission, within Thirty (30) days of receiving notice of the infractions. The WCPC will consider any such written report and determine whether the repairs or alterations should be made as originally requested in the initial written report. The decision of the Wabash County Plan Commission shall be final.

6.24 P Temporary Meteorological Equipment

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

Temporary equipment located upon a temporary tower used on an interim basis to gather wind and meteorological data to determine feasibility of the WECS shall require siting approval along with the satisfactory completion of an Improvement Location Permit showing compliance with the requirements of this Ordinance.

6.24 Q Abandonment, Discontinuation, Decommissioning, And Removal

APPLIES TO COMMERCIAL WECS

A. Prior to issuance of a Special Exception, the applicant shall provide a contractor cost estimate for demolition and removal of all COMMERCIAL WECS structures and access drives. Applicant shall provide financial assurance through the use of a bond, or other security acceptable to the county, in an amount equal to 200% of the contractor estimated cost of said demolition and removal. The security for decommissioning, demolition and removal of anything proposed to be constructed under said ILP shall be released when such structures are properly decommissioned as determined by the Wabash County Plan Commission.

APPLIES TO COMMERCIAL WECS

B. The plan shall include assurance that all facilities will be properly decommissioned upon the end of the project life or facility abandonment. Applicants' and owners' obligations with respect to decommissioning shall include removal of all physical material pertaining to the project improvements to a depth of Fifty Four inches (54”) beneath the soil surface and restoration of the area occupied by the project improvements to the same or better condition that existed immediately before beginning construction of such improvements.

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

C. In the event of abandonment by the owner or operator, the applicant shall provide, in the application process, an affidavit to the Wabash County Plan Commission that all easements for the wind turbines shall contain assurance for access to remove WECS equipment. The Wabash County Plan Commission shall have the right to remove any abandoned WECS and the right to sell all equipment to defray the cost of removal subject to the rights of any secured creditor holding a security interest in the WECS.

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS.

D. Any WECS therefore declared to be unsafe by the Wabash County Plan Commission by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, or demolition and removal in accordance with the procedures set forth in this Ordinance.

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

E. All WECS shall be considered as a discontinued use after One (1) year without energy production, unless a plan is submitted to the Wabash County Plan Commission outlining the steps and schedule for returning the WECS to service. The submitted timeline and steps shall be strictly adhered to.

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

F. Applicant and/or owner obligations shall include removal, by the owner or by Wabash County, at the owner's expense, of all physical material pertaining to the project improvements, within Three Hundred Sixty Five (365) days of the discontinuation or abandonment of the facility. Restoration of the area occupied by the project improvements to the same or better condition which existed immediately before construction of such improvements shall be required.

6.24 R WECS Construction Requirements

A. BLADE CLEARANCE

The minimum distance between the ground and any protruding blades utilized on a WECS shall be Fifty (50) feet, as measured at the lowest point of the arc of the blades. The minimum distance maybe increased as necessary to provide clearance in locations which may require a greater clearance.

B. STRUCTURE HEIGHT

Maximum tower height shall not to exceed the maximum height in feet permitted by the Federal Aviation Administration as measured from the ground level base of the WECS tower to the top of the tower.

C. TOTAL HEIGHT

Maximum total height shall not to exceed the maximum height in feet permitted by the Federal Aviation Administration as measured from the ground level base of the WECS tower to the top of the arc of the rotor diameter.

D. COLLECTION, TRANSMISSION AND FEEDER LINES

All COMMERCIAL WECS electrical distribution, transmission, feeder and collection lines shall be located underground a minimum of Five (5) feet. All electrical components of the WECS shall conform to all applicable local, state and national codes and relevant national and international standards.

1. For all identified existing tile drains, open drains, streams or ditches all WECS buried cables shall be a minimum of Five (5) feet below the existing flow line.
   a. Field locate of identified existing tiles will be at WECS applicants expense.

E. SETBACKS

No NON-COMMERCIAL or COMMERCIAL WECS shall be constructed in any setback, dedicated public easement or dedicated public right-of-way without prior written authorization from the county. No WECS shall be constructed in any flowage easement or floodplain without prior written authorization from FEMA, Army Corp. of Engineers, Indiana Department of Natural Resources or the Wabash County Floodplain Administrator.

F. Distances shall be measured from the center of the foundation at the base of the structure. New structures built adjacent to the wind power facilities shall, at minimum, follow primary structure setback requirements for the designated zone. Participating landowners within the area comprising the COMMERCIAL WECS may waive side and rear property line setbacks with written approval, from both land owners, when the adjoining properties are both owned by participating land owners

G. Except as otherwise provided herein the setback distance for all COMMERCIAL WECS towers and turbines shall be a minimum of Three Thousand Nine Hundred Sixty (3,960) feet from any existing non-applicant/ non-participant Primary Residential or Business Structure and One Thousand Nine Hundred Eighty (1,980) feet from any existing applicant/participant Primary Residential or Business Structure.

H. All WECS turbines shall be set back from all public roads Two (2) times the total height of the wind turbine or a minimum of One Thousand (1000) feet whichever is more restrictive.

I. Substations, and accessory facilities, not located within a public right of way or any utility easement, shall be setback as specified from the centerline of any public road the following minimum distances:

| | |
|---|---|
| State Road | 105 Feet |
| Primary County Road | 95 Feet |
| Secondary County Road | 65 Feet |

J. All wind turbines shall be set back Two(2) times the total height of the wind turbine or a minimum of One Thousand(1000) feet from any non-participating WECS Property owner's property line, whichever is more restrictive.

6.24 S Housekeeping

A. All solid waste whether generated from supplies, equipment, parts, packaging or operation and maintenance of a WECS, including old parts and equipment, shall be removed from each site immediately upon completion of the site development. All hazardous waste generated by the operation and maintenance of the facility, including but not limited to lubrication materials, coolants, shall be handled in a manner consistent with all local, state and federal rules and regulations.

6.24 T Safety

A. Equipment Type
   1. AllWECScomponentsshallbeconstructedofcommerciallyavailableequipment.

B. Signage
   1. For all WECS, warning signs, danger signs and informational signs shall be posted on towers, transformers, substations, structures and accessory buildings to notify of: high voltage, no trespassing, danger overhead, emergency contact phone number (s), turbine ID number.
   2. Emergency manual shutdown procedures shall be posted with all manual shutdown levers and switches clearly labeled,
   3. No signage shall be used on any WECS equipment for the purpose of advertising or to promote any product or service.

C. WECS Access
   1. Removal of all exterior tower climbing fixtures Twenty (20) feet above ground level shall be required. Installation of a locking anti-climb device shall be installed on all towers when exterior climbing mechanisms are present All substations, switching stations, associated facilities, or accessory structures shall be locked.

D. Guyed Towers
   1. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points along the outer and innermost guy wires up to a height of not less than Twenty (20) feet above the ground.

E. Emergencies
   1. The applicant, owner or operator of a WECS shall submit to the local fire department a copy of the site plan. Upon request by the local fire department, the owner/operator shall cooperate with the local fire department to develop the fire department's emergency response plan. Nothing in this Section shall alleviate

the need to comply with all other applicable fire laws and regulations.

F. Insurance Commercial Units
1. The owner, operator of the WECS shall maintain a current general liability policy covering bodily injury and property damage and name Wabash County Plan Commission as an additional insured with limits of at least $2 million per occurrence and $5 million in the aggregate with a deductible of no more than $5,000.00.

G. Experimental /Prototype Equipment
1. Experimental or proto-type equipment, still in testing, which does not fully comply with industry standards, shall not be approved for use.

6.24 U WECS Ownership

A. Change in Ownership
1. It shall the responsibility of the owner, operator listed on the application to inform The Wabash County Plan Commission of all changes in ownership and operation of the WECS during the life of the project.
2. All bonding and liabilities shall transfer accordingly.

**6.25 Development Standards, CFO**

6.25 A Purpose

A. The purpose of this Section of the Wabash County Zoning Ordinance is to establish certain minimum standards for all Confined Feeding Operations (CFOs) in Wabash County, in order to assure reasonable compatibility between such livestock operations and other uses.

B. These standards, along with any relevant requirements of the Indiana Department of Environmental Management (IDEM), National Pollutant Discharge Elimination System (NPDES), Environmental Protection Agency (EPA), or the Office of Indiana State Chemist (OISC) are intended to create a reasonable balance between needed livestock production and other uses in Wabash County, Indiana.

6.25 B Pre-application Permit Policy

A. Prior to submitting a permit application to IDEM, a Wabash County CFO Applicant shall complete and submit a Pre-Application Permit with the Wabash County Plan Commission. Except as provided hereinafter, for a period of Twelve (12) months, Eighteen (18) months if granted an extension, after the issuance of a Pre-Application Permit, the Wabash County Plan Commission shall not issue any building permit for a residential dwelling or business structure to be located within the established setback of the proposed CFO site.

B. The initial Pre-Application permit is good for 12 months, and may be renewed One time for an additional 6 months if the applicant proves diligence in seeking the IDEM operating permit.

C. An IDEM permit is valid for 5 years, however, the filed pre-application shall only secure the CFO Pre-application site for the 12 month period, or 18 month period, when a 6 month extension is granted.

D. For any approved IDEM CFO permit containing multiple structures, the county's 12 or 18 month timeline apply to the start time for the initial (1st) structure.

E. No Pre-Application Permit shall be issued to any Applicant, LLC or Corporation with a

member, who has any significant connection with any pending or otherwise unresolved violation of any environmental related statute, rule, regulation, or order of any Federal, State or local governing body.

F. No Pre-Application Permit may be transferred to any other location, owner, or entity.

G. A Pre-Application Permit fee, based on the current Permit Fee Schedule, shall be assessed when a Pre-Application is submitted. A portion of such fee, less expenses, may be refunded if, after review by the Wabash County Plan Commission, it is determined that the applicant's state permit has been denied, or if circumstances beyond the applicant's control prevent continuation of the application process. However, no refund shall be granted after IDEM approval or commencement of excavation or construction at said site.

H. Each Pre-Application Permit applicant shall acknowledge in writing that said applicant has reviewed and understands the requirements of the Wabash County Confined Feeding Ordinance.

I. Within Thirty (30) days, after the issuance of a Pre-Application Permit, each property owner within the required setback of the proposed new CFO site shall be notified of the proposed CFO Pre-Application site. Such notification shall be prepared and mailed by the Wabash County Plan Commission.

J. The notice requirement prescribed herein shall be in addition to all other notification requirements, including those imposed by Indiana Code 13-18-10-2, as amended.

6.25 C Improvement Location Permit

A. No Improvement Location Permit shall be issued to any Applicant, LLC or Corporation with a member, who has any significant connection with any pending or otherwise unresolved violation of any environmental related statute, rule, regulation, or order of an any Federal, State or local governing body.

B. After a CFO applicant has received permit approval from IDEM, received approval from the Wabash County Drainage Board and notified the Wabash County Soil and Water Conservation District, the applicant shall provide copies of such approvals and notifications to the Wabash County Plan Commission and shall apply for an Improvement Location Permit.

C. An Improvement Location Permit shall be required for:
   1. All new CFO structures, lagoons, pits, ponds, holding tanks, dry manure storage, waste processing systems, compost bldgs., satellite manure storage structures, etc.,
   2. Expansion, extension, or enlargement of any existing CFO structures, lagoons, pits, ponds, holding tanks, dry manure storage, waste processing systems, compost bldgs., or satellite manure storage structures, etc.

6.25 D Setbacks

Any Confined Feeding Operation, (new site construction or existing site expansion), including its lagoons, pits, ponds, holding tanks, dry manure storage, waste processing system, compost buildings, and livestock structures, must have a minimum separation distance from the following designated areas as stated herein below:

A. A setback of 1,000 feet from a public water supply surface intake structure and any off site water well.

B. A setback of 300 feet for liquid manure storage structures and 100 feet for solid manure storage structures from surface waters of the state, drainage inlets (including water and sediment control basins), sinkholes (measured from the opening of lowest point), and

C. A setback of 100 feet from any on-site water wells.

D. **Chester Township**

LIBERTY MILLS
2640 Feet
North of the North platted boundary of Liberty Mills
East of the East platted boundary of Liberty Mills
South of the South platted boundary of Liberty Mills
West of State Road 13

NORTH MANCHESTER
1320 Feet or 1600 Feet for open waste storage structures.
Outside of corporate jurisdictional permitting boundary of the City of N Manchester and meet required A1, A2 Zoning Setback

SERVIA
2640 Feet
North of Co Rd 900 N road center line
East of the East platted boundary of Servia
South of the South platted boundary of Servia
West of the West platted boundary of Servia

E. **Lagro Township**

LAGRO TOWN
2640 Feet
Outside of corporate jurisdictional boundary of Lagro and meet required A1, A2 Zoning Setback

LINCOLNVILLE
2640 Feet
Outside all zoning except A1, A2

SALAMONIE RESERVOIR AREA
2640 Feet outside all zoning except A1, A2

URBANA
2640 Feet
Outside all zoning except A1, A2

F. **Liberty Township**

TREATY
2640 Feet
Required setback from intersection of County Road 700 S and 50 E

LAFONTAINE
2640 Feet
Outside of corporate jurisdictional boundary of
Lafontaine and meet required A1, A2 Zoning Setback

G. **Noble Township**

RICHVALLEY
2640 Feet
Outside all zoning except A1, A2

WABASH CITY
1320 Feet 1600 Feet
Outside of corporate jurisdictional permitting boundary of
Wabash City and meet required A1, A2 Zoning Setback

H. **Paw Paw Township**

ROANN
2640 Feet
Outside of corporate jurisdictional boundary of
Roann and meet required A1, A2 Zoning Setback.
North of river road between 650 W and 800 W.

URBANA
2640 Feet
Outside all zoning except A1, A2

I. **Pleasant Township**

DISKO & TWIN LAKES
1320 Feet
Required setback from a dwelling

IJAMSVILLE
2640 Feet
Outside all zoning except A1, A2

LAKETON, SANDY BEACH, IRELAND BEACH
2640 Feet
Outside all zoning except A1, A2

J. **Waltz Township**

SOMERSET, MT. VERNON
2640 Feet
Outside all zoning except A1, A2

MISSISSINEWA RESERVOIR AREA
2640 Feet outside all zoning except A1, A2

K. **Public Schools & Whites Residential**

Minimum Setback 2640 feet
All North Manchester Community Schools

Manchester College
All Metropolitan Community Schools
Whites Residential
All Wabash City Schools

L. **Public Wells**

Minimum Setback 2640 feet

| | |
|---|---|
| Wabash City Public Wells | 2 sites |
| North Manchester Public Wells | 2 sites |
| Marion City Public Wells | 2 sites |
| Lafontaine Public Wells | 2 sites |
| Roann Public Wells | 2 sites |
| Lagro Public Wells | 2 sites |

M. **Public Areas / Buildings / Businesses** Required CFO Setback

N. **Churches** Required CFO Setback

1. List of Churches (As recognized on the listing of churches by the Wabash County Assessor's Office).

6.25 E Agriculture Zoned Setbacks

A. All Confined Feeding operation structures shall be a minimum of One Thousand Three Hundred Twenty (1,320) feet from any residence or business structure unless the requirements of Section 6.25 F of this Ordinance are met and approved. approved.

B. All Confined Feeding Operation single stage or multi-stage lagoons shall be a minimum of One Thousand Six Hundred (1,600) feet from any residence or business structure unless the requirements of Section 6.25 F of this Ordinance are met and approved.

C. No new dwelling or business structure may be constructed within One Thousand Three Hundred Twenty (1320) feet of a Confined Feeding Operation structure unless the Requirements of Section 6.25 F of this Ordinance are met and approved.

D. No new dwelling or business structure may be constructed within One Thousand Six Hundred (1,600) feet of a Confined Feeding Operation structure open holding tanks or lagoons, unless the requirements of Section 6.25 F of this Ordinance are met and approved.

6.25 F Consideration for Variance from Setbacks

In the event any CFO applicant wishes to have reduced setbacks, said applicant must submit and complete the following:

A. Complete the Variance Application process.
B. Record, in the Office of the Wabash County Recorder, a statement substantially in the form of the following Covenants, Conditions, Restrictions
C. Be granted a favorable recommendation from the Wabash County BZA.

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**Covenants, Conditions, Restrictions**

This declaration of covenants, conditions and restrictions is made by _____ hereinafter referred to as "Declarant."

WHEREAS, Declarant is the (owner) (purchaser) of the following described real estate in Wabash County, Indiana:
Deed Ref #:_____

WHEREAS, Declarant acknowledges that Declarant 's proposed or current residential or business use is within the established set-back requirements for a Confined Feeding Operation that is either existing or proposed; and

WHEREAS, Declarant acknowledges that such residential or business use may be adversely affected by aromas and noise customary to a Confined Feeding Operation.

WHEREAS, Declarant seeks, nevertheless, to establish or maintain a residential or business use in close proximity to a Confined Feeding Operation site.

WHEREAS, Declarant acknowledges that Declarant's property line may be within an IDEM approved distance or 100 to 299 feet from the proposed Confined Feeding Operation Structure and/or the Declarants structure may be within 400 to 1319 feet from the proposed Confined Feeding Operation Structure.

WHEREAS, Declarant seeks, nevertheless, to permit the Confined Feeding Operation structures to be:
_____ between 100 and 299 feet from the adjoining property line.

_____ between 400 and 1,319 feet from the proposed or current residence.

THEREFORE, Declarant, for (himself) (herself) (themselves) (itself), and for all persons, firms, entities, personal representatives, heirs, devisees, successors and assigns hereafter claiming ownership from or through Declarant, hereby waive(s) any rights which they might otherwise have as owners of real estate, to object to, petition against, or to file any lawsuit for damages, injunctions or other legal or equitable relief against the owners or operators of this agricultural enterprise, including, but not limited to:

1. the use of buildings and the construction or expansion of buildings, for raising, breeding or feeding of livestock, provided the construction and operations of this CFO are compliant with all applicable federal , state and local laws, rules and regulations.
2. The use of agricultural real estate for any lawful agricultural uses, including but not limited to, the spreading of manure, effluent, wastes, fertilizer, chemicals and the like.

These covenants shall run with the land, for the above described real estate and be enforceable by the owner or operator of the CFO enterprise.
Executed this _____day of_____,20_____
Subscribed and sworn before me this _____day of_____, 20___.
Notary Public_____
My Commission Expires_____

[Signatures, Notary and any other requirement for recording.]

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6.25 G Existing CFO

Any currently permitted IDEM CFO established prior to 3/2/2007 shall be considered a conforming use that may have non-conforming characteristics. Request for expansion of a CFO with non-conforming characteristics shall submit a S.E. Application. The Special Exception request must be approved by the Wabash County Plan Commission Board, Wabash County Board of Zoning Appeals, and the Wabash County Drainage Board in addition to obtaining the required IDEM permitting.

Structure alterations, expansion or additions required by law shall complete the S.E. Application process to ensure compliance with the law and minimal disruption to the CFO site.

No land upon which a CFO exists, or for which a CFO Improvement Location Permit has been issued, shall be sold, transferred, conveyed or leased to any person or entity that has any pending or otherwise unresolved violation of any environmental related statute, rule, regulation, or order of any Federal, State, or local governing body.

Any IDEM permitted CFO structure that existed prior to the date of the Wabash County CFO Ordinance, established 3/2/2007, and is not in violation of any Federal, State, or local statute, rule or regulation, shall be eligible to apply for expansion on the existing CFO site provided:

A. The new structure is located at the same immediate location, ("immediate" meaning within Five Hundred (500) feet of a currently active and permitted IDEM CFO structure that was permitted prior to 3/2/2007).

B. Such expansion meets or exceeds the written setbacks currently required by IDEM per 327 – IAC 19-12-3, as amended.

C. The currently permitted CFO site and owner(s) have no pending or otherwise un-resolved violation of any environmental related statute, rule, regulation or order of any Federal, State, or local governing body.

D. The ownership of the CFO site, applying for expansion of an existing site, has not changed since the establishment of the Wabash County CFO Ordinance dated 3/2/2007.
   1. If listed as an LLC or Corporation, at least one member of the LLC or Corporation must still be a financially invested member of the board.
   2. A generational family farm may have ownership name change provided the name change is to a subsequent generation of the family farm.

E. Expansion is limited to a onetime expansion plan for the addition or expansion of one CFO Structure.

F. The expansion, extension, enlargement must only be in a direction that would not increase the nonconformity. (ie. away from the residential or non-agriculture business structure)

G. Screening and / or landscape barriers shall be required and properly maintained for all new CFO structures, lagoons, pits, ponds, holding tanks, waste processing systems, compost buildings.

<u>6.25 H New CFO Site</u>
All newly constructed CFO structures, lagoons, pits, ponds, holding tanks, dry manure storage, waste processing systems, compost bldgs., must be set back a minimum of Three Hundred (300) feet from public roads.

All newly constructed CFO structures, lagoons, pits, ponds, holding tanks, dry manure storage, waste processing systems, compost bldgs., must be set back a minimum of Three Hundred (300) feet from all neighboring property lines.

A. All newly constructed Confined Feeding Operations shall be located on a parcel of no less than Ten (10) acres.

B. Screening and /or landscape barriers shall be required for all new CFO structures, lagoons, pits, ponds, holding tanks, waste processing systems, compost bldgs., and satellite manure storage facilities.

1. All such screening shall conform to Wabash County Zoning Ordinance requirements, and shall be properly maintained by the Confined Feeding Operation operator / owner.
2. Screen planting that will be tight and reach 10 feet in height shall be required within Five (5) years from the issue date of the County CFO Improvement Location Permit.

6.25 I Termination

Termination of a CFO shall be acknowledged when IDEM approves an owner's application request for "CFO Request for Approval Voidance", or whenever IDEM determines that the revocation of a CFO Permit is necessary.

6.25 J Waste Management

Any owner or operator of a Confined Feeding Operation and anyone who distributes, stages, uses, or transports animal waste or animal process waste for the purpose of producing an agriculture crop, producing methane gas, or organic fertilizer production shall meet or exceed requirements of Title IAC 355, State Chemist of the State of Indiana, Article7 and 8 as may be amended.

6.25 K Conformance

In the event that IDEM determines that setbacks of a greater distance than those established by this Ordinance are required, then such IDEM requirements shall prevail.

6.25 L Satellite Manure Storage Structures (SMSS)

Under IC 13-18-10.5, as amended, a person may not start the following activities regarding a SMSS, as defined in IC 13-11-2-196.2, as amended, without obtaining the prior approval of the department and a permit from the Wabash County Plan Commission:
(1) Construction.
(2) Expansion that increases manure containment capacity.
(b) The storage or manure containment capacity shall be determined by the greatest amount of manure the SMSS is able to hold after meeting the minimum standards of this article for:
(1) secondary containment;
(2) freeboard; and
(3) headspace.
(c) If the owner or operator of a regulated CAFO or CFO deposits any manure from the owner or operator's CAFO or CFO into a storage structure also under the control of the owner or operator, the structure shall not be considered a SMSS. This action shall constitute an expansion of the owner or operator's CAFO or CFO operation and require IDEM and county permitting accordingly.
(d) Storage, for purposes of this article, shall not include staging as defined in 327 IAC 19-2-43. as amended, (Water Pollution Control).

A. All setbacks for satellite manure storage structures, regardless of size, shall follow the setbacks as stated below or in the satellite manure storage structure permitting program under 327 IAC 20-5-1 as amended, whichever is more restrictive:
   1. 1,000 feet from a public water supply surface intake structure and any off site water well.
   2. 300 feet from any surface waters of the state, drainage inlets, (including water and sediment control basins), sinkholes, (measured from the opening of the lowest point),
   3. 300 feet from any off- site neighboring property line or a public road,
   4. 1320 feet from any existing off-site residential or business structure.

6.25 M Staging Manure, Un-manipulated Organic Fertilizer

A. Setbacks for staging manure, whether covered, open, or a gradient barrier is installed shall be as follows:
   1. 1,000 feet from a public water supply surface intake structure and any off-site water well,
   2. 300 feet from any surface waters of the state, drainage inlets, (including water and sediment control basins), sinkholes, (measured from opening of the lowest point),
   3. 100 feet from any off-site neighboring property line or a public road, on-site water well,
   4. 400 feet from existing off-site residential or public buildings,

B. The following policies of 355 IAC 8-4-2 as amended, shall also apply.
   1. Manure shall not be staged on an area with a slope greater than 6% unless run-on and run-off are controlled.
   2. Manure that is staged for more than 72 hours shall be protected by a cover or have a gradient barrier.
   3. Manure must be applied within Ninety (90) days of staging.

**6.26 Development Standards, Photovoltaic Solar Energy**

It is the purpose of this standard to establish requirements and regulations for the placement, construction, operation, monitoring, modification and removal of photovoltaic solar energy systems.

6.26 A Compliance

The construction and operation of photovoltaic solar installations shall be consistent with all applicable local, State, and Federal regulatory standards, and the NEC, including but not limited to all applicable safety, construction, electrical and communications requirements.

6.26 B Permitting and Permit Fees

All photovoltaic solar systems shall obtain an Improvement Location Permit (ILP) and / or complete the Special Exception Application process as listed in Chapter 4, Section 4.7 of the Wabash County Zoning Ordinance according to Commercial or Non-Commercial classification.

1. Non-commercial, private individual or business solar systems, in which the primary consumption of the solar energy is for private use, shall complete an ILP.
2. Commercial solar systems, systems which convert light into electricity and the majority of that electricity is delivered to a public utility's transmission lines for consumption shall complete the Special Exception (S.E.) application process for AG2 one prior to the issuance of an Improvement Location Permit.
3. Permit fees shall be assessed according to the Permit Fee Schedule as amended.

6.26 C Procedure

A. The plan commission recommends the Developer meet with the Plan Commission Board to review and discuss the ordinance policies for a solar development and submit a sketch plan in tentative form showing, in general, the proposed development and surrounding terrain. No formal application, fees, or filing of a Solar Development Plan shall be required for this process.

B. Application for a Solar Development shall be completed on forms provided by the Wabash County Plan Commission. The S.E. Application and required documentation for a Commercial Solar Development must be submitted to the Plan Commission Office for initial review a minimum of Sixty (60) days prior to the desired scheduled meeting date and must include:
   1. LESA score review for commercial units when located within Agriculture 2 (A2) zone,
   2. Completion and signing of application by the developer, owner or agent,

3. A drainage plan submitted for review by the governing jurisdiction,
4. A Variance listing for any Variances to be considered for approval,
5. An affidavit verifying that a notification letter was sent to the required agencies, County Highway Department, INDOT, County Drainage Board, local DNR and NRCS, all associated utility companies, the appropriate local fire department and EMA,
6. Unlimited (8 ½ x 11) copies of the Solar Development Plan,
7. Two (2) full size copies of the Solar Development Plan with specifications for PC Board review,
8. Two (2) full size Ortho imagery copies, with specifications for PC Board review.

C. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

D. No solar photovoltaic installation shall be constructed until documented evidence has been provided to the Wabash County Plan Commission that the local utility company, which operates the electrical grid where the installation is to be located, has been informed, by the solar photovoltaic applicant, of the proposed installation, regardless whether interconnected or not interconnected to a utility grid, and said applicant agrees to comply with all utility company requirements.

E. The project proponent shall submit a plan for the operation and maintenance of the solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, as well as the listed procedures for long term operation and maintenance of the installation.

F. For commercial units a certificate of approval for the drainage plan shall be required from the Wabash County Drainage Board prior to the approval of the S. E. Application and the issuance of an Improvement Location Permit.

G. Any solar photovoltaic systems of ½ acre or greater in size shall require FAA notification and confirmation of approval.

H. The Developer must submit all requested information in order for the petition to be processed and put on the Plan Commission Board Meeting Docket. If all required information is not submitted by the established filing deadline, (10 days prior to hearing date), the petition will not be heard until the following meeting.

I. The Plan Commission may request a technical review meeting prior to the Plan Commission Board Hearing for the S. E. Application. The Developer and /or his agent are encouraged to attend the meeting.

J. The Developer and / or his agent shall attend the scheduled Plan Commission Board meeting for which the Solar Development Plan review has been placed on the docket.

K. Upon review of the Solar Development Plan and all other required documents having been submitted and approved by the Plan Commission Board, the S.E. Application shall be scheduled for the BZA public hearing and review.

L. Notification to the Public shall be as follows:
1. All property owners within Two Hundred Fifty (250) feet of the proposed solar development shall be notified by certified mail at least Ten (10) days before the the BZA public hearing, and have the post office date stamp the mailing list of names for verification.

2. Prepare and submit the legal add, to the local newspaper, to be in print at least Ten (10) days prior to the BZA scheduled meeting,
3. It shall be the responsibility of the Plan Commission to prepare, submit for print and mail all legal notices, however it shall be the responsibility of the Developer to pay for mailed notices, and the published legal add in addition to any permit fees,
4. The Developer shall post an approved Advertising Sign on the proposed sight to be developed at least Ten (10) days prior to the BZA meeting date.

M. It shall be the responsibility of the Developer to file all current solar development plan documentation a minimum of 10 days prior to the BZA meeting date. This shall include all documentation presented during the PC Board meeting along with any required edit updates and:
1. Two (2) full size copies of the Solar Development Plan with detailed plans and specifications,
2. Two (2) Ortho imagery copies, with specifications,
3. Any required bond, letter of credit or escrow agreements,

N. The Wabash County Plan Commission Board may waive documentary requirements as it deems appropriate.

6.26 D Appurtenant Structures

All appurtenant structures to solar photovoltaic installations shall be subject to reasonable regulations, adopted by the Wabash County Plan Commission, after review concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures,including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shielded from view and joined or clustered to avoid adverse visual impacts.

6.26 E Solar Development Site Plan Review

The Solar Development Site Plan shall be prepared by a licensed land surveyor at a functional scale not to exceed One Hundred (100) feet per inch, with sheets numbered in corresponding order at an acceptable size for filing in the County Recorder's Office but no larger than Twenty Four by Thirty Six (24 x 36). The following shall be included in the Solar Development Plan:

A. Boundaries:
1. Proposed boundary lines of development with bearings and distances in real time State Plane Coordinates
2. All existing properties adjoining the proposed site within 250 feet.
3. The current use of each parcel within 250 feet must also be listed,
4. All existing public and private roads, and all current and proposed driveways,
5. Setbacks from any roads and property lines.
6. Location and width of any existing or proposed easements on or adjacent to the site.
7. Location of all existing structures within the adjoining properties.

B. Natural Features:
1. Location of any watercourses, waterways, water bodies, flowage easements, floodplains, swamps, bogs, wetlands,
2. Topography at One (1) foot contours and the proposed changes to the landscape of the site grading, vegetation clearing and planting, screening and structures.

C. Drainage:
1. Provision for collecting and discarding surface water,
2. Notation of:
   a. Drainage easements,
   b. Drainage tiles,

c. Drive culvert entrance determination.

D. Drawings of the solar photovoltaic installation showing the proposed layout of the system and any potential shading from nearby structures or vegetation,
1. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices,
2. Documentation of the major system components to be used, including the PV panels, mounting systems, inverters, and associated equipment.
3. Name, address, and contact information for proposed system installer, (contractor),
4. Name, address, contact information and signature of the project proponent, as well as all co-proponents and property owners,
5. The name, address, contact information and signature of any agents representing the project proponent,
6. An operation, maintenance and landscape plan,
7. Proof of liability insurance and any other coverage deemed necessary,
8. Description of financial surety.

6.26 F Design and Installation Standards

All solar photovoltaic installations shall be in compliance with all applicable local, state and federal regulatory standards, including the State of Indiana Uniform Building Code, as amended; and the National Electric Code, as amended. In addition, all panels must adhere to "Solar Photovoltaic Installation Guidelines".

A. Individual or Business Use Installations

Solar photovoltaic systems installed for private individual or business use shall be considered as accessory use installations and apply setbacks accordingly.
1. Free standing solar panels shall only be permitted in the side yard and/or rear yard when located in Residential Zoned Districts,
2. Freestanding solar panels located on the ground or attached to a framework located in the ground shall not exceed 20 feet in height above the ground.
3. Freestanding solar panels shall be set back as required for accessory uses in the districts in which they are located.
4. Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located. The panels shall not be located within Two (2) feet of any peak, eave, or valley of the roof in order to maintain pathways of accessibility.
5. Systems located on the roof shall provide, as part of their permit application, evidence of design review and structural certification of the structures roof. All installations on commercial roofs shall provide this information regardless of slopes, as well as any residential roof with greater than 25% coverage.

B. Commercial Solar System Installations
1. Commercial Solar Systems shall be considered as primary use installations and meet the required primary structure setbacks as listed in Chapter 6, Section 6.5 B, Special Exception, Lot Size, Setbacks, and Screening Specifications
2. Freestanding solar panels located on the ground or attached to a framework located in the ground shall not exceed 20 feet in height above the ground.
3. Commercial Solar Systems shall be fenced as specified in Chapter 6, Section 6.5 B, Special Exception, Lot Size, Setbacks, and Screening Specifications.

C. Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to

that required for safety and operational purposes, and shall be shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

D. Signage

Signage shall be required to identify the development owner and provide 24-hour emergency contact phone numbers along with any additional signage required for solar photovoltaic installations. The manufacturers' or installers' identification and appropriate warning signs shall be posted on or near the panels in a clearly visible manner.

1. No signage shall be used for the purpose of advertising of or promotion of any other product or service.

E. Utility Connections

Reasonable efforts shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground when required by the utility provider.

F. Interference

When selecting a site for solar panels, applicants are encouraged to take into consideration the potential maximum allowable structure height on all adjoining properties in order to avoid interference and potential loss of efficiency from the sun to the solar panel surface.

6.26 G Safety and Environmental Standards

A. Emergency Services Plan

Prior to issuance of a Improvement Location Permit, the solar photovoltaic installation owner or operator shall provide a plan including but not limited to the project summary, electrical schematic, and site plan, to the nearest local emergency response entity. Upon request the owner or operator shall cooperate with local safety officials in developing an emergency response plan. All means of shutting down the photovoltaic solar installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

B. Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of large-scale ground-mounted solar photovoltaic installations and per practices of best management of natural areas or good husbandry of the land otherwise prescribed by applicable laws, regulations, and bylaws. Applicant shall submit a landscape plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting and screening vegetation or structures.

6.26 H Monitoring and Maintenance

A. Solar Photovoltaic Installation Conditions

The solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable for emergency response if needed. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation, grounds maintenance, and any access road.

B. Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required S. E. and/or ILP shall require approval by the Wabash County BZA through a site plan review.

6.26 I Decommissioning / Abandonment

1. A decommissioning plan shall be required to ensure that facilities are properly removed after the useful life, discontinuation or abandonment of the system.
2. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The Board may require stabilization or re-vegetation of the site as necessary to minimize erosion.
3. Abandonment, If the owner or operator of the solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within One Hundred Fifty (150) days of abandonment or the proposed date of decommissioning, the county may appoint qualified contractors to enter the property, remove the installation, sell any removed materials, remediate the landscape, and initiate proceedings to recover cost.
4. Any Photovoltaic Solar system therefore declared to be unsafe by the Wabash County Plan Commission by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, or demolition and removal in accordance with the procedures set forth in this Ordinance.

6.26 J Financial Surety

Prior to issuance of a Special Exception, the applicant shall provide a contractor cost estimate for demolition and removal of all Commercial Solar System structures and associated equipment. Applicant shall provide financial assurance through the use of a bond, or other security acceptable to the county, in an amount equal to 150% of the contractor estimated cost of said demolition and removal. The security for decommissioning, demolition and removal of anything proposed to be constructed under said ILP shall be released when such structures are properly decommissioned as determined by the Wabash County Plan Commission. Such surety will not be required for municipally or state owned facilities.

**6.27 Development Standards Cemeteries**

Existing cemeteries may apply under the S.E Application process to expand acreage of current location regardless of current zoning.

New Cemetery locations shall follow the requirements as stated in this Ordinance.

# Chapter 7
# Planned Developments

7.1 Planned Developments

7.2 Procedure

7.3 Preliminary Development Plan

7.4 Secondary Development Plan

7.5 Design Standards

7.8 Secondary Development Plan Approval

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7.8Surety

7.9Conditions

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7.11Development Association

7.12 Vacates

7.13Miscellaneous Vacate Notes

# Chapter 7
# Planned Development

## 7.1 Planned Developments

A. The application of Chapter 7 shall apply to all developments that are not specific to the growth of residential dwellings in a subdivision type setting. In creating commercial, industrial, professional, recreational, educational and special developments it is recognized that the Developer often faces unique situations with lot designs not normally encountered in residential subdivisions. For this reason the emphasis of the plan commission shall be on the health and wellbeing of the community, proposed street layouts, lot arrangements and infrastructure as it relates to current community development. Allcommercial development shall provide boundary and topographic surveys on any new site, development or construction.

1. As prospective buyers or users express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved recorded development plan for consideration. Streets that have been built by following the approved set of plans on a previously approved Secondary Development Plan shall not have to be rebuilt because of the adoption of new criteria by the Plan Commission. This shall apply to storm drainage facilities within said development unless runoff characteristics will be changed by the newly proposed improvements or has been changed byunauthorized existing improvements,
2. In addition to the policies of the Planned Development, the Wabash County Zoning Ordinance, and Wabash County Comprehensive Plan, all applicable State and / or Federal permitting requirements shall be met and copies of such approvals forwarded to the Wabash County Plan Commission for record.

## 7.2 Procedure

A. Predesign Discussion

1. While not mandatory it is recommended the Developer meet with the Plan Commission Board to review and discuss the ordinance policies for a development prior to application submission. It is recommended the developer present a Sketch Plan on a Location Map in tentative form showing, in general, the proposed development and surrounding terrain. No formal application, fees, or filing of a Preliminary Development Plan shall be required for this initial process.

B. Application for a Development shall be completed on forms provided by the Wabash County Plan Commission. The ILP Application and required documentationfor the Preliminary Development Plan must be submitted to the Plan Commission Office for initial review a minimum of Sixty (60) days prior to the desired scheduled meeting date and must include:

1. Completion and signingof application by the Developer, owner or Agent,
2. A drainage plan submitted for review by the governing jurisdiction,
3. A Variance listing for any Variances to be considered for approval,
4. An affidavit verifying that a copy of the notification letter and proposed plan were sent to the required agencies, within unincorporated Wabash County and incorporated, Lafontaine, Lagro, and Roann. The following shall also be notified; appropriate town board, Township Trustee, County Highway Department, State Highway Department, County Drainage Board, local DNR, local NRSC, County Health Department, all associated utility companies, the appropriate local fire department, local law enforcement, EMA, and school corporation,
5. Provide list of all agencies, individuals, groups, and officials the letter was sent to,
6. A copy of the notification letter,
7. Plan Commission shall request that any remonstrators, who receive notification, submit their letter of objection within Fifteen (15) days after receipt ofnotification.

No response shall be interpreted as meaning "no objection",

8. Unlimited Eight and One Half by Eleven (8 ½ x 11) copies of the Preliminary Development Plan,
9. Six (6) full size copies of the Preliminary Development Plan.
10. Two (2) Ortho Imagery copies.

C. The Parcel Review Committee shall review the Preliminary Plat prior to the first scheduled public hearing before the WCPCB.

D. The Plan Commission may hold a technical review meeting prior to the first public hearing. The Developer and /or his agent are encouraged to attend the meeting.

E. Notification to the Public shall be as follows:

1. All property owners within Two Hundred Fifty (250) feet of the proposed development will be notified by first class postage prepaid mail at least Ten (10) days before the hearing. The post officewill verify and date stamp the mailing list of names as proof of mailing,
2. Prepare and submit the legal add, to the local newspaper, to be in print at least Ten (10) days prior to the scheduled meeting,
3. It shall be the responsibility of the Plan Commission to prepare, submit for print and mail all legal notices, however it shall be the responsibility of the Developer to pay for all mailed notices, and the published legal add in addition to the permit fee,
4. The Developer shall post an approved Advertising Sign on the proposed sight to be developed at least Ten (10) days prior to the meeting date.

F. The Developer must submit all the information in order for the petition to be processed and put on the docket. If all required information is not submitted by the established filing deadline, the petition will not be heard until the following meeting.

G. The Developer and/or his agent shall attend the scheduled Board meeting for which the Preliminary Development Plan review has been placed on the docket.

H. If the Preliminary Development Plan is approved and all other required documents have been submitted and approved by the Plan Commission Board then it shall be signed by the designated officials,

I. It shall be the responsibility of the Developer to file the Preliminary Development Plan, if deemed necessary, with the County Recorder's office within Thirty (30) days of the date of signature.

J. Three copies of the plan must be taken to the County Recorder's office to be recorded and distributed as follows:

1. One copy of the recorded plat shall be kept in the County Recorder's office,
2. One copy of the recorded plat shall be retained by the Developer or agent,
3. One copy of the recorded plat along with one copy of the Ortho Imagery plat shall be returned to the Plan Commission Office.

K. The Developer, after the Preliminary Development Plan is approved or conditionally approved, shall file the following documentation with the Plan Commission:

1. Six (6) copies of the Secondary Development Plan withdetailed plans and Specifications,
2. Two (2) Ortho Imagery copies,
3. The required bond, letter of credit or escrow agreements,
4. Performance agreement,

5. Documentation for any conditions or restrictions,
6. Documentation for any association / franchise requirements,
7. A letter from the jurisdictional authority approving the construction drawings.

L. A minimum of Thirty (30) days must elapse after the Preliminary Development Plan approval before the Secondary Development Plan can be considered.

**7.3 Preliminary Development Plan**

A. The Preliminary Development Plan shall be prepared by a licensed land surveyor at a functional scale not to exceed One Hundred (100) feet per inch. Prepared with sheets numbered in corresponding order at an acceptable size for filing in the County Recorder's Officebut no larger than Twenty Four by Thirty Six (24 x 36). The following items shall be included in the Primary Development Plan:

B. Boundaries and Lots:
1. Proposed boundary lines of development with bearings and distances in Indiana Geospatial Coordinate System (InGCS).
2. Proposed and existing lots of the development with bearings and distances of property lines and the area of the lot,
3. Proposed boundary lines of any common land in the development with bearings and distances listed. The use of the lot must also be listed,
4. Building line setbacks from any ROW,
5. Location listing of adjacent owners, any adjacent developments, adjoining properties,
6. Future sections or phases of the proposed development shall be shown on the plat,
   a. The sections or phases shall be listed as future considerations.

C. Easements:
1. Location and width of any existing or proposed easements on site,
2. Location and width of any existing or proposed easements adjacent to site,
3. Location and width of any adjacent or on site railroad ROW,
4. Location and width of any existing or proposed utility ROW with explanation of use,

D. Natural Features:
1. Location of any watercourses or water bodies,
2. Location of any wooded acreage.

E. Other Pertinent Features:
1. Swamps, bogs,
2. Parks,
3. Cemeteries,
4. Floodplains, Flowage Easements,
   a. Delineate the floodplain, floodway and floodway fringe on the Preliminary and Secondary Plat,
   b. Reference the benchmarks and elevations on the Preliminaryand Secondary Plat.
   c. Delineate the Flowage Easement on the Preliminary and Secondary Plat.

F. Technical:
1. Location and sizes of existing:
   a. Fire Hydrants,
   b. Water mains,
   c. Culverts,
   d. Utility poles,
   e. Sewers,
   f. Storm water facilities,

g. Topography,
h. Preliminary proposal for connection with existing water supply and sanitary sewage system.

G. Drainage:
1. Preliminary provision for collecting and discarding surface water,
2. Notation of:
a. Drainage easements,
b. Site easements,
c. Site reservations.

H. Structures:
1. Location of any underground structures on the tract and adjacent to the tract.
2. Location of any permanent buildings.

I. Right of Way:
1. Location, width and names if existing:
a. Platted streets or other public ways within or adjacent to the tract,
2. Location width and names of proposed:
a. Street or rights of way,
b. Rights of way and curve data.

J. Miscellaneous:
1. Vicinity map,
2. Name, address, phone number, registration of surveyor,
3. Map date,
4. North arrow,
5. Graphic scale,
6. Development name,
7. Name and address of land owner,
8. Metes and bounds descriptions,
9. Owner endorsement,
10. Signature and date,
11. Other information as needed for plat.

K. Supporting Document:
1. The last instrument conveying title to each parcel of property involved in the proposed development with the name of grantor, grantee, date, and any recorded land record reference,
2. A complete copy of any existing covenants on the property,
3. A designation of the purpose and condition of land within the tract dedicated or reserved,
4. Closure program data.

### 7.4 Secondary Development Plan

A. The Secondary Development Plan shall be prepared by a licensed land surveyor at a functional scale not to exceed One Hundred(100) feet per inch. prepared with sheets number in corresponding order at an acceptable size for filing in the County Recorder's Office, but no larger than Twenty Four by Thirty Six (24 x 36).

B. The Secondary Development Plan shall present the same detailed information as required for the Preliminary Development Plan excluding the following items:
Section 7.3B6, Section 7.3D2, Section 7.3E 1-3, and Section 7.3H1.

C. If the Secondary Development Plan deviates from the PRC approved Preliminary Development Plan, the plan deviations shall be checked by the Parcel Review Committee prior to review by the WCPCB.

D. If the Secondary Development Plan deviates from the approved Preliminary Development Plan, the plan shall be resubmitted as a Preliminary Development Plan and must follow the entire development process,

**7.5 Design Standards**

A. The purpose of design regulations is to protect the health, safety, and general welfare of the communities and its citizens by:
   1. Insuring proper arrangement of arterials, collectors, streets,
   2. Promoting traffic safety and prevent congestion,
   3. Securing adequate public places,
   4. Promoting proper population density,
   5. Providing adequate utilities and public improvements,
   6. Insuring proper location and preparation of plats,
   7. Protecting soils and the environment,
   8. Providing favorable drainage standards, and
   9. Insure proper sewer and water standards.

B. For General Standards follow Chapter 8 Section 8.15B as outlined. Replace references to Subdivision with Development.

C. For Monument and Marker Standards follow Chapter 8 Section 8.15C as outlined.

D. Lot Standards
   1. When served by public water and sewer. Lot dimensions shall comply with the minimum standards of the Wabash County Zoning Ordinance,
   2. Where not served by public water and sewer, lot dimensions shall comply with the minimum standards of Wabash County Zoning Ordinance or the Wabash County Health Department whichever is more restrictive,
   3. The lot size, width, depth, shape, grade location and orientation shall be in proper relation to street and development design and to existing and proposed topographical conditions,
      a. irregular shaped lots are discouraged,
   4. All lots shall abut on a street or a place,
   5. Lots shall be numbered consecutively throughout the entire development,
   6. Building setback lines shall conform to the provisions of the this Ordinance,
   7. Direct vehicular access from lots to primary arterials or major collectors is discouraged.

E. Street Location and Arrangement Standards
   1. All proposed developments shall conform to the Wabash County Thoroughfare Plan as is now or may be set forth hereafter. Whenever any tract to be developed embraces any part of the Thoroughfare Plan, that part of the public way shall be platted by the Developer in the location and of the width indicated on the Thoroughfare Plan. The arrangement of the streets in the development shall provide for the continuation and projection of existing principal streets in surrounding areas to conform to a plan of development approved and adopted by the Wabash County Plan Commission,
   2. Local roads shall be laid out so that their use by through traffic is discouraged,
   3. The arrangement, character, extent, width, grade, and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety, and in their appropriate relation to the proposed uses of land to be

served by such street,

4. Half streets shall be prohibited.
5. The street layout shall provide access to all areas of the development, and where streets cross other streets, jogs shall not be created. Streets shall be adjusted to the contour of land so as to produce usable lots and streets.
6. Certain proposed streets, where appropriate, shall be extended to the boundary line of the area to be developed so as to provide for normal circulation of traffic within the vicinity,
7. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed development, the remainder of the street or alley, to the prescribed width, shall be platted within the proposed development,
8. In designing and approving development streets, the following factors shall receive consideration:
   a. Provide access to all lots and parcels in the development,
   b. Accessibility for emergency vehicles, school buses, public transit,
   c. Safety for both vehicular and pedestrian traffic,
   d. Efficiency of services for all users,
   e. Economy of both construction and use of land.

F. Street Standards

1. Widths of Primary, Secondary, Local and Feeder Streets shall conform to those specified in the Official Thoroughfare Plan,
2. Development street ROW shall be determined by development type.
3. All streets shall be completed to grades specified in plans, and approved by the Wabash County Highway Supervisor,
4. Street width shall be measured from back of curb to back of curb where curb and/or gutter are present,
5. Streets shall be graded, surfaced and improved to the dimensions shown in approved cross sections,
6. All stages of street development shall be inspected and approved by the County Highway Supervisor,
7. Roadway base specifications shall meet current INDOT specifications,
8. Hot asphalt concrete (HAC) materials and application must meet current INDOT specifications and mix specifications shall be forwarded to the Wabash County Highway Supervisor,
9. HAC mixing and application shall be performed under proper weather conditions,

G. For Private Street Standards follow Chapter 8, Section 8.15I, as outlined.

H. For Curb Standards follow Chapter 8, Section 8.15J, as outlined.

I. Parking Lot Standards

Due to particularities of any given development, the inflexible application of required pre-determined parking spaces may result in parking spaces in excess or deficient of need. Therefore each application shall be evaluated independently and the total lot area, and individual parking space size, shall be determined and applied accordingly. Such decision and determination shall be at the discretion of the County.

J. Sidewalk Standards

1. The Development Section of the Wabash County Zoning Ordinance requires sidewalks as deemed necessary in developments. The following requirements shall apply for sidewalks:
   a. Sidewalks, which cross arterials within the development, must have painted crosswalks and signs installed,

b. ADA compliant ramps shall be installed at all intersections and transition access points,

c. Sidewalk surface and area shall be of size and finish such that pedestrian safety and convenience is foremost.

2. A legally formed development association shall be jointly and severally obligated to maintain and repair each sidewalk in the development,

K. Lighting Standards

1. The developer shall provide, at minimum, lighting at all intersecting public roads, parking areas and loading berths.

a. Parking areas shall have adequate lighting so as to promote visibly safe passage to and from vehicles.

2. Lighting shall be aesthetically pleasing to the décor of a development, and designed so as not to be a nuisance to adjoining properties or traffic,

3. A legally formed development association shall be jointly and severally obligated to maintain and repair lighting in the development.

L.For Development Name and Street Name Standards follow Chapter 8, Section 8.15M.

M. Easement Standards

1. Easements shall be provided for utilities where necessary and shall be at least Twelve (12) feet wide, provide continuity throughout the development and be located along rear or side lot lines,

2. Where a development is traversed by a watercourse, drainage way, channel, or stream, the developer shall designate drainage easements on both sides of the watercourse, the width shall be determined by the Wabash County Drainage Board regardless if a legal or non-legal drain,

3. Easements to permit access for maintenance and repair of surface and subsurface drainage improvements established by law and utility installations, shall be provided on the copies of the Preliminary Plat, and Secondary Plat. Location of easements shall be reviewed by the County Drainage Board and/or its representatives along with the local utility companies,

4. Plan Commission may waive any or all easement standards when applicable.

N. For General Drainage Standards follow Chapter 8, Section 8.15-O as outlined.

O. Storm Water and Subsurface Drainage Standards follow Chapter 8, Section 8.15P as outlined.

P. For Sewer Standards follow Chapter 8, Section 8.15Q as outlined.

Q. For Water Supply Standards follow Chapter 8, Section 8.15R as outlined.

R. Miscellaneous, Utility Standards

1. All utility lines, including electrical, gas, phone, cable, sewer, water, shall be located underground throughout the development. Location of all lines shall be shown on preliminary plat, secondary plat, and construction plans. Service connection to the property lines of each lot in the development shall be provided by the utility or Developer.

S. For Environmental Standards follow Chapter 8, Section 8.15T as outlined.

T. For Erosion Control Standards follow Chapter 8, Section 8.15U as outlined.

U. Misc. Design Standards
1. The following items shall be under the discretion of the Developer and meet approval by the Plan Commission:
   a. Earth mounds, Landscaping, Fencing,
   b. Structural design,
   c. Exterior décor,
   e. Accessory structures.

**7.6 Secondary Development Plan Approval**

A The Plan Commission shall approve or reject the Secondary Development Plan. Upon approval by the Wabash County Plan Commission, the Secondary Development Plan shall be signed by the officers of the Board.

B. It shall be the responsibility of the Developer to file the Secondary Development Plan with the County Recorder's Office within Thirty (30) days of the date of signature.

C. Three (3) copies of the Secondary Development Plan must be taken to the County Recorder's Office to be recorded at the developer's expense and distributed as follows:
1. One copy will be kept in the County Recorder's office,
2. One copy shall be retained by the Developer or agent,
3. One recorded copy shall be retained by the Plan Commission Office to be kept on file.

D. Within Two (2) years of the date of the Secondary Development Plan approval the Developer must present to the public a letter of acceptance for all of the infrastructure or other improvements from the jurisdictional agency.
1. If the improvements are not completed within Two (2) years a request for extension must be brought before the public. The extension may be granted only One (1) time for no more than One (1) year,
2. If the extension is denied, Wabash County or their representative shall use money from the bond, letter of credit, or escrow account to finish work.

**7.7 Construction Plans**

A. General construction plans shall be prepared for all required improvements. This shall include all structures whether proposed for construction or those already in existence in the development which require alteration. Improvements shall be drawn at a pre-determined scale appropriate for the size of the proposed development.

**7.8 Surety / Performance Guarantee**

A.Surety and / or a Performance Guarantee for a development shall follow the same directives as Surety and / or Performance Guarantee for a Subdivision.

See Chapter 8, Section 8.24 for information on Surety. Replace the word Sub-divider with the word Developer when reading text.

**7.9 Conditions**

If in approving a Development Plan the Plan Commission Board finds it desirable that exceptions be made to this Zoning Ordinance, it may recommend those exceptions. The Commission shall set forth the reasons for its recommendations and the suggested limits to the exceptions.

A. The land involved must be either in One (1) ownership or the subject of an application filed:
1. Jointly by the owners of all property included (including the holder of any written option), or
2. By any governmental agency.

B. It must have an area bounded on all sides by streets, public open spaces, or less

restrictive use districts.

C. The development plan may contain a proposed later division of the land into separate units under one ownership or into one or more separately owned and operated units.

D. If approved during the development plan review, such a proposed division of land may be made without further approval of the plan. Otherwise, a later division of the land may be made only upon re-application to the Commission for approval of a revised development plan and re-submission to the Board.The separation of units for the purposes of platting must comply with this Ordinance.

E. The proposed development must be designed to produce an environment of stable and desirable character in keeping with the principles of good community design. It must include standards of open space and provide for parking areas adequate for the occupancy proposed or otherwise in compliance with this Ordinance.

F. Upon abandonment of a planned development, or upon the expiration of a Three (3) year period after authorization during which a development has not been completed (or begun with an extension of time granted), the authorization for the development expires.

G. No improvement location permit or certificate of occupancy may be issued unless all requirements, conditions, and specifications shown on the development plan and supporting documents have been met.

**7.10 Covenants**

Covenants must include, at minimum, the following provisions satisfactory to the Commission:

A. Adequate provision for an organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of any common facilities jointly shared by those owners.

B. A financial guarantee that satisfactory maintenance will be provided for any common facilities in accordance with standards prescribed by the property owners' organization and set forth in the covenants, and that the facilities will be operated and maintained at no expense to the county or any other governmental unit.

C. Alteration of any interior or exterior boundaries (including the splitting of a lot) shall require approval by the Wabash County Plan Commission Board and review by the Parcel Review Committee.

**7.11Development Association / Lot Owners Association**

When Development Associations / Lot Owners Associations are to be employed for a development, the association documents shall be included with the plans and application for the development.

**7.12Vacates**

The purpose of the Vacates Section is to outline the procedureemployed by Wabash County Plan Commission when considering a petition or when assisting local citizens with documentation to submit a request to vacate a platted area, public way, public place, platted easement, or recorded covenant.The Plan Commission, proceeding in accordance with Indiana Code 36-7-3-10 as amended or with this Section, has exclusive control over the vacation of plats or parts of plats.

A. Vacation of plat or portion of plat by all owners:

1. All owners of land in the plat must declare the plat or part of the plat to be vacated in a Written Instrument,

2. The "Written Instrument" must be executed, acknowledged and recorded in the same manner as a deed to land,
3. Prior to recording the "Written Instrument" the owner must file a copy of the instrument in the County Auditor's office and submit the instrument to the Plan Commission office for presentation to the Plan Commission Board. The owners of land in a plat that is located outside the corporate boundaries of any municipality may vacate all of the plat without the approval of the Plan Commission as long as no lots have been sold and no roads constructed in the plat, and all the owners of land in the plat declare the plat to be vacated in a "Written Instrument". In this type of case where Plan Commission Board approval is not required, the vacation will be approved or denied by the Plan Commission Staff,
4. The Parcel Review Committee shall review all request for vacates prior to the scheduling of the first public hearing before the WCPCB or the Wabash County Commissioners.
5. The Plan Commission will schedule the petition to be heard within Thirty (30) days after receipt of the "Written Instrument". The instrument may be approved under this section without notice of a hearing. The provisions of IC 36-7-4 as amended concerning notice and hearing do not apply to the approval of an instrument under this section,
6. If approved by the Plan Commission Staff, The Plan Commission will provide a Certificate of Approval to the land owner which must then be provided to the County Recorder along with the "Written Instrument" for recording,
7. A copy of the written findings and decision shall be provided via US Mail to each owner included in the "Written Instrument",
8. If approved, the Certificate of Approval and Written Instrument must be recorded by the owner(s) within Sixty (60) days of the date the Certificate of Approval is signed by the Plan Commission Director, Board President, and Secretary,
9. One or more owners of land in a plat may file a petition with the Plan Commission Staff, which will be presented to the Plan Commission Board, to vacate all of the plat or only that part of the plat that pertains to land owned by the petitioner, (s).

B. Vacation of plat or part of plat by a portion of the owners.

In a case when not all the owners of land in a plat are in agreement regarding a proposed vacation, this section provides an alternate procedure under which One (1) or more owners of land in the plat may file with the Plan Commission a petition to vacate all the plat or only that part of the plat that pertains to land owned by the petitioner or petitioners. A petition under this section must:

1. State the reason for and the circumstances prompting the request,
2. Specifically describe the property in the plat proposed to be vacated,
3. Give the name and address of every other owner of land in the plat,
4. Request to vacate any recorded covenants filed as part of the plat (if desired by the petitioner).

C. Vacation of plat covenants.

The vacation of all or part of a plat may include the vacation of any recorded covenants filed with the plat, but only upon determination that:

1. The platted area within an area needing redevelopment and the covenant vacation would promote a recovery of property values in the area needing redevelopment by allowing or encouraging normal development and occupancy of the platted area,
2. The covenant vacation is needed to secure, for the public, adequate light, air convenience of access, or safety from fire, flood, or other danger,
3. The covenant vacation is needed to lessen or avoid congestion in the public ways.

D. The Plan Commission Staff will within Thirty (30) days after receipt of the petition

announce the date of the hearing of the petition before the Plan Commission Board.

1. The plan commission shall provide notices as required in accordance with IC.
2. The petitioner shall paya one-time fee per the Wabash County Plan Commission Permit Fee Schedule as amended.

E. The plan commission shall adopt rules prescribing procedures for the conduct of the hearing, that must include a provision giving every other owner of land in the plat an opportunity to comment on the petition.

F. The Plan Commission Board will approve or deny the request. Approval may only be granted upon a determination that:

1. Conditions in the platted area have changed so as to defeat the original purpose of the plat,
2. It is in the public interest to vacate all or part of the plat,
3. The value of that part of the land in the plat not owned by the petitioner(s) will not be diminished by the vacation.

G. The plan commission may impose reasonable conditions as part of any approval. The Plan Commission shall furnish a copy of the commission's decision to the petitioner to submit to the county recorder for recording.

**7.13 Miscellaneous Vacate Notes**

A. The Wabash County Advisory Plan Commission shall have all vacate request reviewed by the Parcel Review Committee prior to the petition public hearing being scheduled.

B. Lots and Parcel Descriptions

1. Platted land vacated will preserve the descriptions of the lots and parcels of that land as set forth in the plat with proportionate parts of vacated streets and alleys added as provided by law, unless owners of the land in the vacated area consent in writing to the description of the area by:
   a. The method used before the plat was made,
   b. Metes and bounds,
   c. Notwithstanding subsection (a), a vacated tract of Five (5) acres or more that is owned by One (1) person, or jointly by Two (2) or more persons, need not be described by lot number and may be described by metes and bounds or some other method.

C. Successive Applications

1. After termination of a vacation proceeding under this chapter, subsequent vacation proceedings affecting the same property, or any portion thereof, and asking for the same relief may not be initiated for a minimum of One (1) year.

D. Platted Easements

1. Platted easements may be vacated in the same manner as public ways and public places; however, easement vacation does not deprive a public utility of the use of all or part of a public way or public place to be vacated, If, at the time the proceedings are initiated, the utility is occupying or using all or part of that public way or public place for the location and operation of facilities. The utility may waive its rights by filing its written consent in the vacation proceedings.

E. Zoning District

1. In all cases unless ruled differently by the authorizing body, the dominate zoning, in place at the time of approval of the vacate , shall extend to the area vacated.

# Chapter 8
# Subdivision Control Ordinance

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# Chapter 8

## Subdivision Control Ordinance
## Planned Residential Subdivision

### 8.1 Short Title
These regulations shall be formally known as the "Wabash County Subdivision Control Ordinance," and it may be cited and referred to as the "Subdivision Control Ordinance" or "Subdivision Regulations." This Ordinance is in effect for all of Wabash County, Indiana except for the jurisdictional area of the City of North Manchester and the City of Wabash.

### 8.2 Authority
These regulations are enacted pursuant to Indiana Home Rule and planning legislation. Indiana Code 36-1-3-4 and 36-7-4-700 Series (Subdivision Control) and any amendments thereto authorizes that the Wabash County Advisory Plan Commission has exclusive control to review and approve or disapprove plats for subdivisions throughout all of Wabash County, Indiana except for the jurisdictional area of the Town of North Manchester and the City of Wabash. This authority also extends to the re-subdivision of undeveloped or previously recorded plats.
No plat or re-plat of a subdivision of land located within the jurisdiction of the Commission shall be recorded until it shall have been approved by the Wabash County Plan Commission, and The Wabash County Commissioners and such approval shall have been entered in writing on the plat by the President and Secretary of the Plan Commission and the County Commissioners.

### 8.3 Jurisdiction
Upon adoption by the legislative bodies, the provisions of this Ordinance shall apply to all land, including land owned by local, county, state or federal agencies within Wabash County, except for the jurisdictional area of the City of North Manchester and the City of Wabash, to the extent allowed by law.

### 8.4 Purpose
This Chapter is enacted for the purpose of adopting subdivision regulations for the jurisdictional area of the Wabash County Advisory Plan Commission (WCAPC). The planning of a subdivision is the joint responsibility of the Sub-divider and the WCAPC, the former having the prime responsibility for the creation of desirable, stable neighborhoods that become an integral part of the entire county. The WCAPC has the responsibility of helping the Sub-divider achieve a high standard of excellence in the planning of a proposed subdivision, and of informing all sub-dividers of the minimum standards and requirements for subdivision development within its jurisdictional area of Wabash County.

### 8.5 Objectives
The objectives of these subdivision regulations are to protect and promote the public health, safety, and general welfare of the Citizens of Wabash County and implement the goals and objectives of the Wabash County Comprehensive Plan by:

A. Preserving prime farmland.

B. Avoiding scattered, illogical, and uncontrolled subdivision of land resulting in unnecessary imposition of an excessive expenditure of public funds for the supply of infrastructure,

C. Protect and conserve the value of land, buildings, and other improvements to land throughout Wabash County and minimize conflicts among land uses,

D. Establish reasonable standards and procedures for subdivisions and re-subdivision, in order to further the orderly layout of land, to ensure proper legal descriptions, legal recording and monumenting of subdivided land and secure equitable handling of all

subdivision plans by providing uniform procedures and standards,

E. Preventing the pollution of water, soil, streams and ponds, ensure the provision of drainage facilities, protection from increased risk of flooding and encouragement of wise use and management of natural resources to improve the integrity, stability, natural beauty and topography, and the value of land,

F. Simplify land descriptions and avoid susceptibility to more than one interpretation,

G. Provide guidance of future growth and development in accordance with the Comprehensive Plan and applicable ordinances,

H. Protect the character and social and economic stability of all parts of the jurisdiction,

I. Encourage orderly and beneficial development of all parts of the jurisdiction,

J. Provide the most beneficial relationship between the uses of land, pedestrian and vehicular traffic, structures and infrastructure,

K. Plan for balance between land uses, natural resources, open spaces, recreation, and public ways that is beneficial to the community as a whole, both current and future,

L. To ensure that the community will bear no more than its fair share of the cost of providing facilities and services by requiring the developer to pay fees, furnish land, provide infrastructure, and establish mitigation measures to ensure the development provides for fair share of capital facilities needs generated by the development,

M. Cause the petitioner to bear all cost associated with the approval process, development process and inspection process,

N. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, services, facilities, and other public requirements,

O. To ensure that necessary facilities are available concurrent with development, in quantity and size proportionate with the size of the subdivision and the land uses to which the land is allocated,

P. Preserve, protect and enhance the quality of Wabash County so that, to the extent possible, future generations will be ensured clean air, clean water, an a healthy environment.

## 8.6 Severability

If any chapter, article, section, subsection, paragraph, subparagraph, clause, phrase, word, provision, portion, or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which the judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The legislative bodies hereby declare that it would have enacted the remainder of these regulations even without any such part, provision or application.

## 8.7 Conflict

A. Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation,or other provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision of these regulations, or any other ordinance, rule, regulation, or other provision of law, the provision which is most restrictive or imposes the highest standard shall rule.

B. Private Provisions
These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirement of these regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Commission in approving a subdivision or in enforcing the regulations, and such private provisions are not inconsistent with these regulations or determinations hereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made there under. (NOTE) Private provisions must be enforced privately.

## 8.8 Fees

A. The Sub-Divider / Applicant shall pay all fees associated with the Subdivision Special Exception Application or Variance Application Process including, but not limited to:
   1. The Special Exception Application, Variance Application, Legal Notice Mailers, review of Primary Plat, Improvement Plan, review of Secondary Plat, review of Final Plat, and Certified Surveys.

B. Fees are defined in the "Permit Fee Schedule" as may be revised from time to time, and shall be paid at the time of filing of each step of the process.

C. All Inspection fees shall be charged by the County to the Sub-divider or Applicant for inspections during the construction of public improvements if the County employs the inspection firm or if the inspection is performed by a qualified County employee.

## 8.9 Exemptions

Some subdivisions may be exempt from most provisions of this Ordinance. These subdivisions must meet the criteria under Chapter 8, Section 8.20 "Administrative Subdivision" of the Subdivision Control Ordinance to qualify for the exemption.

## 8.10 Saving Provision

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, modifying, abating, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Board of Commissioners of Wabash County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any right obtained by any person, firm or corporation, by lawful action of the Board of Commissioners of Wabash County, except as shall be expressly provided for in these regulations.

A. Approval under Prior Ordinance
Primary Approval - any proposed subdivision of land for which a complete application seeking primary plat approval and the filing fee has been submitted and accepted by the Plan Commission Office, prior to the date of enactment of this Ordinance, may be considered under the provisions of the previous Subdivision Ordinance. If said primary plat application does not receive approval, any future applications must be

considered under the provisions of the Subdivision Control Ordinance in effect at the time the new application is made.

B. Secondary Approval - any proposed subdivision of land for which a complete application seeking secondary plat approval and the filing fee has been submitted and accepted by the Secretary of the Plan Commission, prior to the date of enactment of this Ordinance may be considered under the provisions of the previous Subdivision Ordinance. If said secondary plat application does not receive approval, any future applications must be considered under the provisions of the Subdivision Control Ordinance in effect at the time the new application is made. Any proposed or actual subdivision of land having been granted primary approval by the Plan Commission under the previous Subdivision Ordinance is valid only if that secondary approval is granted within five (5) years of the primary approval. If the primary approval includes development in phases, secondary approval for the entire phase, including all sections within the phase, shall automatically continue approval for the remaining phases to the same expiration date.

C. Recording - any subdivision, having been granted secondary approval under the previous Subdivision Ordinance and prior to the effective date of these regulations and subsequently having completed the requirements for recording under the previous Subdivision Ordinance may be signed by the designated officials as having been granted secondary approval and shall be permitted to record the secondary plat. Any proposed or actual subdivision of land having been granted secondary approval by the Plan Commission under the previous Subdivision Ordinance must be recorded within One (1) year of secondary approval or the secondary approval shall be considered null and void, unless an extension is granted by the Board of Commissioners of Wabash County.

## 8.11 Repeal

Upon adoption of the Wabash County Subdivision Control Ordinance according to law, the Subdivision Ordinance of Wabash County adopted March 7, 1966 as amended is hereby repealed, except for any portion retained herein.

## 8.12 Major Subdivision Information

A. Major Subdivision Determination**Total (Three (3) or more lots, tracts, orparcels)**

1. Any division of land into lots, tracts, or parcels creating Two (2) or more lots, tracts, or parcels in addition to the parent parcel and/or in which the division of land into lots, tracts or parcels results in the addition of or the extension of public ways, public places, public utilities or storm water controlshall be declared a Major Subdivision**.**

B. Major Subdivision Application

1. Predesign Discussion

a. While not mandatory it is recommended that the Sub-divider meet with the Plan Commission Board to review and discuss the Subdivision Control Ordinance policies prior to application submission. The Sub-divider should present a "Sketch Plan" on a Location Map in tentative form showing, in general, the proposed development, existing conditions, surrounding terrain, and the estimated time frame for the project. No formal application, fees, or filing of a Preliminary Plat shall be required for this process.

2. Preliminary Subdivision Plan

Application for Preliminary Subdivision Plan shall be completed on forms provided by the County Plan Commission. The Sub-divider Application and required documentation for the Preliminary Plan must be submitted to the Plan Commission Office for initial review a minimum of Sixty (60) days prior to the desired

scheduled meeting date and must include:

a. the application must be completed and signed by Sub-divider, owner or agent,
b. a drainage approval letter from the governing jurisdiction must be submitted,
c. a Variance approval letter from the appropriate agency for any Variances to be considered,
d. an affidavit verifying that a copy of the notification letter and proposed plan were sent to the required agencies, within unincorporated Wabash County and incorporated, Lafontaine, Lagro, and Roann. The following shall also be notified; appropriate town board, Township Trustee, County Highway Department, State Highway Department, County Drainage Board, local DNR, local NRSC, County Health Department, all associated utility companies, the appropriate local fire department, local law enforcement, and school corporation,
e. provide a list of all agencies, individuals, groups, and officials the letter was sent to,
f. a copy of the letter,
g. Plan Commission shall request that any remonstrator, who receive notification, submit their letter of objection within Fifteen (15) days after receipt of notification. No response shall be interpreted as meaning "no objection",
h. unlimited Eight and One Half by Eleven (8 ½ x 11) copies of Preliminary Plat,
i. Six (6) full size copies of Preliminary Plat.
j. Two (2)full size Ortho Imagery copies

3. The Plan Commission may hold a technical review meeting prior to the first public hearing. The Sub-divider and/or his agent are encouraged to attend the meeting,
4. The Parcel Review Committee shall review the Preliminary Subdivision Plat prior to the first scheduled public hearing before the WCPCB,
5. Notification to the Public
   a. All property owners within Two Hundred Fifty (250) feet of the proposed sub-division will be notified by first class postage prepaid mail at least 10 days before the hearing, and have the post office verify and date stamp the mailing list of names.
   b. Prepare and submit the legal add, for the Sub-divider Applicant, to be in print at least Ten (10) days prior to the scheduled meeting,
   c. It shall be the responsibility of the Plan Commission to prepare, submit for print and mail all legal notices; however it is the responsibility of the Sub-divider to pay for all mailed notices and the published legal add,
   d. The Sub-divider shall post an approved Advertising Sign on the proposed sight to be sub-divided at least Ten (10) days prior to the meeting date.
5. The Sub-divider must submit all the information for the petition to be processed and put on the docket. If all the information is not submitted by the established filing deadline, the petition will not be heard until the following meeting,
6. The Sub-divider and/or his agent shall attend the scheduled Plan Commission Board meeting for which the subdivision has been placed on the docket,
7. If the Preliminary Subdivision Plan is approved and all other required documents have been submitted and approved by the Plan Commission Board then it shall be signed by the designated officials,
8. It shall be the responsibility of the Developer to file the Preliminary Subdivision Plan, if deemed necessary, with the County Recorder's office within Thirty (30) days of the date of signature.
9. Three copies of the plan must be taken to the County Recorder's office to be recorded and distributed as follows:
   1. One copy of the recorded plat shall be kept in the County Recorder's office,
   2. One copy of the recorded plat shall be retained by the Developer or agent,
   3. One copy of the recorded plat and one copy of the Ortho Imagery plat shall be returned to the Plan Commission Office.
10. The Sub-divider after the Preliminary Plan is approved or conditionally approved shall file the following documentation with the Plan Commission:

a. Six (6) copies of Secondary Plan with information as listed on Preliminary Plan,
b. Two (2) Ortho Imagery copies,
c. Six (6) sets of detailed plans and specifications shall be submitted by required deadline,
d. the secondary plan in digital form,
e. the required bond, letter of credit or escrow agreements,
f. performance agreement,
g. documentation for any covenants or restrictions,
h. documentation for any homeowners or neighborhood association,
i. a letter from the appropriate jurisdictional authority approving the construction drawings.

11. A minimum of Thirty (30) days must elapse after the Preliminary Subdivision Plan approval before the Secondary Subdivision Plan can be considered.

**8.13 Subdivision Plan**

A. The Preliminary Subdivision Plan shall be prepared by a licensed land surveyor at a functional scale not to exceed One Hundred (100) feet per inch. May be prepared in ink or pencil with sheets numbered in corresponding order at an acceptable size for filing in the County Recorder's office but no larger than Twenty Four by Thirty Six (24 x 36). The following items shall be included in the Preliminary Plan:

B. Boundaries and Lots

1. Proposed boundary lines of subdivision with the bearings and distances, in Indiana Geospatial Coordinate System (InGCS).
2. Proposed and existing lots of the subdivision with bearings and distances of property lines and the area of the lot,
   a. blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the additions,
   b. all lots in each block shall be consecutively numbered,
   c. out lots shall be lettered in alphabetical order.
3. Proposed boundary lines of any common land in the subdivision with the bearings and distances. The use of the lot must also be listed,
4. Building line setbacks from any ROW,
5. Location listing of adjacent owners or any adjacent developments,
6. Future sections or phases of the proposed subdivision shall be shown on the plan,
   a. the sections or phases shall be listed as future considerations.

C. Easements

1. Location and width of any existing or proposed easements on site,
2. Location and width of any existing or proposed easements adjacent to site,
3. Location and width of any adjacent or on site railroad ROW,
4. Location and width of any existing or proposed utility ROW with explanation of use,

D. Natural Features

1. Location of any watercourses or water bodies,
2. Location of any wooded acreage.

E. Other Pertinent Features

1. Swamps, bogs,
2. Parks,
3. Cemeteries, Burial Grounds
4. Floodplains, Flowage Easements,
   a. delineate the floodway and floodway fringe on the Preliminary and Secondary Plat,

b. reference the benchmarks and elevations on the Preliminary Plat only.
c. delineate the Flowage Easement on the Preliminary and Secondary Plat.

F. Technical
1. Location and sizes of existing,
a. Sewers,
b. Water mains,
c. Culverts,
d. Utility poles,
e. Fire Hydrants,
f. Storm water facilities,
g. Topography,
h. Preliminary proposal for connection with existing water supply and sanitary sewage system.

G. Drainage
1. Preliminary provision for collecting and discarding surface water,
2. Notation of :
a. drainage easements,
b. site easements,
c. site reservations.

H. Structures
1. Location of any underground structures on the tract and adjacent to the tract,
2. Location of any permanent buildings.

I. Right of Way
1. Location, width and names if existing:
a. platted streets or other public ways within the tract or adjacent to the tract,
2. Location width and names of proposed:
a. street or rights of way,
b. rights of way and curve data.

J. Miscellaneous
1. Vicinity map,
2. Name, address, phone number, registration of surveyor,
3. Map date,
4. North arrow,
5. Graphic scale,
6. Subdivision name,
7. Name and address of land owner,
8. Metes and bounds description,
9. Owner endorsement,
10. Signature and date,
11. Other information as needed for plat,

K. Supporting Document.
1. The last instrument conveying title to each parcel of property involved in the proposed subdivision with the name of grantor, grantee, date, and any recorded land record reference along with:
2. A complete copy of any existing covenants on the property,
3. A designation of the purpose and condition of land within the tract dedicated or reserved,
4. Closure program data.

## 8.14 Secondary Subdivision Plan

A. The Secondary Subdivision Plan shall be prepared by a licensed land surveyor at a functional scale not to exceed One Hundred (100) feet per inch. prepared with sheets number in corresponding order at an acceptable size for filing in the County Recorder's Office, but no larger than Twenty Four by Thirty Six (24 x 36).

B. The Secondary Subdivision Plan shall present the same detailed information as required for the Preliminary Subdivision Plan excluding the following items: Section 8.14 B6, Section 8.15D2, Section 8.15E1-3, and Section 8.15H1.

C. If the Secondary Development Plan deviates from the PRC approved Preliminary Development Plan, the plan deviations shall be checked by the Parcel Review Committee prior to review by the WCPCB.

D. If the Secondary Subdivision Plan deviates from the approved Preliminary Plan, the plan shall be resubmitted as a Preliminary Subdivision Plan that must follow the entire Subdivision Plan process,

## 8.15 Design Standards

A. Purpose of Design Standards

The purpose of design regulations is to protect the health, safety, and general welfare of the communities and its citizens by:

1. Insuring proper arrangement of arterials, collectors, streets,
2. Promoting traffic safety and prevent congestion,
3. Securing adequate public places,
4. Promoting proper population density,
5. Providing adequate utilities and public improvements,
6. Insuring proper location and preparation of plats,
7. Protecting soils and the environment,
8. Providing favorable drainage standards,
9. Insure proper sewer and water standards.

B. General Standards

1. No land shall be subdivided for residential use, if the land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, or objectionable soils / earth, topography or other features harmful to the health, safety and welfare of future residents and the community as a whole,
2. The Plan Commission may require either a general or operational soil survey, with interpretations, where it is not readily apparent from existing information that the land to be subdivided is not subject to flooding or does not contain poor drainage characteristics. If required, the survey shall be conducted by a qualified person or agency acceptable to the Plan Commission. In the event the findings deem the subdivision to be unacceptable the Plan Commission shall not approve the plat. The Plan Commission may however prescribe conditions that the Sub-divider must meet to obtain approval and these conditions may be incorporated into the subdivision plan under provisions to agreement,
3. Whenever a proposed subdivision borders an existing street, the Plan Commission may require improvements of such street as a condition of plat approval. Additional dedication of right-of-way may also be required,
4. In addition to the requirements established herein, all subdivision plats shall comply with the following rules, regulations and laws:
   a. all applicable statutory provisions,
   b. local zoning ordinances, building / housing codes, and all other applicable laws of the appropriate jurisdiction,

c. the Comprehensive Plan, Transportation Plan and other appropriate county plans,
d. rules and regulations of IDEM, Indiana DNR, NRCS, County Drainage Board, Health Department, Indiana Manual of Uniform Traffic Control Devices, INDOT, and AASHTO,
e. all applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control, ordinances and other applicable guides from local government units.

C. Monument and Marker Standards
1. Monuments shall be set at the intersection of all adjoining properties,
2. Markers shall be set at the beginning and ending of all curves, along street property lines, at all points where a lot line intersects curves, either front or rear, at all angles in the boundary lines of lots, and at all other lot corners not marked by monument.

D. Lot Standards
1. When served by public water and sewer. Lot dimensions shall comply with the minimum standards of the Wabash County Zoning Ordinance,
2. Where not served by public water and sewer lot dimensions shall comply with the minimum standards of Wabash County Zoning Ordinance or the minimum area and dimensions required by the Wabash County Health Department whichever is more restrictive,
3. Side lines of lots shall be approximately right angles to straight streets and on radial lines on curved streets. Some variation from the requirement is permissible, however irregular shaped lots are discouraged,
4. Lot size, width, depth, shape, grade location and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions,
5. All lots shall abut on a street or a place,
6. Frontage Lots / Double Frontage Lots shall not be platted, except that, where desired along limited access highways or primary streets, lots shall face the interior street and the lot back shall be on such thoroughfares. In that event screen planting shall be provided along the back of each lot,
7. Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets,
8. Lots shall be numbered consecutively throughout the entire subdivision,
9. Building setback lines shall conform to the provisions of this Ordinance,
10. Direct vehicular access from lots to primary arterials or major collectors is discouraged.

E. Block Standards
1. Blocks shall have sufficient width to provide for Two (2) tiers of lots of appropriate depth. Exceptions to this block width shall be permitted in blocks adjacent to primary arterials, major collectors, water courses, and industrial or commercial areas,
2. Block length and width or acreage within bounding streets shall be such as to accommodate the size of the lot required by the Wabash County Zoning Ordinance or Wabash County Health Department for the site selected for the subdivision and to provide convenient access, circulation control, and safety of street traffic. Blocks should not exceed One Thousand Two Hundred Fifty (1,250) feet in length.

F. Street Location and Arrangement Standards
1. All proposed subdivisions shall conform to the Wabash County Thoroughfare Plan as is now or may be set forth hereafter. Whenever any tract to be subdivided embraces any part of the Thoroughfare Plan, that part of the public way shall be platted by the Sub-divider in the location and of the width indicated on the Thoroughfare Plan, the arrangement of the streets in the subdivision shall provide

for the continuation and projection of existing principal streets in surrounding areas to conform to a plan of the neighborhood approved and adopted by the Wabash County Plan Commission,

2. Local roads shall be laid out so that their use by through traffic will be discouraged,
3. The arrangement, character, extent, width, grade, and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets,
4. When a subdivision abuts or contains an existing or proposed street as shown in the Thoroughfare Plan, The Plan Commission may require marginal access streets; reverse frontage contained in a non- access reservation along the rear property line having a minimum width of Twelve (12) feet; deep lots with rear service ways, or such treatments as may be necessary for adequate protection of residential properties and to afford separation of through streets and local streets,
5. Where a subdivision borders on or contains an existing or proposed arterial, a railroad right of way, or limited access highway right of way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations. The Plan Commission may require that the intervening land strips be dedicated to the county. The land strip shall be maintained by the involved government unit from the date of dedication,
6. Half streets shall be prohibited. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract,
7. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created. Streets shall be adjusted to the contour of land so as to produce usable lots and streets,
8. Certain proposed streets, where appropriate, shall be extended to the boundary line of the area to be subdivided so as to provide For normal circulation of traffic within the vicinity,
9. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
10. In designing and approving subdivision streets, the following factors shall receive consideration:
    a. provide access to all lots and parcels in the subdivision,
    b. centerlines of streets should intersect as nearly to right angles as possible,
    c. intersections of more than Two (2) streets at One (1) point should be avoided,
    d. jogs at intersection should be avoided,
    e. accessibility for emergency vehicles, school buses, public transit,
    f. safety for both vehicular and pedestrian traffic,
    g. efficiency of services for all users,
    h. liability of amenities as affected by traffic elements in the circulation system,
    i. economy of both construction and use of land.
11. Alleys shall be discouraged in residential districts.

G. Street Standards

1. Widths of Primary, Secondary, Local and Feeder Streets shall conform to the width specified in the Official Thoroughfare Plan,
2. The minimum right-of-way of Residential Streets or Cul-de-sac, shall be Fifty (50) feet. All Cul-de-sac shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet, or provide other arrangements for the turning of all vehicles conveniently within the right-of-way,
3. All streets shall be completed to grades specified in plans, profiles and cross

sections provided by the Sub-divider, prepared by a registered professional engineer, or registered licensed surveyor and approved by the Wabash County Highway Supervisor,

4. Street width shall be measured from back of curb to back of curb where curb and/or gutter are required,
5. Streets shall be graded, surfaced and improved to the dimensions shown in approved cross sections,
6. All stages of street development shall be inspected and approved by the County Highway Supervisor,
7. Roadway base specifications shall meet current INDOT specifications,
8. Hot asphalt concrete (HAC) materials and application must meet current INDOT Specifications and mix specifications shall be forwarded to the Wabash County Highway Supervisor,
9. HAC mixing and application shall be performed under proper weather conditions between April 15 and October 15,
10. HAC road surface shall have a 3% slope from center to both edges.

H. Cul-de-sac Standards

1. Cul-de-sacs shall have a minimum Five (5) foot right of way on the outside edge of the curb of the cul-de-sac radius,
2. Cul-de-sac radius shall be a minimum of Fifty (50) feet,
3. Cul-de-sac front lot widths shall be regarded as the minimum lot frontage requirement for that zoning district and shall be measured at the front building setback line, with the rear property boundary being at least the minimum width requirement for that zoning district,
4. The Wabash County Plan Commission may waive a Cul-de-sac provided other means of reversing traffic flow can be obtained safely without trespass onto a subdivision property owners lot.

I. Private Street Standards

1. The Plan Commission may waive the requirement of a street to be dedicated to the public and approve a private street in a subdivision provided all of the following conditions are satisfied.
2. Restrictive covenants, a written commitment, or other required documents running with the land, shall be recorded in such form as is approved by the Plan Commission to clearly state the record of each of the following provisions:
   a. the county shall never be obligated to accept a public dedication, deed, or any other conveyance of such private street,
   b. the Wabash County Highway Department shall never be obligated to maintain or repair the street, or accept it into its maintenance program,
   c. a legally formed community association comprised of all owners of lots in the subdivision, as well as each such owner individually, shall be jointly and severally obligated to maintain and repair each private street in the subdivision,
   d. the subdivision community association and all owners of lots in the subdivision shall jointly and severally indemnify and hold harmless Wabash County against any loss, damage, or liability arising from claims or suits for personal injury or property damage involving design, construction, use or maintenance of a private street in the subdivision,
   e. an express easement shall be granted to public and quasi-public agencies for use of such streets by emergency , utility, school, public transit vehicles and personnel, and for any other purpose the Plan Commission reasonably believes is necessary or appropriate.
3. Title to each private street in the subdivision shall be properly conveyed by warranty deed to the subdivision's community association,

4. Evidence of legal formation of the subdivision's community association shall be recorded at the Sub-divider's expense,
5. A maintenance bond, with coverage comparable to that required for public streets, for the benefit of the subdivisions community association and lot owners shall be provided by the developer of the subdivision, if the Plan Commission finds such a bond necessary,
6. Street Standards shall be the same for a private street as those for a public street.

J. Curb Standards
1. The Plan Commission shall require, at minimum, curb and gutter on the downslope side of the street surface in hillside subdivisions to assist in erosion control. The curb system on the downslope side shall be equipped with catch basins and culverts as necessary to carry run-off water to the natural drainage course,
2. Curbs and curb gutters shall be constructed to meet the specifications set forth by INDOT, Wabash County Highway Department and Wabash County Drainage Board,
3. Curbs may be required on other street and parking surfaces,
4. Plan Commission may waive or require any or all curb standards as applicable.

K. Sidewalk Standards
1. The Wabash County Subdivision Ordinance does not require the construction of sidewalks in subdivision development, however the Sub-divider may choose to provide sidewalks in which case the following standards shall apply:
   a. sidewalks may be located on one or both sides of the street,
   b. sidewalks shall be constructed of concrete at least 4" thick and 40" wide,
   c. sidewalks which cross arterials within the subdivision must have painted crosswalks and signs installed,
   d. ADA compliant ramps shall be installed at all intersections and other transition access points,
   e. easement of Ten (10) feet in width shall be provided for sidewalks,
   f. sidewalk surface shall have sufficient finish and slope to drain towards the street such that pedestrian safety and convenience is foremost.
2. A legally formed community association comprised of all owners of lots in the subdivision, as well as each such owner individually shall be jointly and severally obligated to maintain and repair each sidewalk in the subdivision.

L. Street Lighting Standards
1. The sub divider shall provide lighting at all intersecting public roads,
2. Street lights shall be pole mounted and range between 20 and 24 feet in height,
3. All electric lines shall be buried,
4. A legally formed community association comprised of all owners of lots in the subdivision, as well as each such owner individually shall be jointly and severally obligated to maintain and repair each street light in the subdivision.

M. Subdivision Name and Street Name Standards
1. The proposed name for the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall approve the name of the subdivision during preliminary plat review,
2. Street names shall not duplicate any existing name within the area covered by these regulations except where a new street is a continuation of an existing street. Street names spelled different but sound the same as existing streets shall not be used,
3. The E-911 Director or appointed representative shall verify all street names,
4. The Plan Commission shall have final authority to name all streets (in case of conflict) at the time of Secondary Plat approval,

5. Signage shall follow the standards set forth by the Manual on Uniform Traffic Control /Devices for Streets and Highways, published by the U.S Department of Transportation,
6. Signs shall be mounted as close to intersection corners as applicable, their faces parallel to the streets they name,
7. All signs first time application shall be at the expense of the Sub- divider. Thereafter the signage shall be maintained by the ownership of the street,
   a. if the street is dedicated to the county, the county shall maintain all signage after initial installation,
   b. If the street remains a private street, the subdivision association shall maintain signpost carrying a sign, having an area to sufficiently display the following information on Three (3) inch high letters:
      the name of the private street
      the words "PRIVATE STREET'
      the words "NOT DEDICATED FOR PUBLIC USE" and
      MAINTAINED BY PRIVATE SECTOR".
      The material on the sign shall be arranged substantially as follows:

(NAME OF STREET)
PRIVATE STREET
NOT DEDICATED FOR PUBLIC USE
MAINTAINED BY PRIVATE SECTOR

N. Easement Standards
1. Easements centered on rear and side lot lines shall be provided for utilities where necessary and shall be at least 6 feet wide on both sides of the property lines. Easement shall generally be contiguous to the street at the end of the block to connect with adjoining blocks in the most direct line,
2. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, the Sub-divider shall designate drainage easements on both sides of the watercourse, the width to be determined by the Wabash County Drainage Board regardless if a legal or non-legal drain,
3. Easements to permit access for maintenance and repair of surface and subsurface drainage improvements established by law and utility installations, shall be provided on the copies of the Preliminary Plat, Secondary Plat, and Final Plat. Location of easements shall be reviewed by the County Drainage Board and/or its representatives along with the local utility companies,
4. Easements shall be a minimum of Twelve (12) feet in width, (excluding sidewalk easements), provide continuity from block to block, and be located along rear, side, or front lot lines with One Half (½) of the width of easement taken from each lot. In the case of platted boundary lots and not adjoining another plat, the full width of the easement shall be providedon such peripheral lots,
5. Plan Commission may waive any or all easement standards when applicable.

O. General Drainage System Standards
In order to provide the most suitable sites for building, to improve surface drainage, the following requirements shall be met:
1. Drainage control shall conform to the requirements of the Wabash County Surveyors Office and the Wabash County Drainage Board and, shall be reviewed by the same,
2. The locations, grading, and placement of subgrade material of all streets, public driveway, and public parking areas shall be accomplished as the first work done on a development plan,
3. All lots, tracts, parcels shall be graded to provide proper drainage away from buildings. All land within the development shall be graded to drain and dispose of

surface water without ponding, except where approved by the drainage board,

4. Fills shall not encroach or impede flows of natural watercourses or constructed channels,
5. Grading shall not be done in such a way as to divert water onto the property of another land owner without the expressed consent of the land owner,
6. During grading operations, necessary measures for dust control, silt run-off and erosion shall be exercised,
7. Plan Commission, under advisement of the Wabash County Surveyor or Wabash County Drainage Board may waive any or all general drainage standards when applicable.

P. Storm Water and Su Standards

1. A storm water sewer or surface drainage system adequate to serve the subdivision and potential subdivision in the drainage area of which the subdivision is a part of shall be provided by the Sub-divider,
2. When the surface drainage, in the opinion of the drainage board, is adequate, easements for such drainage shall be provided. Where curb and gutter are not provided, shallow swales, sown or sodded in grass, shall be provided. Deep, open ditches shall be avoided. Roadside drainage shall not be disrupted by public driveways or other obstructions,
3. The plans for installation of the storm sewer system shall be prepared by a register professional engineer or registered licensed surveyor, provided by the Sub-divider, and approved by the drainage board. In the approval of such plans, the drainage board may require off-site improvements of drainage outlets to adequately handle run-off from the subdivision,
4. The Sub-divider shall provide a subsurface drainage system, below curbs, to be placed along both sides of subdivision streets and wherever else within the subdivision that it is determined to be necessary. The purpose of the subsurface piping system is to provide drainage from the street sub-base. The subsurface drainage system shall discharge to the storm sewer system or to the surface drainage system upon approval by the drainage board. No subsurface drainage system connections will be permitted to the sanitary sewer system,
5. It shall be illegal for sump pumps, down spouts, or foundation drains to outlet directly to the street or into the right of way of the street, or to be connected to the sanitary sewer. Sump pumps shall be connected to the subsurface drainage system,
6. It is the responsibility of the Sub-divider to keep all major watercourses, drainage systems, not under the jurisdiction of any public agency, open and free flowing,
7. Loss of the One Hundred (100) year floodplain water storage capacity due to building or filling shall not be allowed. No primary structures are permitted to be constructed in the floodway fringe. No building or filling is allowed in the floodway.

Q. Sewer Standards

1. If in the judgment of the Plan Commission, based on recommendations from the Wabash County Health Department, a public sanitary sewer main is reasonably accessible, a complete sanitary sewer system including lateral connection to each lot in the subdivision shall be installed and connected to the main. The system shall be provided with all necessary supplemental equipment and machinery (including but not limited to lift stations) and be in such lengths, sizes, dimensions and specifications as shall be required by the Health Official. The plans for installation of a sanitary sewer system shall be prepared by a registered professional engineer or licensed surveyor, to be provided by the Sub-divider and be in accordance with Indiana State Board of Health regulations. Upon completion of the sewer installation, the plans as built shall be filed with the county.

2. If in the judgment of the Wabash County Health official a public sanitary main is not reasonably accessible, sanitary waste may be disposed of in the following method:
   a. the Sub-divider shall provide a complete sanitary sewer system, with lateral connections to each lot and a common treatment plant, each meeting the standards of the Indiana State Board of Health and the Indiana Water Pollution Control Board,
   b. Subdivisions of Three (3) or less tracts may be provided with a private sewage treatment system on each individual lot consisting of septic tank and absorption field, or other approved sewage treatment systems, provided the systems are installed in accordance with standards of the ISBH and provided that soil in the subdivision is acceptable, as determined by soil borings. In accordance with ISBH regulations and WCHD regulations the following shall also be required:
      I. Lots must be a minimum of 1 ½ acres,
      II. Two borings per lot to clearly indicate soil conditions,
      III. Sub-divider shall provide preliminary soils report for each lot in which testing and findings are completed in writing by an approved soil scientist,
   c. all WCHD requirements must be met to obtain the actual septic permit for each proposed lot requiring a septic system.
3. Sewers shall comply with the requirements of the governing authority. It is the intent of this ordinance that all subdivisions connect to a sanitary sewage system. If the sewer district cannot provide service, then the Sub-divider may be required to install a private septic system in compliance with the requirements of the WCHD and the ISDH.

R. Water Supply Standards
1. Where public water supply is not available within Three Hundred (300) feet of any boundary of the proposed subdivision, and where the WCHD determines that connecting thereto would create a hardship for the Sub-divider, the Sub-divider may provide each lot with a community or individual water supply. Provided that installation conforms at least to the standards of the ISBH and IDNR DOW. Upon completion of the water supply system, the plans for the system shall be filed at minimum with the WCPC and the WCHD,
2. Where public water supply is available within Three Hundred (300) feet of any boundary of the proposed subdivision, the Sub-divider shall construct a system of water mains, connected with the public water supply and provide a connection with each lot. The work shall be done in accordance with the plans, profiles and specifications prepared by a registered professional engineer and shall be approved by the WCHD and IDNR DOW and in conformance with at least the minimum requirements of the ISBH,
3. Distribution, valve and hydrant specifications, metering systems and placement shall meet American Water Works Association Standards and NFPA 24, be approved by ISBH, WCHD, and IDNR DOW.

S. Miscellaneous, Utility Standards
1. All utility lines, including electrical, gas, phone, cable, sewer, water, shall be located underground throughout the subdivision. Location of all lines shall be shown on preliminary plat and construction plans. Service connection to the property lines of each lot in the development shall be provided by the utility or Sub-divider.

T. Environmental Standards
The following measures are effective in minimizing erosion, sedimentationand regulating the accumulation and disposal of solid waste and shall be included where applicable in the overall development plan,

1. Existing features which add value to residential, commercial, natural or man-made assets such as trees, streams, vistas, historically significant items, and similarly irreplaceable assets shall be preserved through careful and harmonious design,
2. Stripping of vegetation, re-grading, or other development shall be completed in such a way that will minimize erosion,
3. Development plans shall keep cut / fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff,
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented,
5. The disturbed area and the duration of exposure shall be kept to a practical minimum,
6. Temporary vegetation and mulching shall be used to protect environmentally sensitive areas during development,
7. Permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development,
8. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development, where necessary, the rate of surface water runoff will be structurally retarded,
9. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, silt traps, or similar measures,
10. Design and construction of the drainage facility shall be such that it will be durable and easy to maintain,
11. The accumulation of all solid waste resulting from development operations shall be collected and disposed of in a timely manner so as to prevent any excessive accumulation or scattering of solid waste. No burning for the purpose of disposing of solid waste shall be permitted.

U. Erosion Control Standards

1. Erosion and sediment control shall conform to the requirements of the NRCS, WCDB, and IDEM,
2. No changes shall be made to the contour of the land, nor shall grading or excavating begin until a plan for minimizing erosion and sedimentation has been reviewed by the appropriate departments. Review and approval shall be documented and held in the Plan Commission office,
3. Where sedimentation is caused by stripping of vegetation, regrading, or other development activity, it shall be the responsibility of the Sub-divider to remove it from all adjoining surfaces, drainage systems, and watercourses and to repair any damage at the Sub-dividers expense,
4. It is the responsibility of the Sub-divider doing any action on or across a communal stream, watercourse, or swale, or upon the floodplain, floodway or flood fringe area of any watercourse to return these areas to their original or equal condition upon completion of said activities,
5. No Sub-divider shall block, impede the flow of, alter or construct any structure, deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the WCDB, NRCS, IDEM, IDNR DOW, whichever may be applicable. It is the responsibility of the Sub-divider to keep all major watercourses, not under the jurisdiction of any public agency, open and free flowing,
6. The Sub-divider will assume the responsibility for maintaining an open and free flowing condition in all minor streams, watercourses, and drainage systems, constructed or otherwise improved in accordance with this ordinance which are necessary for proper drainage

V. Misc. Design Standards
1. The following items shall be under the discretion of the Sub-divider and recorded in the covenants of the subdivision:
   a. earth mounds,
   b. rights of way disturbance,
   c. landscaping,
   d. fencing,
   e. mailboxes,
   f. home structural design,
   g. home exterior décor,
   h. square footage of residence, providing it exceeds ordinance minimum.

i. accessory structures

**8.16 Secondary Subdivision Plan Approval**

A.The Plan commission shall approve or reject the Secondary Subdivision Plan. Upon approval by the Wabash County Plan Commission, The Secondary Subdivision plan shall be signed by the officers of the board.

B. It shall be the responsibility of the Sub-divider to file the Secondary Subdivision Plan with the County Recorder's office within Thirty (30) days of the date of signature,

C. Three copies of the plan must be taken to the County Recorder's office to be recorded and distributed as follows:
1. One (1) copy of the recorded plat shall be kept in the County Recorder's office,
2. One (1) copy of the recorded plat shall be retained by the Sub-divider or agent,
3. One (1) copy of the recorded plat and one copy of the Ortho Imagery plat shall be returned to the Plan Commission Office.

D. Within Two (2) years of the date of the Secondary Plan approval the Sub-divider must present to the public a letter of acceptance for all of the infrastructure or other improvements from the jurisdictional agency,
1. if the improvements are not completed within Two (2) years a request for extension must be brought before the public. The extension may be granted only one time for no more than One (1) year,
2. if the extension is denied Wabash County or their representative shall use money from the bond, letter of credit, or escrow account to finish work.

**8.17 Construction Plans**

A. General construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than One (1) inch equals Fifty (50) feet. Map sheets shall be the same size as the Preliminary Plan. The following shall be shown:
1. profiles showing existing and proposed elevation lines of all streets,
2. where proposed street intersections and existing street or streets, the elevation along the center line of existing street or streets,
3. radii of all curves, lengths of tangents, and central angles on all streets.

B. The Plan Commission may require, where steep slopes exist, that cross sections of all proposed streets at One Hundred (100) foot sections be shown at Five (5) points as as follows:
1. on a line at right angles to the center line of the street, and all elevation points shall be at the center line of the street,
2. all elevation point shall be at the center line of the street, each property line, and the points Twenty Five (25) feet inside each property line.

C. Plans and profiles showing the locations and typical cross section of street pavements including:
1. curbs and gutters,
2. sidewalks,
3. drainage easements,
4. servitude,
5. rights of way,
6. manholes,
7. catch basins,
8. the location of street trees, street lighting standards and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants,
9. show connection to any existing or proposed utility system utilities or structures,
10. exact location and size of all water, gas, or any other underground courses.

D. Location, size, elevation and other appropriate description of any existing facilities or utilities, including but not limited to:
1. existing streets, sewers, drains, water mains, easements, water bodies, streams, floodplains,
2. other pertinent features such as railroads, buildings, misc. structures,
3. features noted on the Official Map or Comprehensive Plan at the point of connection to proposed facilities and utilities within the subdivision,
4. the water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams,
5. if the subdivision borders a lake, river, or stream, the distance and bearings of a meander line established not less than Twenty (20) feet back from the ordinary high water mark of such waterways.

E. Topography of the same scale as the Preliminary Plan with a contour interval of One (1) foot, referred to in NAVD 88. All data provided shall be the latest applicable US Coast and Geodetic Survey Data and should be so noted on the plan.

F. All specifications and references required by the appropriate jurisdiction's construction standards and specifications, including a site grading plan for the entire subdivision.

G. Notation of approvals.

H. Title, name, address, signature, registration number, seal of the professional engineer and/or surveyor, and date. Including revision dates.

## 8.18 Minor Subdivision Information

A. Minor Subdivision**Total (Three (3) or less, but more than2)**
Any division of land into lots, tracts, or parcels creating Two (2) or less lots, tracts, or parcels in addition to the parent parcel and are located along an existing public road or a private drive.
1. A Minor Subdivision shall not involve the addition or extension of public ways, utilities, storm water control or sewers. Applicant shall seek approval before the Wabash County Board of Zoning Appeals during a public hearing as outlined in the BZA Rules of Procedure.
2. The Minor Subdivision Plan, which shall be submitted for review at least Thirty (30) days prior to the hearing, shall follow the directives as listed in Chapter 8, Section 8.13 through Section 8.18 as they apply to a Minor Subdivision.

## 8.19 Administrative Subdivision

A. Exemptions of Provisions

Administrative subdivisions, which are exempt from most provisions of the Subdivision Ordinance process, shall not result in or require the creation of public easements, or the installation of public ways, public places, or storm drain control and must be one of the following types of division:

1. A division of land creating Two (2) or less tracts in addition to the parent tract that are designated as non-buildable tracts.
2. A division of land for the transfer of a tract, or tracts, to correct errors in an existing legal description, provided that no additional building sites, other than for an accessory building, are created by the division,
3. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property,
4. A division of land for federal, state, local government to acquire right-of-way,
5. A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. Each lot created shall be clearly identified as a non-buildable parcel on the plat and within the deed. The adjoining lots so created hereunder shall have the maximum of one principal use building site each,
6. A division of land into cemetery plots,
7. A retraction of an existing parcel or record in which, a survey plat does not exist, or a survey error is being corrected,
8. A re-subdivision which involves only the removal of interior lot lines, with the outside perimeter of the property remaining unchanged, resulting in fewer parcels than were contained in the original plat,
9. A re-subdivision which involves only the changing of notations written on the plat or correction of errors thereon.

B. Necessary Conditions for Exemptions

In addition to exempt conditions, a land division qualifying for Administrative Subdivision review shall meet the following conditions:

1. The division of the parent parcel shall not create more than two (2) parcels plus the parent parcel,
2. If a parcel created by such an exempt division does not have sanitary sewer service available the tract shall obtain septic approval from the Wabash County Health Department to insure the installation of an onsite sewage disposal system,
3. If a parcel created by such an exemption division has frontage on a public road, the land divider shall dedicate, to the public, real property of a width sufficient to meet One Half (1/2) of the required right-of-way width for that specific public road as indicated by the current Wabash County Thoroughfare Plan and of a length along that public road equal to the length of the proposed parcel along the roadway,
4. If a parcel created by such an exempt division is not a road frontage parcel, the county may require an access width of Fifty (50) feet from the road to the rear lot line of the parcel. The access area shall not be included in the parcel square footage when calculating the total parcel area needed to meet the zoning requirements. The Fifty (50) foot wide area shall not be part of a utility easement or part of the building site.

C. Certification of Exempt Conditions

1. Written confirmation from Wabash County Health Department verifying favorable conditions for onsite septic sewage disposal system or availability of public sanitary sewer,
2. A metes and bounds description of the parcel,
3. Official documentation indicating the dedication of right of way to the appropriate

jurisdiction,

4. Written confirmation from INDOT or County Highway Department for drive way access from state or county road,
5. Verification from Wabash County Drainage Board of any public drains involved,
6. Documentation to verify cause for exemption of subdivision provisions,
7. Verification from Plan Commission that current zoning of tract allows proposed Subdivision,
8. Verification of any Floodplain Area or Flowage Easement area.

D. Administrative Subdivision Review Process

Within Ten (10) working days from the date of the Sub-divider application submission the Plan Commission and the Sub-divider shall jointly review the required documentation and approve or reject the application.

1. Sub-divider shall provide drawing of proposed subdivision of tract, parcel, including but not limited to:
   a. parent parcel with dimensions,
   b. proposed parcels with dimensions,
   c. all current or proposed structures,
   d. proposed drive access,
   e. covenants or conditions to apply,
   f. identification of any public utilities and associated easements within the parent tract and proposed subdivision tracts,
2. Review of all Certified Exempt Conditions.

E. Recording Subdivision

1. Documentation of the approved division of land shall be filed with the Auditor's Office and the survey recorded along with the deeds within Thirty (30) days of the date of the signature.

**8.20 Covenants**

Covenants must include, at minimum, the following provisions satisfactory to the Commission:

A. Adequate provision for an organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of any common facilities jointly shared by those owners.

B. A financial guarantee that satisfactory maintenance will be provided for any common facilities in accordance with standards prescribed by the property owners' organization and set forth in the covenants, and that the facilities will be operated and maintained at no expense to the county or any other governmental unit.

C. Alteration of any interior or exterior boundaries (including the splitting of a lot) shall requireapproval by the Wabash County Plan Commission Board and review by the Parcel Review Committee.

**8.21 Subdivision Association/ Lot Owners Association**

When Subdivision / Lot Owner Associations are to be employed for a Subdivision, the association documents shall be included with the plans and application for the Subdivision.

**8.22 Variance / Modification**

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety and general welfare of the Citizens of Wabash County. If the literal compliance with any mandatory provision of this Subdivision Control Ordinance is shown by the applicant, to the satisfaction of the members of the Plan Commission present at a public meeting, to result in great practical difficulties, unnecessary hardship, or injustice because of

peculiar conditions pertaining to the specified property and if the applicant shows that an alternative proposal will allow for equal or better results, the Plan Commission may grant a Variance from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However the granting of a Variance shall not have the effect of making null and void the intent and/or purpose of this Subdivision Control Ordinance.

A. In granting modifications, the Plan Commission may require such conditions as will, in its judgment secure substantially the purpose of this Subdivision Control Ordinance.

B. A request for modification from the terms of this Ordinance shall be submitted in writing on the proper form by the Sub-divider when the subdivision preliminary plat is filed with the Plan Commission for consideration for Primary Plat approval. The petitioner request shall state the grounds for the application and all the facts relied upon by the applicant.

C. Findings

In the exercise of its authority under this section, the Plan Commission shall grant variances only upon finding that all of the following criteria are met:

1. Variance of Use:

a.The approval will not be injurious to the public health, safety, morals, or general welfare of the community,

b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner,

c.The need for the variance arises from some condition peculiar to the property involved,

d. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought, and

e. The approval does not interfere substantially with the comprehensive plan adopted under Indiana Code 36-7-4 Series 500.

2. Variance From Development Standards:

a. The approval will not be injurious to the public health, safety, morals, or general welfare of the community,

b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner, and

c. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of property. However the zoning ordinance may establish a stricter standard than the "practical difficulties" standard prescribed by this subdivision.

**8.23Surety / Maintenance Guarantee**

A. The applicant shall post bond securable to Wabash County in an amount equivalent to One Hundred Twenty Five Percent (125%) of the estimated cost of the completion of the required public improvements as estimated by the county appointed engineer.

B. The Sub-divider may submit a certified check made payable to Wabash County in an amount equivalent to One Hundred Twenty Five Percent (125%) of the estimated cost of the completion of the required public improvements as estimated by the county appointed engineer. Any such check shall be held by the county auditor.

C. The Sub-divider may submit irrevocable letters of credit in behalf of the Sub-divider and securable by Wabash County in an amount equivalent to One Hundred Twenty Five percent (125%) of the estimated cost of the completion of the required public improvements as estimated by the county appointed engineer. In the event an

irrevocable letter of credit is utilized, it shall be written for a maximum length of Two (2) years and the Plan Commission, Two (2) months prior to the expiration of the letter of credit, shall determine if the public improvements have been accepted for maintenance by the governmental unit having jurisdiction over the public improvement , and if they have not been accepted shall so notify the Sub-divider of the intent to secure the funds and then commence procedures to secure the funds pledged by such letter of credit, or at the discretion of the Plan Commission to grant an extension for such period fixed by the Plan Commission, not to exceed One (1) year and the Sub-divider filing with the Plan Commission a new letter of credit for the periods so fixed.

D. The Sub-divider may submit a certificate of deposit made out to Wabash County to be held by the Wabash County Auditor and in an amountequivalent to One Hundred Twenty Five Percent (125%) of the estimated cost of the completion of the required public improvements as estimated by the county appointed engineer.

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E. Such surety shall comply with all statutory requirements and shall be satisfactory to the Plan Commission Attorney as to form, sufficiency, and manner of execution as set forth in this ordinance. The period within which required public improvements must be completed may be specified by the Plan Commission in the Preliminary Plat approval and shall be incorporated into T bonds which shall not in any event exceed Two (2) years from the date of Secondary Plat approval. Such bond shall be approved by the participating jurisdiction as to the amount.The Plan Commission upon proof of difficulty may grant an extension of the completion date set forth in such bond for a maximum period of one additional year, provided that the bond submitted for this extension period meets all other requirements herein. The Plan Commission may at any time during the period of such bond accept a substitution of principal of sureties on the bond.

F. Any funds received from the surety guarantees required by this Ordinance shall be used only for the purpose of making improvements or installations for which said guarantees were provided and in accordance with the Ordinance.

G. The county shall not accept improvements, or the Plan Commission release a reduction of a surety bond until the county has submitted to it a certificate stating that all required improvements or a pro rata part in the case of a reduction have been satisfactorily completed. The sub- dividers engineer shall provide the county with detailed “as built” construction plans of the improvements as required by the Plan Commission. Upon certification, the county shall accept the improvements unless the county has reliable information as to non- compliance with the plans and specifications.

H. A performance bond shall be reduced upon actual acceptance of public improvements, but only by the amount originally estimated for the completion of said improvements.

### 8.24 Improvement Maintenance Standards

The Sub-divider shall be required to maintain all public improvements of the subdivision and the individual subdivided lots and provide for snow removal on streets and sidewalks until such time when said improvements are accepted by the appropriate jurisdiction.

### 8.25 Maintenance Surety

As a condition of acceptance of completed improvements and/or release of financial guarantees posted, the Sub-divider shall post financial guarantees ensuring maintenance of the improvements in good repair in an amount of no less than Twenty Five Percent (25%) of the estimated cost of all improvements and shall be in effect for a period of Three (3) years.

## 8.26 Enforcement, Violation, Penalty

A. It shall be the duty of the Wabash County Advisory Plan Commission to enforce these regulations and to bring any violations or lack of compliance to the attention of the County Commissioners.

B. No owner or agent of any parcel located within a proposed subdivision shall transfer / or sell any parcel before a plat of the subdivision has been approved by the Advisory Plan Commission.

C. The division of any lot or parcel of land into a subdivision, as defined in these regulations, by the use of metes and bounds description for the purpose of sale, transfer, or lease resulting in the creation of one or more building sites shall not be permitted. All described divisions shall be subject to all the requirements of these regulations.

D. No Improvement Location Permit or Building Permit required under the Wabash County Zoning Ordinance or other applicable ordinances, or this Ordinance, shall be issued for any real property which is subject to these regulations if said property is in violation of this Ordinance.

E. Any individual, group of individuals, or corporation who violates a provision of this ordinance or any regulation herein contained, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Two Hundred Fifty ($250) and not more than Twenty Five Hundred ($2,500) per violation for each day the violation exist.

## 8.27 Challenges / Appeals

If a Sub-divider wishes to obtain a reversal from a decision regarding a subdivision application by the Plan Commission Director, they must do so by filing the appropriate request for appeal with the Plan Commission. If a Sub-divider wishes to obtain a reversal from a decision regarding a subdivision application by the Plan Commission, they must do so by filing the appropriate request for appeal with the County Commissioners. In all cases the appeal must be made pursuant to the procedures of this article and must be filed within Ten (10) days of the date of the decision.

A. Date of decision shall be date on which decision-making body voted to take action.

## 8.28 Appendix , Forms, Certificates

The following list of documents shall be included on the final plat:

A. Wabash County Plan Commission Certificate of approval,
B. Wabash County Commissioners Certificate of approval,
C. Engineers or Registered Land Surveyors Certification,
D. Deed of Dedication
E. Covenants
F. Association By-Laws

# Chapter 8A
# Parcel Split Regulations
# Parcel Division / Split Control Ordinance

8A.1 Short Title
8A.2 Purpose
8A.3 Authority
8A.4 Jurisdiction
8A.5 Objectives
8A.6 Fees
8A.7 Exemptions
8A.8 Parcel Split Determination
8A.9 Major Parcel Split Determination (Subdivision)
8A.10 Minor Parcel Split Determination
8A.11 Administrative Subdivision
8A.12 Parcels to be Combined
8A.13 Re-plat Requirements

## Chapter 8 A Parcel Split Regulations

## Parcel Division / Split Control Ordinance

### 8A.1 Short Title

These regulations shall be formally known as the "Wabash County Parcel Division / Split Control Ordinance," This Ordinance is in effect for all of Wabash County, Indiana except for the jurisdictional area of the City of North Manchester and the City of Wabash.

### 8A.2 Purpose

This Chapter is enacted for the purpose of adopting parcel split regulations for the jurisdictional area of the Wabash County Advisory Plan Commission (WCAPC). The Wabash County Parcel Committee (WCPC) shall have the responsibility of helping achieve a high standard of excellence in the planning development of parcel splits for the jurisdictional area of Wabash County.

### 8A.3 Authority

The Wabash County ParcelReview Committee (WCPRC) shall have exclusive control to review and approve or disapprove parcel splits throughout all of Wabash County, Indiana except for the jurisdictional area of City of North Manchester and the City of Wabash. This authority also extends to the re-division of undeveloped or previously recorded plats.
No split of a parcel of land located within the jurisdiction of the Commission shall be recorded until it has been approved by the WCPRC and such approval shall have been entered on the drawing by signature of the Parcel Committee Secretary. Parcel reviews shall follow the procedures as outlined in Ordinance # 85-_____-2016 " an Ordinance Establishing the Parcel Review Committee and its Authority, Parcel Review Process, and Related Definitions and Standards" and the "Rules of Procedure of the Wabash County Parcel Review Committee".

### 8A.4 Jurisdiction

Upon adoption by the legislative bodies, the provisions of this Ordinance shall apply to all land, including land owned by local, county, state or federal agencies within Wabash County, to the extent allowed by law, except for the jurisdictional area of the City of North Manchester and the City of Wabash.

### 8A.5 Objectives

The objectives of the parcel split regulations are to protect and promote the public health, safety, and general welfare of the Citizens of Wabash County and implement the goals and objectives of the Wabash County Comprehensive Plan by:

A. Preserving prime farmland,

B. Avoiding scattered, illogical, and uncontrolled subdivision of land,

C. Conserve the value of land throughout Wabash County and minimize conflicts among land uses,

D. Establish reasonable standards and procedures for parcel splits in order to further the orderly layout of land, to ensure proper legal descriptions, legal recording and monumenting of subdivided land and secure equitable handling of all parcel splits by providing uniform procedures and standards,

E. Simplify land descriptions and avoid susceptibility to more than one interpretation,

F. Provide guidance of future growth and development in accordance with the Comprehensive Plan and applicable ordinances,

G. Encourage orderly and beneficial development of all parts of the jurisdiction,

H. Protect and conserve the value of land, buildings and other improvements to land,

**8A.6 Fees**

A. The Parcel Split Applicant shall pay all fees associated with the application process including, but not limited to:
   1. All documents required by the Parcel Committee for review.

**8A.7 Exemptions**

Some parcel splits may be exempt from most provisions of this Ordinance. These splits must meet the criteria under Chapter 8A, Section 8A.12 "Administrative Subdivision" of the Subdivision Control Ordinance to qualify for the exemption.

**8A.8 Parcel Split Determination**

The division of any parcel of land creating Two (2) or more parcels in which any of the newly created parcels is less than Twenty (20) acres, and said parcels may be sold, retained, developed, leased, used, or any combination thereof, whether to be retained by current owner or an immediate or future transfer of ownership.

A. One (1) division of land in which any created parcel is less than Twenty (20) acres shall be permitted One (1) time every Five (5) years. This policy shall run with the land and be enforceable upon the current owner or a successor in interest.

**8A.9 Major Parcel Split Determination (Subdivision)**

A. Major Subdivision
   1. Refer to Major Subdivision Determination Chapter 8, Section 8.13- A.

**8A.10 Minor Parcel Split Determination**

A. Minor Subdivision
   1. Refer to Minor Subdivision Determination Chapter 8, Section 8.19- A

**8A.11 Administrative Subdivision**

A. Exemptions of Provisions
   1. Refer to Administrative Subdivision Chapter 8, Section 8.20

**8A.12 Parcels to be Combined**

A. Any request to combine parcels which results in the removal of interior lot lines, with the outside perimeter of the properties, to be combined, remaining unchanged, thus resulting in fewer parcels shall be reviewed for acceptance by the Wabash County Parcel Review Committee in the same manner as parcel splits.

**8A.13Re-plat Requirements**

Alteration of any interior or exterior boundaries(lot lines) of any development or subdivision shall require approval by the Wabash County Plan Commission and a review by the Parcel Review Committee.

# Chapter 9

# Thoroughfare Plan

9.1 Thoroughfare Maps
9.1 A Opening and Widening of Streets
9.1 B Location of Streets
9.1 C Consideration by Public Agencies
9.1 D Issuance of Permits
9.1 E Continuing Authority of Commission
9.1 F Designation of Thoroughfares
9.1 G Road Right-of-Way
9.1 H Road Use

THOROUGHFARE MAP LEGEND

9.2 Wabash County Thoroughfare Map
9.3 Chester Township Thoroughfare Map
9.4 Lagro Township Thoroughfare Map
9.5 Liberty Township Thoroughfare Map
9.6 Noble Township thoroughfare Map
9.7 Paw Paw Township Thoroughfare Map
9.8 Pleasant Township Thoroughfare Map
9.9 Waltz Township Thoroughfare Map
9.10 N Manchester Thoroughfare Map
9.11 Wabash City Thoroughfare Map
9.12 Disko Town Thoroughfare Map
9.13 Lafontaine Town Thoroughfare Map
9.14 Lagro Town Thoroughfare Map
9.15 Laketon Town Thoroughfare Map
9.16 Liberty Mills Town Thoroughfare Map
9.17 Lincolnville Town Thoroughfare Map
9.18 Mt. Vernon Thoroughfare Map
9.19 Richvalley Town Thoroughfare Map
9.20 Roann Town Thoroughfare Map
9.21 Servia Town Thoroughfare Map
9.22 Somerset Area Thoroughfare Map
9.23 Speicherville Town Thoroughfare Map
9.24 Stockdale Town Thoroughfare Map
9.25 Urbana Town Thoroughfare Map

# Chapter 9
# Thoroughfare Plan

## 9.1 Thoroughfare Maps

The Official Thoroughfare Plan for Wabash County is hereby declared to be a part of this Ordinance and notations,references, indications and other details shown therein and displayed on the GIS Mapping Layers are as much a part of this Ordinance as if they were fully described in the text of this Ordinance.

### 9.1 A Opening and Widening of Streets

Whenever a street classified inthe Official Thoroughfare Plan is to be platted as a partof a subdivision or development, the required right-of-way width for such street shall be as specified inthe Official Thoroughfare Plan, as illustrated on the County GIS Mapping System, provided that where a street borders a tract of land to besubdivided, the owner of such land shall be required to plat only one-half of the right-of-waydesignated for such street, measured at Ninety (90) degrees to the center line thereof.

### 9.1 B Location of Streets

A. Wherever the location of a street is indicated in the Official Thoroughfare Plan as following an existing road or street, or a section or half-section or other established property line, the location of the street shall conform to such location; however, a street lying wholly within a subdivision, and not designated as following an existing road or established property line, may be varied in its alignment when such variance promotes the plan of aneighborhood development unit in accordance with good site planning principles, and if such alignment provides for the continuity of traffic movement.

B. In the absence of any street being designated in each section of land, within the jurisdiction, on or approximately on the north-south and east-west half-section lines ofsuch sections, it is the intent of the Official Thoroughfare Plan and this Ordinance that Feeder Streets be established on such half-section lines where feasible.

C.Wherever the location of a street is indicated in the Official Thoroughfare Plan as following an irregular alignment or a revised alignment or is not referenced to an established line, it shall follow the alignment shown in the Official ThoroughfarePlan. Such alignment shall be subject to a detailed survey which shall be provided bythe Developer or by the owners of land to be subdivided ifrequired by the Commission.

D. The county shall exercise the right to accept or decline the dedication of any street to the responsibility of the county.

### 9.1 C Consideration by Public Agencies

The Board shall be guided by and give consideration to the general policy and pattern of street development set out in the Official Thoroughfare Plan in the authorization, construction,widening, alteration, relocation or abandonment of the public streets, highwaysand related structures.

### 9.1 D Issuance of Permits

Any permits authorized by the Board including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvementswithin the jurisdiction of the Commission, shall be issued only if, in addition tosatisfying the requirements of other Ordinances, the proposed street right-of-way as setforth by this Ordinance will be protected from encroachment. In this instance, theproposed

street right-of-way lines will be considered as the front line of lots and tractsbordering such street.

9.1 E Continuing Authority of Commission

Subsequent to the passage of this Ordinance, the Commission may determine lines for new,extended, widened or narrowed thoroughfares in any portion of the area within thejurisdiction of the Commission, and certify to the Board the amended or additional planunder the same procedure as established for the certification and approval of the OfficialThoroughfare Plan.

9.1 F Designation of Thoroughfares

The major streets and highways comprising the Official Thoroughfare Plan are hereby classified on the basis of width and type, in accordance with their proposed function, as Primary Roads, Secondary Roads, Feeder Streets and Local Streets, as shown on the maps. Also included on the Thoroughfare Map are the State Roads of Indiana which are under the jurisdiction of the State of Indiana, US Highway 24 which is under Federal Jurisdiction and Independent Streets which are under private owner jurisdiction.

9.1G Road Right-of-Way

A. Per Wabash County Highway Ordinance Number One (1) Dated June 6, 1955: All public highways hereafter constructed in the County of Wabash, outside of the corporate limits of any city or incorporated town therein, shall conform to the plan, drawing a section profile adopted by the Board of Commissioners on the 6th day of June, 1955: which plan, drawing and section profile is now on file in the office of the Auditor of Wabash County. ROAD RIGHT-OF-WAY Minimum width Forty (40) feet between property lines.

B. On March 8, 1993 Ordinance number 93-1 was passed by the Wabash County Commissioners, in order to clarify any differences of opinion, declared all roads being a part of the county highway system to have a minimum RIGHT-OF-WAY of Forty (40) feet for roadway and berm.

9.1H Road Use

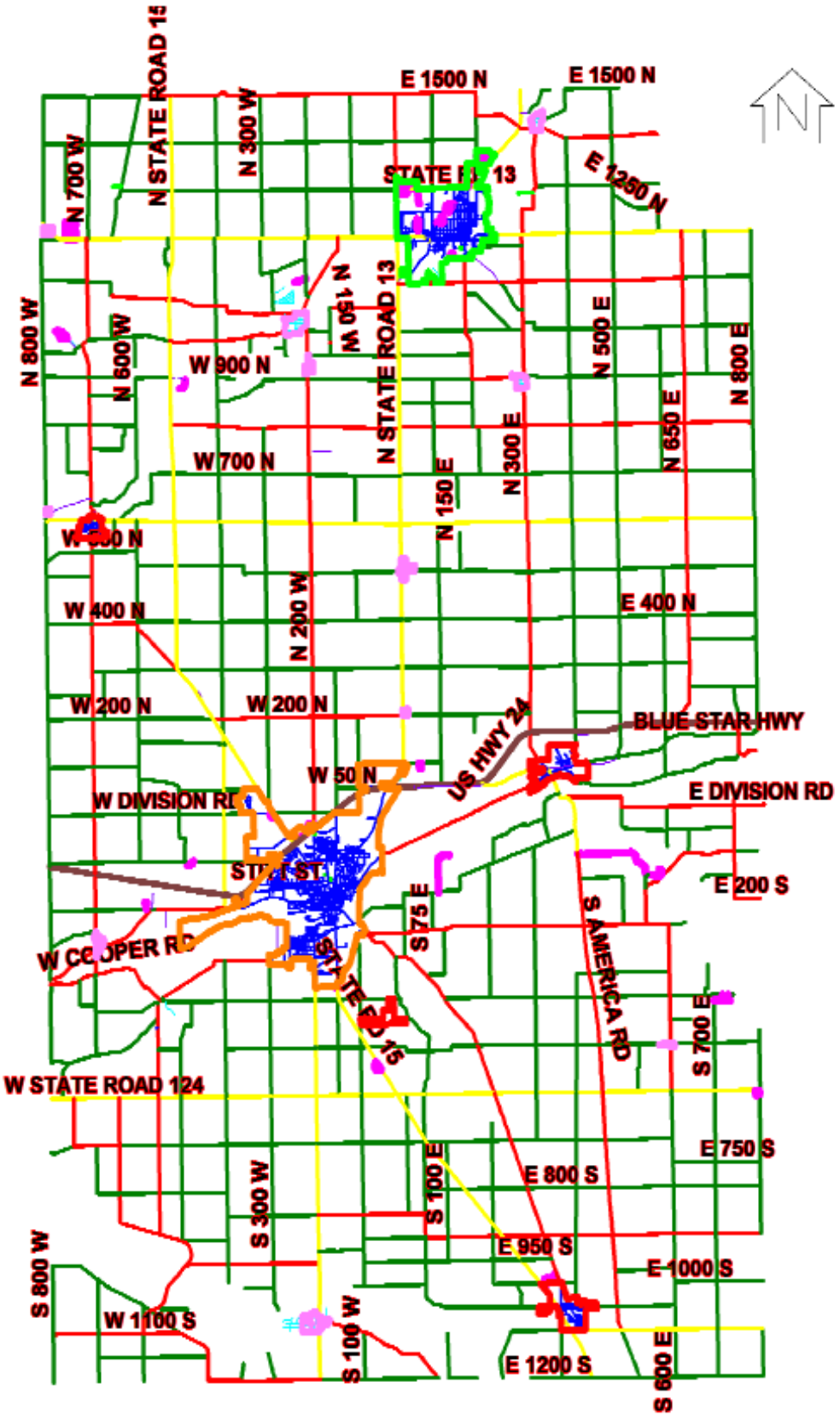
Each newly proposed use of land or the expansion of any current use of land shall not create such a volume of automotive traffic so as to overburden the surrounding road system.

**Note :** Thoroughfares which may be added, altered, or vacated on the following Thoroughfare Maps, that are not under the jurisdiction of Wabash County, are displayed as a courtesy and may or may not be current.

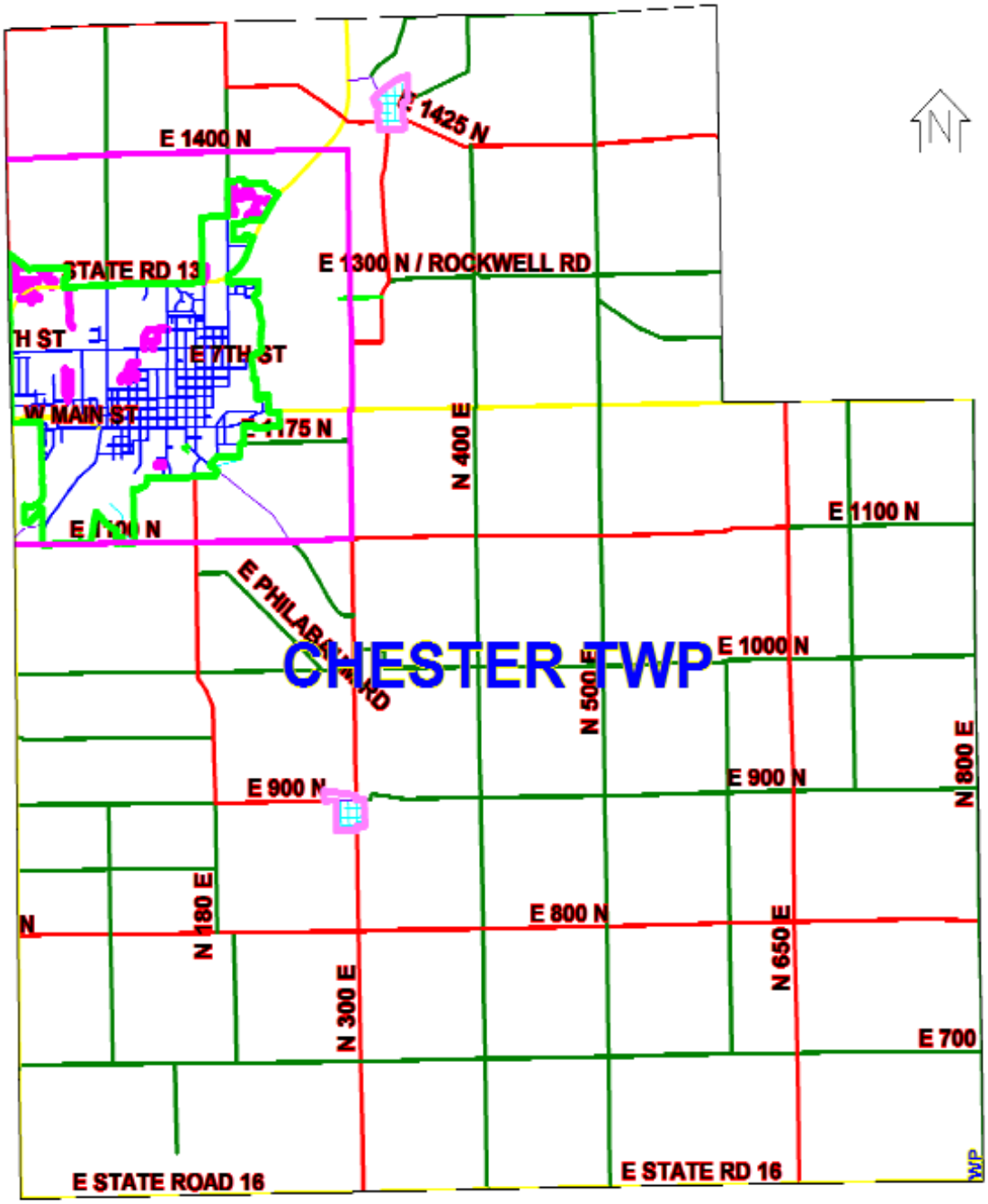
**THOROUGHFARE MAP LEGEND** **Section 9.2 thru 9.25**

## ROADS ID LEGEND
## THOROUGHFARE IDENTIFICATION:

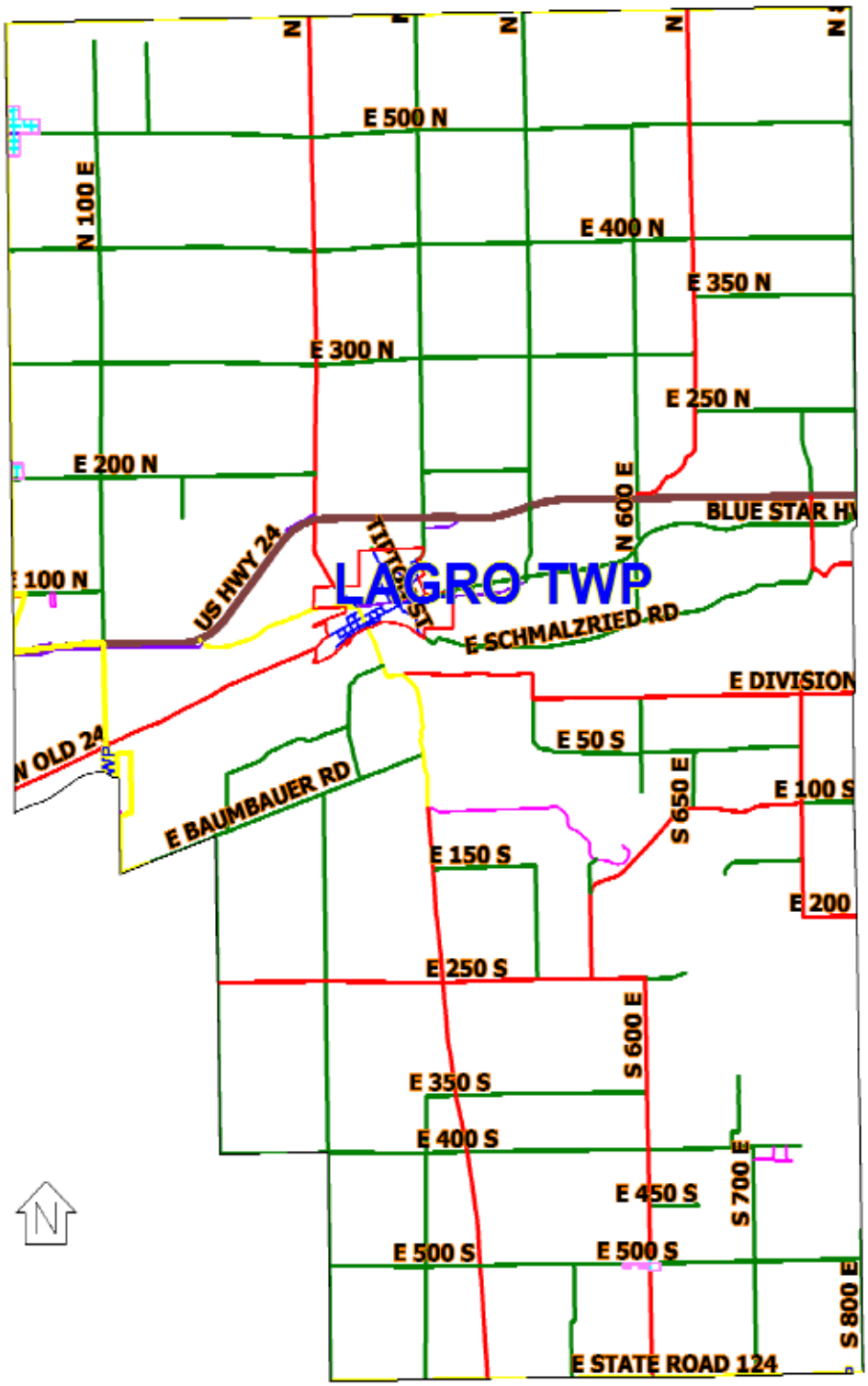
| | |
|---|---|
| | CORPORATE STREET |
| | STATE ROAD |
| | PRIMARY ROAD |
| | SECONDARY ROAD |
| | FEEDER STREET |
| | LOCAL STREET |
| | US HIGHWAY |
| | INDEPENDENT STREET |
| | PRIVATE DRIVE |




WABASH COUNTY THOROUGHFARE MAP ORDINANCE CHAPTER 9 SECTION 9.2




CHESTER TOWNSHIP THOROUGHFARE MAP ORDINANCE CHAPTER 9 SECTION 9.3

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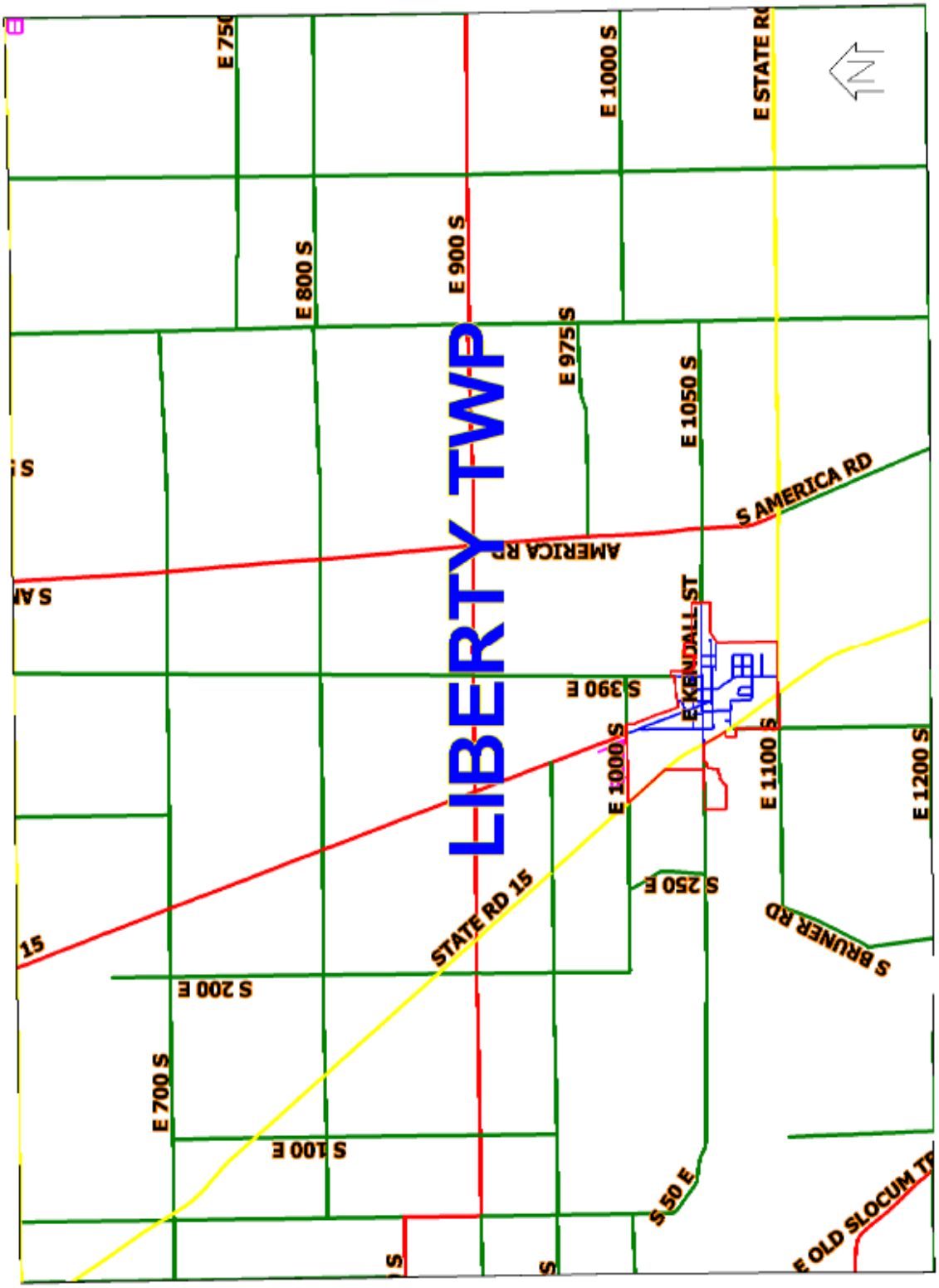


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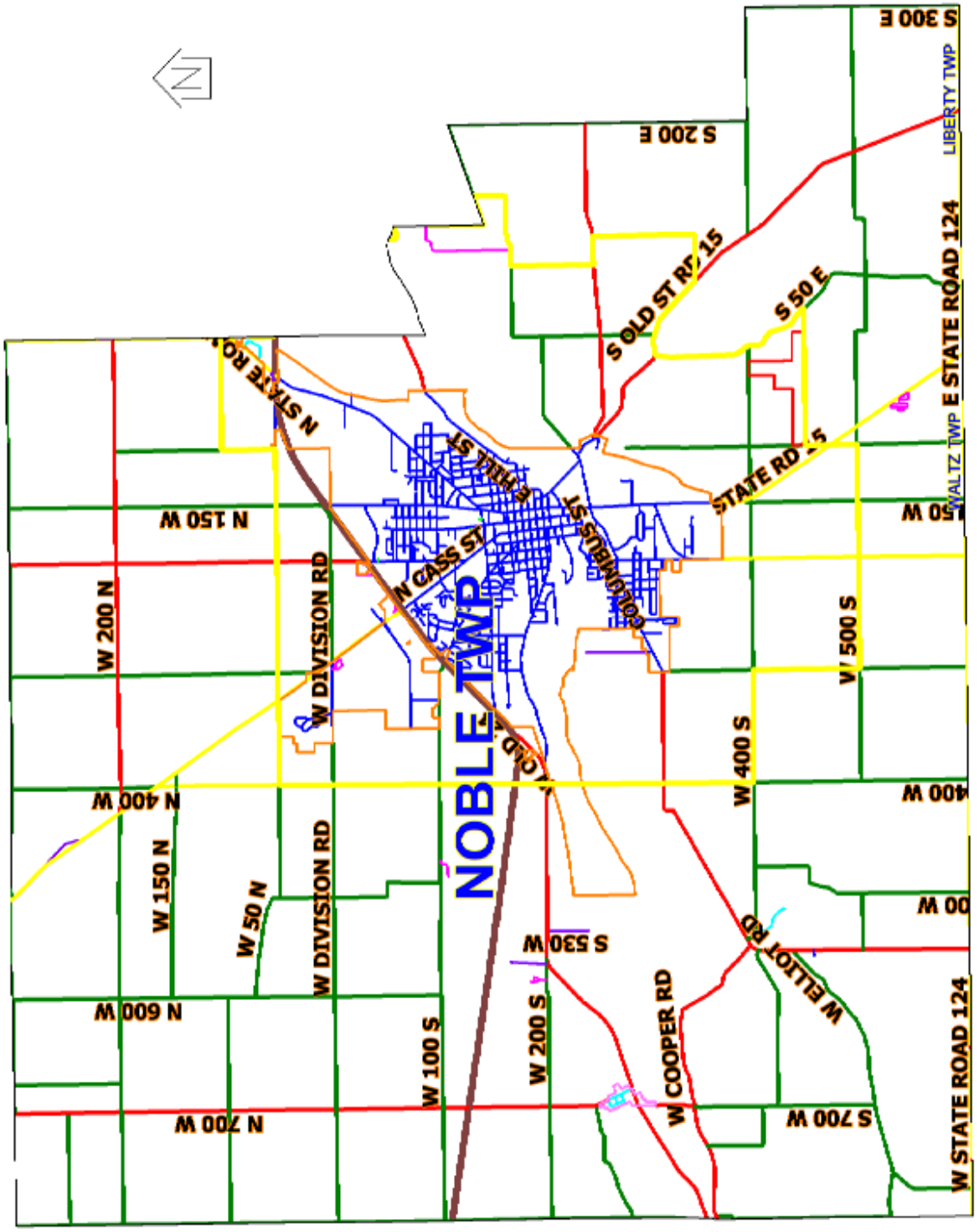


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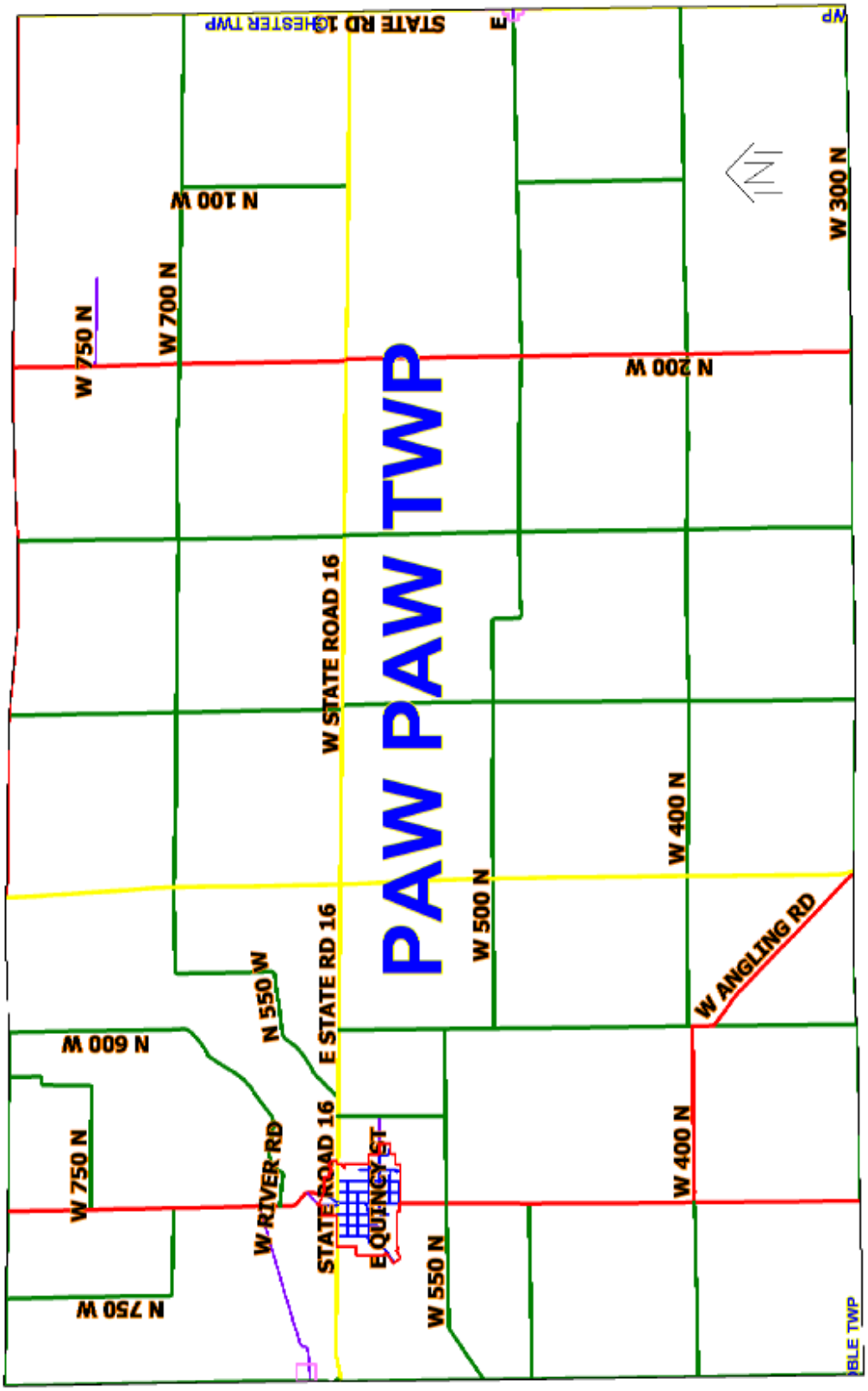


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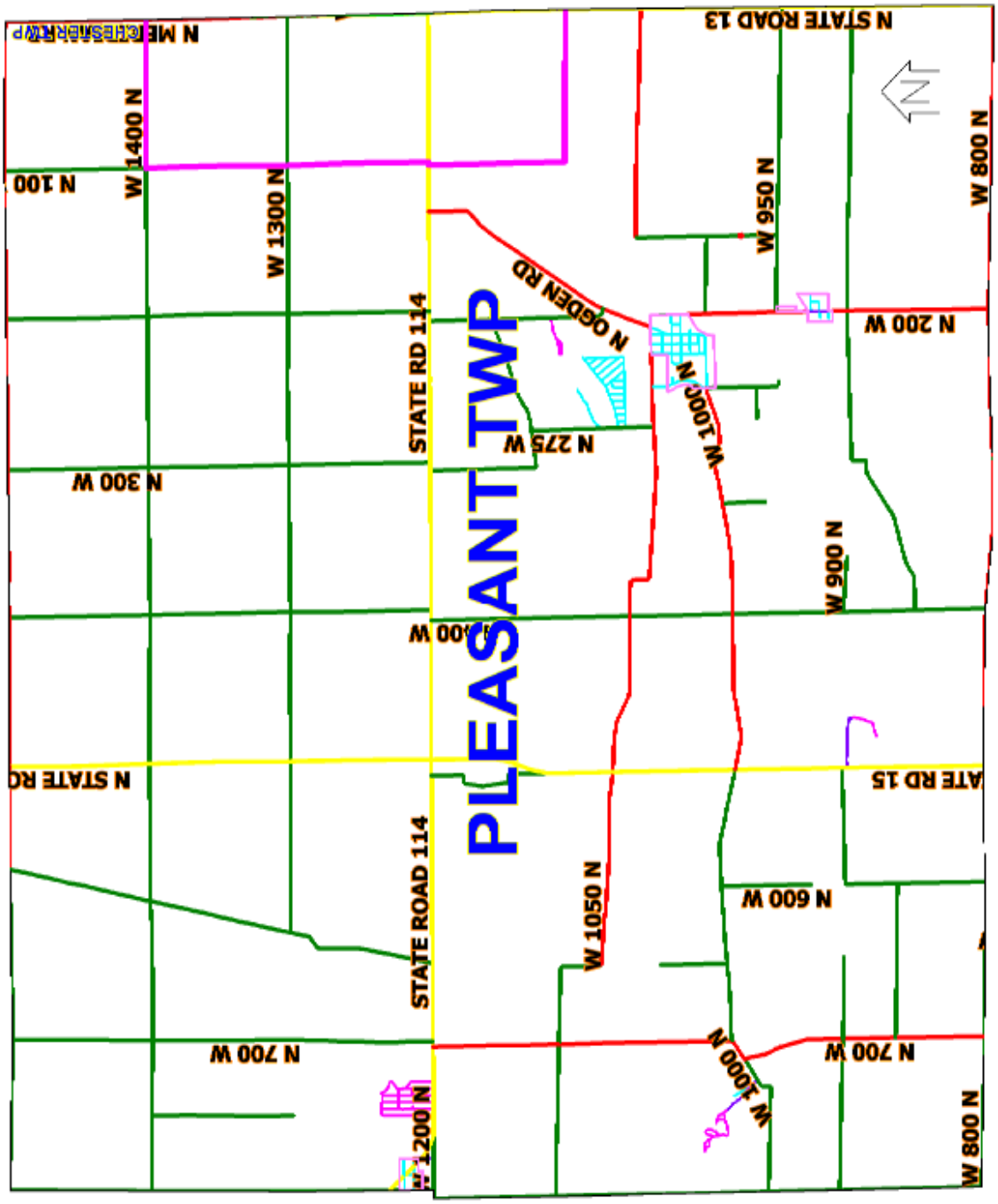


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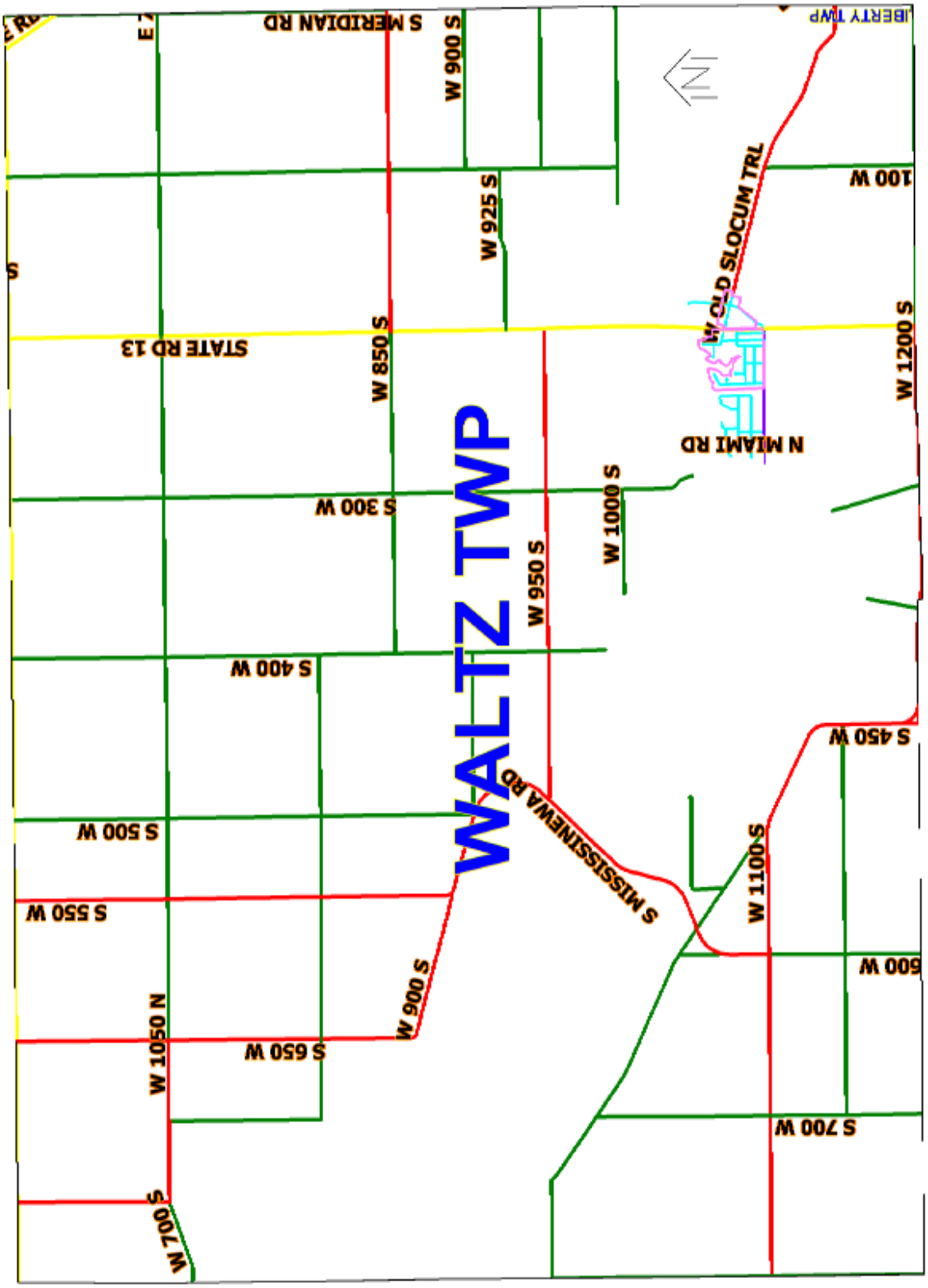


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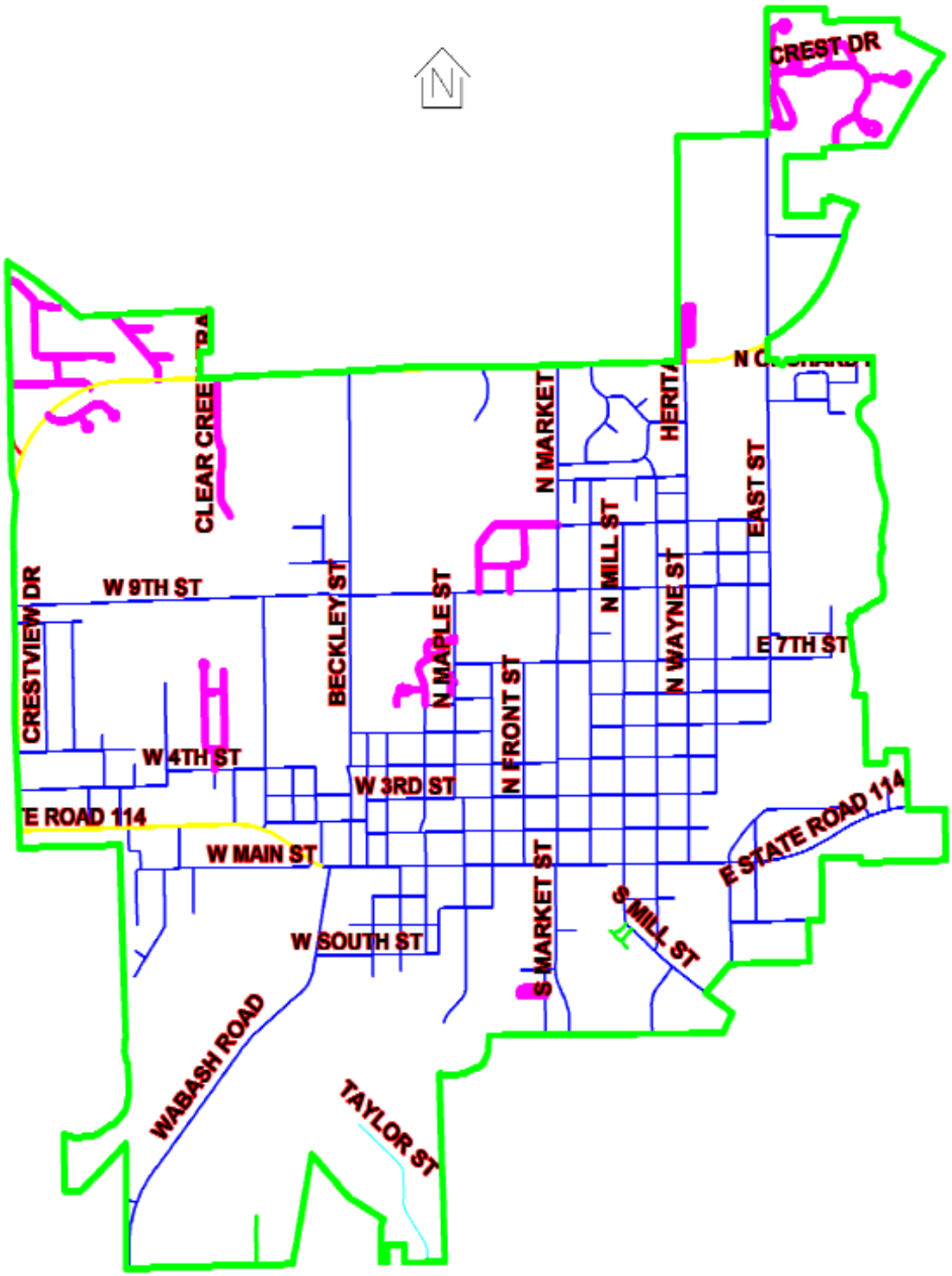
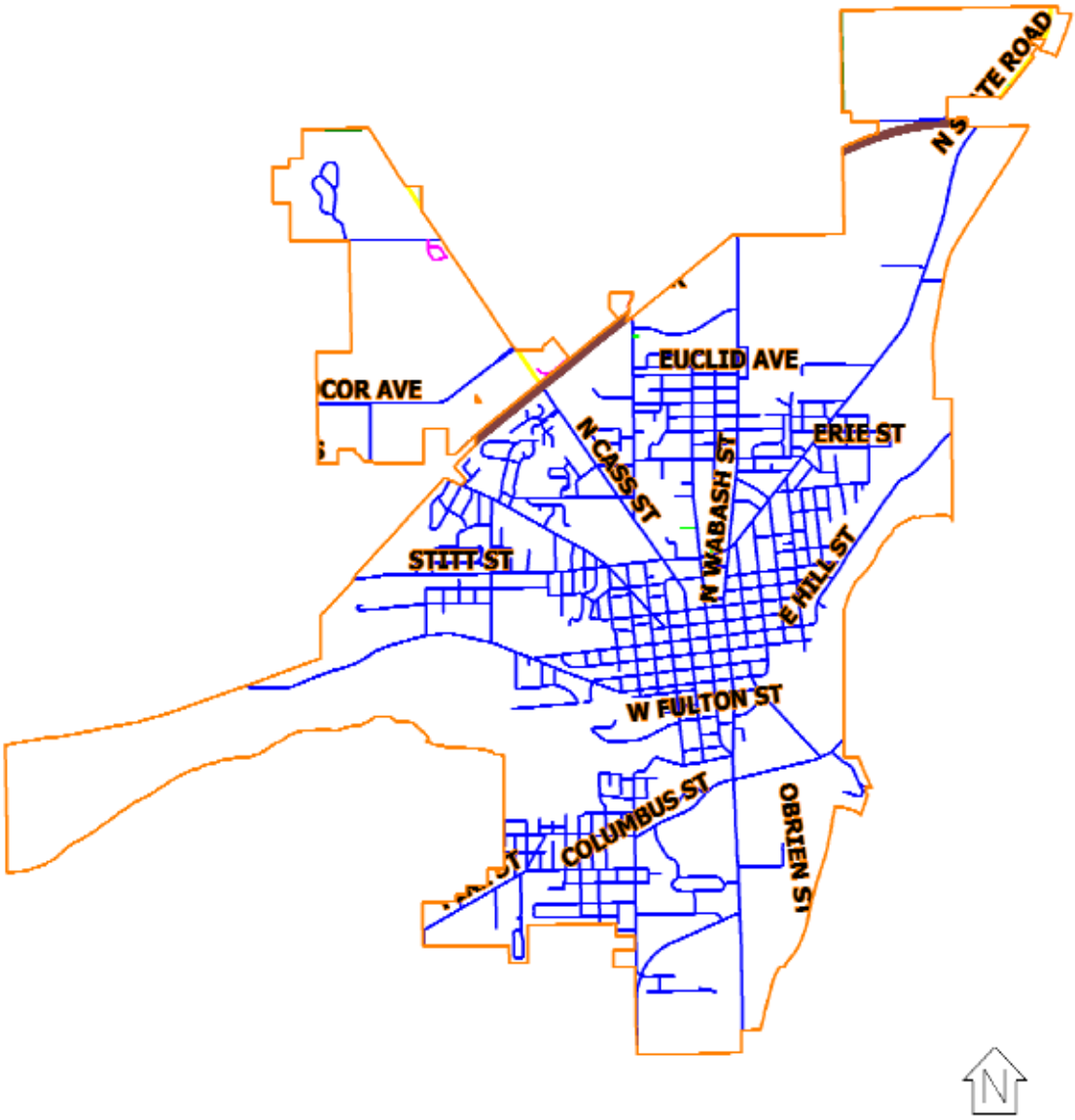
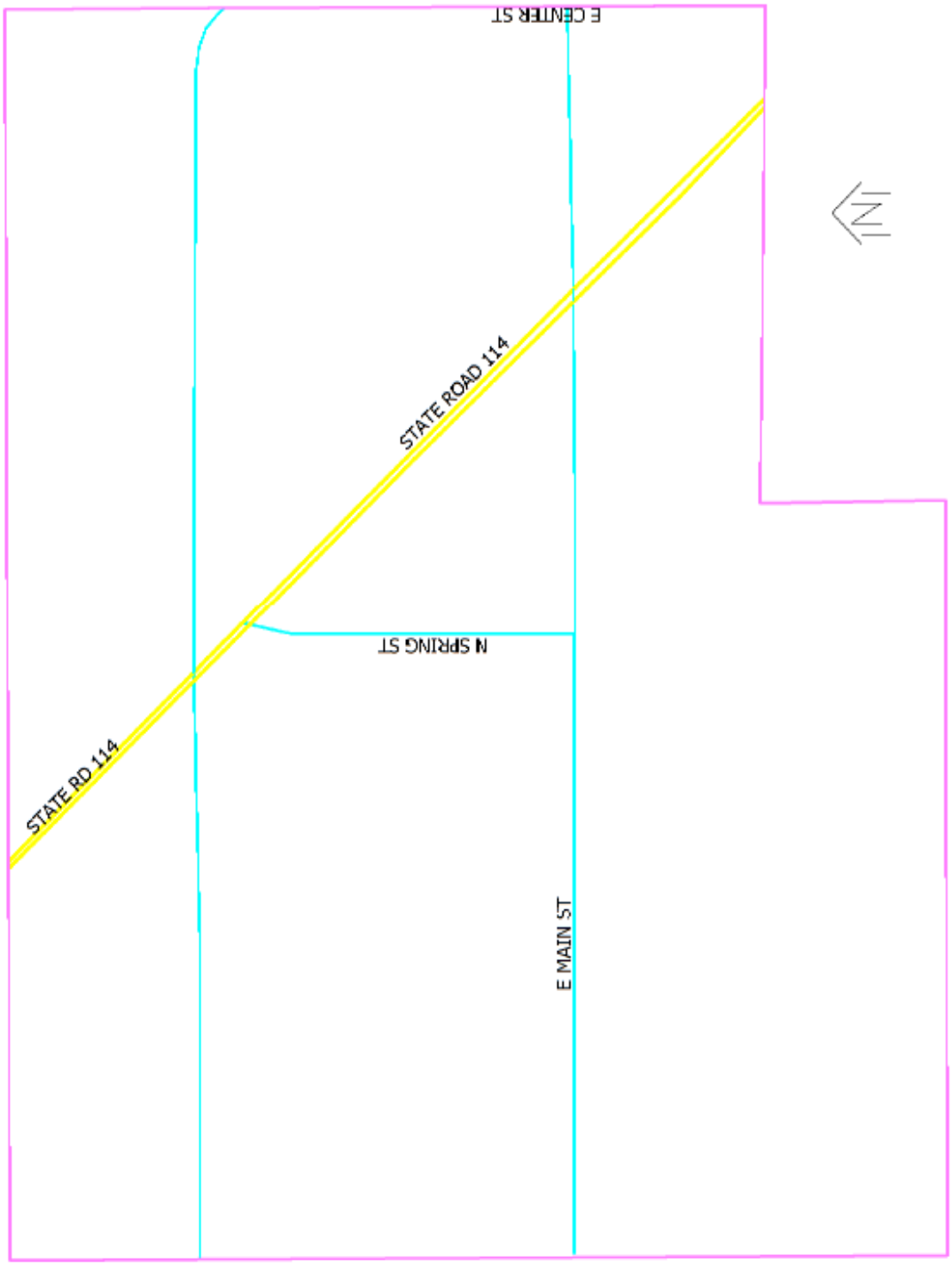



NORTH MANCHESTER CORP THOROUGHFARE MAP ORDINANCE CHAPTER 9 SECTION 9.10




WABASH CORP THOROUGHFARE MAP ORDINANCE CHAPTER 9 SECTION 9.11

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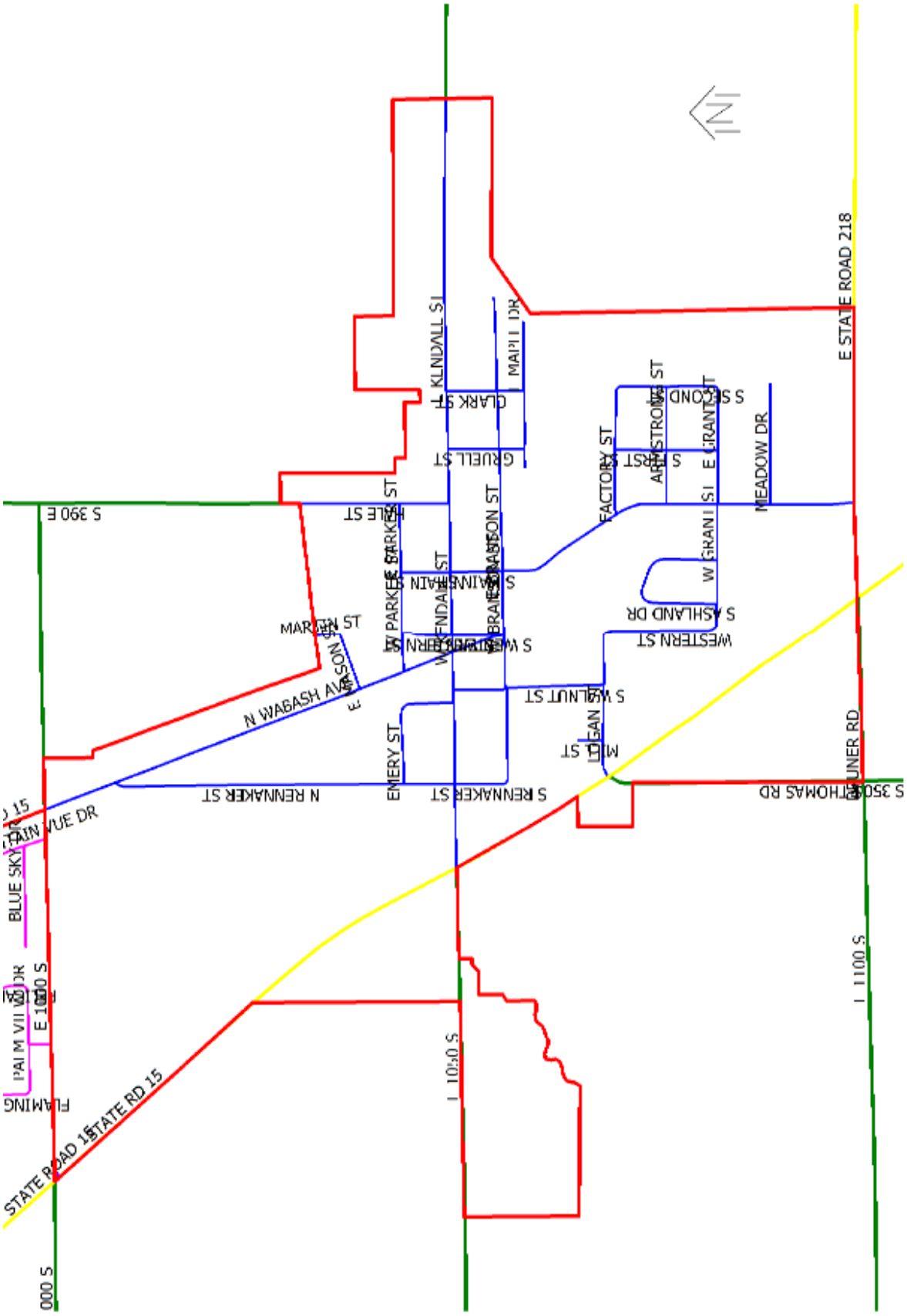


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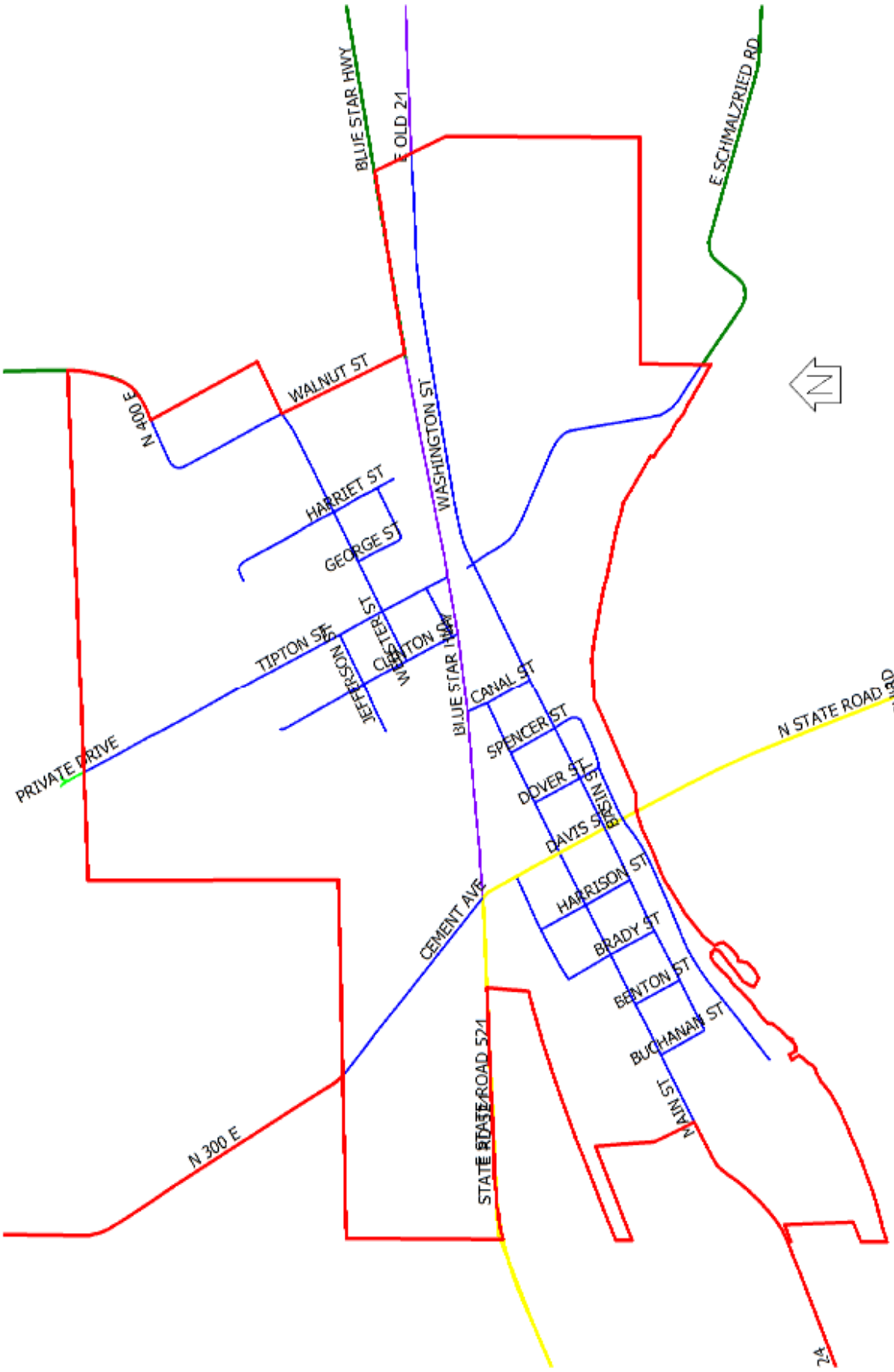


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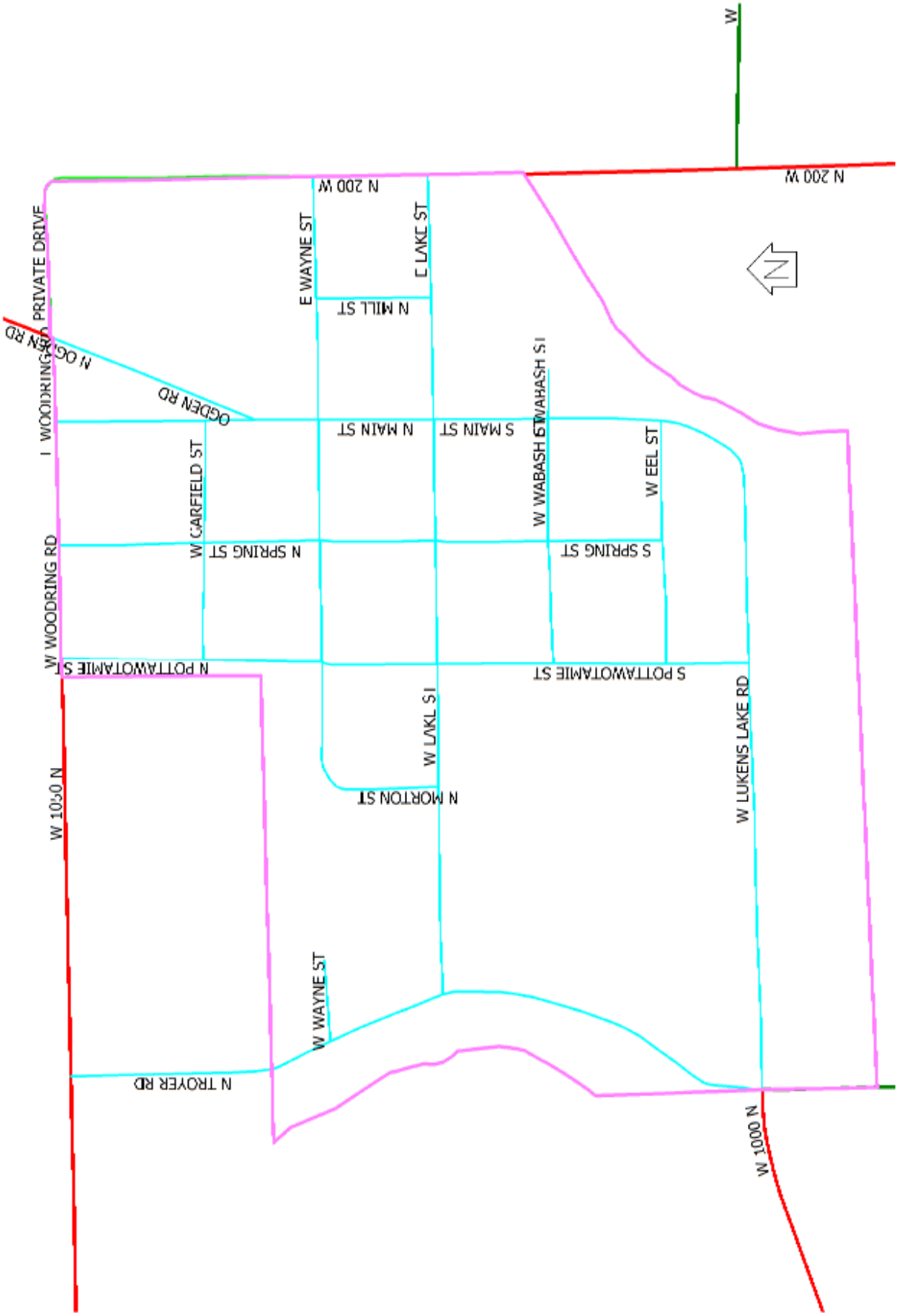


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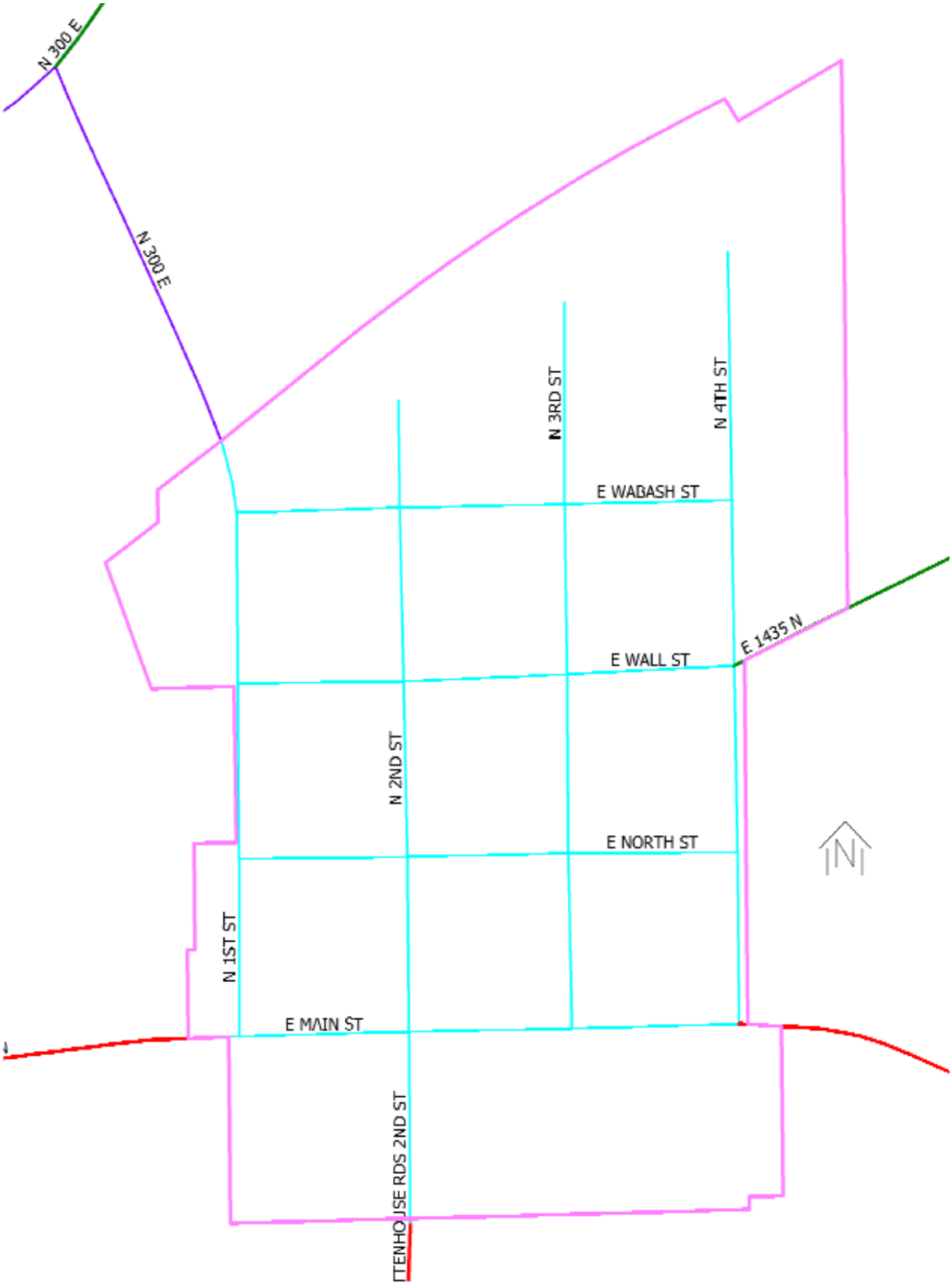
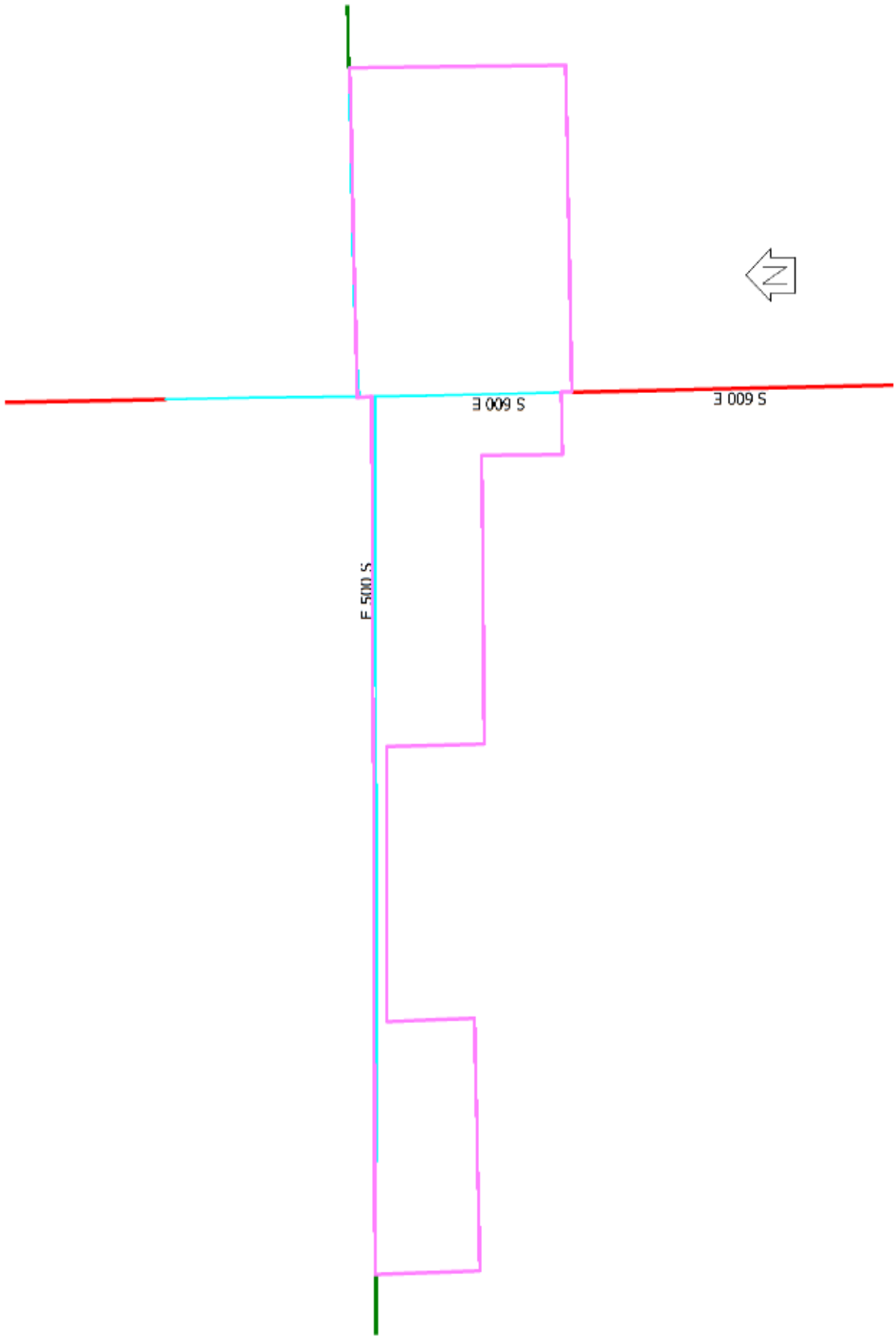
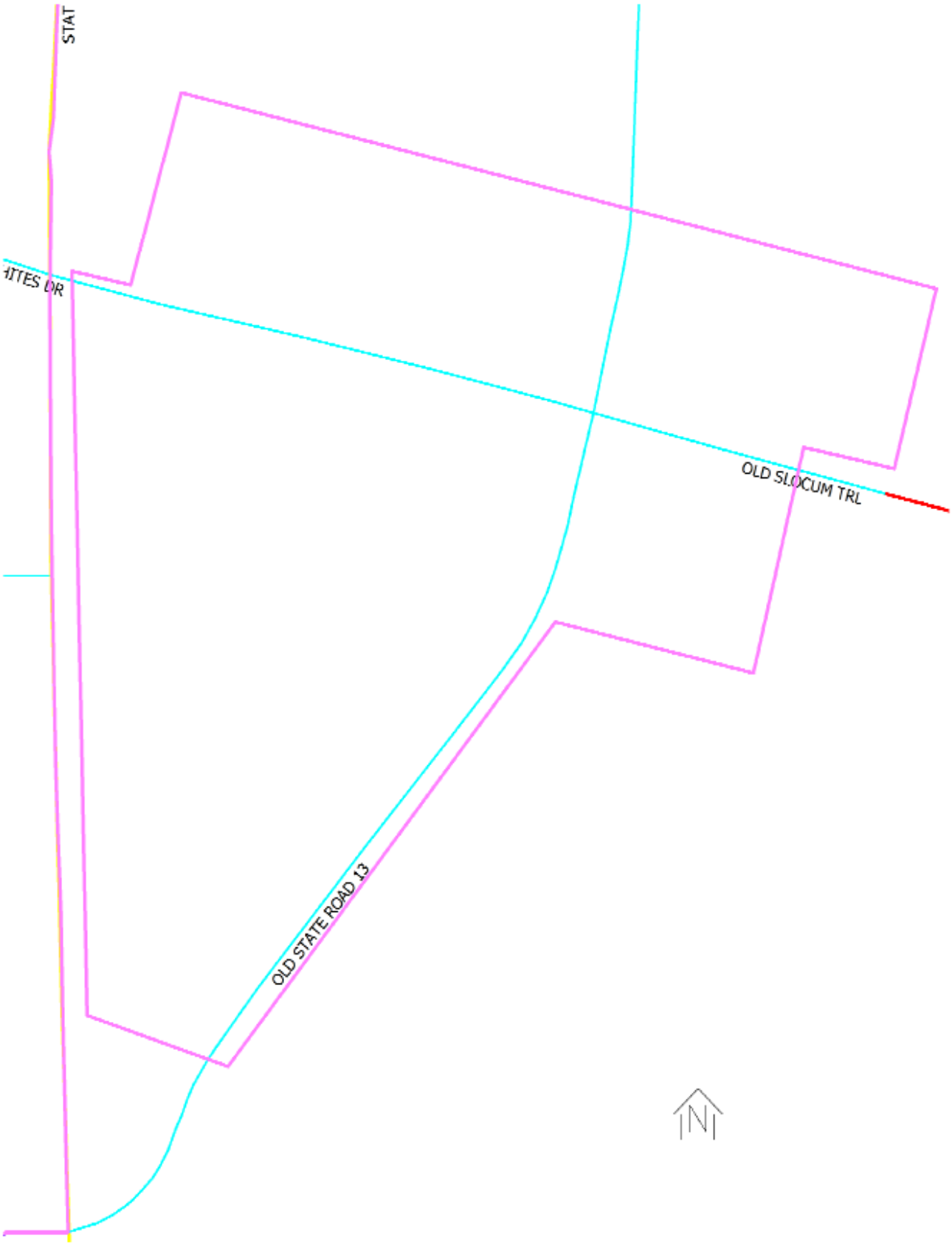



LIBERTY MILLS THOROUGHFARE MAP ORDINANCE CHAPTER 9 SECTION 9.16




LINCOLNVILLE THOROUGHFARE MAP ORDINANCE CHAPTER 9 SECTION 9.17

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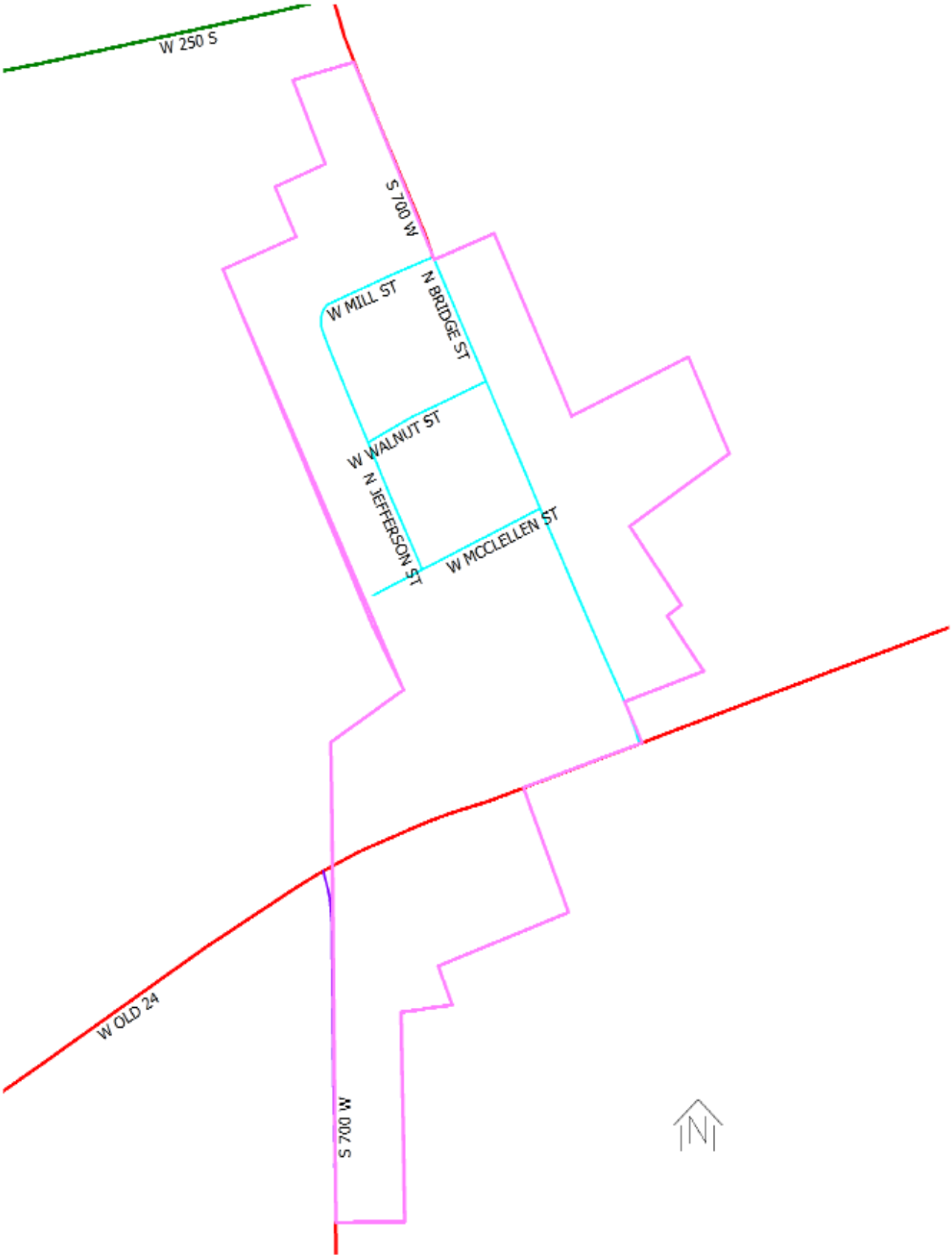


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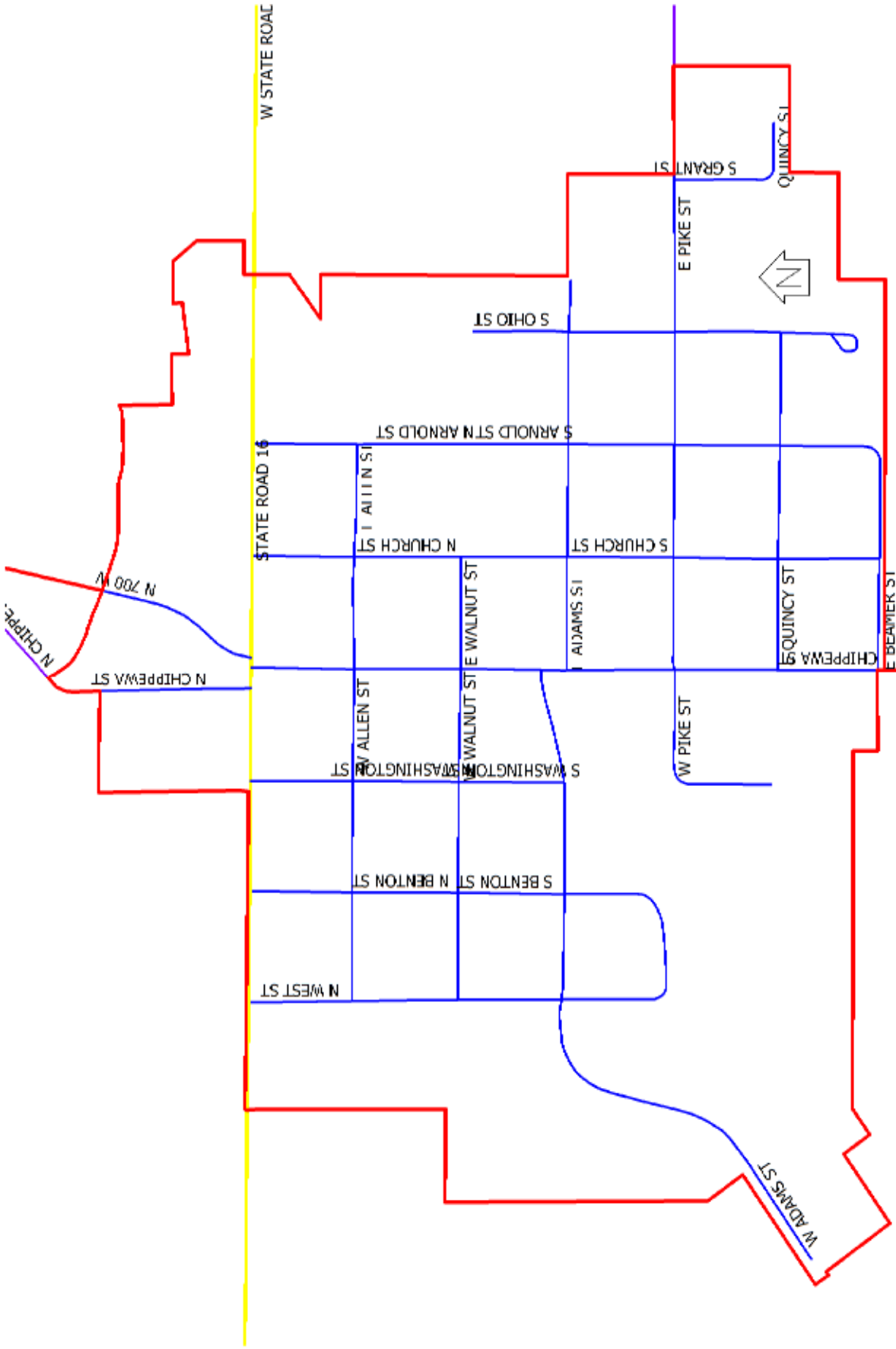


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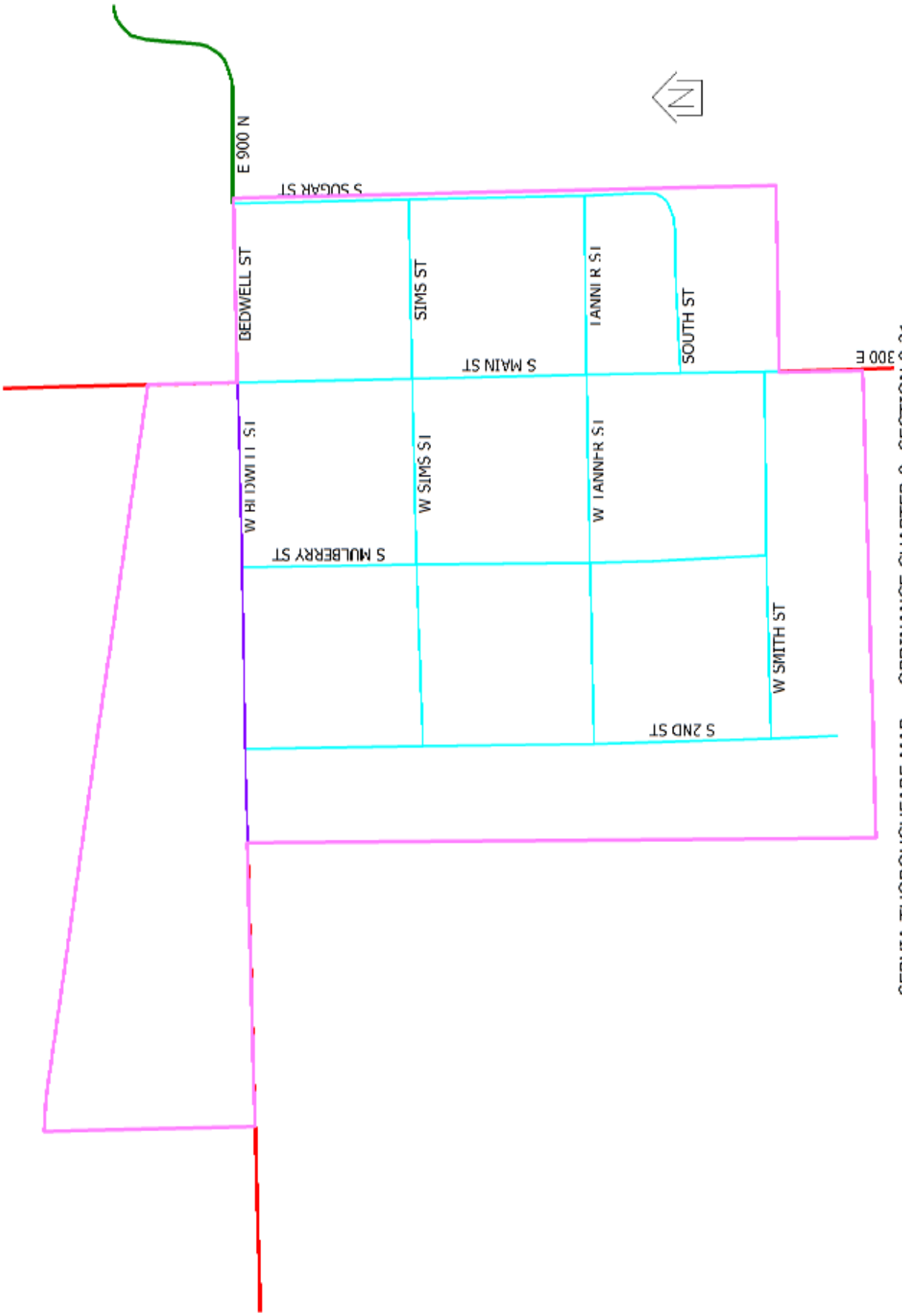


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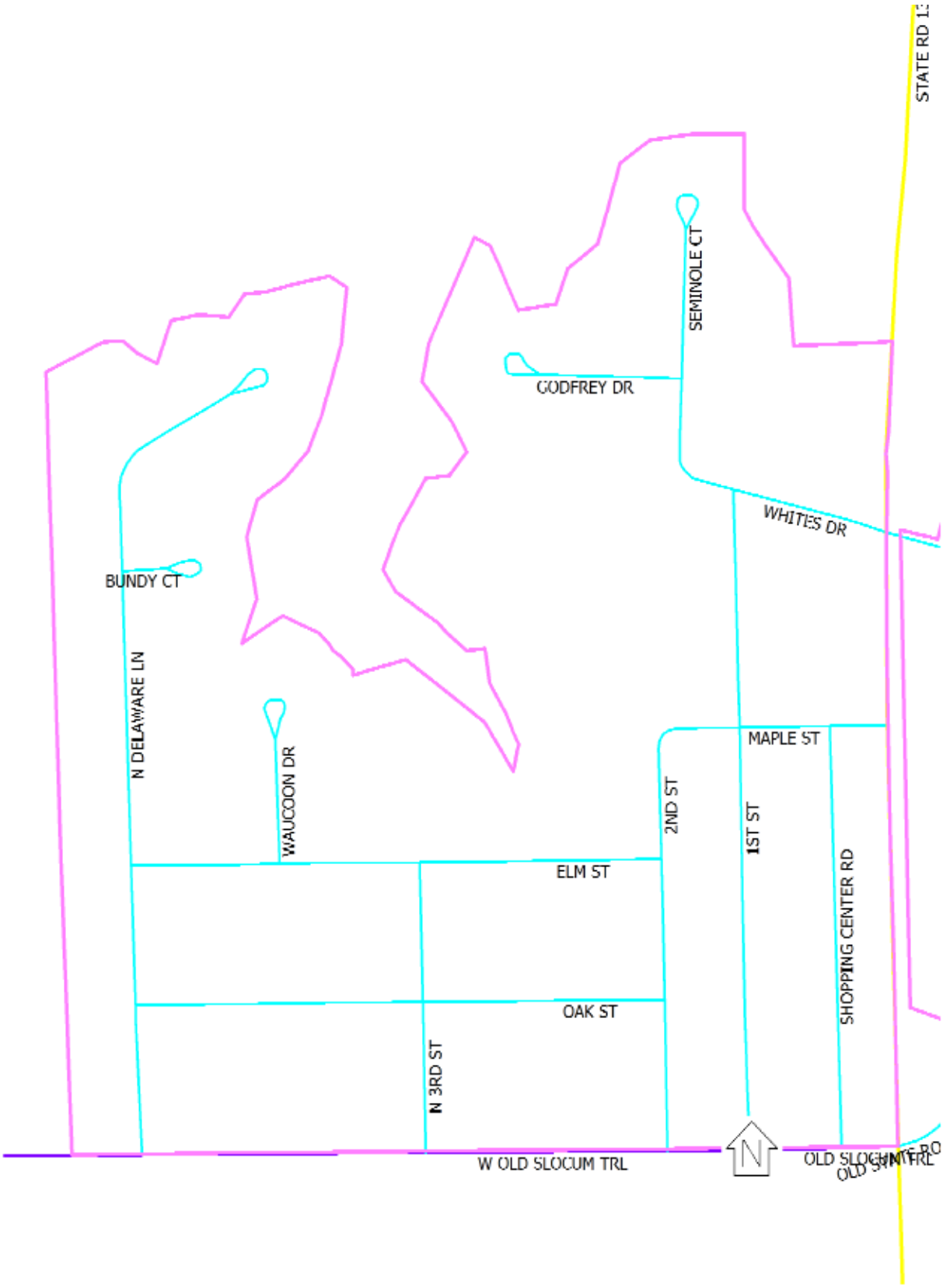
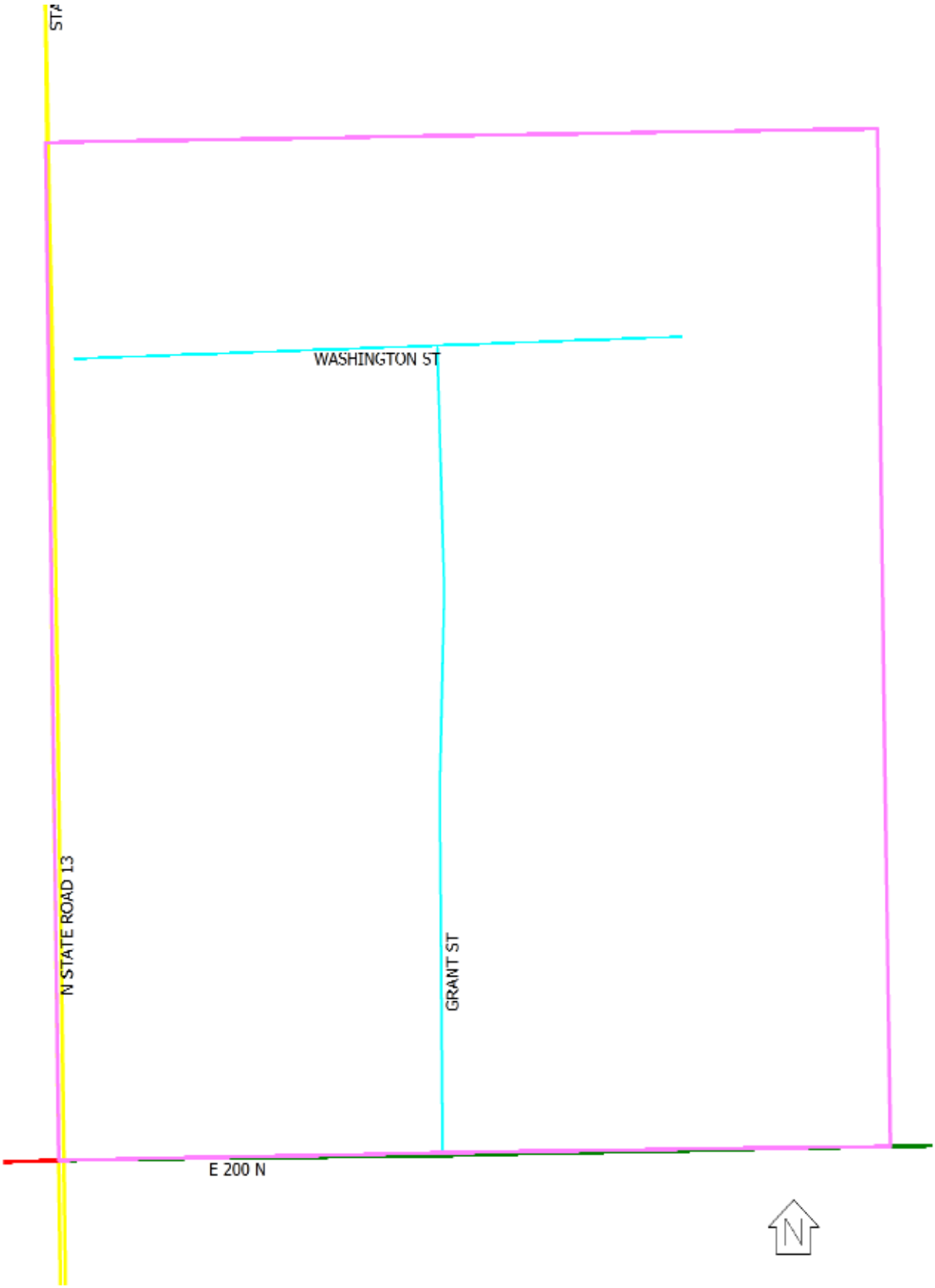
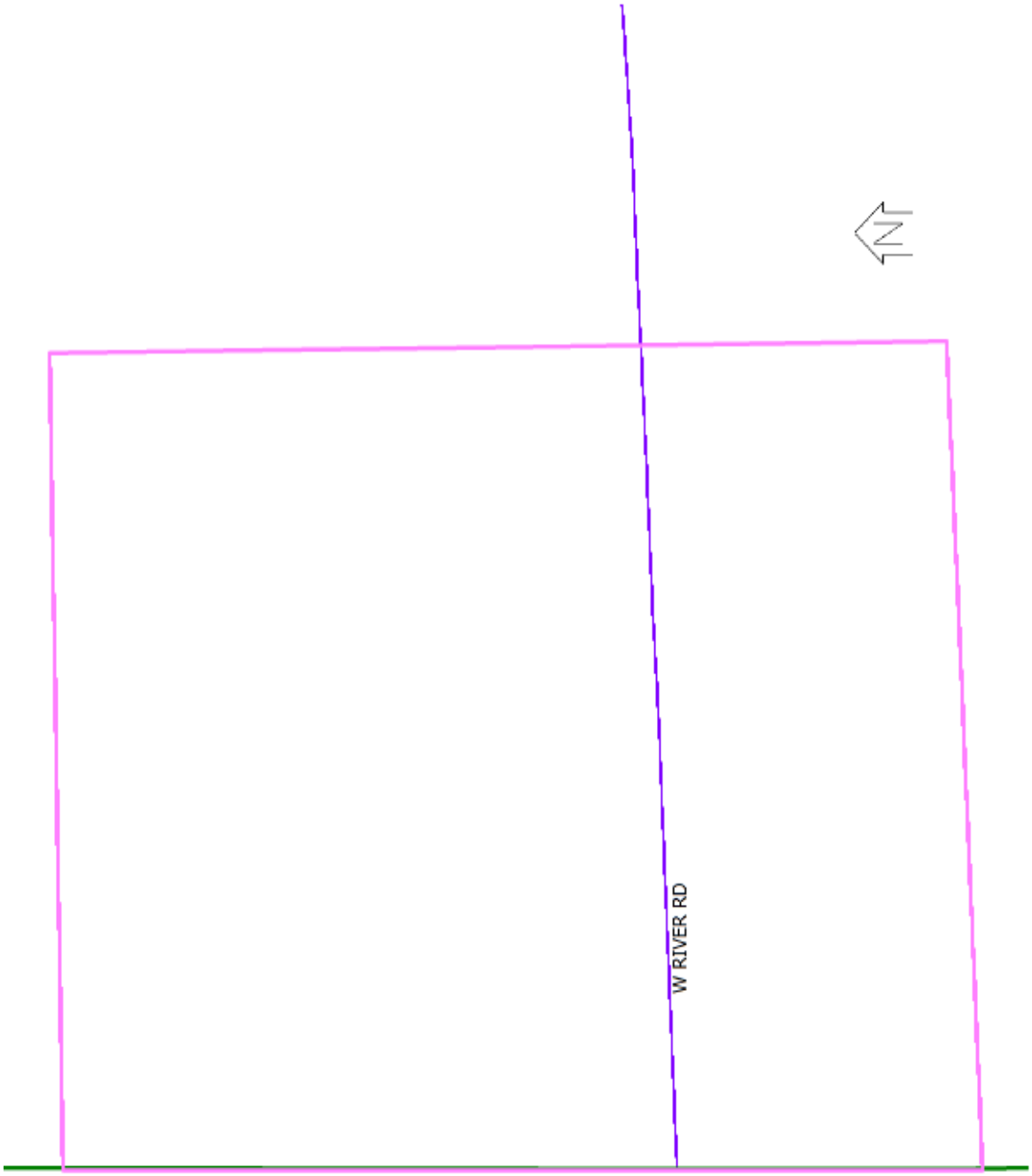


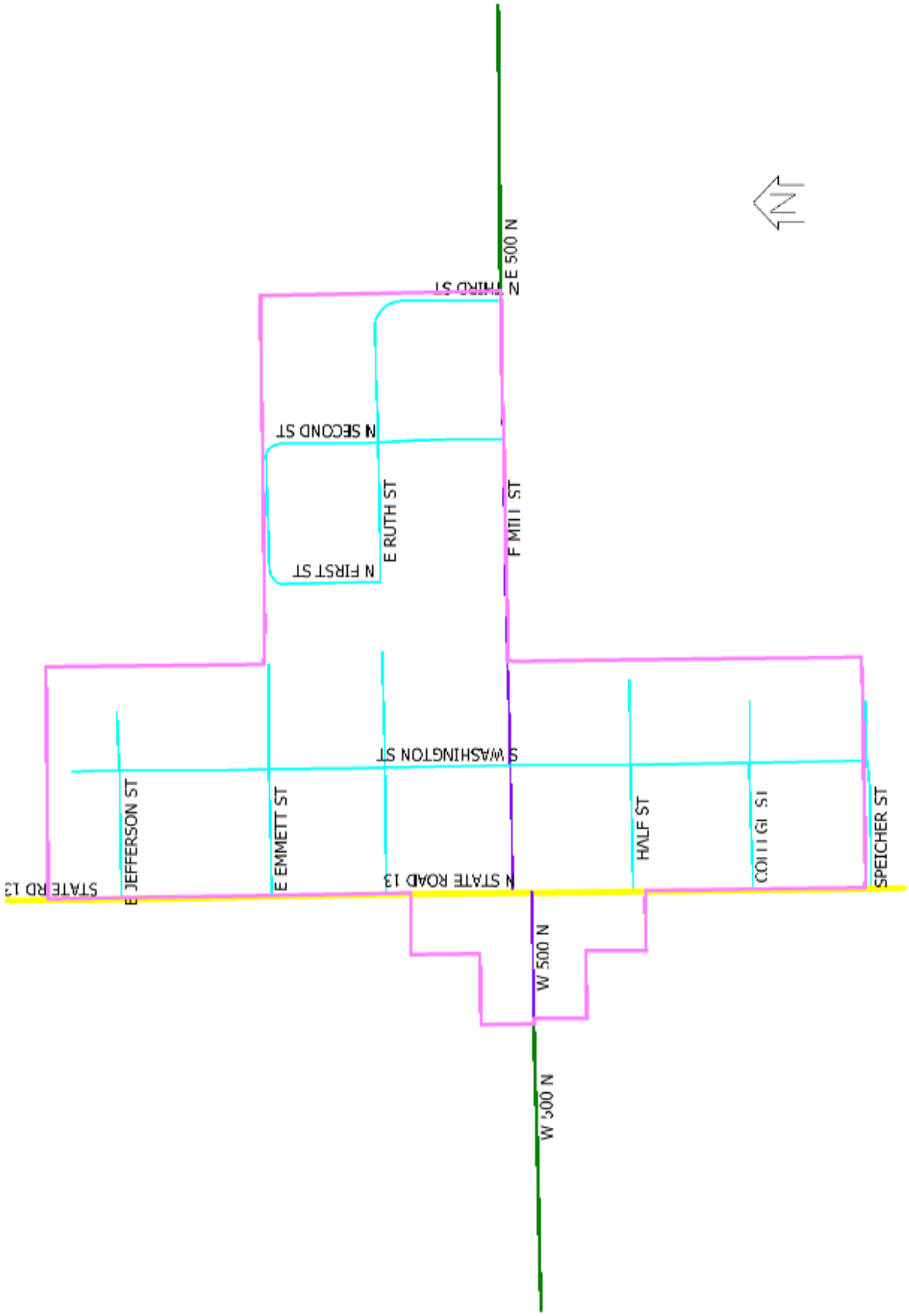

SOMERSET THOROUGHFARE MAP ORDINANCE CHAPTER 9 SECTION 9.22




SPEICHERVILLE THOROUGHFARE MAP ORDINANCE CHAPTER 9 SECTION 9.23




STOCKDALE THOROUGHFARE MAP ORDINANCE CHAPTER 9 SECTION 9.24




URBANA THOROUGHFARE MAP ORDINANCE CHAPTER 9 SECTION 9.25

# Chapter 10

# Rules of Procedure

10.1 Wabash County Advisory Plan Commission

10.2 Wabash County Board of Zoning Appeals

10.3 County Planning Director

10.4 Enforcement and Appeal

# Chapter 10

## Rules of Procedure

**IC 36-7-4-202**
Establishment; authorization. Sec. 202. (a) ADVISORY. The legislative body of a county or municipality may establish by ordinance an advisory plan commission.
County Ordinance #1, Dated March 18th, 1963.

### 10.1 Wabash County Advisory Plan Commission

The Wabash County Plan Commission exists as an Advisory Plan Commission under the authority of Indiana law and operates under the rules of the "Wabash County Plan Commission Rules of Procedure", as adopted July 2nd, 2015and may be amended from time to time in accordance with the requirements thereof.

**IC 36-7-4-901**
Board of Zoning Appeals; establishment; divisions; jurisdiction; continuation of certain boards Sec. 901 (a) As a part of the zoning ordinance, the legislative body shall establish a Board of Zoning Appeals.

### 10.2 Wabash County Board of Zoning Appeals

The Wabash County Board of Zoning Appeals operates under the "Rules and Procedures of the Wabash County BZA" as adopted June 23rd, 2015, and may be amended from time to time, to conduct all BZA business. The rules and procedures shall be used in conjunction with the Wabash County Comprehensive Plan, the Wabash County Zoning Ordinance and Indiana Code.

### 10.3 County Planning Director

The County Planning Director, under the supervision of the County Planning Commission Board and with the assistance of the Board of Zoning Appeals has the principal responsibility for enforcement of this Ordinance.

### 10.4 Enforcement

A. The Commission, the BZA or any citizen residing in Wabash County may, by suit in a court of general jurisdiction located in Wabash County, Indiana, enforce any provision of this Ordinance and enjoin the violation of this Ordinance. In the event of court proceedings, the Commission or the Board, as the case may be, shall be entitled to recovery of it's reasonable Attorney fees and cost.

# Chapter 11

# BZA Appeals and Hearings

11.1 Liabilities

11.2 Complaints Regarding Violations

11.3 Inspection of Property, Right of Entry

11.4 Notice of Violations

11.5 Pending Violations

11.6 Administrative Process and Procedures

11.7 Penalties for Violations

11.8 Prosecution of Violations

11.9 Appeals Procedure

11.10 Hearings

# Chapter 11
# Violations, Appeals & Hearings

## 11.1 Liabilities
All responsible parties shall be jointly and severally responsible for maintaining property in compliance with this Ordinance. In the event a violation under this Ordinance occurs, each responsible party is deemed to have committed the violation, whether or not such responsible party personally contributedto or was actually aware ofthe violation.

## 11.2 Complaints Regarding Violations
Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully, and accurately, state the causes and basis of the alleged violation, and be filed with the Planning Commission Office. The Planning Director or designee shall investigate the complaint in a timely manner and, if warranted, take action thereon as provided by this Ordinance. Any person filing a complaint of an alleged violation shall have the right to request a status report of the action taken by the plan commission.

## 11.3 Inspection of Property, Right of Entry
The Planning Director and/or authorized agent or representative is empowered to the fullest extent of the law, in its performance of its functions, to enter upon any land within Wabash County, that is subject to this Ordinance,for the purpose of making inspections,examinations, surveys, or to place and maintain thereon notices or signs in order to enforce the county zoning ordinance and land use regulations of Wabash County, Indiana.

The Planning Director and/or designee shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out the duties in the enforcement of this Ordinance. The Plan Commission or its authorized agent or representative shall, upon request, present proper identification when entering upon any land or structure for the purpose of this Ordinance. In the event of said refusal, the Planning Director or designee shall seek the appropriate legal remedy to allow access to the property.

## 11.4 Notice of Violations
If the Planning Director or designee determines that a violation exists, a written notice shall be sent by “Certified Mail, Return Receipt Requested”, to the last address of at least one of the property owners as indicated in the records of the County Auditor on the date of notice. The notice shall describe the details of the alleged violation and the reasons believed that the violation exists. The notice shall require an explanation of the violation, inform the responsible party of the action that must be taken to correct a violation, provide a deadline by which the responsible party must correct the violation, which deadlineshall not be less than Ten(10) calendar days. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Planning Director within the specified time limit constitutes admission of the violation of the terms of this Ordinance and shall inform the responsible party of the possible penalties that may result if corrective action is not taken by the deadline.

## 11.5 Pending Violations
If a violation is pending, the alleged violator cannot obtain any other benefits of this Ordinance on the property where the violation is pending or on any other property which the alleged violator may have any portion of ownership in. This shall include delinquency of property and personal property taxes. No permits shall be issued to the alleged violator until the resolution of the pending violation.

### 11.6 Administrative Process and Procedures

An order issued under this Ordinance becomes final Ten (10) days after notice is given, unless a hearing is requested before the Ten (10) day period ends by a person holding a substantial interest in the subject real estate. If so requested, a hearing shall be conducted by the Plan Commission. The hearing shall be held on a business day no earlier than Ten (10) days after notice of the order is given. The person to whom the order was issued, or any person having a substantial property interest in the subject real estate may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine opposing witnesses, and present arguments. At the conclusion of any hearing, at which a continuance is not granted, the hearing authority may make findings and take action to:

A. Affirmtheorder,

B. Rescindtheorder,

C. Modify the order.

### 11.7 Penaltiesfor Violations

If a responsible party is found to have committed a violation under this Ordinance and has not corrected the violation by the deadline provided in the notice described herein above, the Plan Commission may do any or all of the following:

A. Issue anorderrequiring a responsible party to take action to remedy violations of this Ordinance.

B. Takeaction(s)toremedytheviolationofthisOrdinanceandassessthe responsiblepartyforcostsincurredinsodoing,whichcostsmaybeaddedto propertytaxes and/orcollectedthroughan actionincourt.Suchcostsshallinclude theactualcostofcuringtheviolation,theadministrativecostsassociatedthe curingtheviolation,andthecostsofnotice.

C. Issueanorderimposingafineuponaresponsibleparty,providedthatsucha finemaynotexceed:

1. Two Thousand Five Hundred dollars ($2,500.00) for a first time offense,
2. Seven Thousand Five Hundred dollars ($7,500.00) for each subsequentoffense

and issue any other order against a responsible party that is, in its discretion, necessary to remedy violations of this Ordinance, penalize violations of this Ordinance, and/or deter future violations of this Ordinance.

### 11.8 Prosecution of Violations

A. The Plan Commission or the Board of Zoning Appeals may, by proceedings filed in either the Wabash Circuit Court or the Wabash Superior Court, require compliance with the provisions of this Ordinance. In the event of court proceedings, the Commission or the Board, as the case may be, shall be entitled to recovery of it's reasonable attorney fees and cost.

B. A use that violates this ordinance shall be treated as if it were a common nuisance, and it may be abated in the same manner as such a nuisance.

### 11.9 Appeals Procedure

An appeal filed with the Board of Zoning Appeals must specify the grounds of the appeal and must be filed within such time and in such form as may be prescribed by the Board of Zoning Appeals by rule.

The administrative official, hearing officer, administrative board, or other body from whom the appeal is taken shall, on the request of the Board of Zoning Appeals, transmit to it all

documents, plans, and papers constituting the record of the action from which the appeal is taken.

Certified copies of the documents, plans, and papers constituting the record may be transmitted for purposes of the above listed section.

Upon appeal, the Board may reverse, affirm, or modify the order, requirement, decision, or determination appealed from. For this purpose, the Board has all the powers of the official, officer, board, or body from which the appeal is taken.

The Board shall make a decision on any matter that it is required to hear under the IC 900 series either:

A. At the meeting at which that matter is first presented,

B. At the conclusion of the hearing on that matter if it is continued.

Within Five (5) days after making any decision, the Board of Zoning Appeals shall file, with the Office of the Wabash County Plan Commission, a copy of its decision.

If the variance, exception, use, or appeal petitioned for is granted, an Improvement Location Permit may be applied for up to Twelve (12) months from the date of approval. An extension of time may be granted by the Zoning Administrator for good and sufficient cause.

### 11.10 Hearings

The Board of Zoning Appeals shall fix a reasonable time for the hearing of administrative appeals, exceptions, uses, and variances.

Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 as amended and due notice to interested parties and to all property owners within Two Hundred Fifty (250) feet of the designated parcel shall be published at least Ten(10) days before the date set for the hearing.

The party taking the appeal, or applying for the exception, use, or variance, shall be required to assume the cost of public notice and due notice to interested parties. At the hearing, each party may appear in person, by agent, or by attorney.

The Board shall by rule, determine who the interested parties are, how notice is to be given to them, and who is required to give that notice.

The Planning Department staff, if any, may appear before the Board at the hearing and present evidence in support of or in opposition to the granting of a variance or the determination of any other matter.

Other persons may appear and present relevant evidence.

A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board. Not less than Five (5) days before the hearing, however, the staff (as defined by ordinance), if any, may file with the Board a written statement setting forth any facts or opinions relating to the matter.

The Board may require any party adverse to any pending petition to enter a written appearance specifying the party's name and address. If the written appearance is entered more than Three (3) days before the hearing, the Board may also require the petitioner to furnish each adverse party with a copy of the petition and a site plan of the property involved.

# Chapter 12

# Permit Process

12.1 Improvement Location Permits (ILP)

12.2 Basic ILP Application

12.3 ILP Application, Residence in an Agricultural Zone (RTF)

12.4Special Exception Application, ILP

12.5Variance Application, ILP

12.6Sub-Division Application, ILP

12.7 Development Application, ILP

12.8CFO Application, ILP

12.9WECS Application, ILP

12.10ILP Application, Rezone / Vacate

12.11Expiration and Renewal, ILP

12.12Failure to Obtain, ILP

12.13Industrial Use, Certificate of Compliance

12.14Certificate of Occupancy

12.15Fees, Charges, Expenses

12.16 Records

12.17 Circumvent

12.18 Appeal

12.19 Review

## Chapter 12

## Permitting Process

### 12.1 Improvement Location Permit (ILP)

Within the jurisdiction of the Commission, no structure or improvement or use of land, may be altered, changed, placed, erected or located on platted or un-platted lands, unless the structure, improvement, or use, and its location, conform with the Comprehensive Plan, this Ordinance, or policies of the Town, as may be applicable, and,when required, a Special Exception, Variance, or Improvement Location Permit for such structure, improvement or use has been issued.

### 12.2 Basic ILP Application

The Plan Commission shall be responsible for the issuance of all Improvement Location Permits for any alteration to the condition of land, or structure thereon, within the jurisdictional area of the Advisory Plan Commission, when the proposed structure, improvement, or use and its location conform in all respects to the policies of the County or Town, as may be applicable. Any person making said alterations must obtain an ILP for said alterations from the APC prior to the start of any construction process.

A. Applications for the standard ILP shall include but not limited to:

1. Name, address, and phone number of ILP Applicant,
2. Verification of Property Owner by Assessor data, Deed, or Survey,
3. Verification that all property taxes are current for Deeded owner,
4. Septic approval, when required, including dimensional and location information,
5. Sight Plan Drawing including:
    a. boundaries,
    b. setbacks,
    c. roads,
    d. existing structures,
    e. proposed structure(s),
    f. driveway location,
    g. well location,
    h. parcel size.
6. Structure drawing and specifications,
7. Name, address, phone number of contractor,
8. Address of site which improvements are to be made,
    a. E-911 address established when necessary.
9. Parcel ID number,
10. Township Name,
11. Section, Township, Range,
12. Parcel Zoning verification,
13. Flood Plain verification,
14. Flowage Easement verification,
15. Verification of drainage plan,
16. Any easements identified.

B. The ILP shall also include when applicable:

1. The applicant shall show written approval of the proposed structure and site plan from any developer or homeowners' association having jurisdiction over the site and structure per covenants and restrictions,
2. The applicant shall present written approval of the proposed structure from any agency, commission, board, or other department of the State of Indiana having jurisdiction over the proposed structure prior to issuance of the ILP,
3. The applicant shall present written approval of the proposed water and sewage facilities from the Wabash County Health Department, drainage approval from the

the Wabash County Drainage Board and approval of the driveway from the Wabash County Highway Department.

4. The applicant shall submit one complete set of construction plans for the proposed improvements. The plans must have a certified stamp from the developing engineer as meeting all building and mechanical codes required by local or State law prior to issuance of the ILP,
5. As a condition of issuing an ILP, the Director or their agent, may require the relocation of any structure or any entrance or exit, or the inclusion of an entrance or exit not shown on the plan, if the requirement is necessary in the interest of public welfare,
6. Any ILP application that requires physical encroachment upon another's property to meet drainage requirements shall provide a notarized letter of agreement to allow encroachment from those owners upon whose property encroachment must occur,

### 12.3 ILP Application, Residence in an Agricultural Zone

In order to promote awareness, wakefulness, cognizance, comprehension, safety, morals, convenience, general welfare, and plan for future development for anyone who is:

A. Purchasing land to potentially construct a residential dwelling or business in an Agriculture 1 (A1) or Agriculture 2 (A2) Zoned District under the jurisdiction of the Wabash County Plan Commission, or

B. Purchasing an existing residential structure or business located in an Agriculture 1 (A1) or Agriculture 2 (A2) Zoned District under the jurisdiction of the Wabash County Plan Commission,

they shall, as part of the permit applicationprocess, read the following document., and initial the document verifying that the document was provided to them and that they have read it.

**Notice of Agricultural Activity**

To: All Applicants applying for the transfer of land in an area of Wabash County, Indiana that is zoned Agriculture 1 or Agriculture 2, (A1 or A2), and is under the jurisdiction of the Wabash County Plan Commission.

This notice is given to you because of your application for the transfer of land in an area of Wabash County that is zoned Agriculture 1 or Agriculture 2, (A1 or A2).

The purpose of this notice is to assure that you are aware that all agricultural operations are allowed in the area, and expansion of such operations is possible.

Agricultural activity may include, but is not limited to, grazing of livestock, confined feeding of livestock, application of animal manure to land, application of fertilizer, pesticides and herbicides to fields and crops, harvesting of crops, creation of dust during field operations and noise from livestock and machinery operations at all hours.

Under the guidelines of this Zoning Ordinance, single family dwellings or businesses may be permitted uses in an Agricultural zone, while it is discouraged in order to preserve farm land it is not completely restricted. However people who choose to buy or develop a residence or business in these areas must understand that agricultural operations will be occurring nearby.

You must also understand that Indiana has a "RIGHT TO FARM" law that protects farm operations from unwarranted nuisance suits by neighbors who choose to buy or develop a residence or business in an Agricultural Zoned District. Farm operations do not constitute a

nuisance so long as they are not negligently maintained, do not endanger human health and do not cause bodily injury to third parties.
By signing this notice form you verify that you have received it, read it and understand it. You are not giving up the right to seek redress for negligence by individuals associated with a farm operation or by residents of the area.
MY SIGNUTURE (INITIALS) CERTIFIES THAT I HAVE RECEIVED THIS NOTICE, I HAVE READ IT AND I UNDERSTAND IT.

**12.4Special Exception Application, ILP**

A. Application for a Special Exception ILP shall include but not limited to:
1. Name, address, and phone number of ILP Applicant,
2. Verification of Property Owner by Assessor data, Deed, or Survey,
3. Verification that all property taxes are current for Deeded owner,
4. Septic approval, when required, including dimensional and location information,
5. Sight Plan Drawing including:
   a. boundaries,
   b. setbacks,
   c. roads,
   d. existing structures,
   e. proposed structure,
   f. driveway location,
   g. well location,
   h. parcel size.
6. Structure drawing and specifications,
7. Name, address, phone no. of contractor,
8. Address of site which improvements are to be made,
   a. E-911 address established when necessary.
9. Parcel ID number,
10. Township Name,
11. Section, Township, Range,
12. Parcel Zoning Verification,
13. Flood Plain verification,
14. Flowage Easement verification,
15. Verification of certified drains,
16. Any easements identified,
17. Purpose of Special Exception Application,
18. Identification of all deeded owners within Two Hundred Fifty (250) feet of said parcel for which application is being requested.

B. The Special Exception ILP shall also include when applicable:
1. The applicant shall show written approval of the proposed structure and site plan from any developer or homeowners' association having jurisdiction over the site and structure per covenants and restrictions,
2. The applicant shall present written approval of the proposed structure from any agency, commission, board, or other department of the State of Indiana having jurisdiction over the proposed structure prior to issuance of the ILP,
3. The applicant shall present written approval of the proposed water and sewage facilities from the Wabash County Health Department, and when applicable, written approval of the driveway from the Wabash County Highway Department.

C. Special Exception applications shall be reviewed and receive a favorable recommendation from the APC to proceed to a public hearing before the BZA.

D.An ILP for a Special Exception shall not be issued until the applicants request has

been approved by the BZA.

**12.5Variance Application, ILP**

A. Application for a Variance ILP shall include but not limited to:

1. Name, address, and phone number of ILP Applicant,
2. Verification of Property Owner by Assessor data, Deed, or Survey,
3. Verification that all property taxes are current for Deeded owner,
4. Septic approval, when required, including dimensional and location information,
5. Sight Plan Drawing including:
   a. boundaries,
   b. setbacks,
   c. roads,
   d. existing structures,
   e. proposed structure,
   f. driveway location,
   g. well location,
   h. parcel size.
6. Structure drawing and specifications,
7. Name, address, phone no. of contractor,
8. Address of site which improvements are to be made,
   a. E-911 address established when necessary.
9. Parcel ID number,
10. Township Name,
11. Section, Township, Range,
12. Parcel Zoning Verification,
13. Flood Plain verification,
14. Flowage Easement verification,
15. Verification of certified drains,
16. Any easements identified,
17. Purpose of Variance Application,
18. Identification of all deeded owners within Two Hundred Fifty (250) feet of said parcel for which application is being requested.

B. The Variance ILP shall also include when applicable:

1. The applicant shall show written approval of the proposed structure and site plan from any developer or homeowners' association having jurisdiction over the site and structure per covenants and restrictions,
2. The applicant shall present written approval of the proposed structure from any agency, commission, board, or other department of the State of Indiana having jurisdiction over the proposed structure prior to issuance of the ILP,
3. The applicant shall present written approval of the proposed water and sewage facilities from the Wabash County Health Department, and when applicable, written approval of the driveway from the Wabash County Highway Department.

C. Variance applications shall be reviewed by the BZA before a public hearing.

D. An ILP for a Variance shall not be issued until the applicants request has been approved by the BZA during a public hearing.

**12.6Sub Division Application, ILP**

The application process for an ILP for a subdivision creation, expansion, or vacate shall follow the requirement as outlined in Chapter 8, "Subdivision Control for Planned Subdivisions" of this Ordinance.

**12.7Development Application, ILP**
The application process for an ILP for a development creation, expansion, or vacate shall follow the requirement as outlined in Chapter 7, "Planned Developments" of this Ordinance.

**12.8CFO Application, ILP**
The application process for an ILP for a CFO / CAFO creation or expansion shall follow the requirements as outlined in Chapter 6, Section 6.25,"Development Standards CFO /CAFO" of this Ordinance.

**12.9WECS Application, ILP**
The application process for an ILP WECS creation, expansion, shall follow the requirements as outlined in Chapter 6, Section 6.24, "Development Standards WECS" of this Ordinance.

**12.10ILP Applications, Rezone / Vacate**
The application process for an ILP for Rezoningshall follow the requirement as outlined in Indiana Code.
The application process for an ILP for Vacate shall follow the requirements as outline in Chapter 7, section 7.12 and Indiana Code.

**12.11Expiration and Renewal, ILP**

A. If a person to whom an ILP has been issued,for any development, fails to complete construction within Twelve (12) months after the permit issue date, said person may apply for a one time permit extension, good for an additional Twelve (12) months. A fee shall be imposed as listed in the permit fee schedule for said extension.
   1. Temporary or Accessory Manufacture Home /Travel Trailer ILPs shall be governed as outlined in Chapter 5.

B. If a person to whom an ILP has been issued,for any development, fails to begin construction within Twelve (12) months after the permit issue date, or fails to comply with the approved plan upon which the permit was issued, said person may be required, by the board, to provide a written explanation giving cause why the permit should not be revoked.

C. In a proceeding to show just cause the following shall apply:
   1. Board shall hold a public hearing with all fees assessed to permit holder.
   2. Written notice shall be published according to law,
   3. Permit holder shall be notified by Certified Return Receipt Requested mail,
   4. Evidence may be presented by any person present,

D. If the board finds the holder of the permit has failed as described in Section 12.11 A, it shall revoke the permit. However if it considers the failure correctable within Six (6) months, or a lesser period of time, it may defer revocation and continue the hearing until a specified day within that period.

E. Upon application by the holder of an improvement location permit for a planned development, the Board may change the plan on which the permit is based. The Board shall handle the application as if it were an originalapplication for an Improvement Location Permit for a Special Exception. If it approves the application, the Board shall request the Director to issue an amended permit reflecting the approved change.

**12.12 Failure to Obtain, ILP**
Failure to obtain an ILP shall be a violation of this Ordinance and shall result in the application fee being administered at Two (2) times the established fee as outlined in theschedule of fees.

A. A false statement by the applicant on an Improvement Location Permit may

subject the applicant to the penalties for perjury, which is a felony punishable by imprisonment and fine.

### 12.13Industrial Uses, Certificate of Compliance

If an application for an ILP relates to a light or general industrial use, it must be accompanied by a Certificate of Compliance, subscribed by a Registered Professional Engineer of the State of Indiana, stating that the use will meet the performance standardsestablished in Chapter 6, Section 6.11 A-I and Section 6.12K of this Ordinance.

### 12.14Certificate of Occupancy

From time to time an applicant may request the completion of a "Certificate of Occupancy" by Wabash County Plan Commission. The Plan Commission does not employ the services of a Certified Inspector and therefore cannot attest to the quality of work or verify Building Codes have been met. The issuance of a Certificate of Occupancy, when requested by the applicant, shall include the following disclaimer.
"Inthe issuance of this Certificate of Occupancy no representation is made concerning the fitness, habitability or condition of any building or structure located on the premises. Note that Wabash County does not employ the services of a building inspector. Any such inspection that is desired shall be at your own request and expense."

### 12.15Fees, Charges, Expenses

The Wabash County Plan Commission shall establish a schedule of fees, charges, and expenses that are required and said schedule shall be posted in the Planning Department. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

### 12.16 Records

A record of each Improvement Location Permit, Variance, Special Exception, Vacate, Rezone, CFO /CAFO Application, Subdivision Application, Development Application and, when requested, Certificate of Occupancy shall be kept by the Wabash County Plan Commission. Upon request, a copy shall be furnished to any person having a proprietary or possessory interest in the premises concerned.

### 12.17 Circumvent

The director may request a review by the Plan Commission Board of any ILP Application in which the characteristic of said ILP Application appears to be an attempt to circumvent the intent of the Comprehensive Plan or Wabash County Zoning Ordinance.

### 12.18 Appeal

Any decision of the Wabash County Plan Commission concerning the issuance of an ImprovementLocation Permit may be appealed to the Board of Zoning Appeals when the decision in question involves a requirement of the "County Zoning Ordinance" and the decision in question involves any person claiming to be adversely affected by such decision.

### 12.19 Review

A decision of the Commission may be reviewed by certiorari procedure as provided for the appeal of zoning cases from the Board of Zoning Appeals.

# Chapter 13
# Boundary Ortho and Zoning Maps

BOUNDARIES & ORTHO LEGEND

13.1 Ortho County Wide
13.2 Ortho Townships County Wide
13.3 Ortho Chester Township
13.4 Ortho Lagro Township
13.5 Ortho Liberty Township
13.6 Ortho Noble Township
13.7 Ortho Paw Paw Township
13.8 Ortho Pleasant Township
13.9 Ortho Waltz Township
13.10 Ortho North Manchester Corp.
13.11 Ortho North Manchester Permitting Area
13.12 Ortho Wabash Corp.
13.13 Ortho Wabash Permitting Area
13.14 Ortho Lafontaine Corp.
13.15 Ortho Lagro Corp.
13.16 Ortho Roann Corp.
13.17 Ortho Disko Town
13.18 Ortho Laketon Town
13.18A Ijamsville
13.19 Ortho Liberty Mills Town
13.20 Ortho Lincolnville Town
13.21 Ortho Richvalley Town
13.22 Ortho Servia Town
13.23 Ortho Somerset
13.23A Mount Vernon
13.24 Ortho Speicherville Town
13.25 Ortho Stockdale Town
13.26 Ortho Urbana Town

**NOTE:** Corporate Platted Boundaries
Corporate Platted Boundaries that may be added or changed on the following Boundaries Maps, which are not under the jurisdiction of the Wabash County, are displayed as a curtesy and may or may not be current.

**BOUNDARY AND ORTHO MAP LEGEND SECTION 13.1 – 13.26**

## CORPORATE BOUNDARIES AND PLATTED AREAS IDENTIFIED

- N.MANCHESTER CORP
- WABASH CORP
- CORPORATE TOWNS
- PLATTED TOWNS
- TOWNSHIPS BOUNDARY

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## CITY / COUNTY PERMITTING PERMITTING BOUNDARY

- N MANCHESTER
- WABASH

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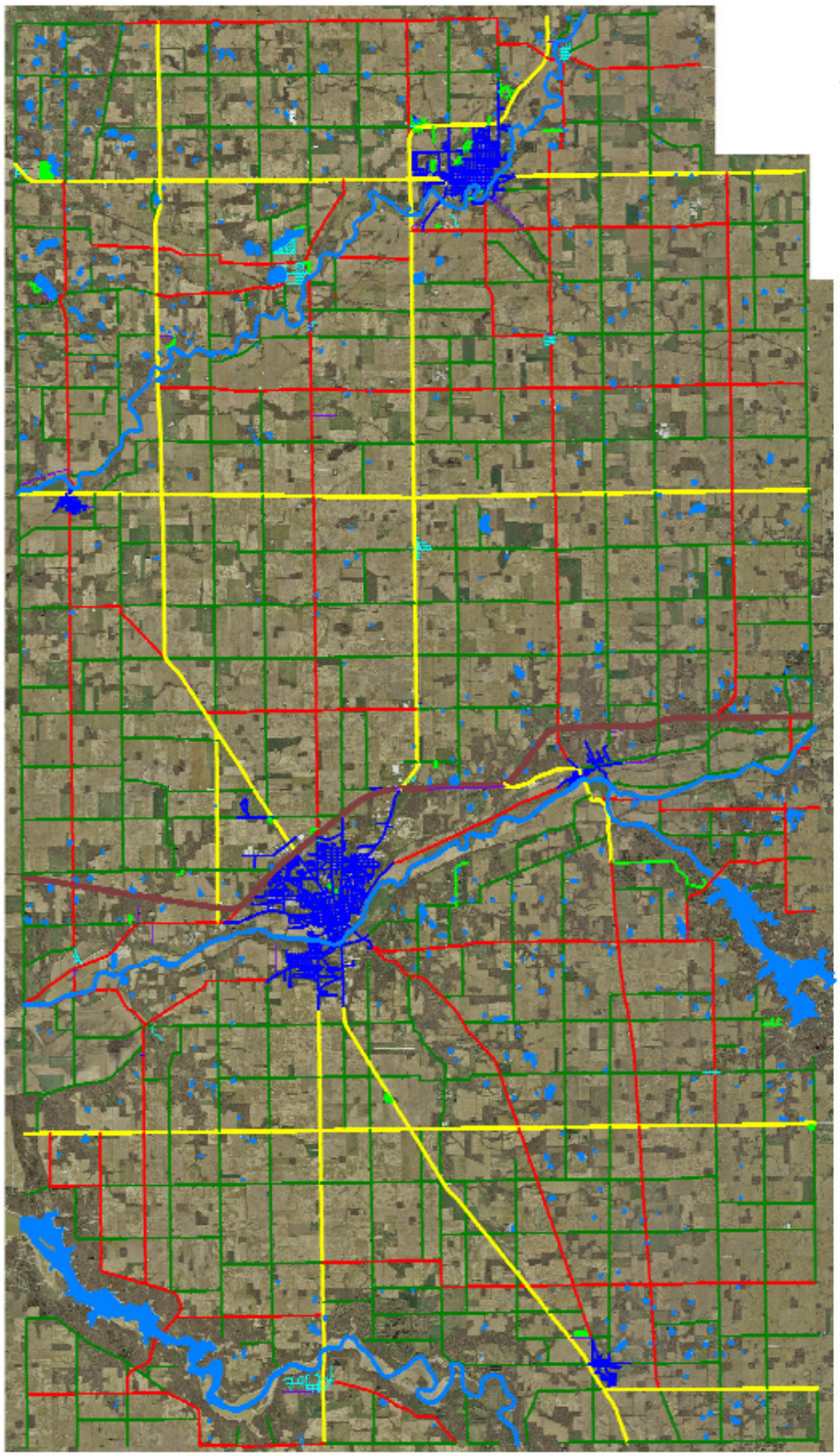
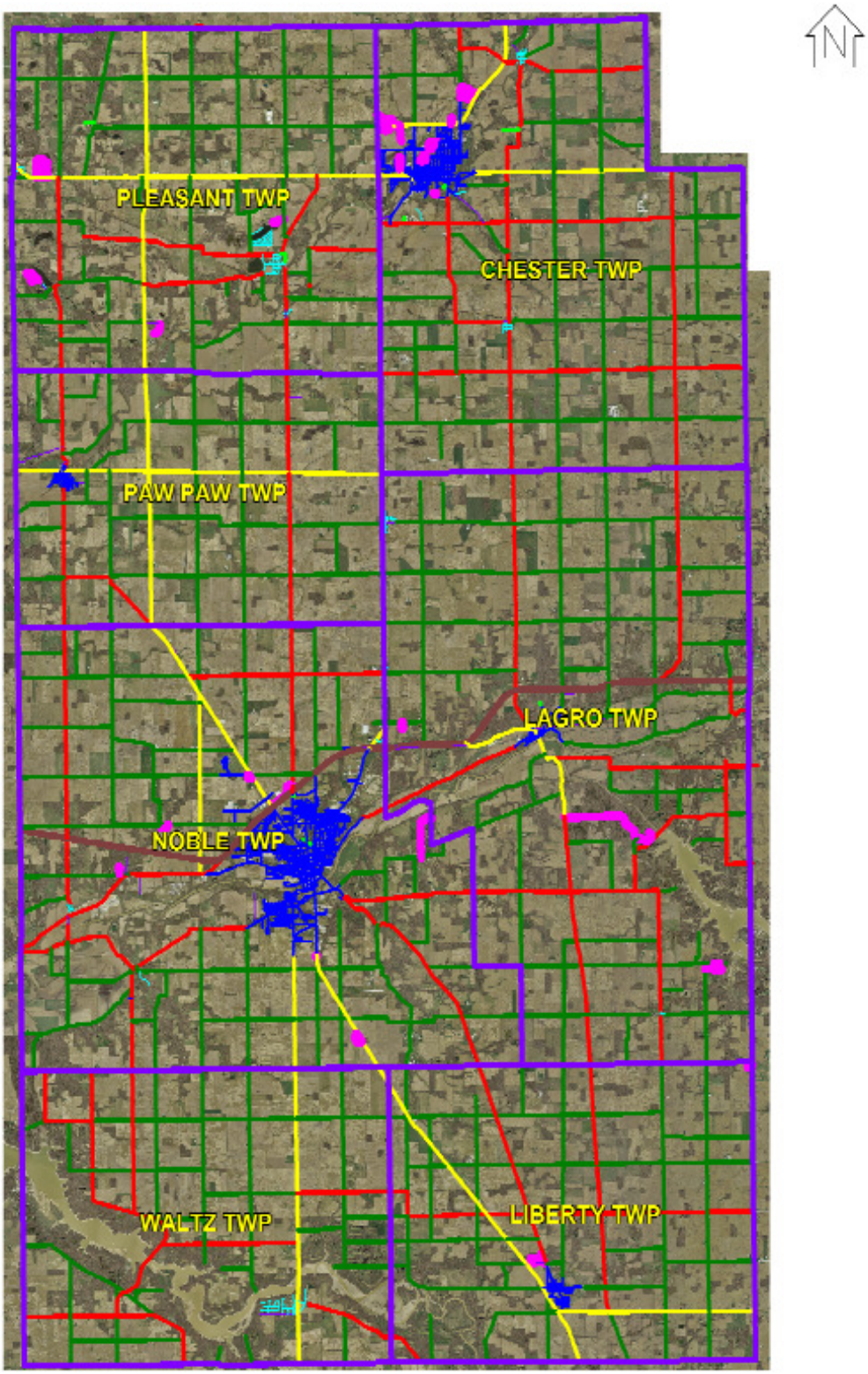
## ROAD ID LEGEND THOROUGHFARE IDENTIFICATION:

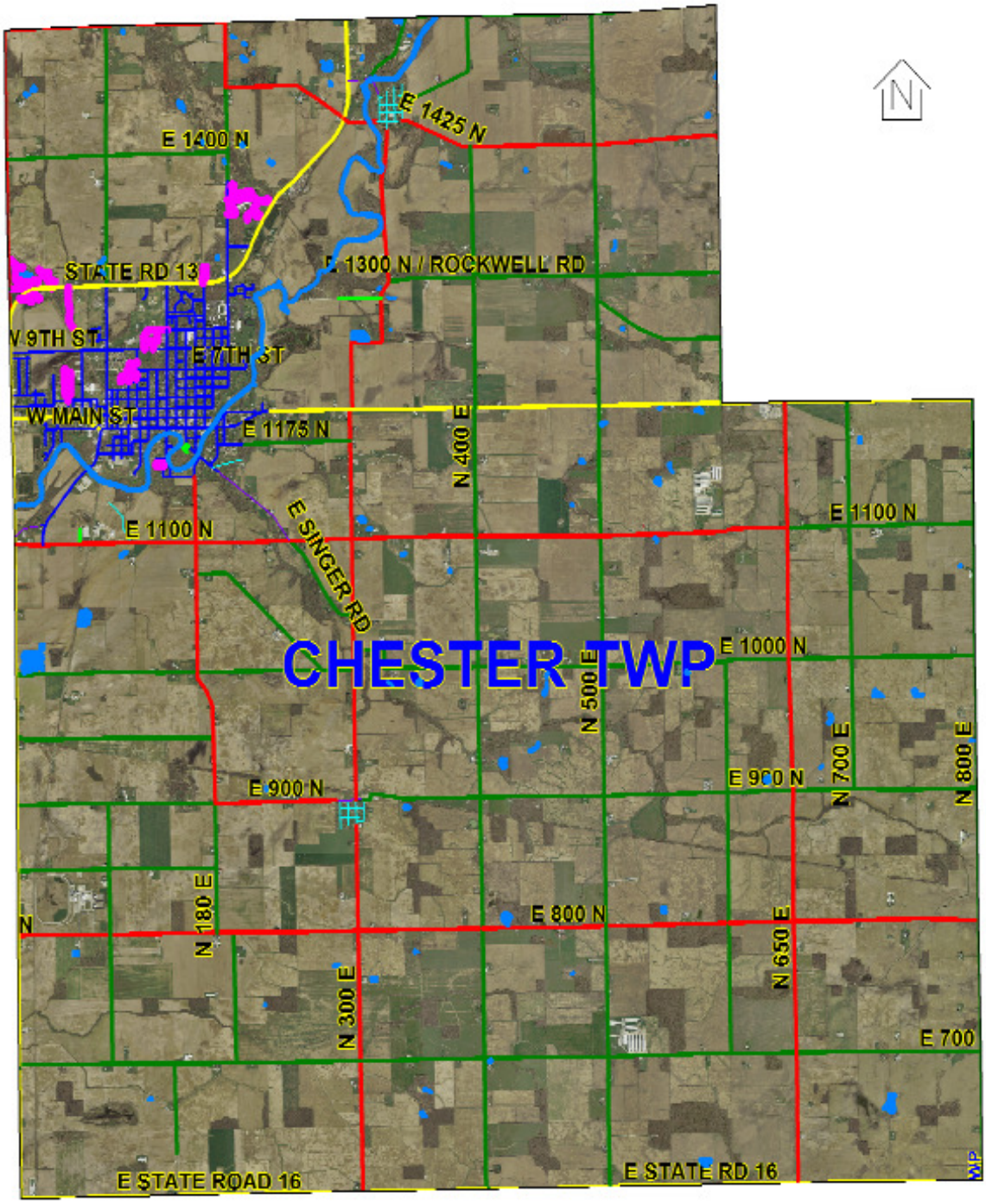
- CORPORATE STREET
- STATE ROAD
- PRIMARY ROAD
- SECONDARY ROAD
- FEEDER STREET
- LOCAL STREET
- US HIGHWAY
- INDEPENDENT STREET
- PRIVATE DRIVE



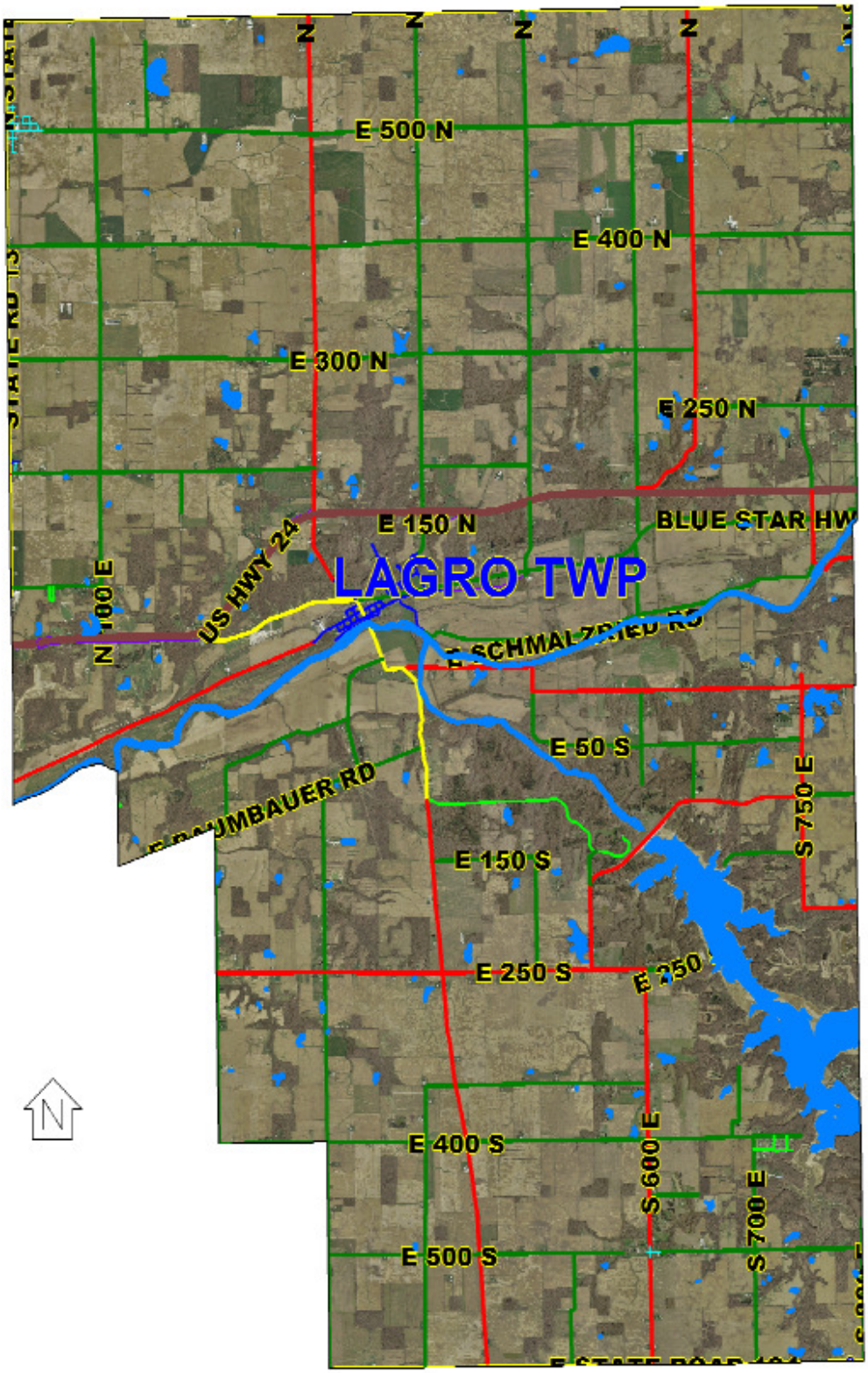

WABASH COUNTY 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.1



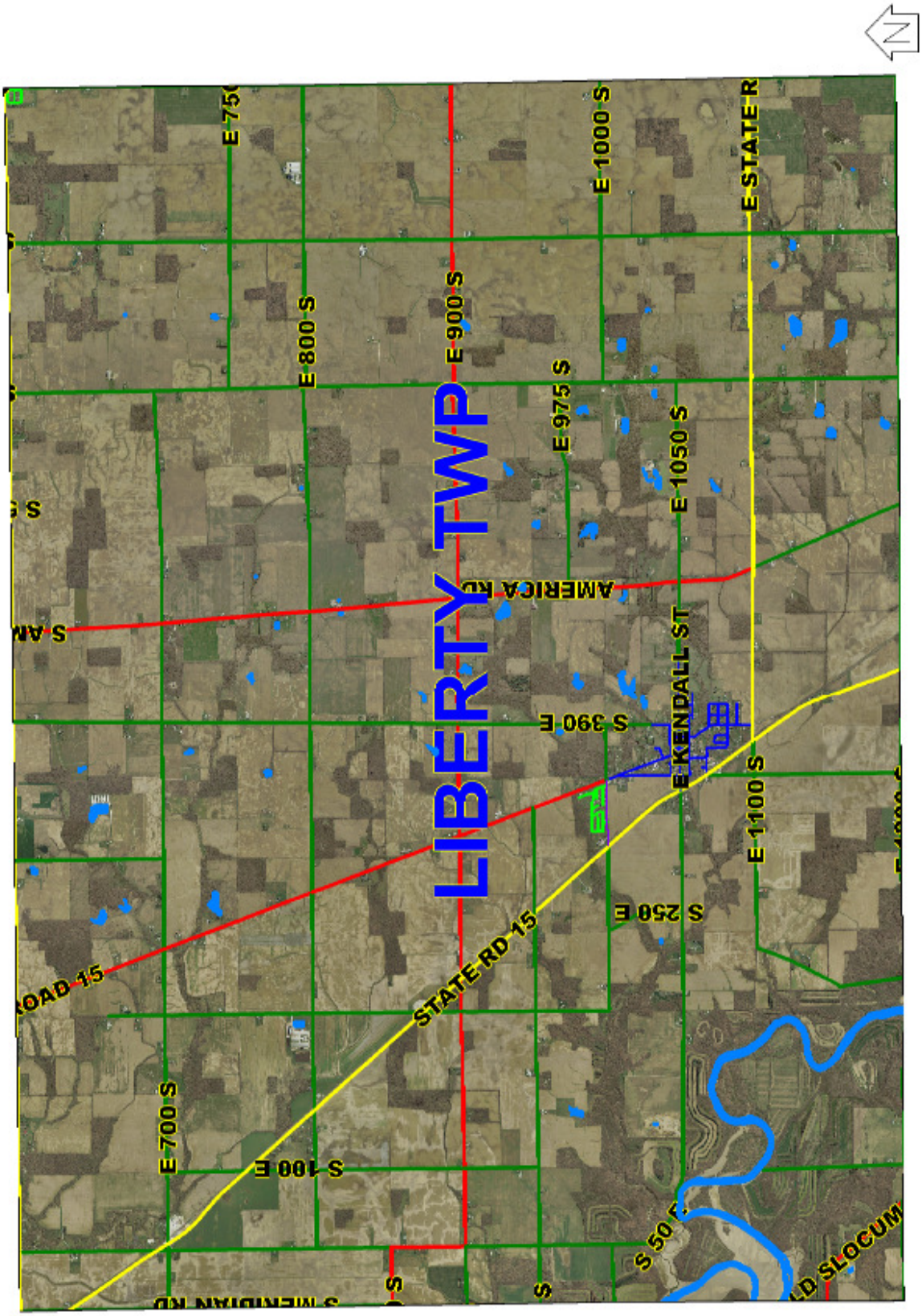

WABASH COUNTY TOWNSHIPS 2016 ORTHO ORDINANCE CHAPTER 13 SETION 13.2



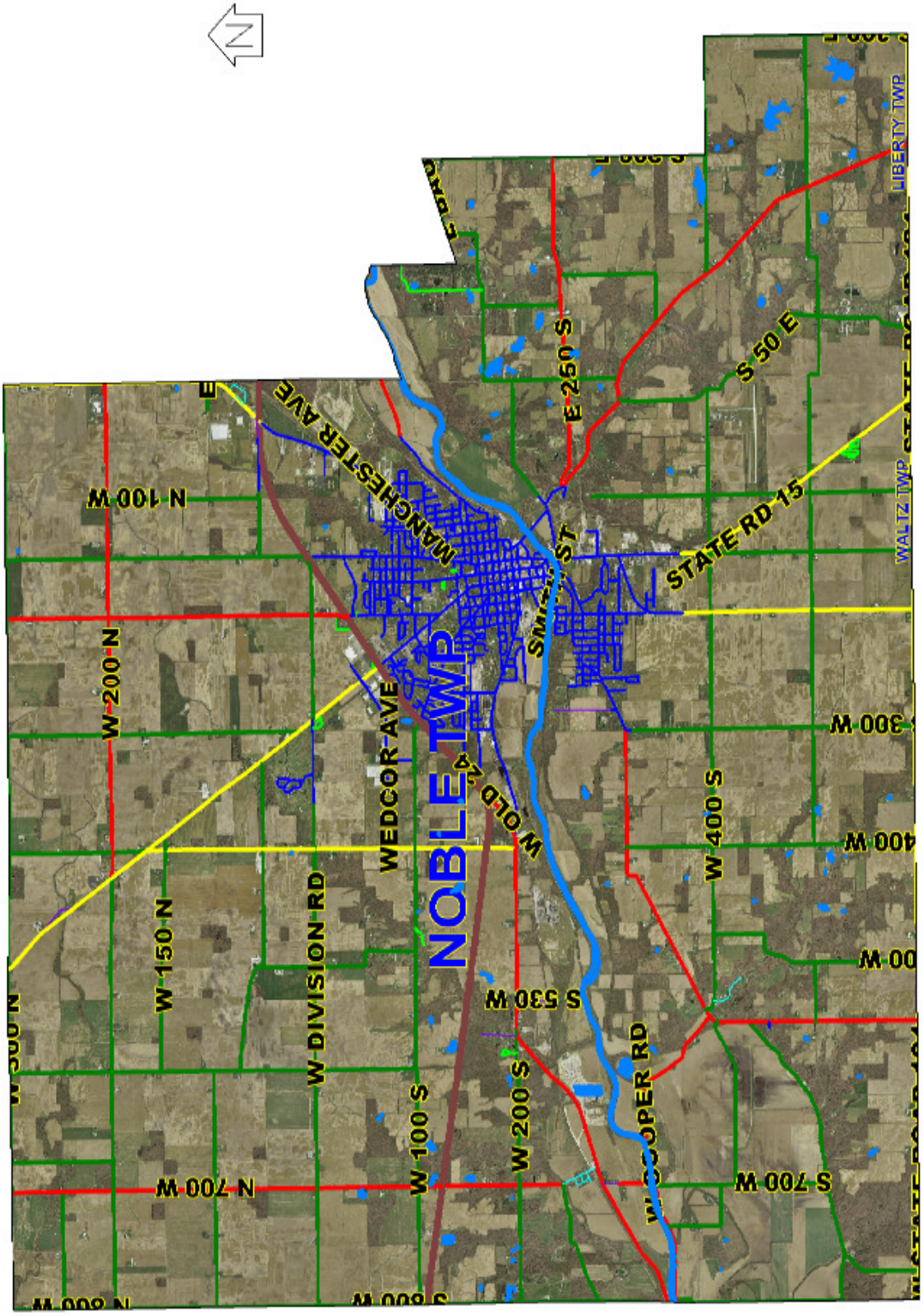

CHESTER TOWNSHIPS 2016 ORTHO ORDINANCE CHAPTER 13 SETION 13.3



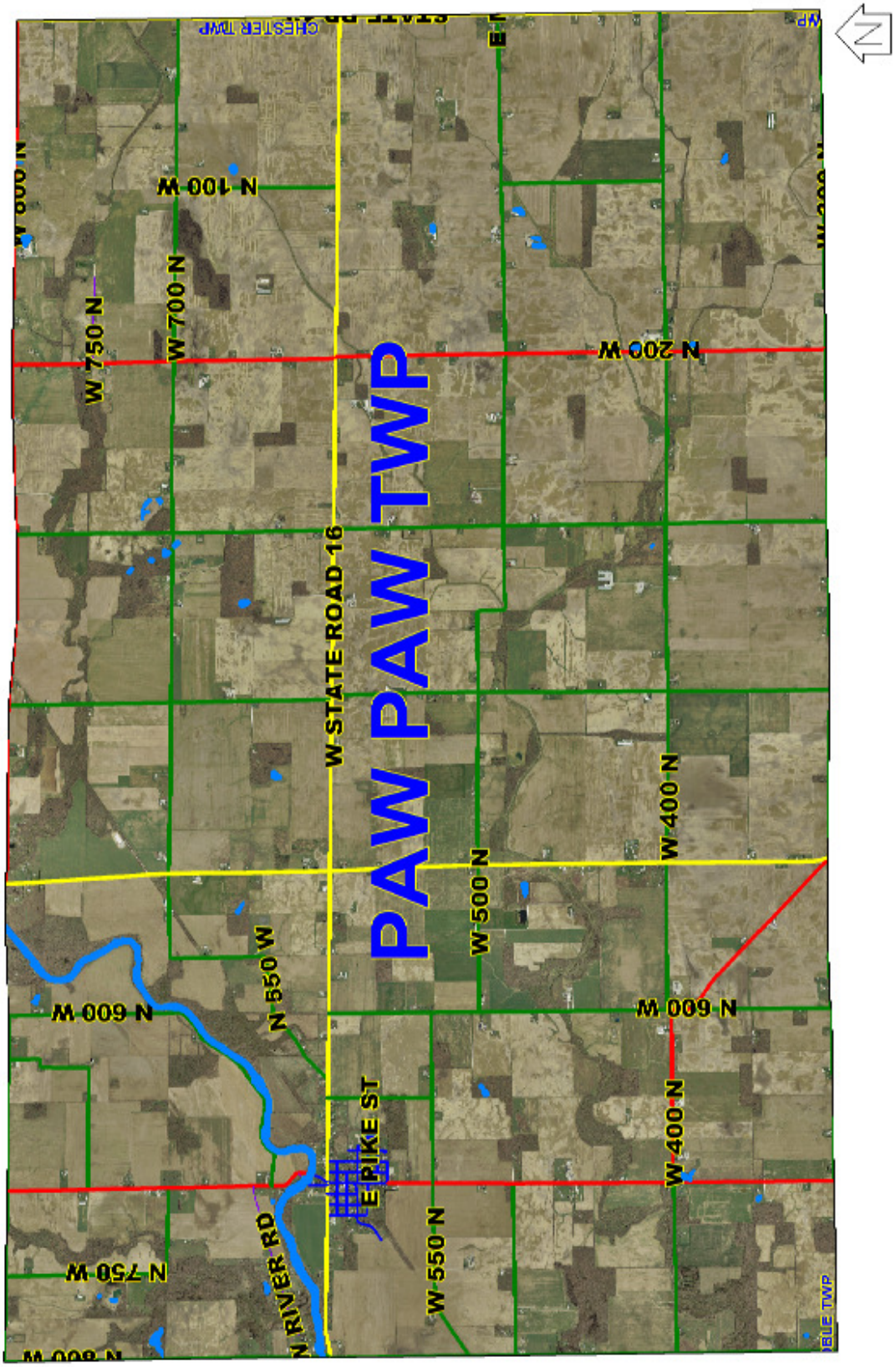

LAGRO TOWNSHIPS 2016 ORTHO ORDINANCE CHAPTER 13 SETION 13.4



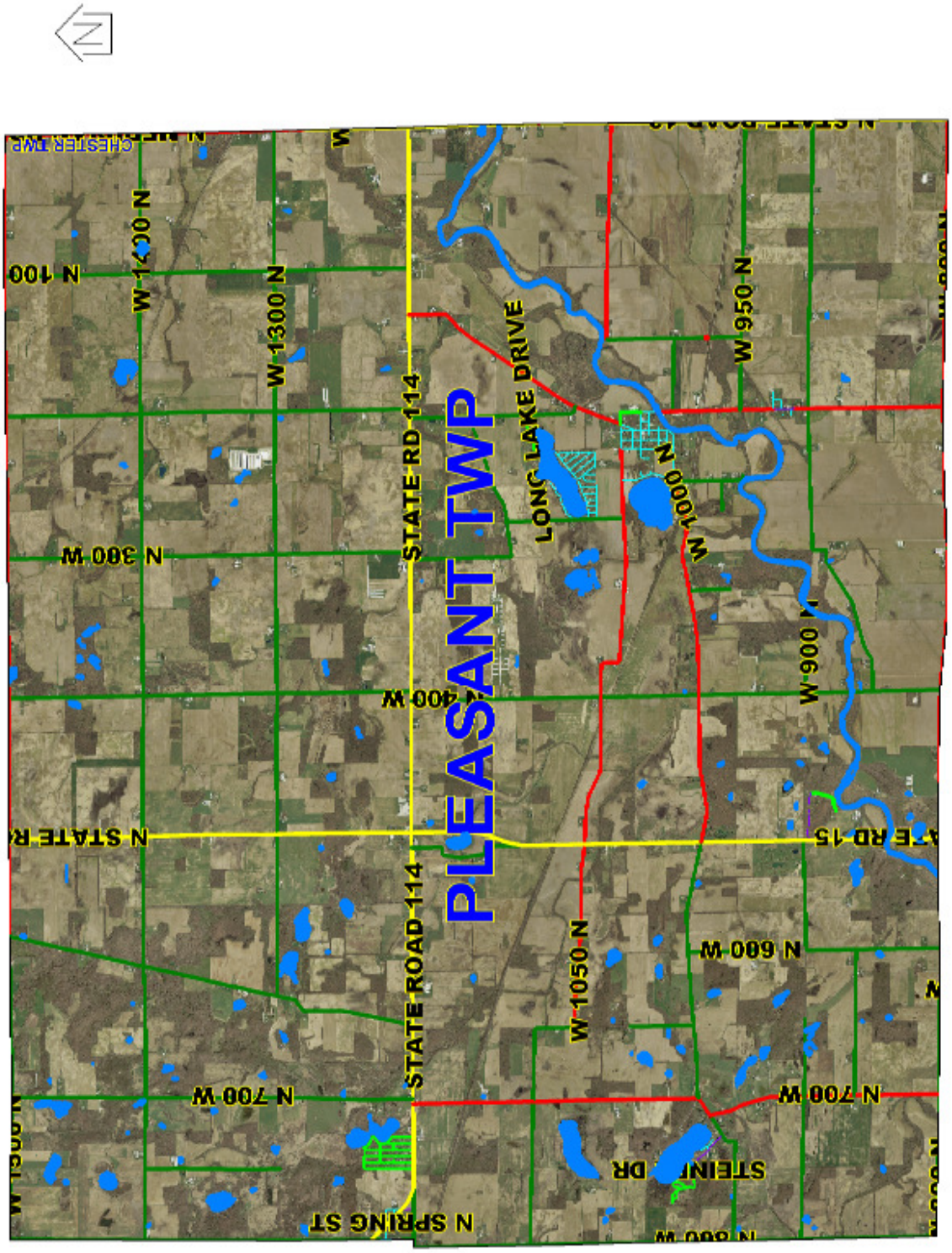

LIBERTY TOWNSHIP 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.5



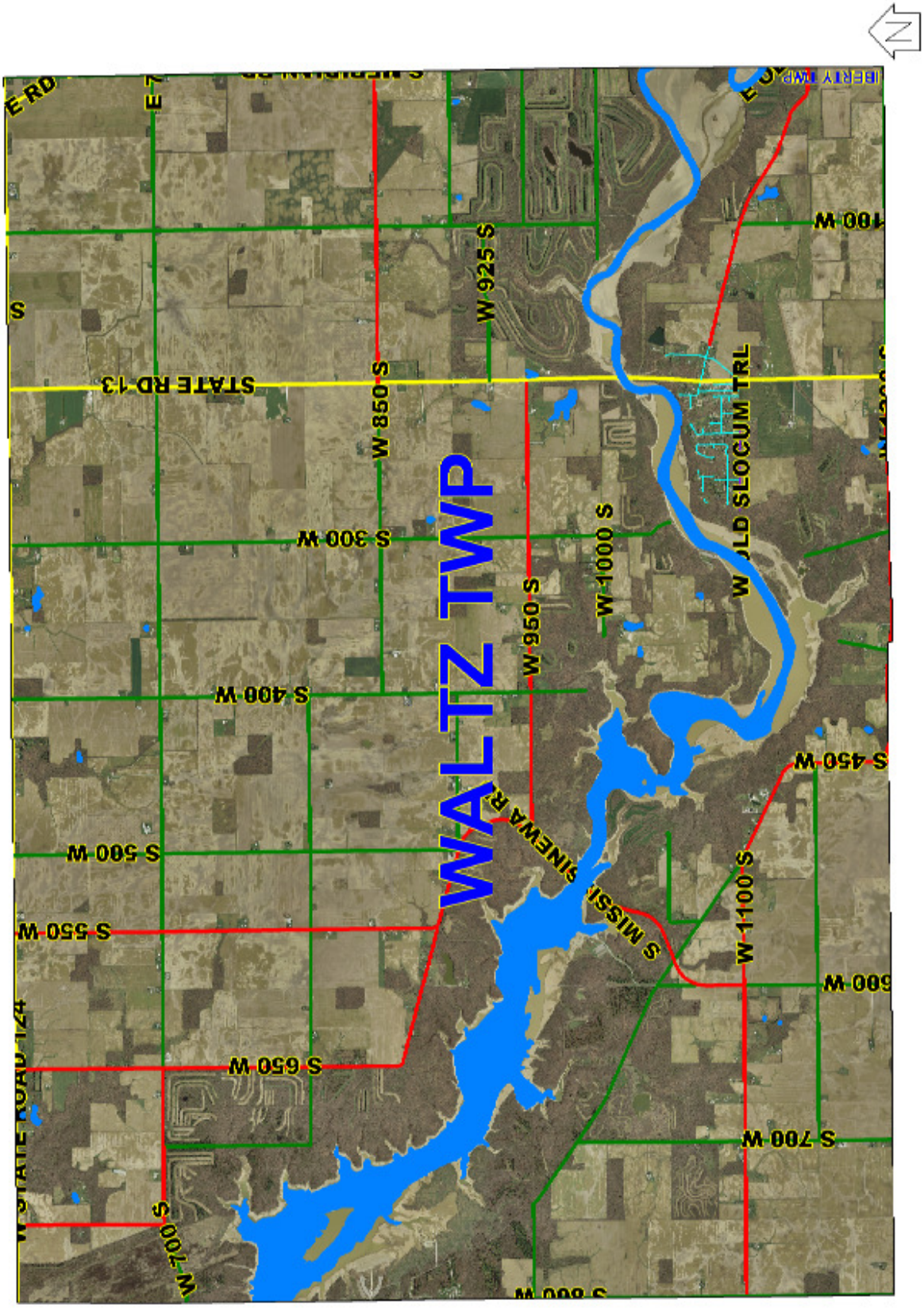

NOBLE TOWNSHIP 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.6



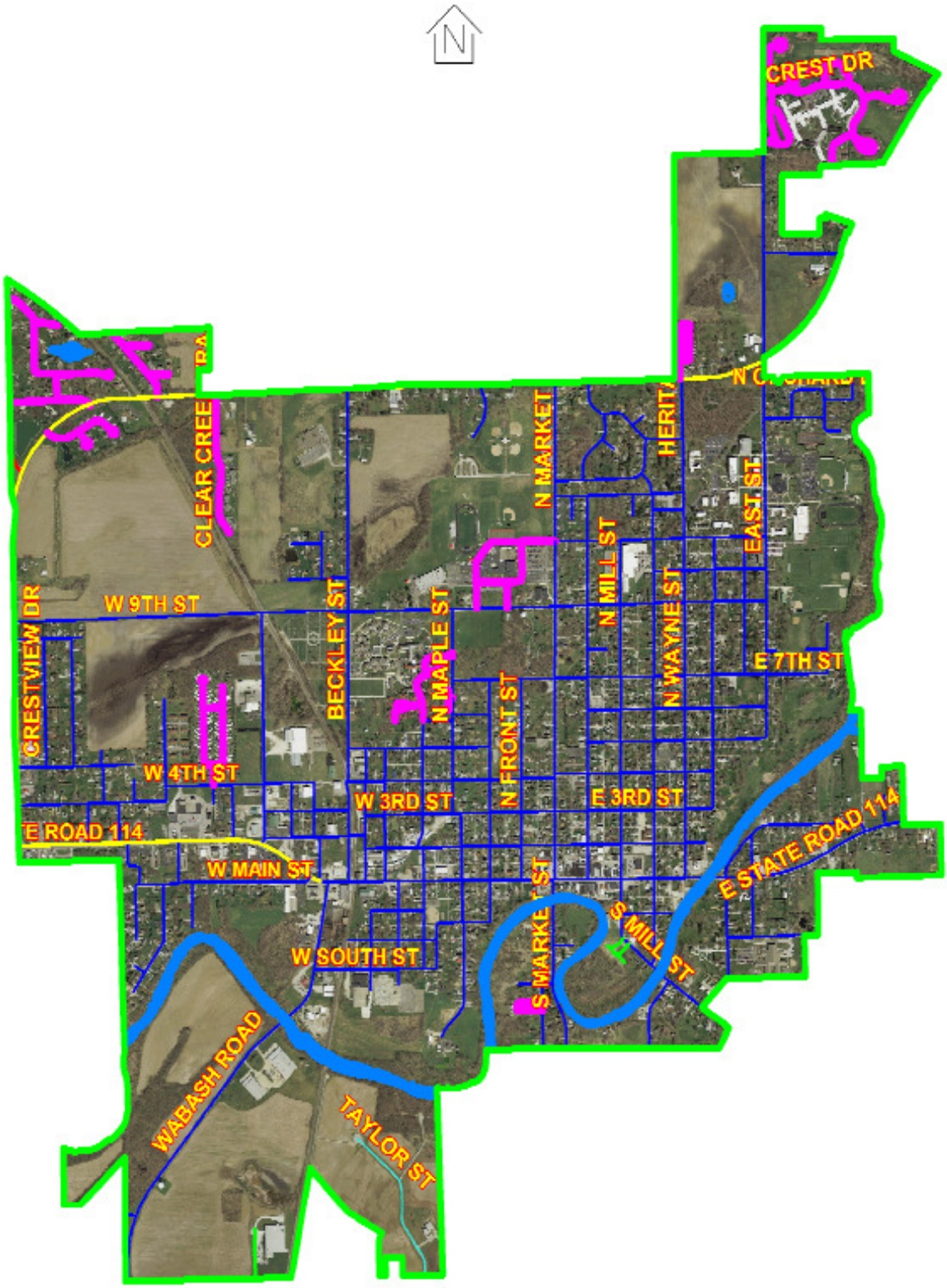

PAW PAW TOWNSHIP 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.7



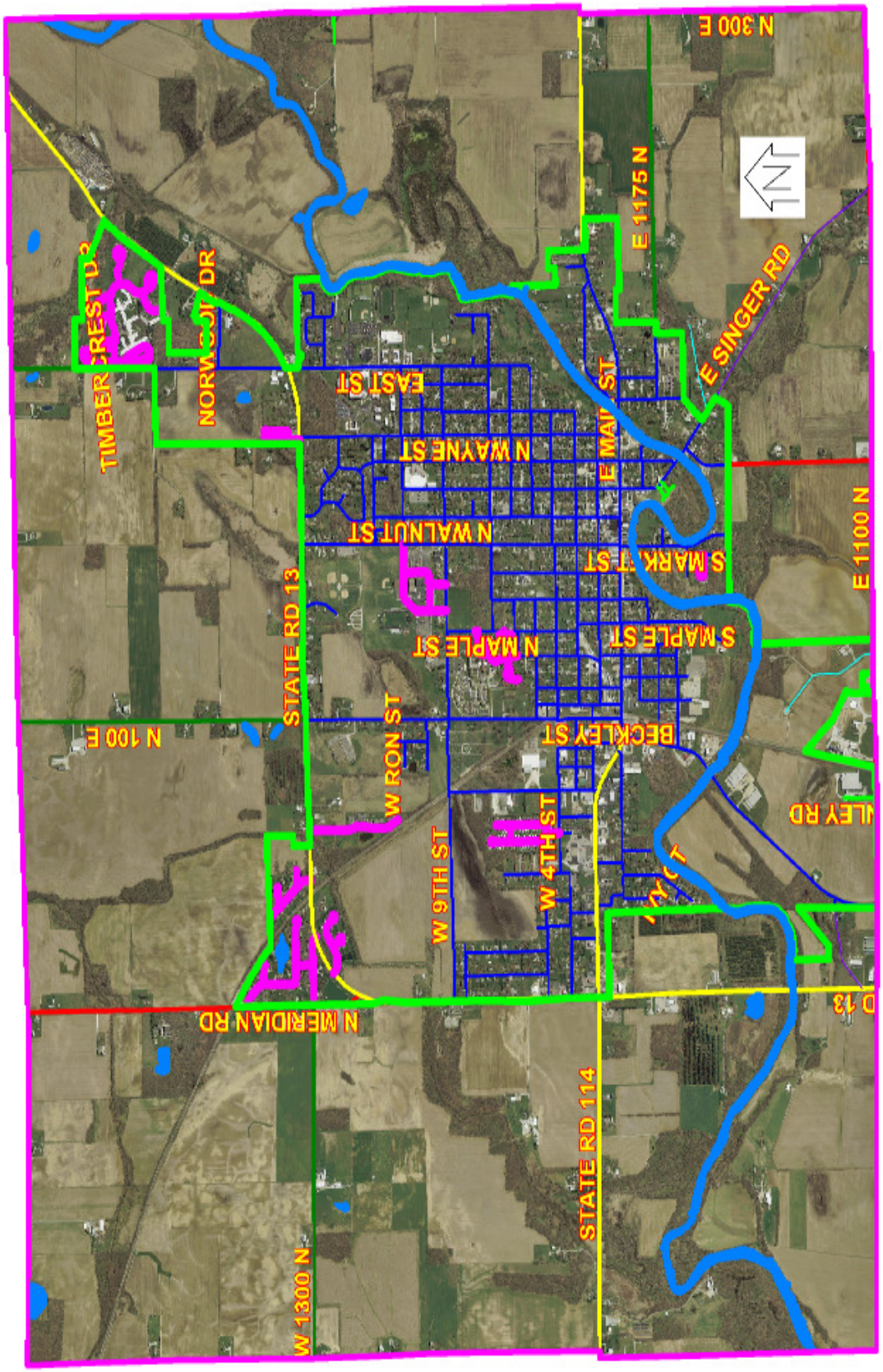

PLEASANT TOWNSHIP 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.8



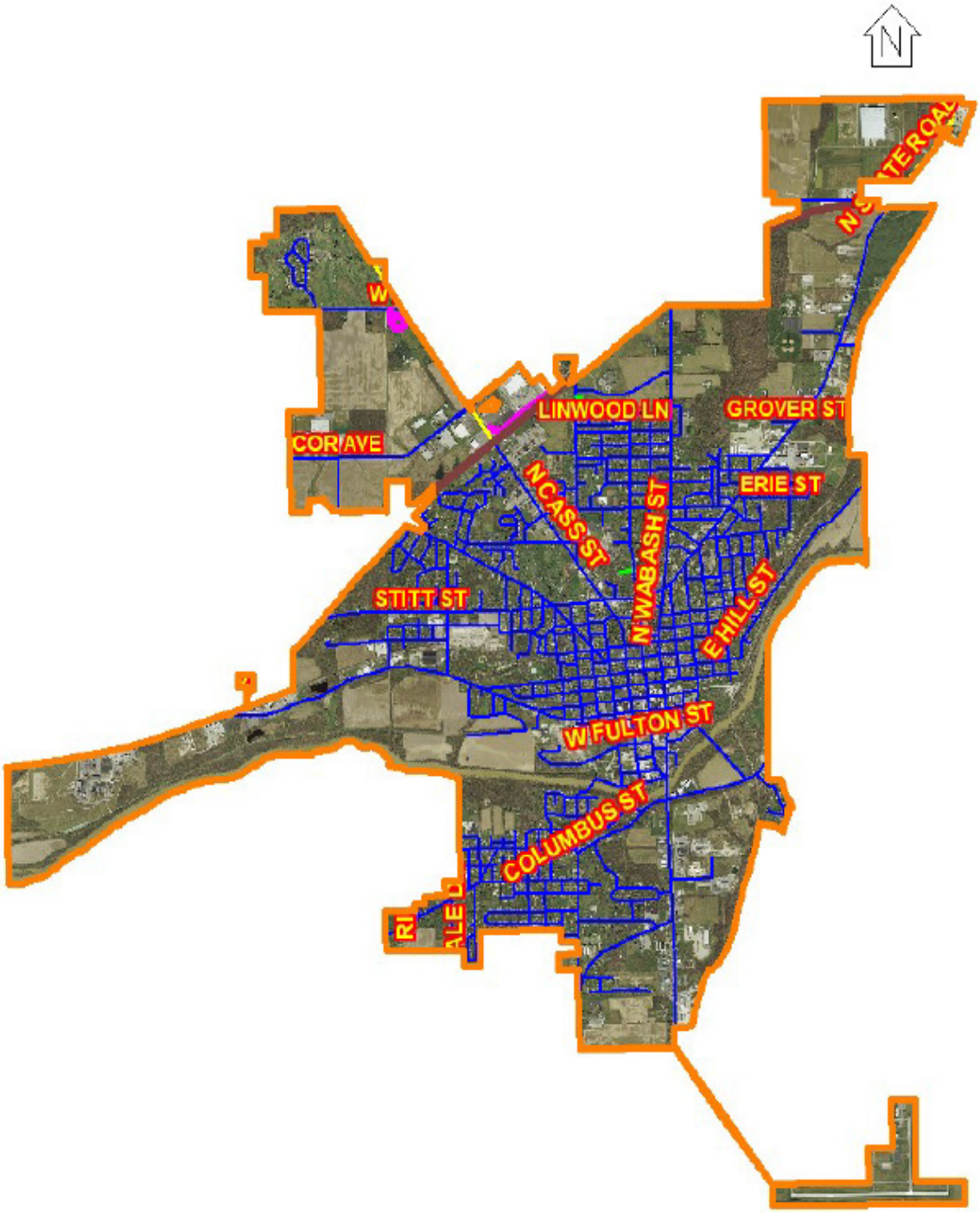

WALTZ TOWNSHIP 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.9



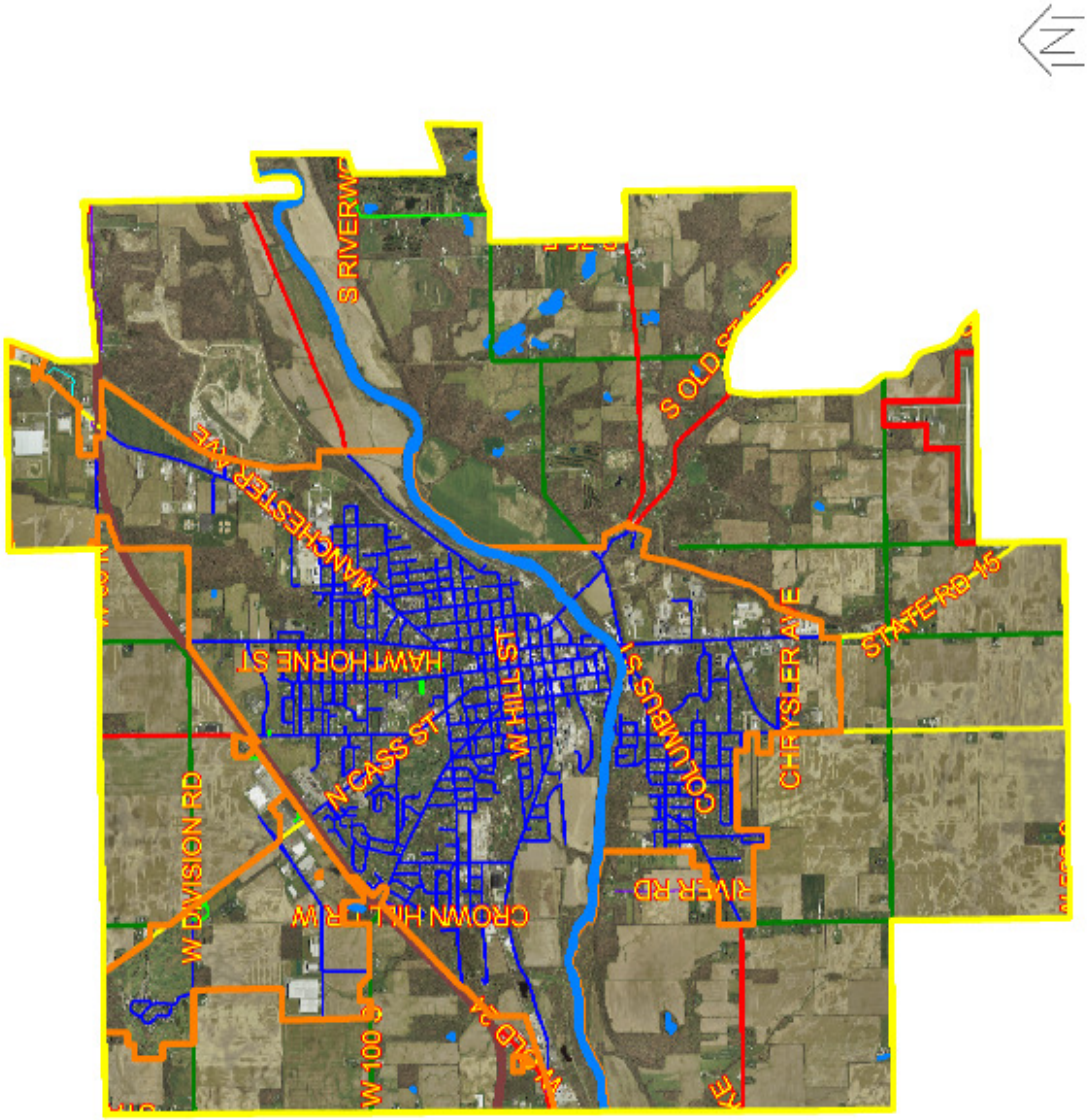

NORTH MANCHESTER CORP 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.10



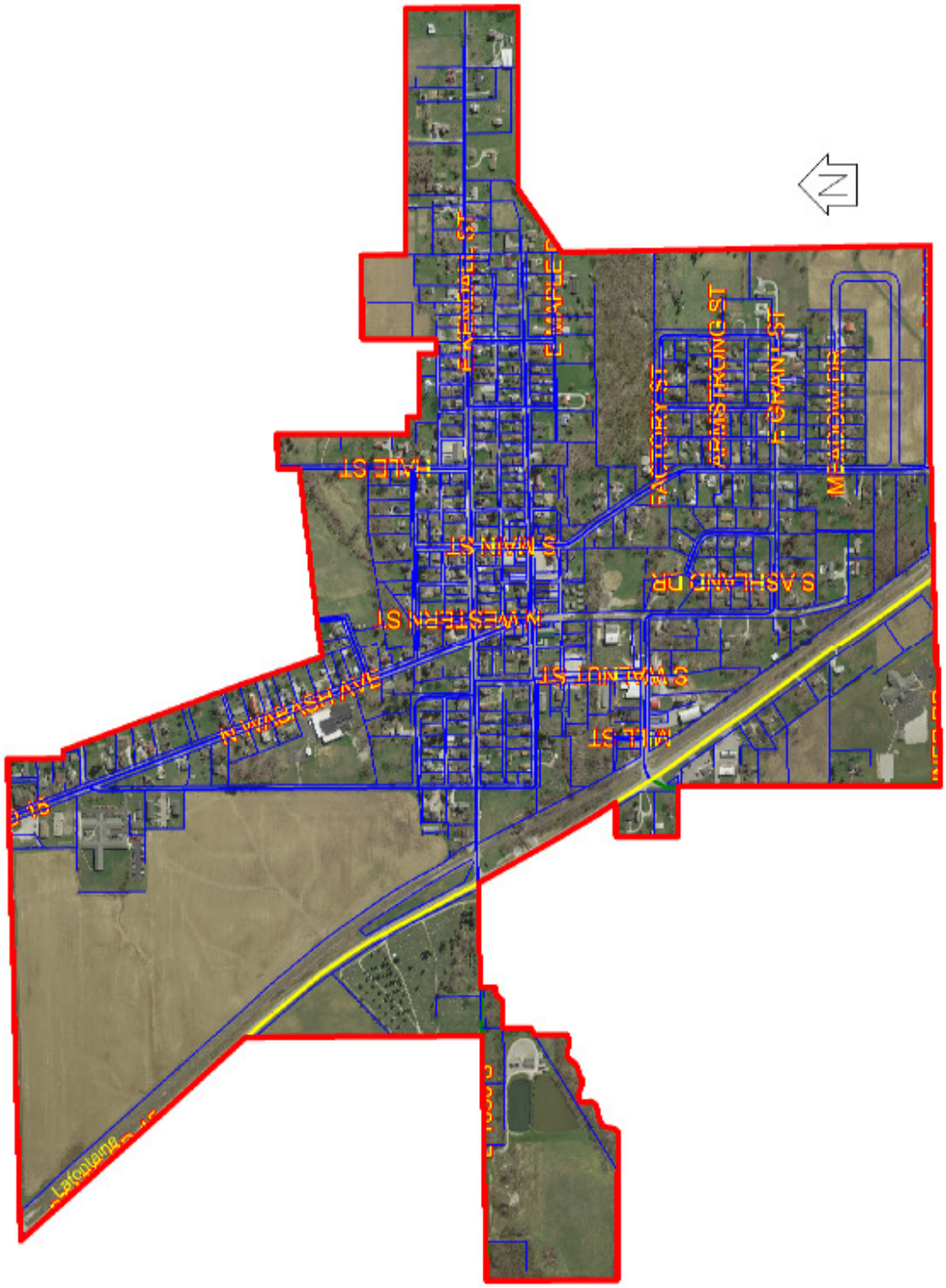

NORTH MANCHESTER PERMITTING AREA 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.11



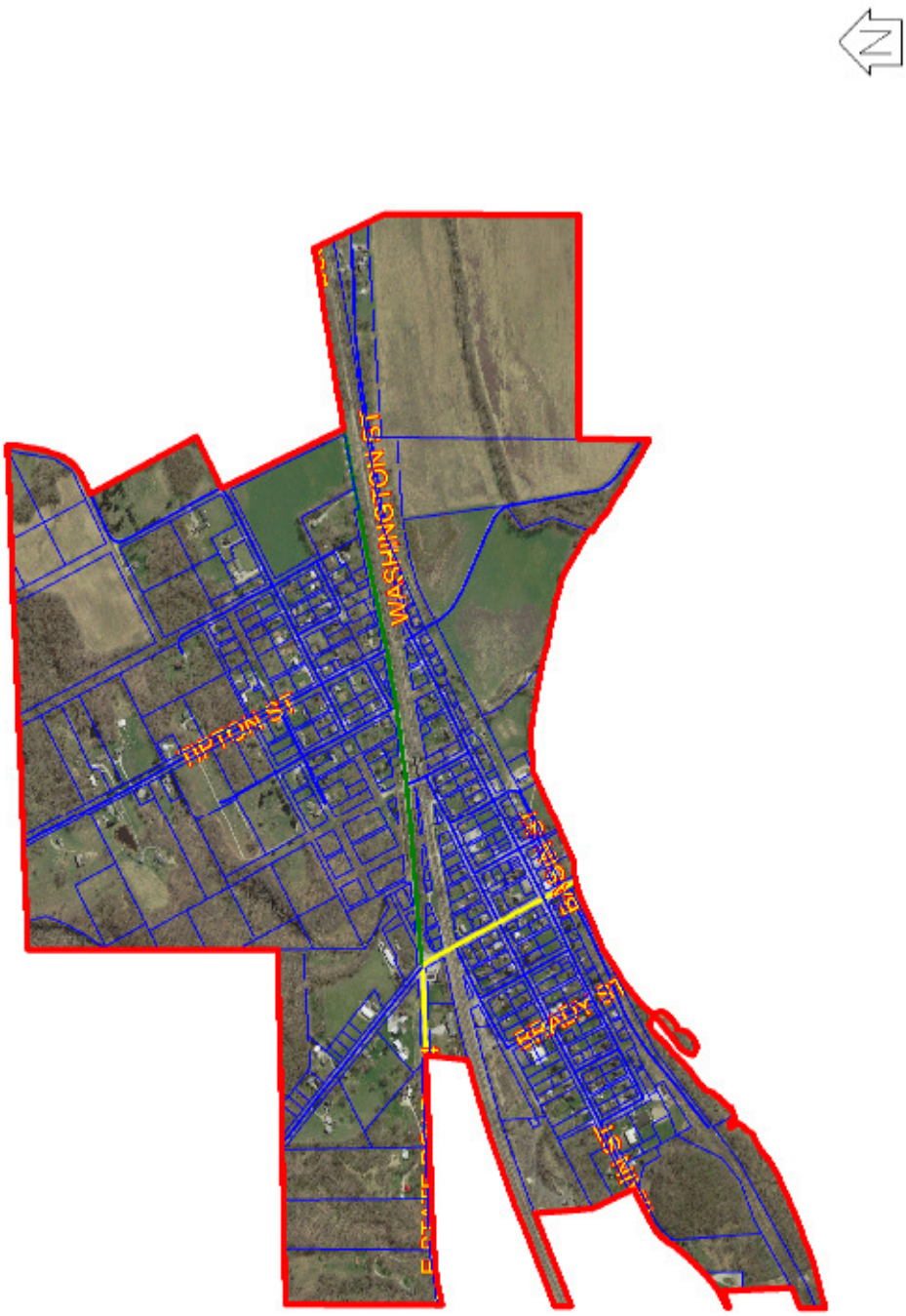

WABASH CORP 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.12



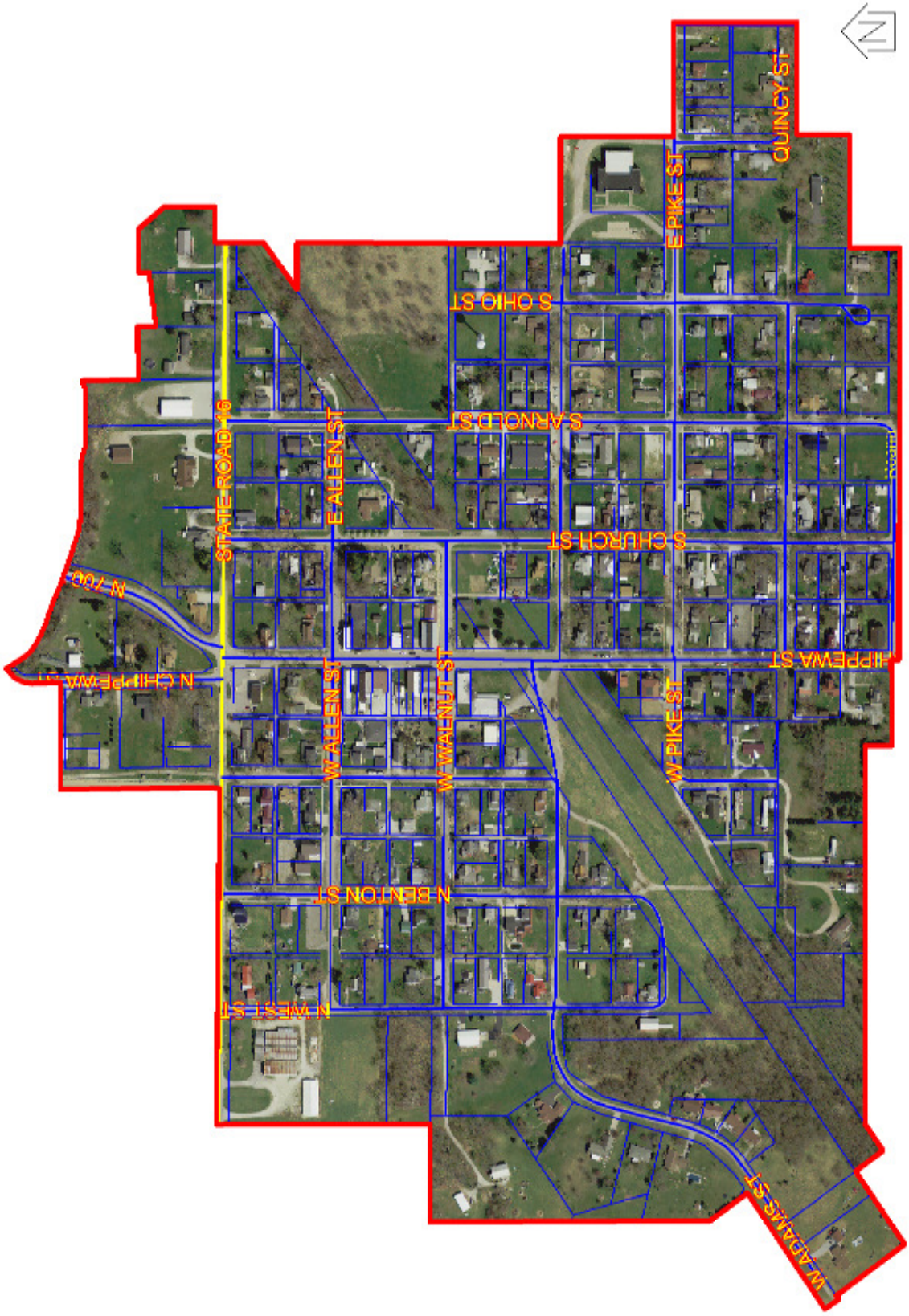

WABASH CITY PERMITTING AREA 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.13



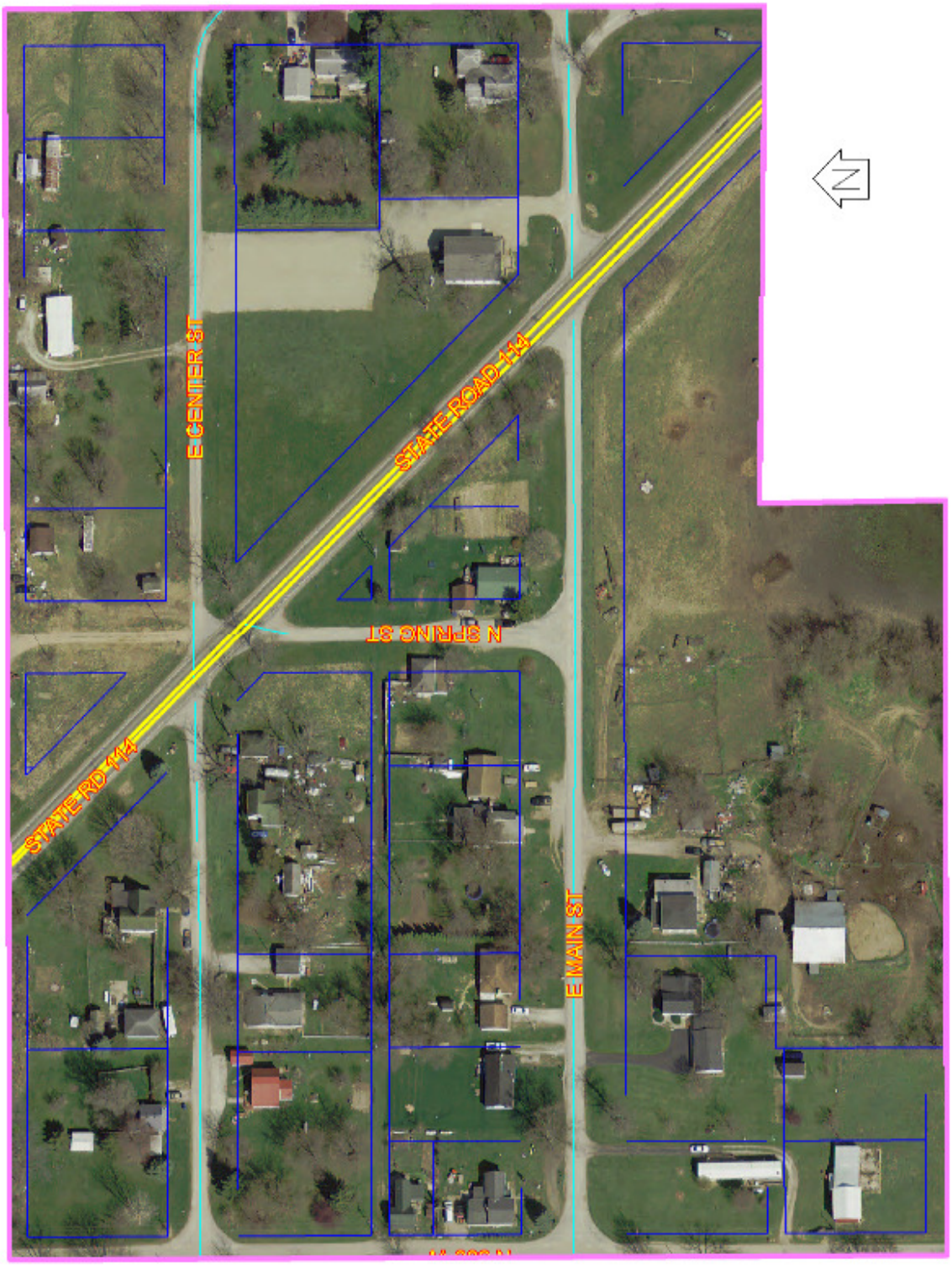

LAFONTAINE CORP. 2014 ORTHO ORDINANCE CHAPTER 13 SECTION 13.14



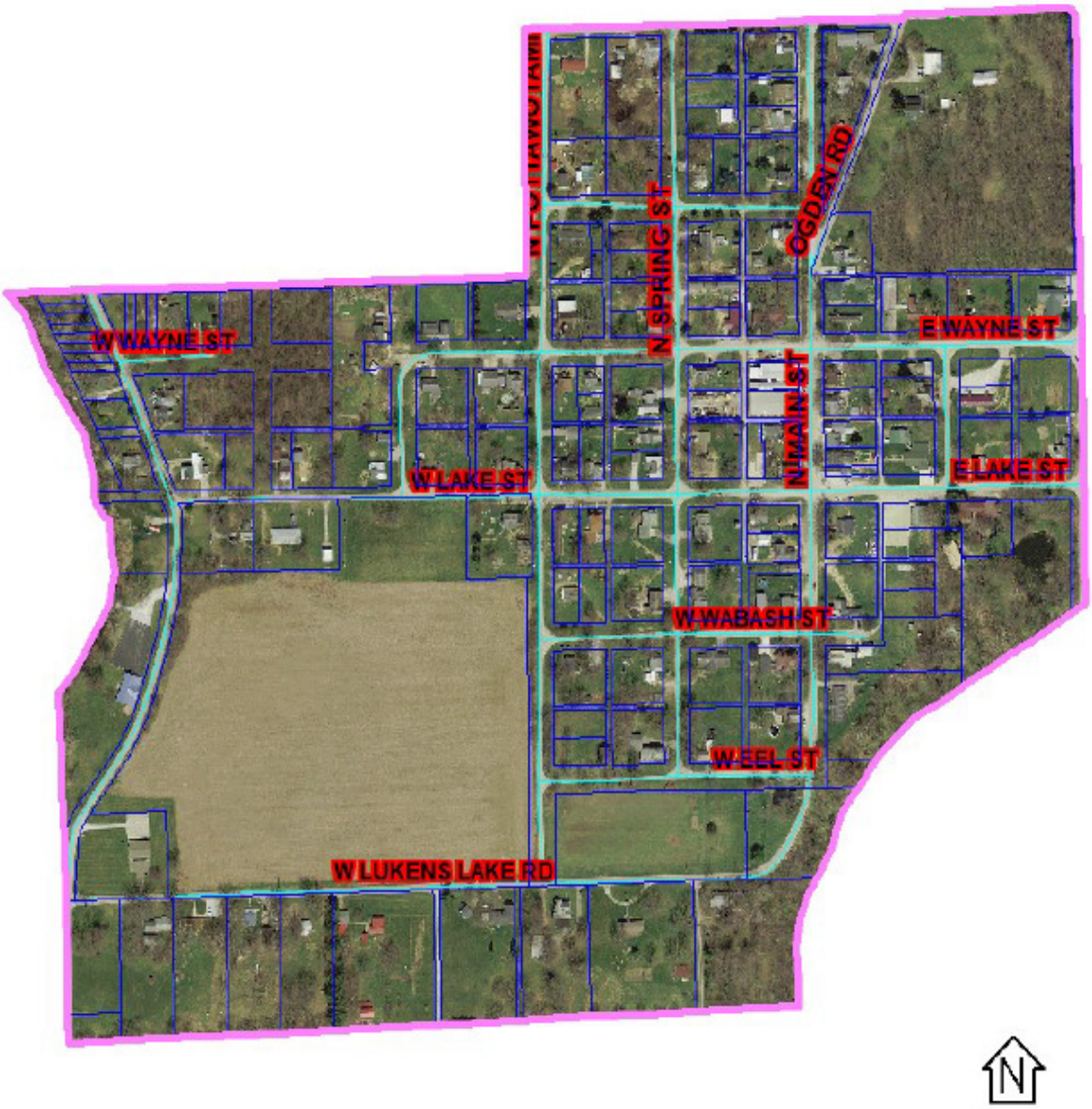

LAGRO CORP 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.15



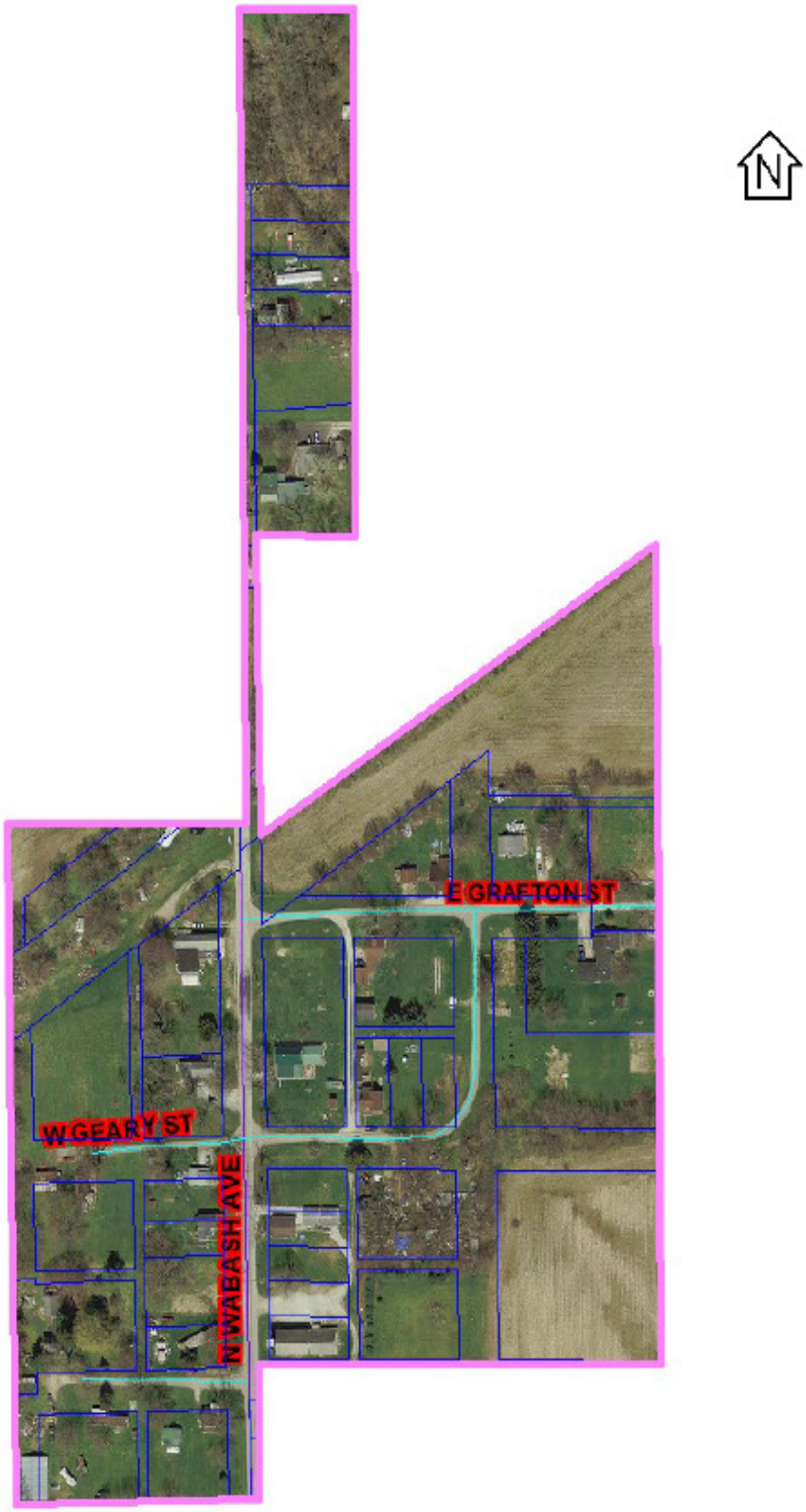

ROANN CORP 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.16




DISKO 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.17




LAKETON 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.18




IJAMSVILLE 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.18A

LIBERTY MILLS 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.19

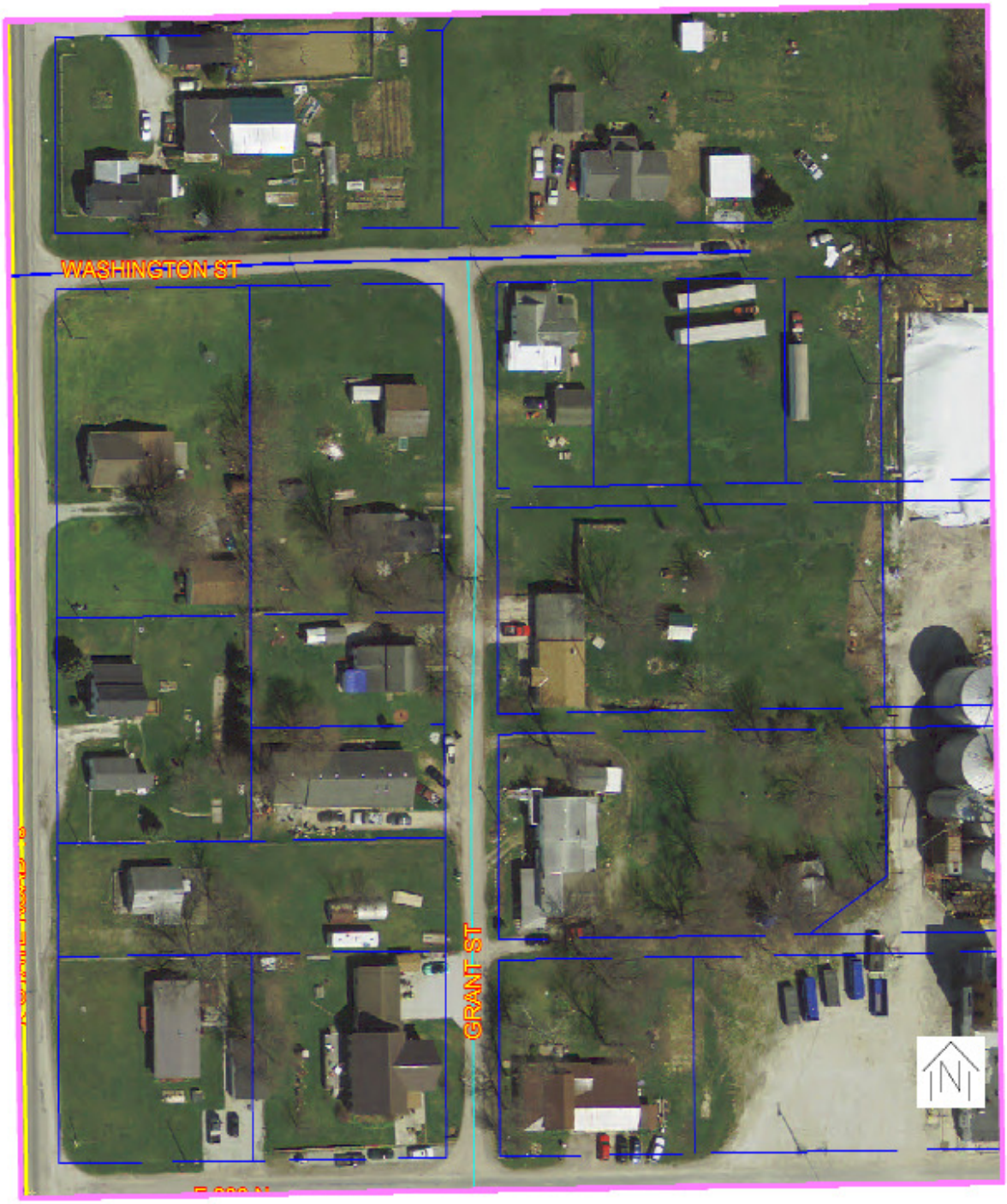
LINCOLNVILLE 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.20

RICHVALLEY 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.21

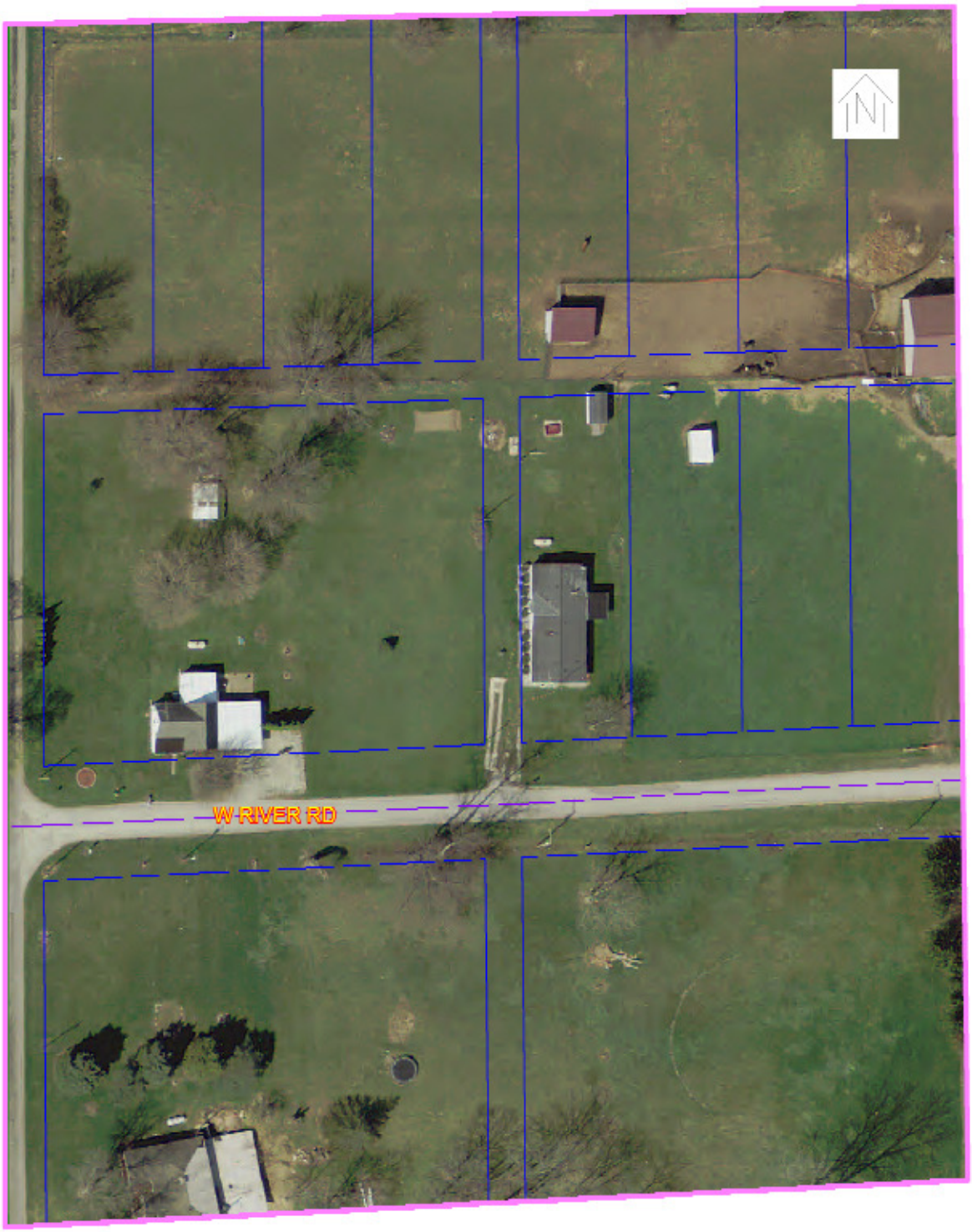
SERVIA 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.22

SOMERSET 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.23

MOUNT VERNON 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.23 A




SPEICHERVILLE 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.24




STOCKDALE 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.25

URBANA 2016 ORTHO ORDINANCE CHAPTER 13 SECTION 13.26

ZONING MAP LEGEND

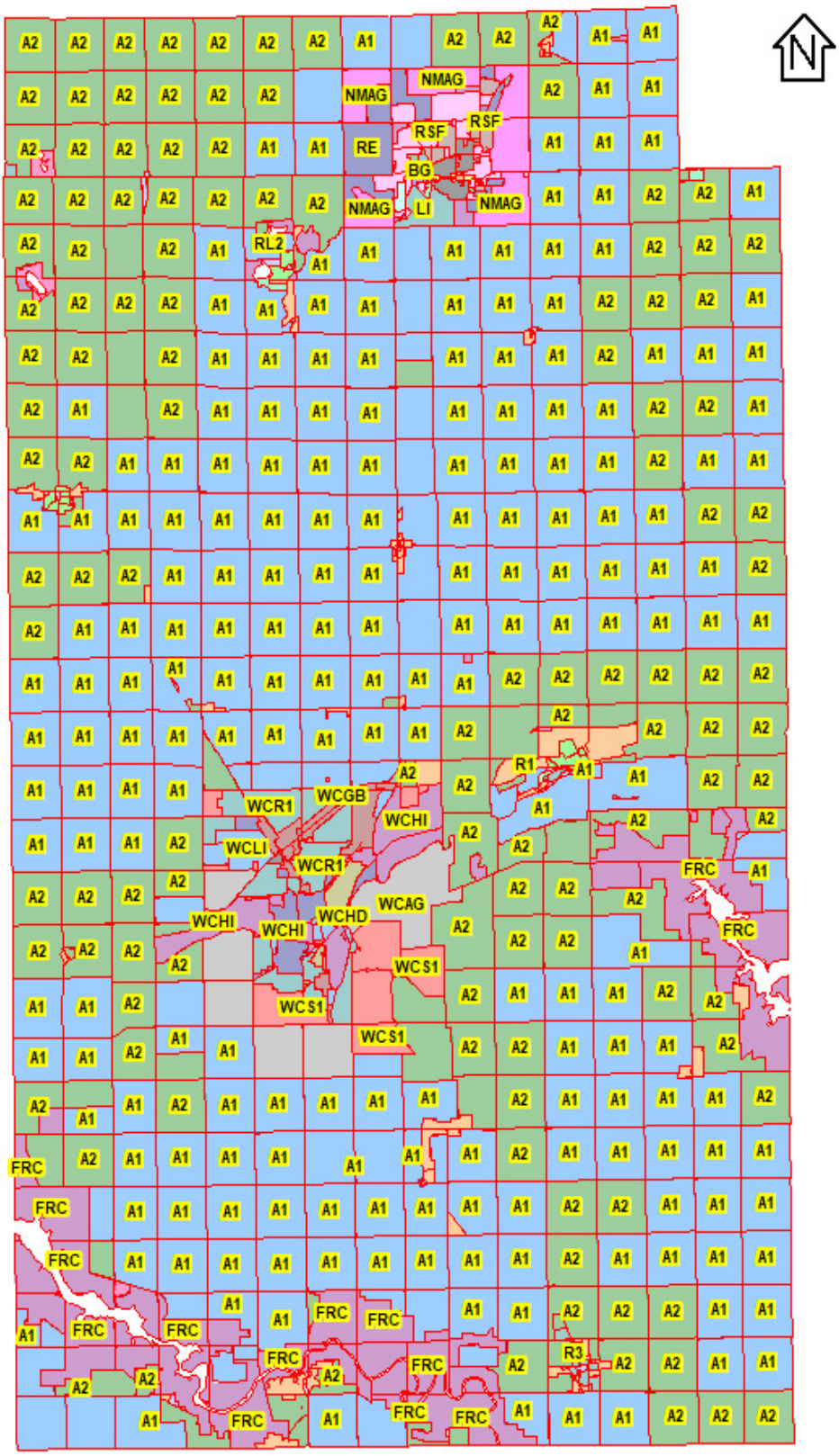
13.27 Zoning Map County Wide
13.28 Zoning Map Chester Township
13.29 Zoning Map Lagro Township
13.30 Zoning Map Liberty Township
13.31 Zoning Map Noble Township
13.32 Zoning Map Paw Paw Township
13.33Zoning Map Pleasant Township
13.34 Zoning Map Waltz Township
13.35 Zoning Map North Manchester Corp.
13.36 Zoning Map Wabash Corp.
13.37 Zoning Map Disko
13.38 Zoning Map Lafontaine Corp.
13.39 Zoning Map Lagro Corp.
13.40 Zoning Map Laketon Town
13.40A Zoning Map Ijamsville
13.41 Zoning Map Liberty Mills Town
13.42 Zoning Map Lincolnville Town
13.43 Zoning Map Mt Vernon Town
13.44 Zoning Map Richvalley Town
13.45 Zoning Map Roann Corp.
13.46 Zoning Map Servia Town
13.47 Zoning Map Somerset Town
13.48 Zoning Map Speicherville Town
13.49 Zoning Map Stockdale Town
13.50 Zoning Map Urbana Town

**NOTE:** Zoning Designations
Zoning designations that may be added or changed on the following Zoning Maps, which are not under the jurisdiction of the Wabash County, are displayed as a curtesy and may or may not be current.

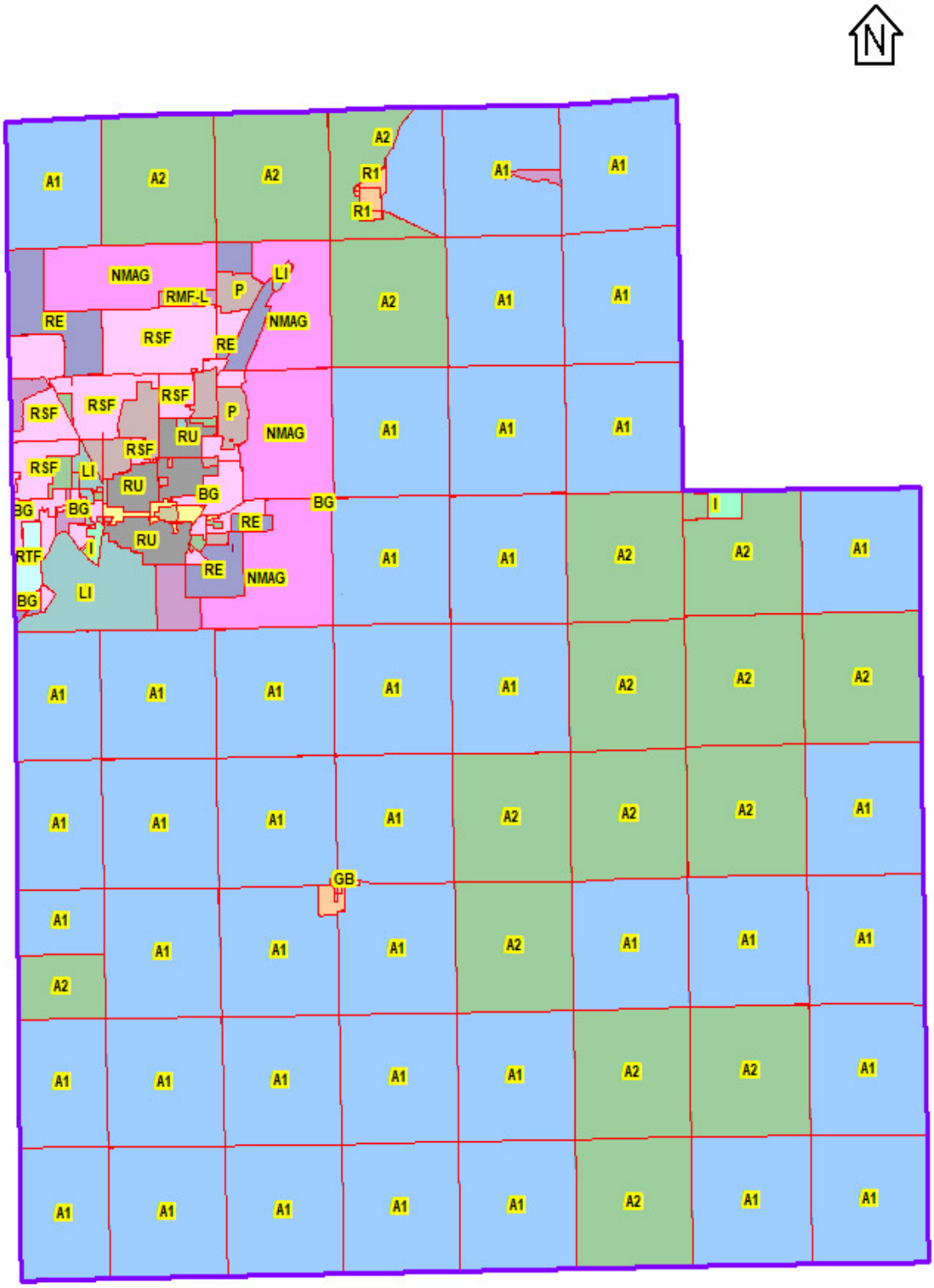
**ZONING MAP LEGEND SECTION 13.27 – 13.50**

## ZONE CLASSIFICATION MAP IDENTIFICATION

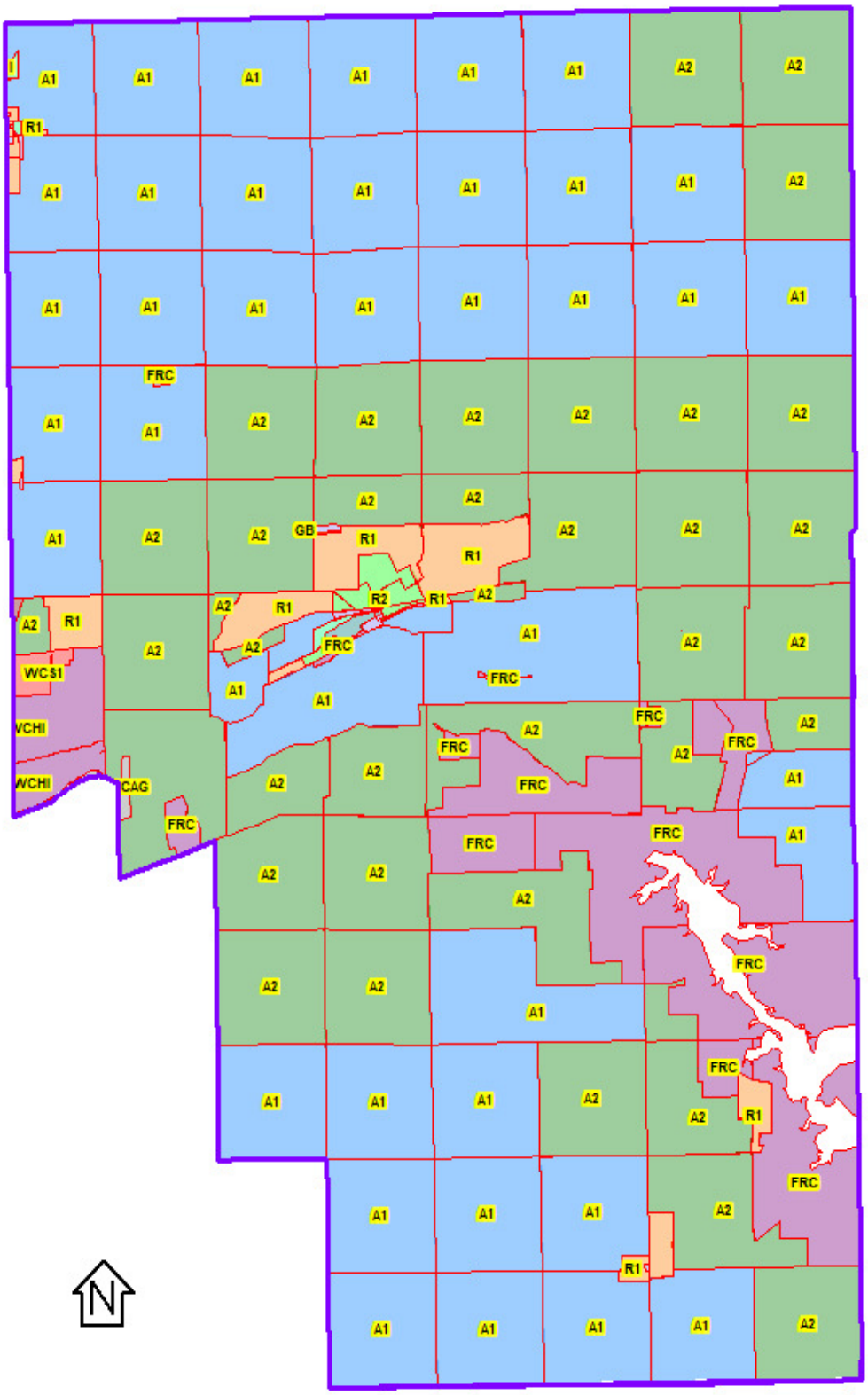
| | |
|---|---|
| A1 | RL2 |
| A2 | RMF-H |
| BG | RMF-L |
| BL | RSF |
| CBD | RTF |
| FRC | RU |
| GB | WCAG |
| I | WCGB |
| LI | WCHD |
| NMAG | WCHI |
| P | WCLI |
| R1 | WCR1 |
| R2 | WCR2 |
| R3 | WCR3 |
| RE | WCR4 |
| RL1 | WCS1 |



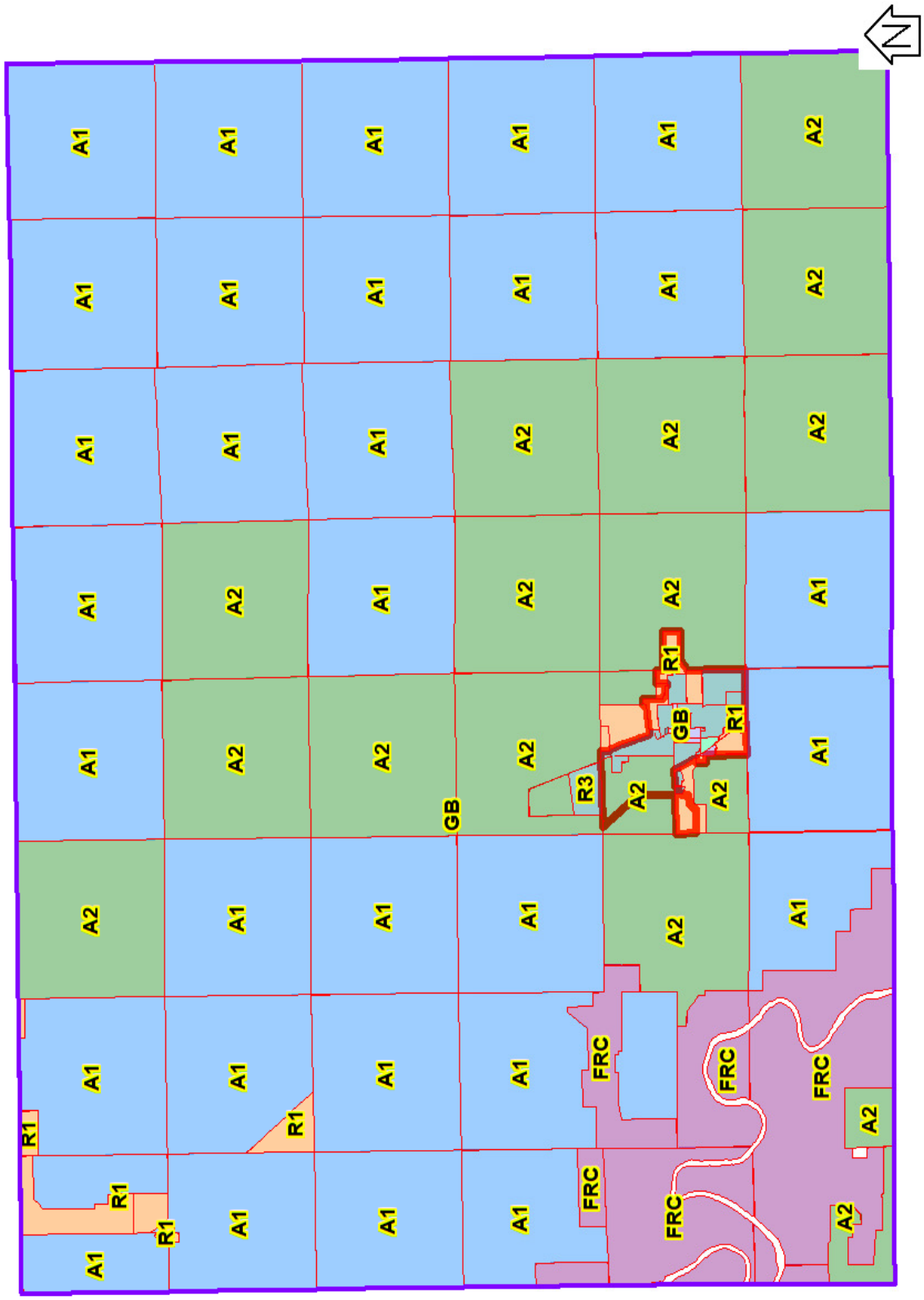

WABASH COUNTY ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.27



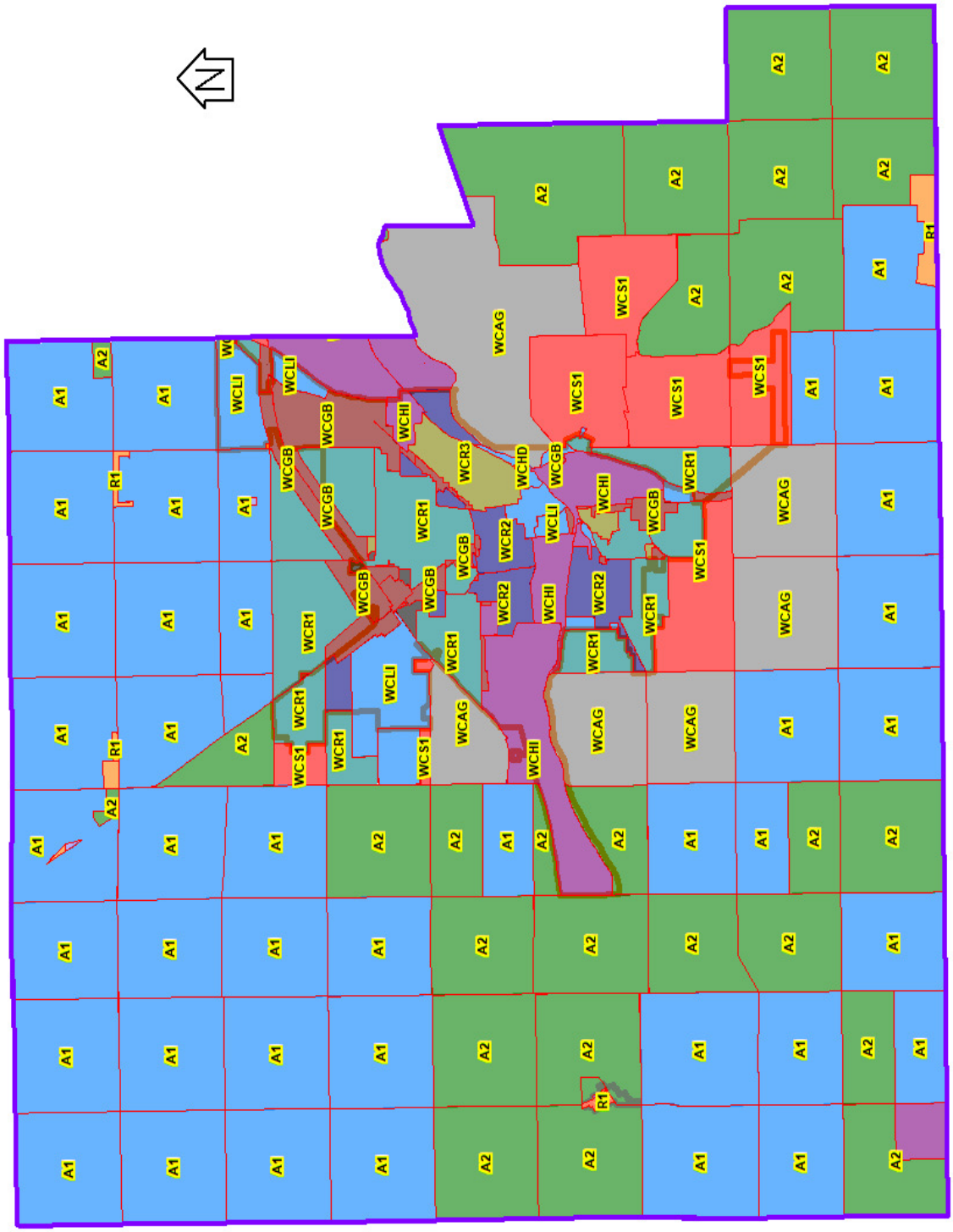

CHESTER TOWNSHIP ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.28



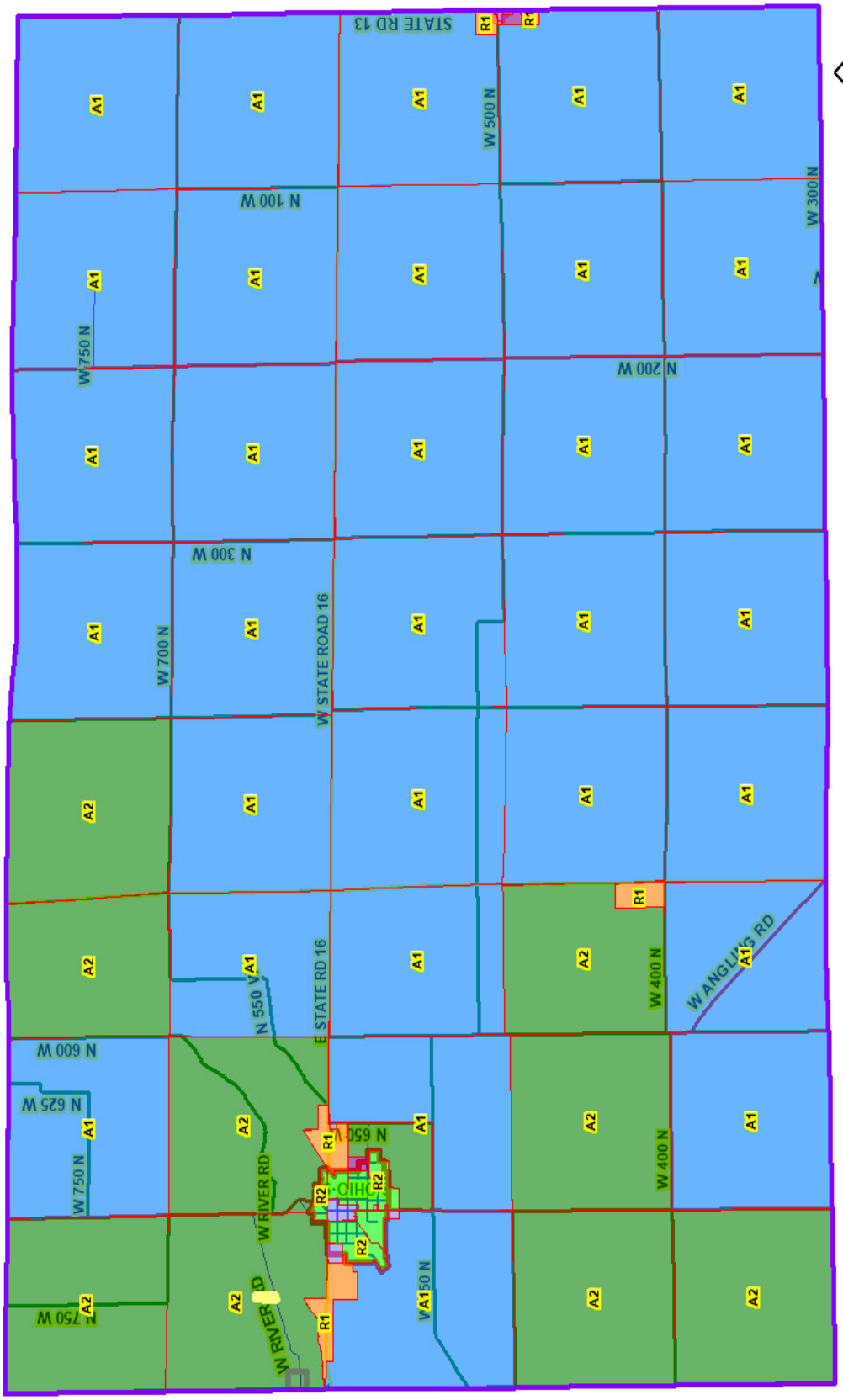

LAGRO TOWNSHIP ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.29



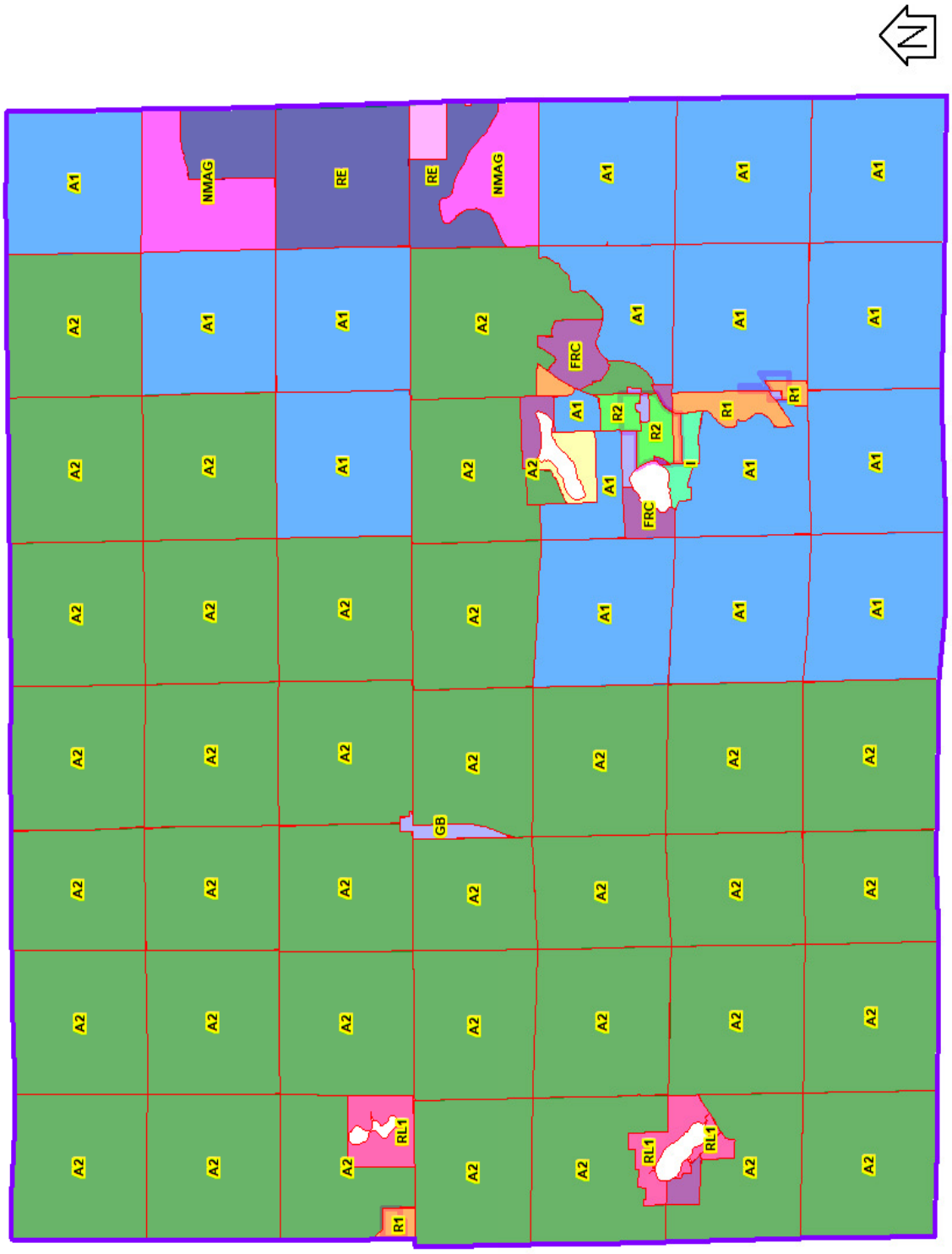

LIBERTY TOWNSHIP ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.30




NOBLE TOWNSHIP ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.31




PAW PAW TOWNSHIP ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.32


N
A1
NMAG
RE
RE
NMAG
A1
A1
A1
A2
A1
A1
A2
FRC
A1
A1
A1
A2
A2
A1
A2
A1
R2
R2
R1
R1
A1
A1
A2
A1
FRC
I
A2
A2
A2
A2
A1
A1
A1
A2
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A2
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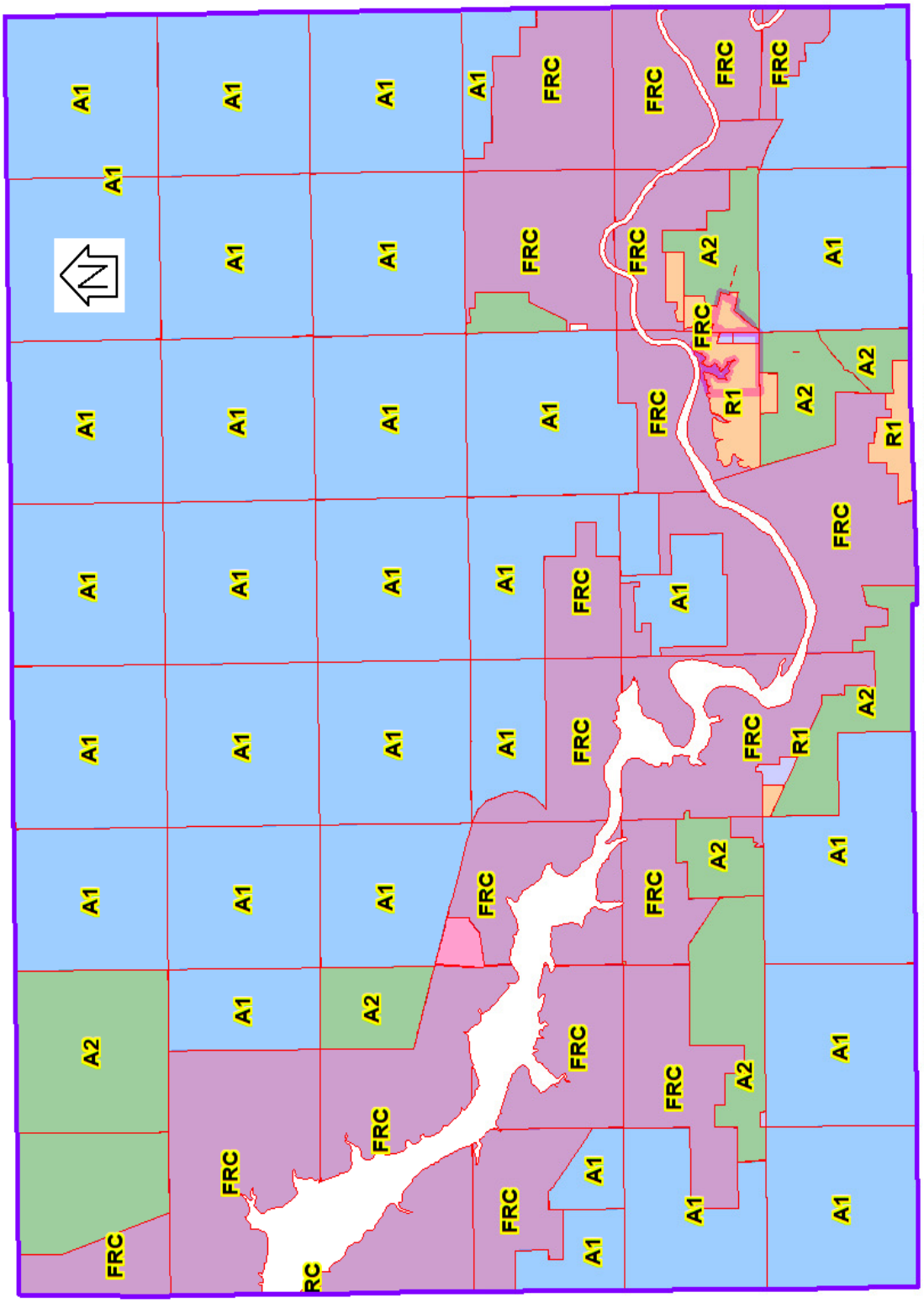
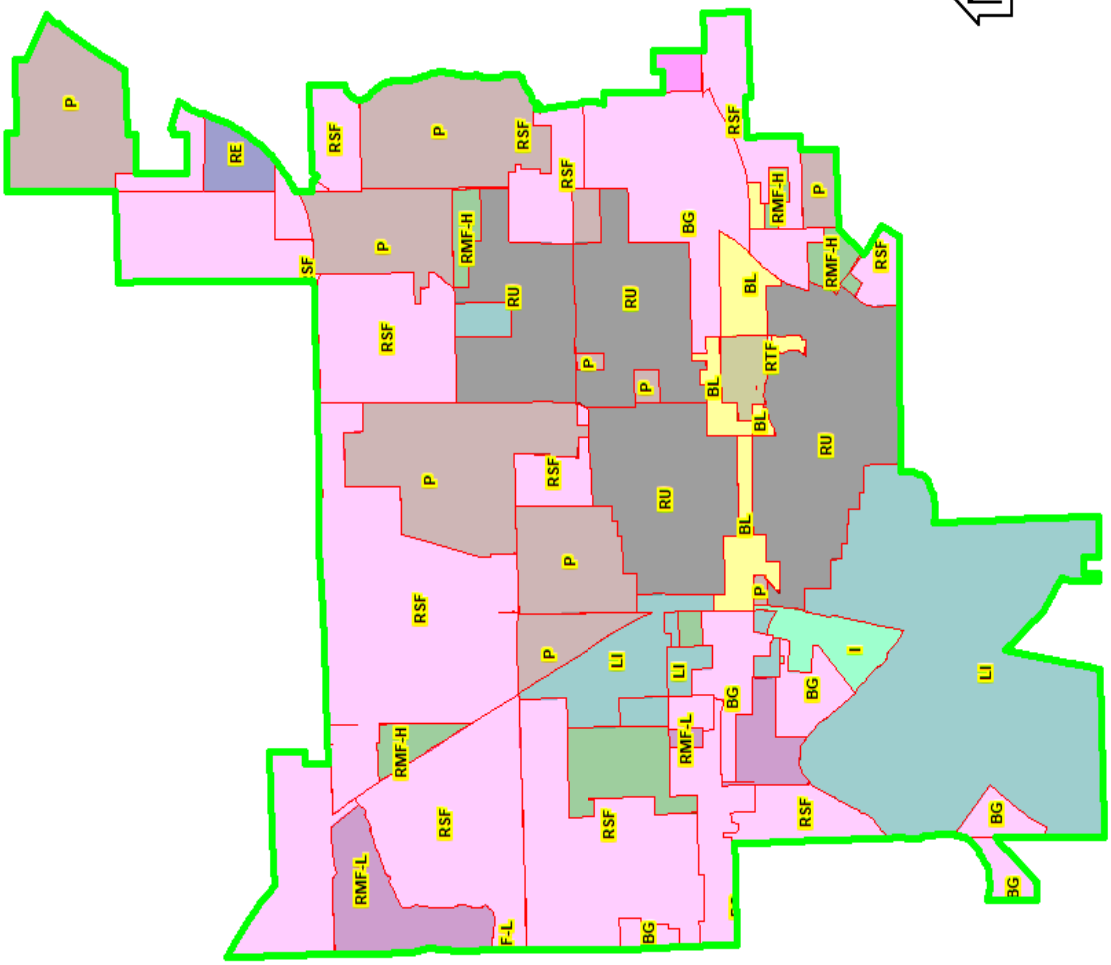
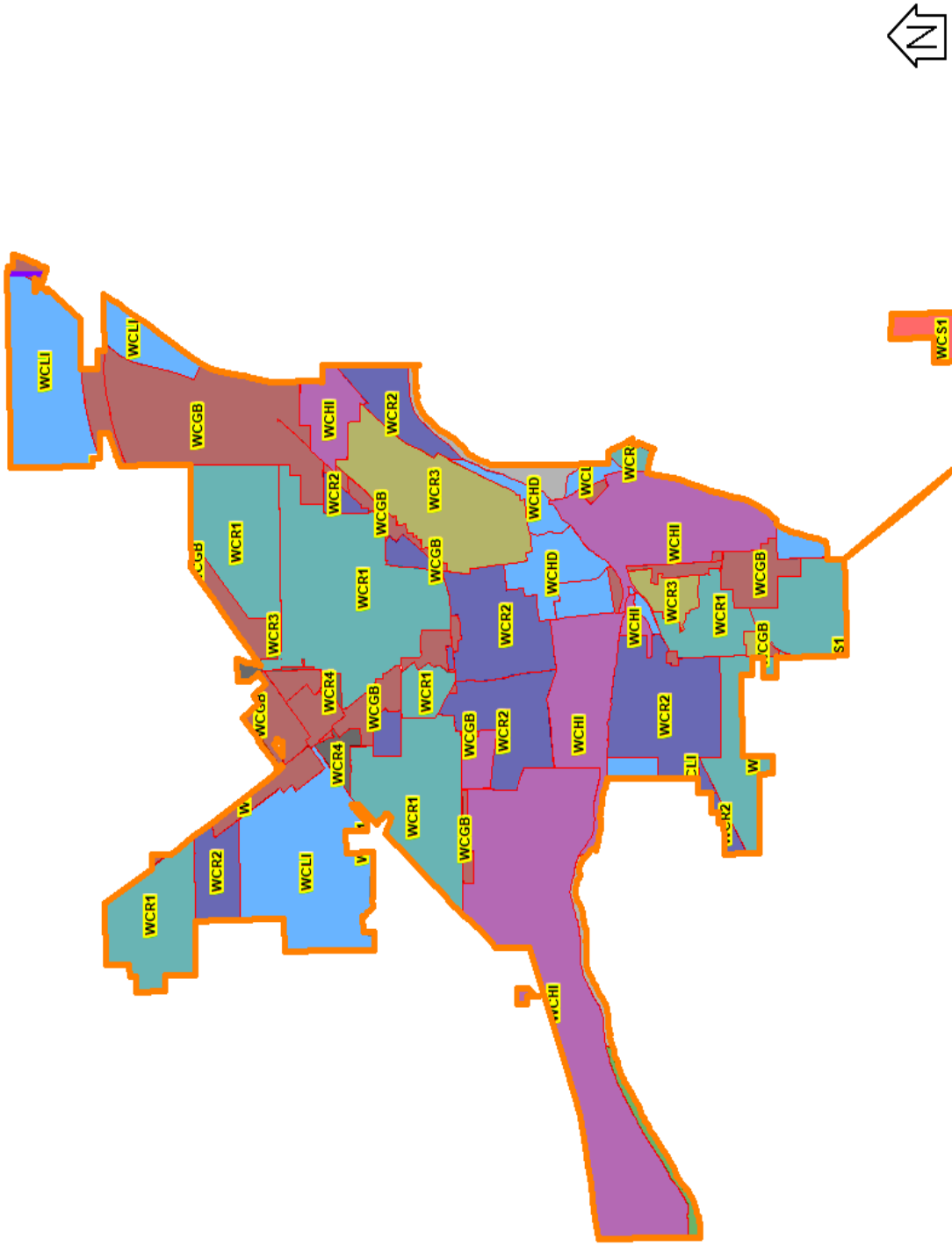
A2
A2



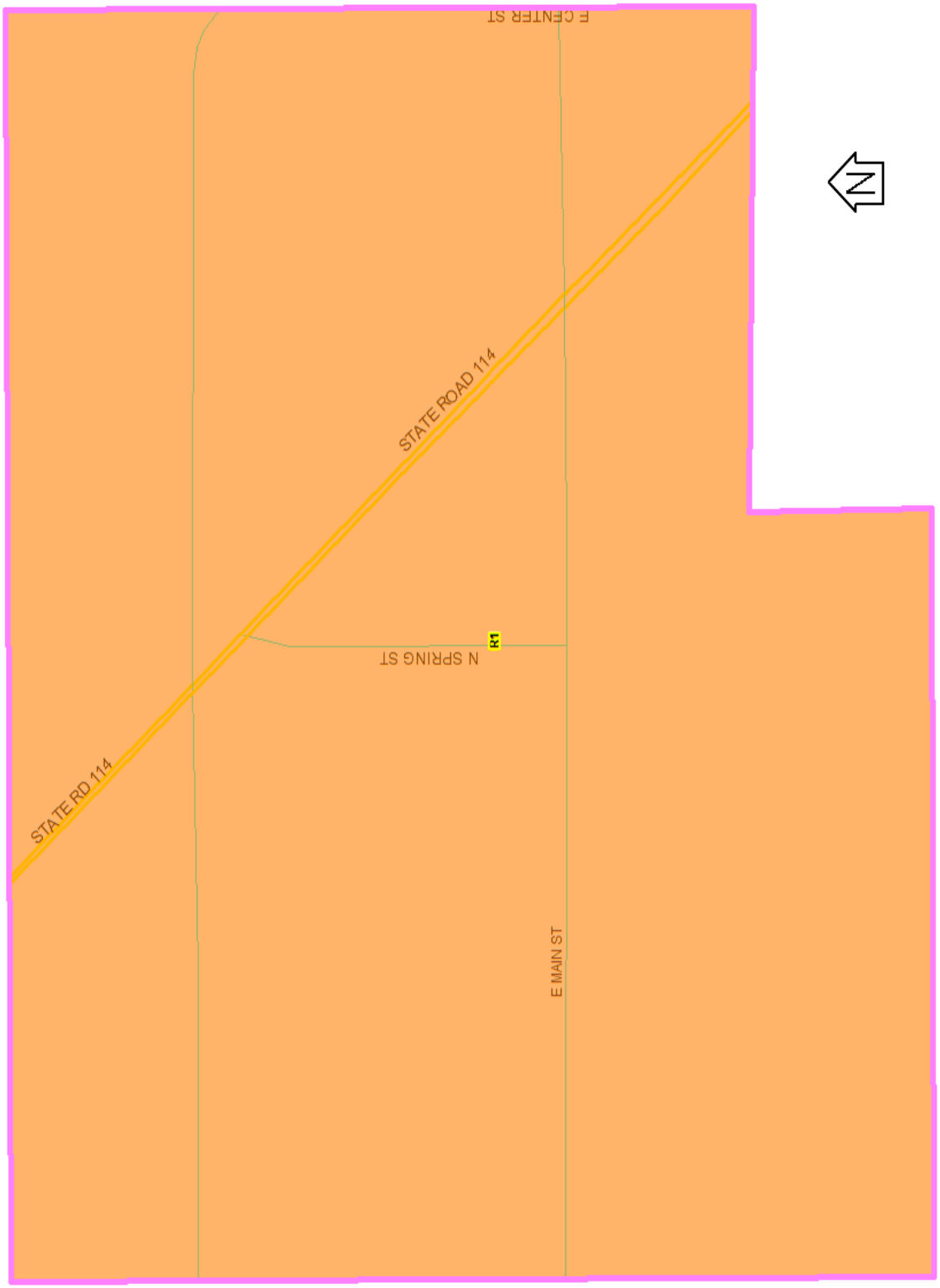

WALTZ TOWNSHIP ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.34



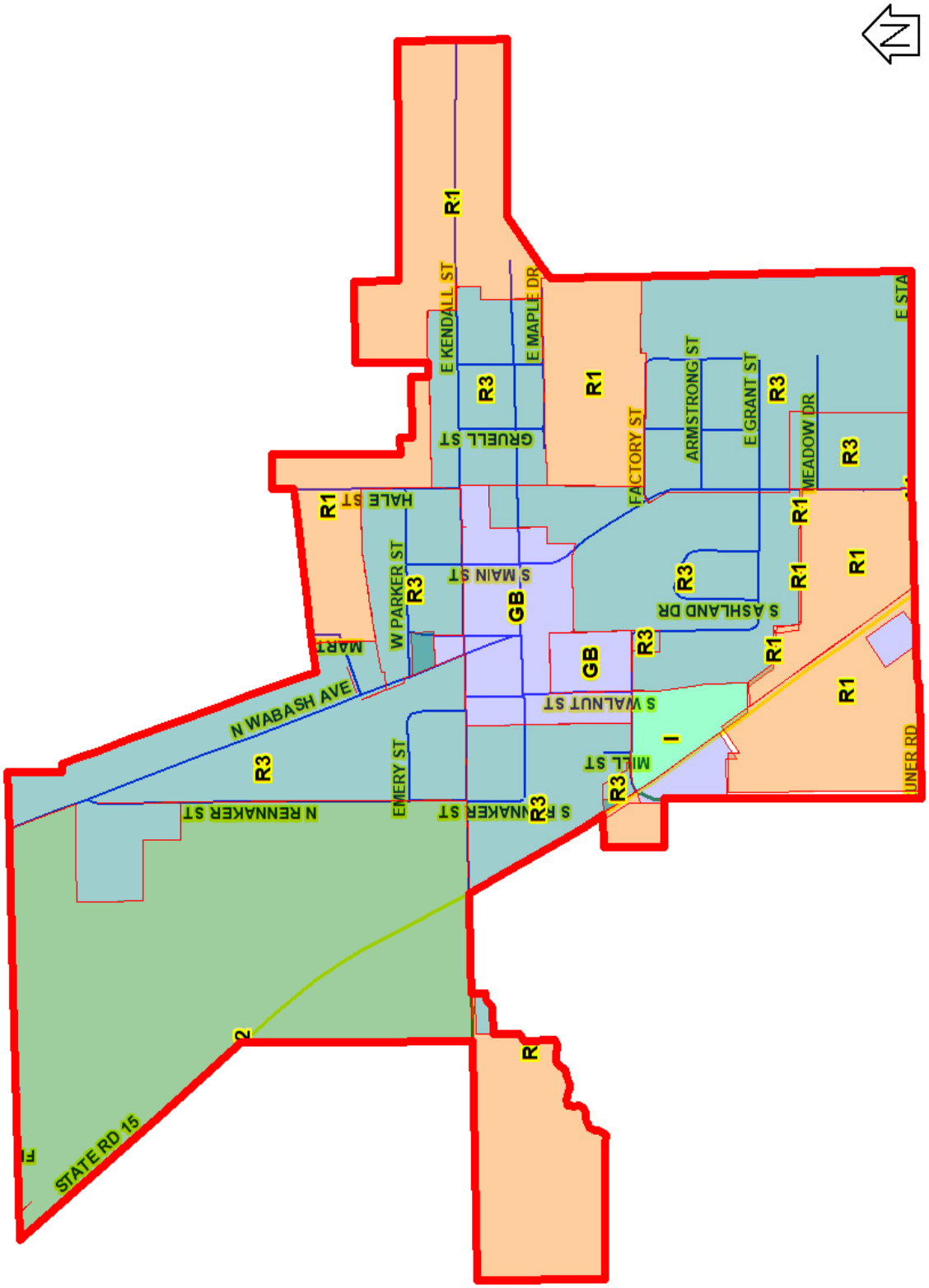

NORTH MANCHESTER CITY ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.35



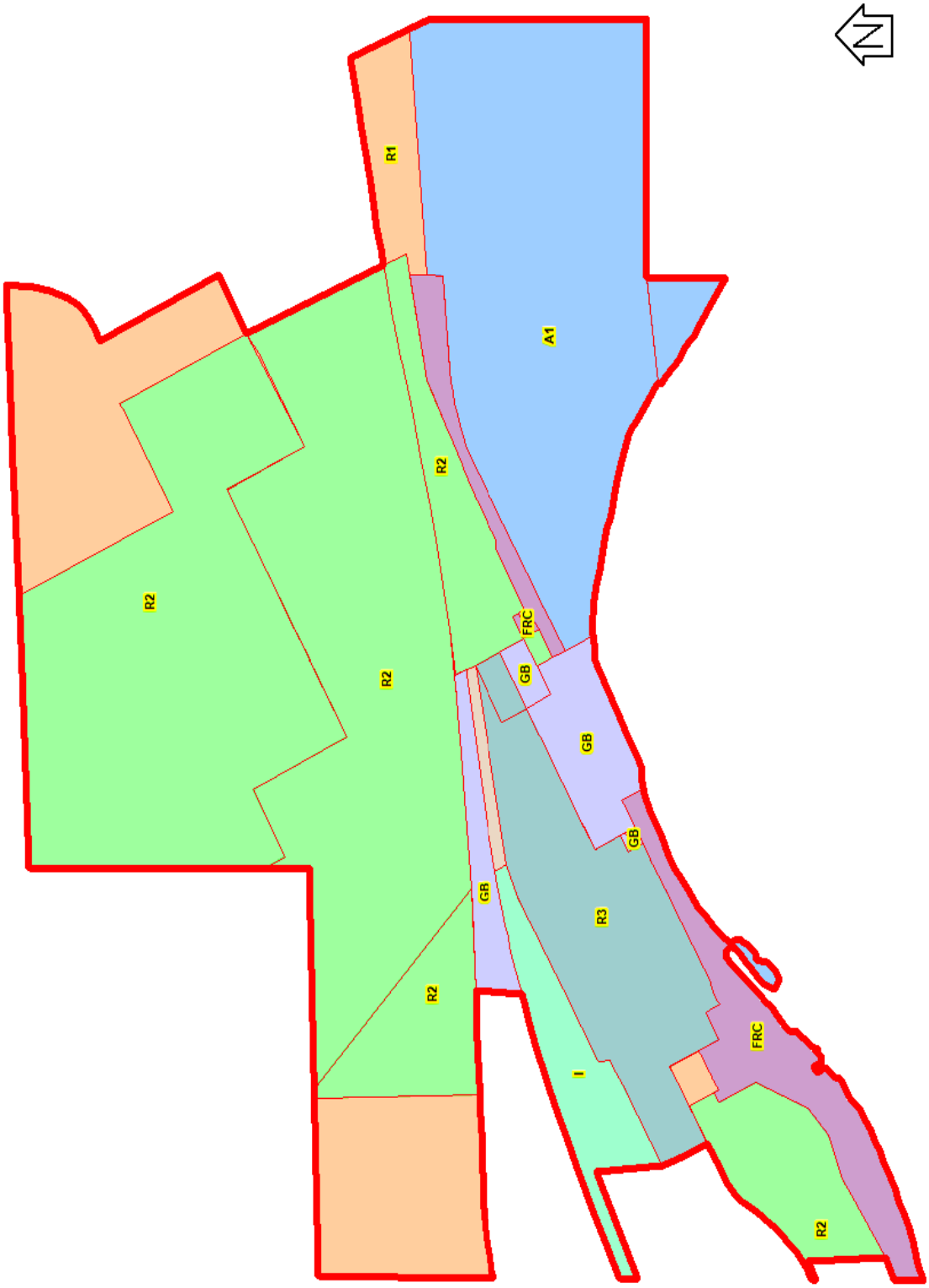

WABASH CITY ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.36



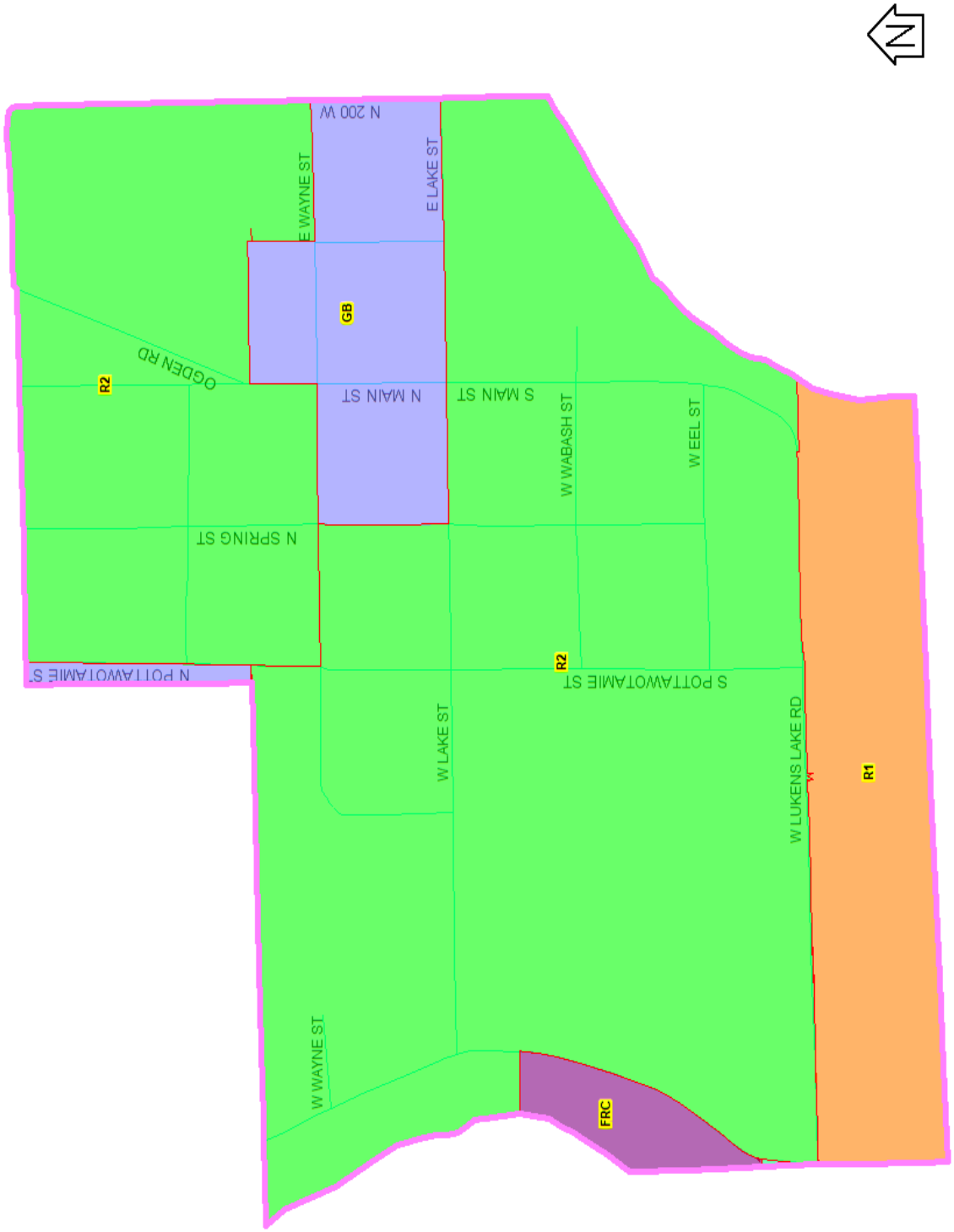

DISKO TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.37



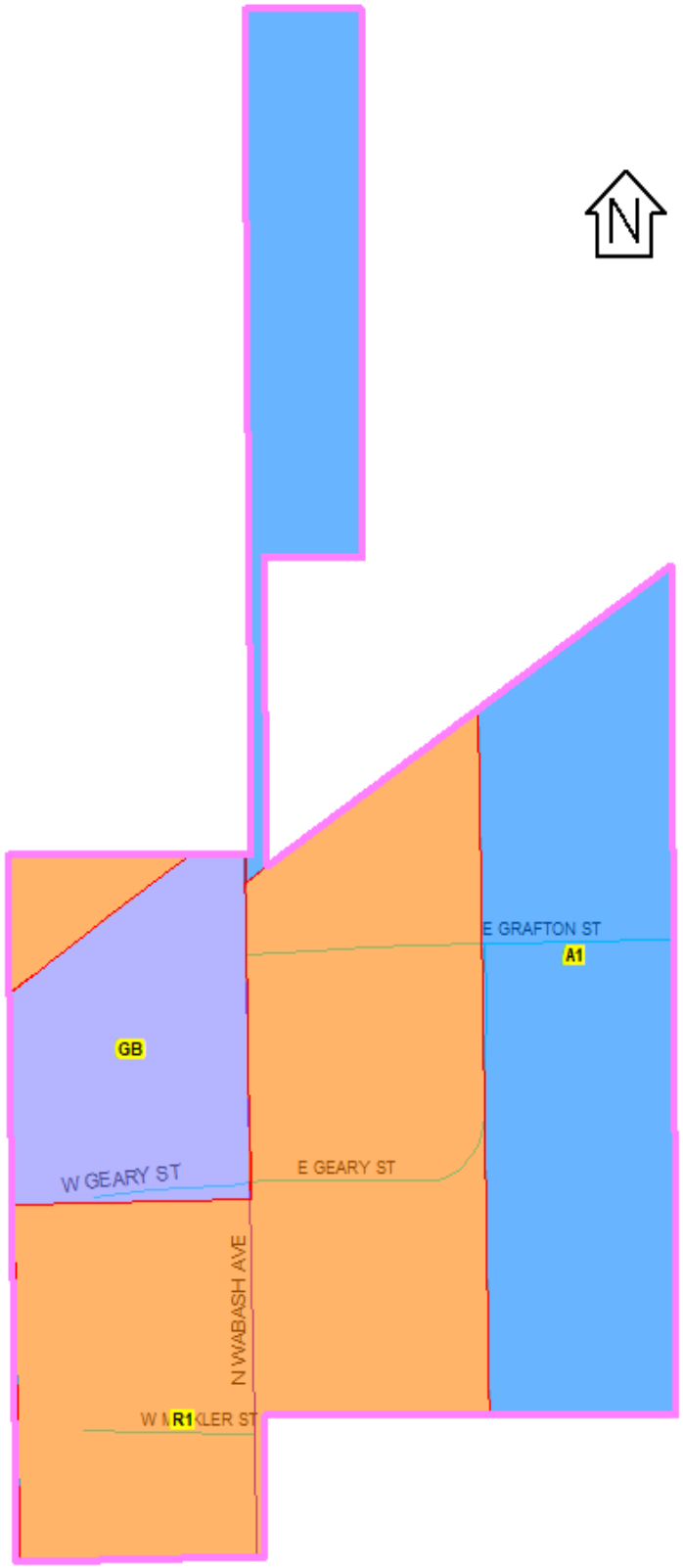

LAFONTAINE TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.38



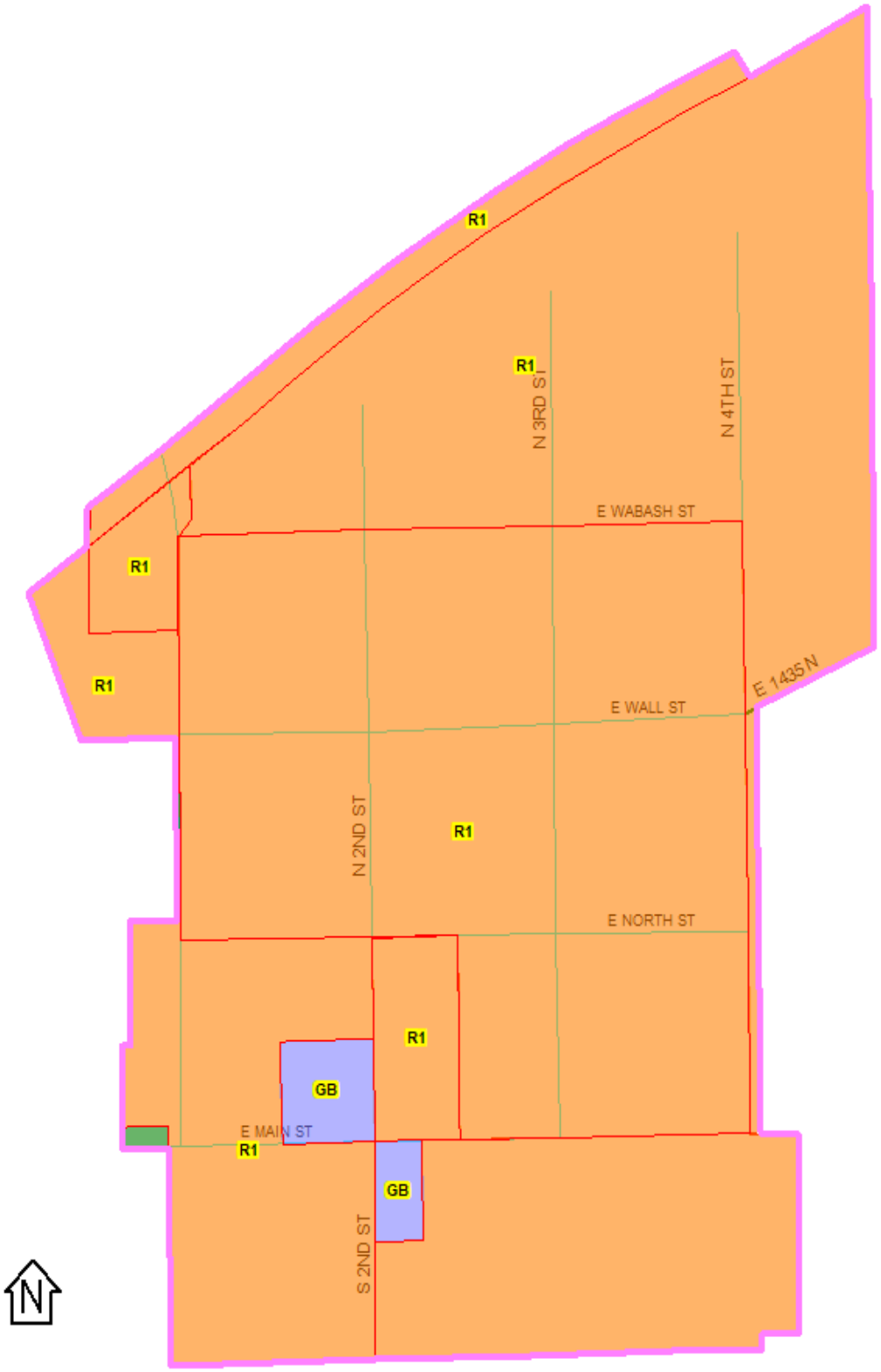

LAGRO TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.39



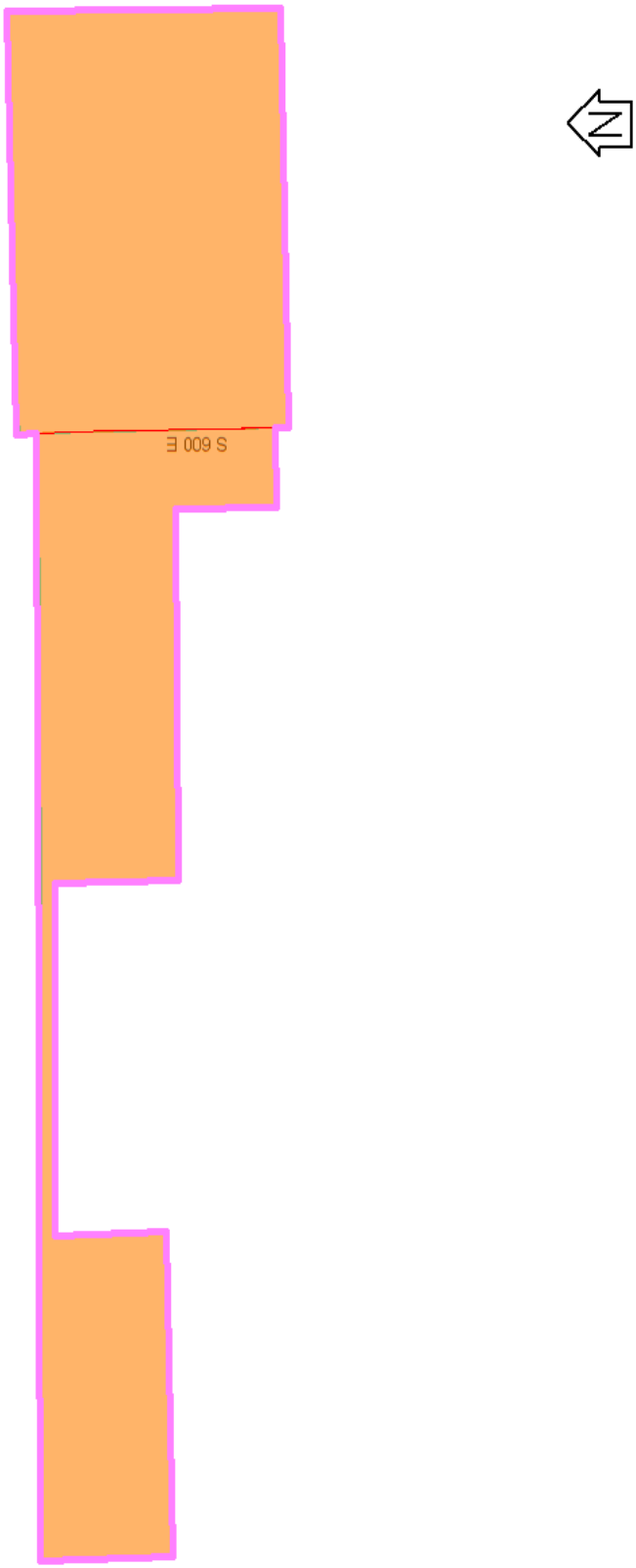

LAKETON TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.40



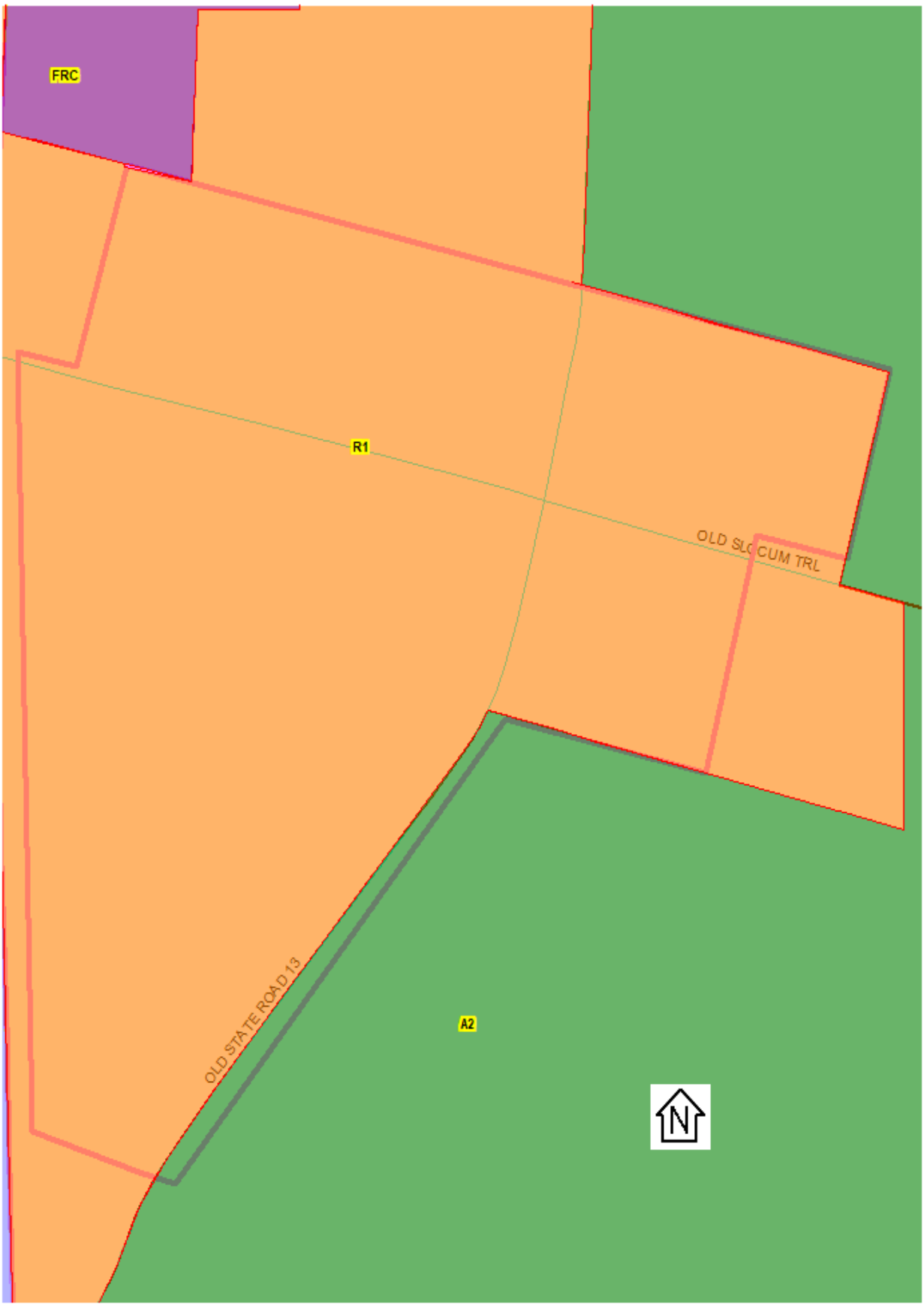

IJAMSVILLE ZONING MAP ORDINANCE CHAPTER 13 SECTION 13..40 A



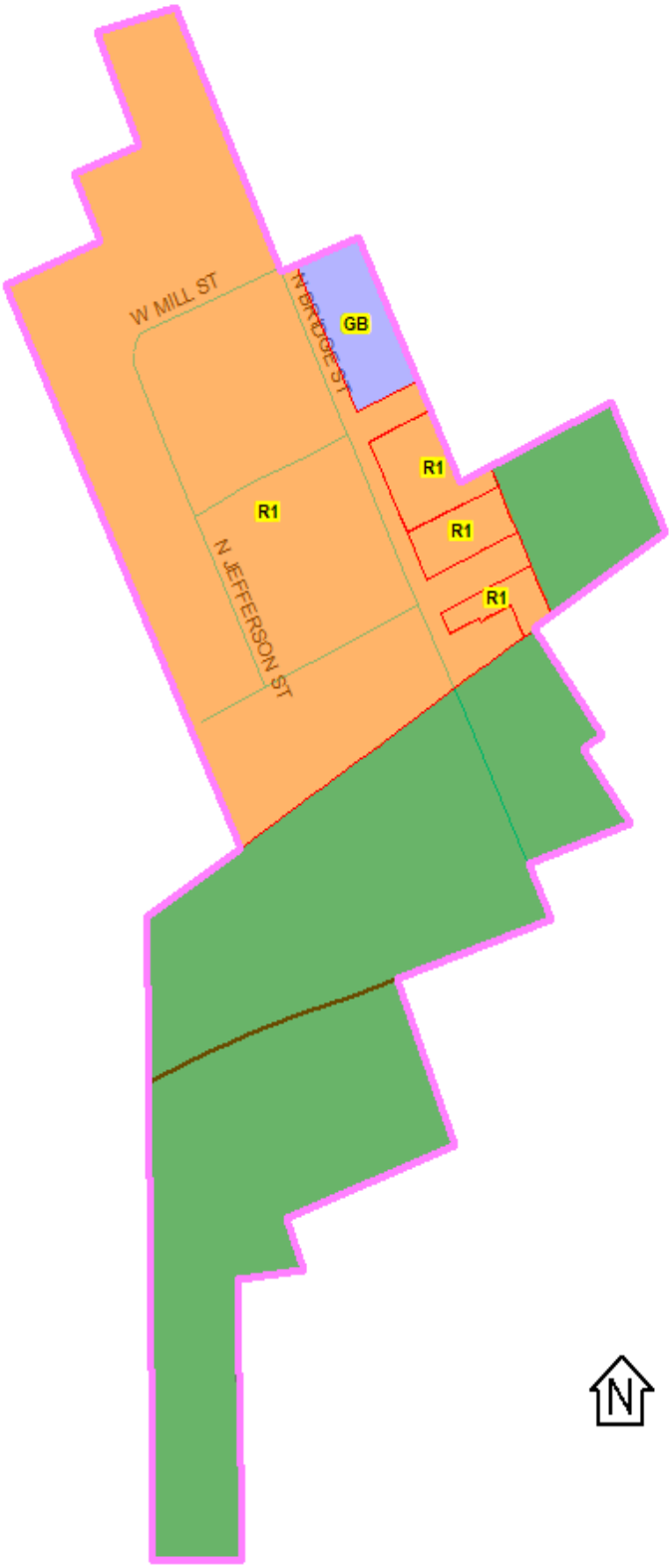

LIBERTY MILLS TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.41



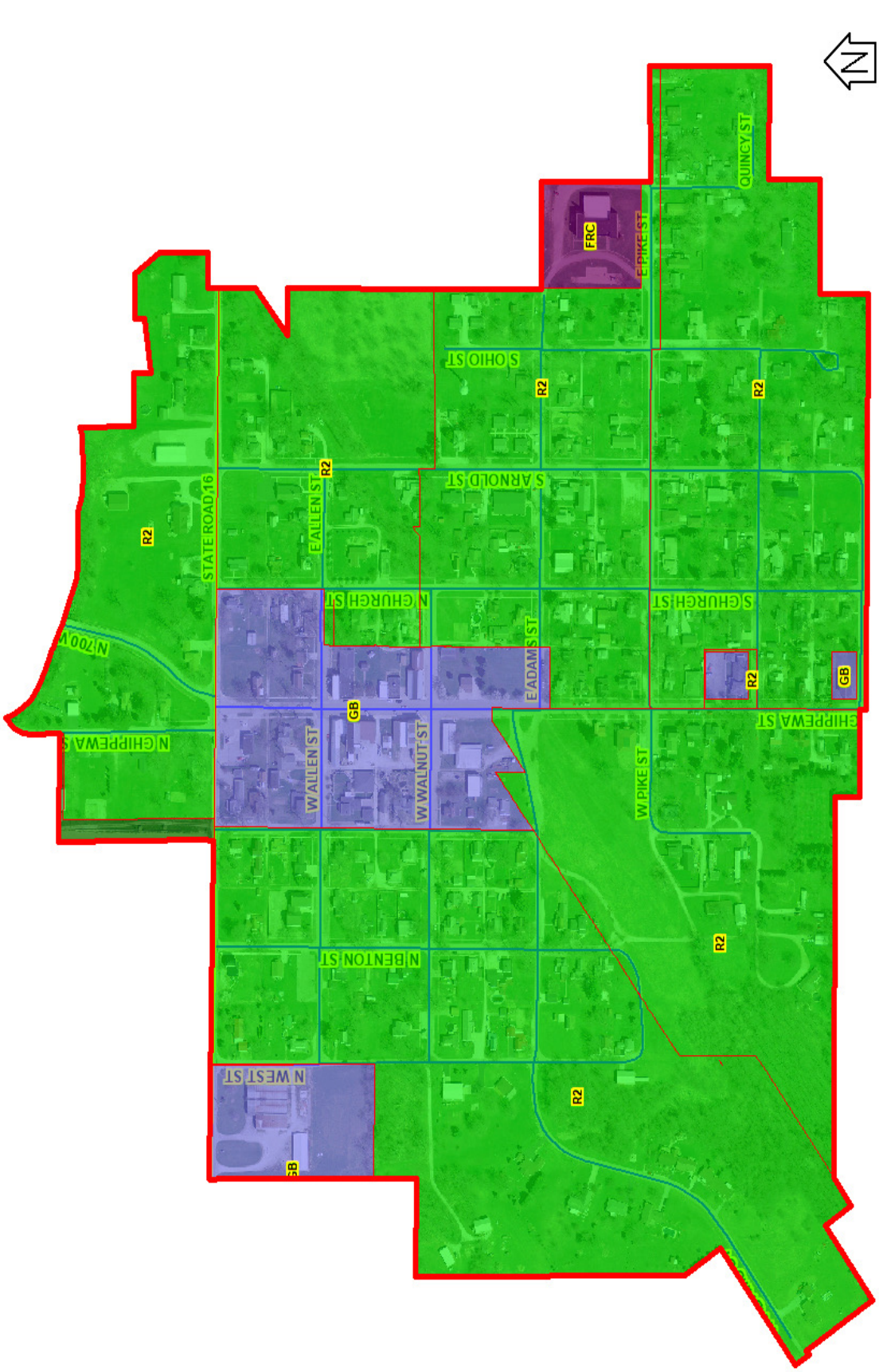

LINCOLNVILLE TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.42



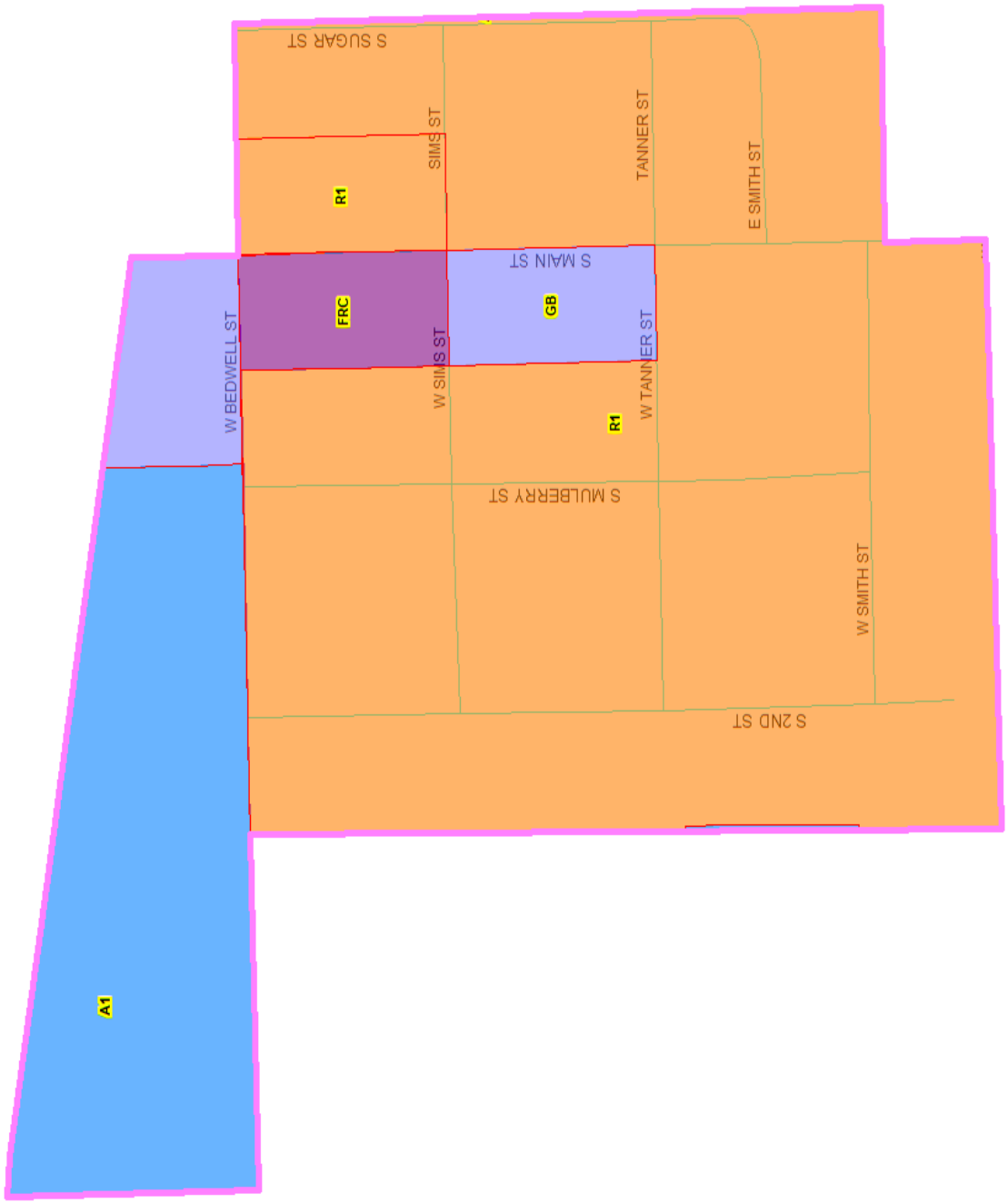

MOUNT VERNON TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.43



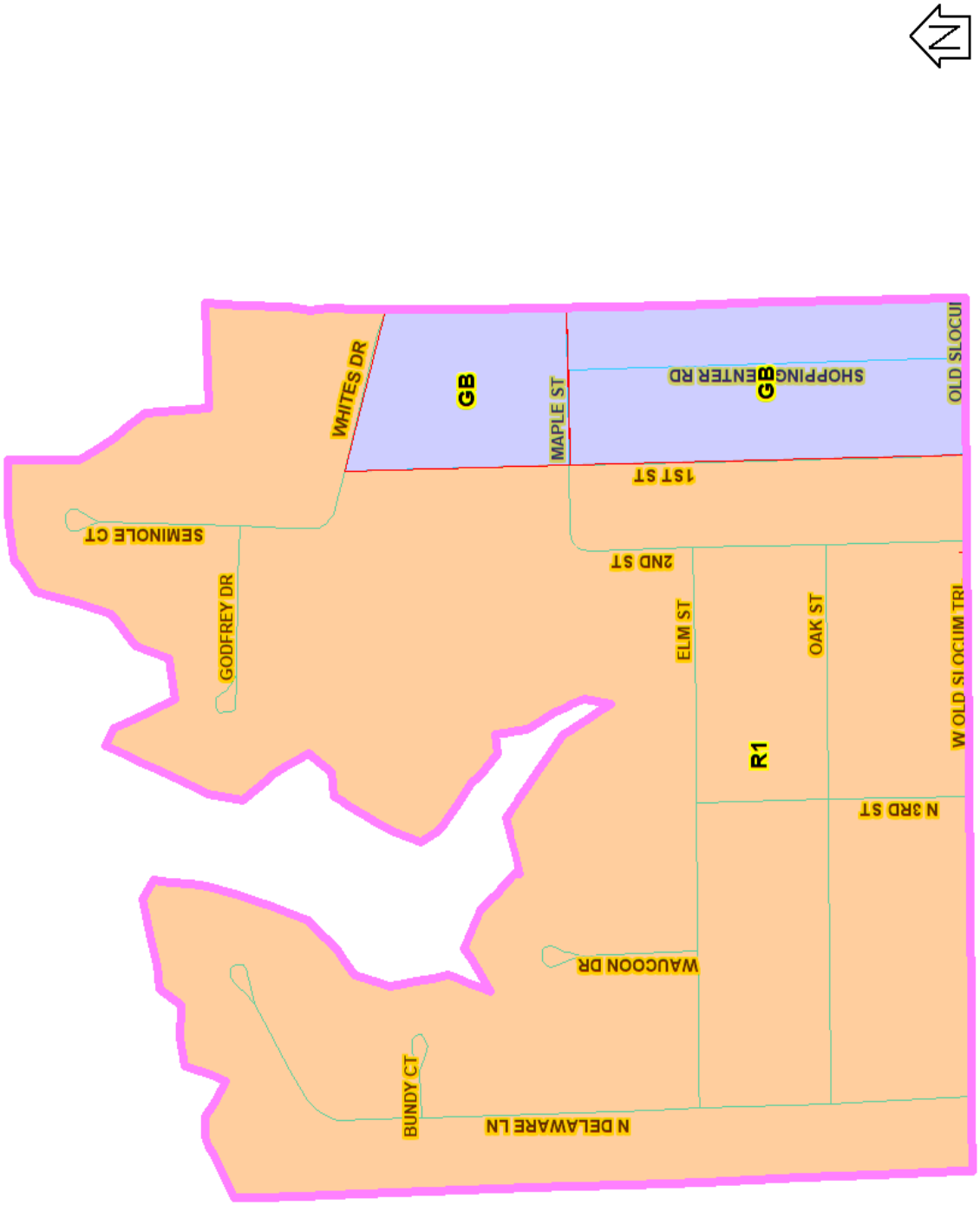

RICHVALLEY TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.44



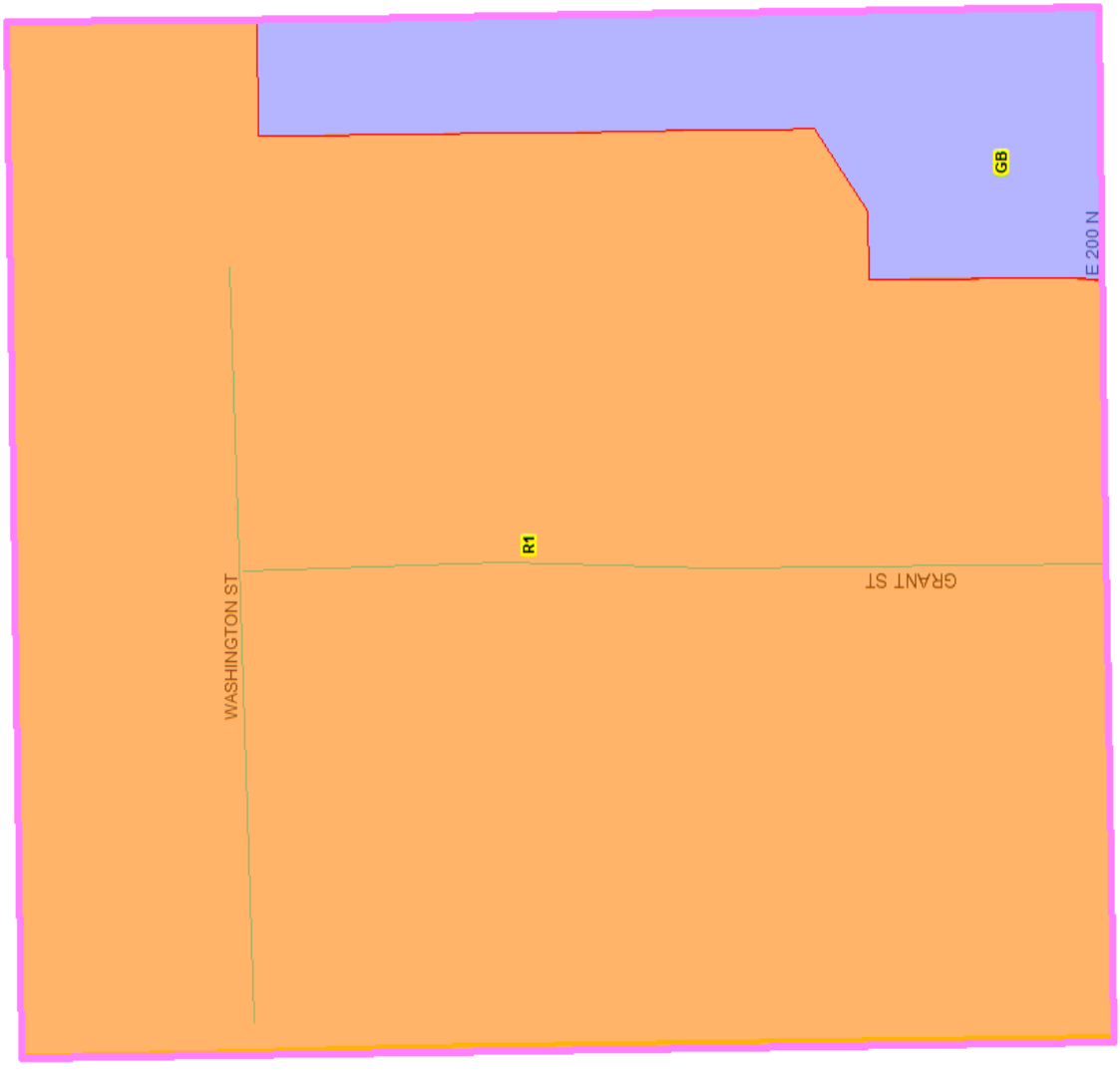

ROANN TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.45



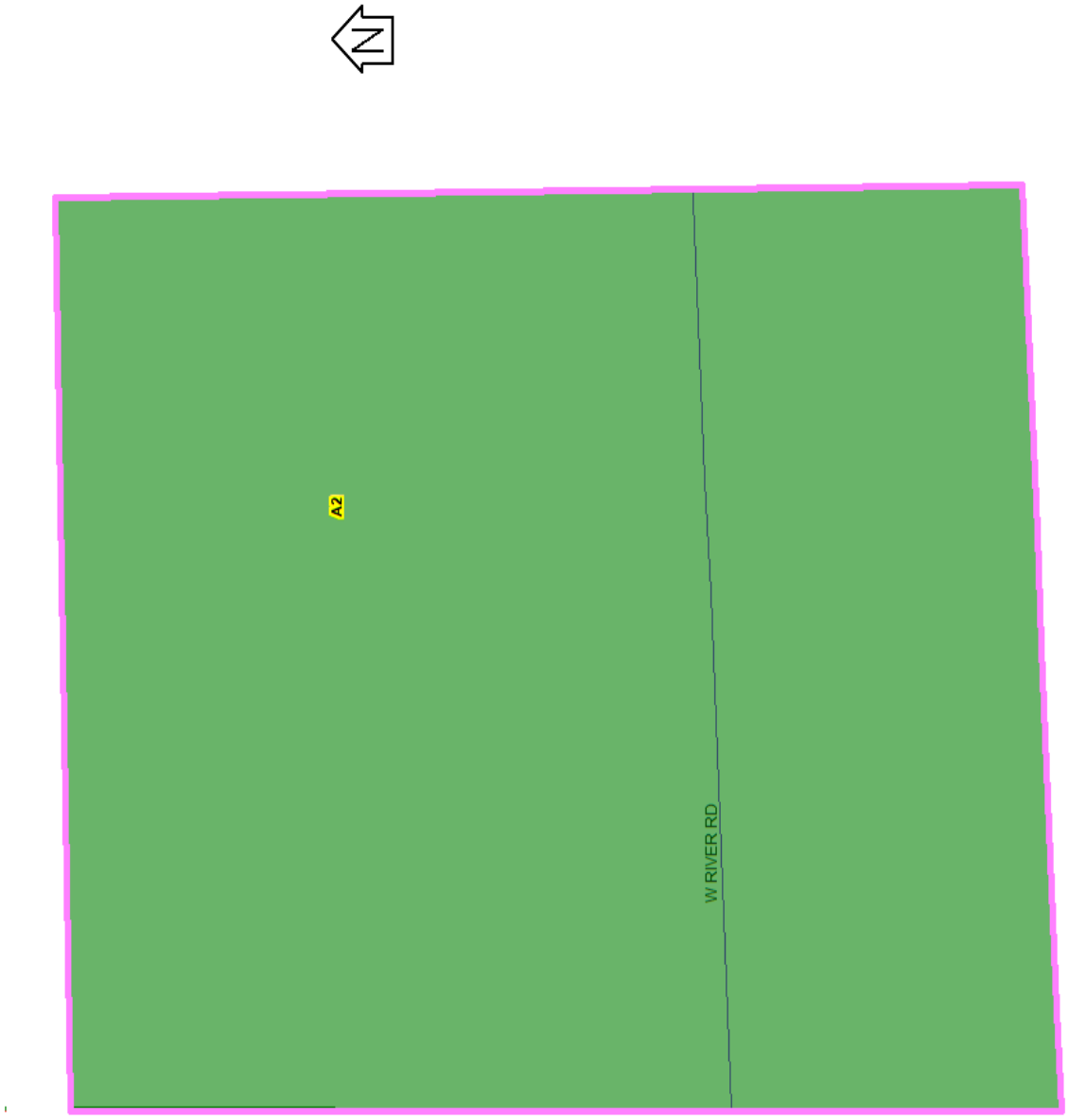

SERVIA TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.46



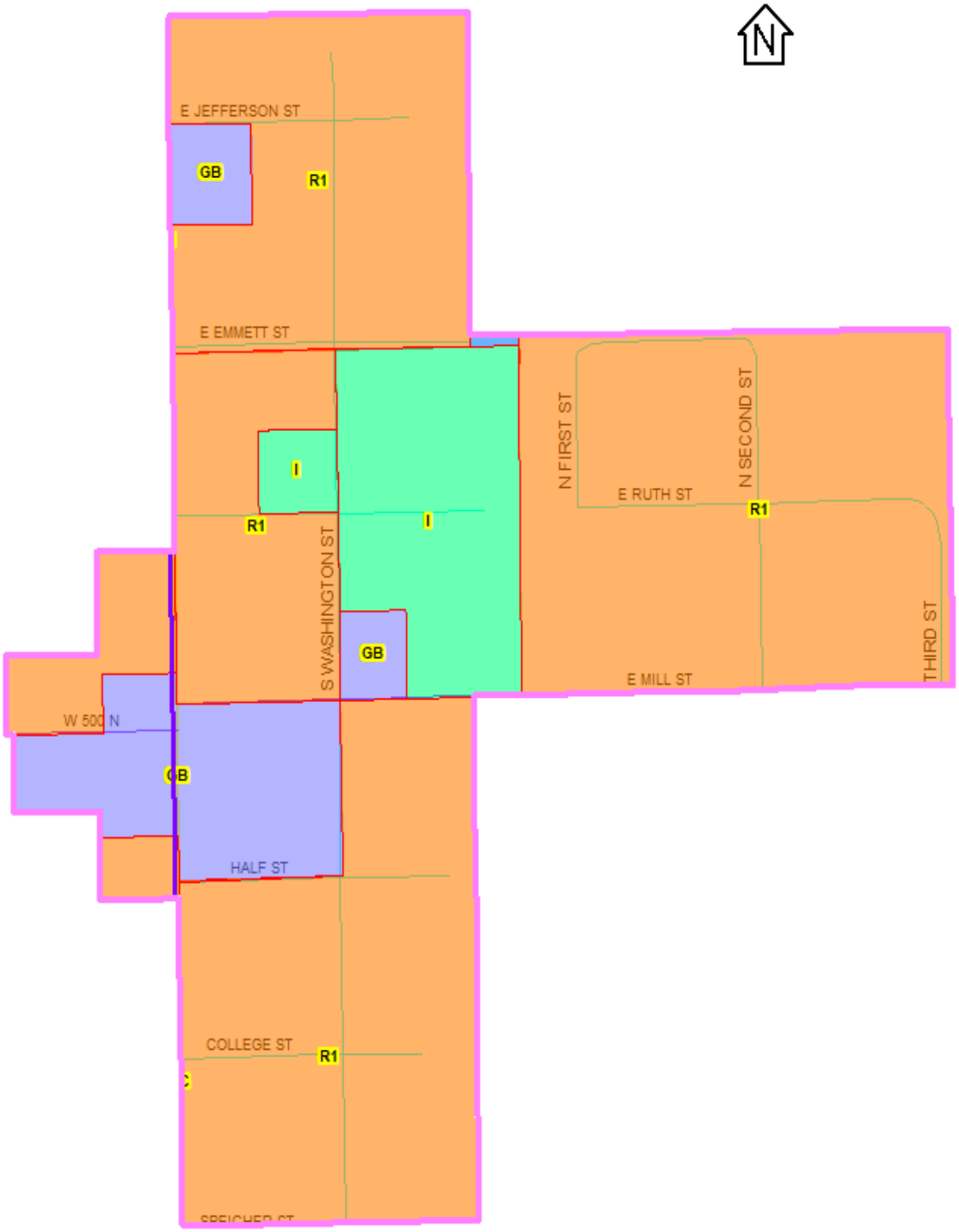

SOMERSET TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.47




SPEICHERVILLE TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.48




STOCKDALE TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.49




URBANA TOWN ZONING MAP ORDINANCE CHAPTER 13 SECTION 13.50

# Chapter 14

# Streams and Bodies of Water

14.1 Streams and Water Bodies Designation and Setback

STREAMS WATER BODIES MAP LEGEND

14.2 County Streams and Water Bodies
14.3 Chester Township Streams and Water Bodies
14.4 Lagro Township Streams and Water Bodies
14.5 Liberty Township Streams and Water Bodies
14.6 Noble Township Streams and Water Bodies
14.7 Paw Paw Township Streams and Water Bodies
14.8 Pleasant Township Streams and Water Bodies
14.9 Waltz Township Streams and Water Bodies

## 14.1 Stream and Body of Water Maps

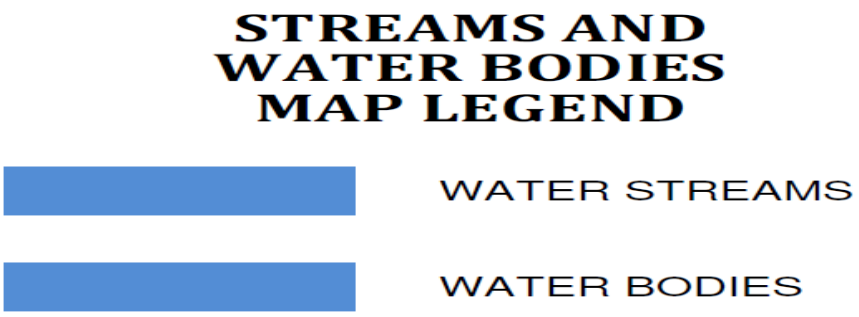
The official Streams and Water Bodies Maps for Wabash County is hereby declared to be a part of this Ordinance and notations,references, indications and other details shown thereinand displayed on the GIS Mapping Layers are as much a part of this Ordinance as if they were fully described in the text of this Ordinance.

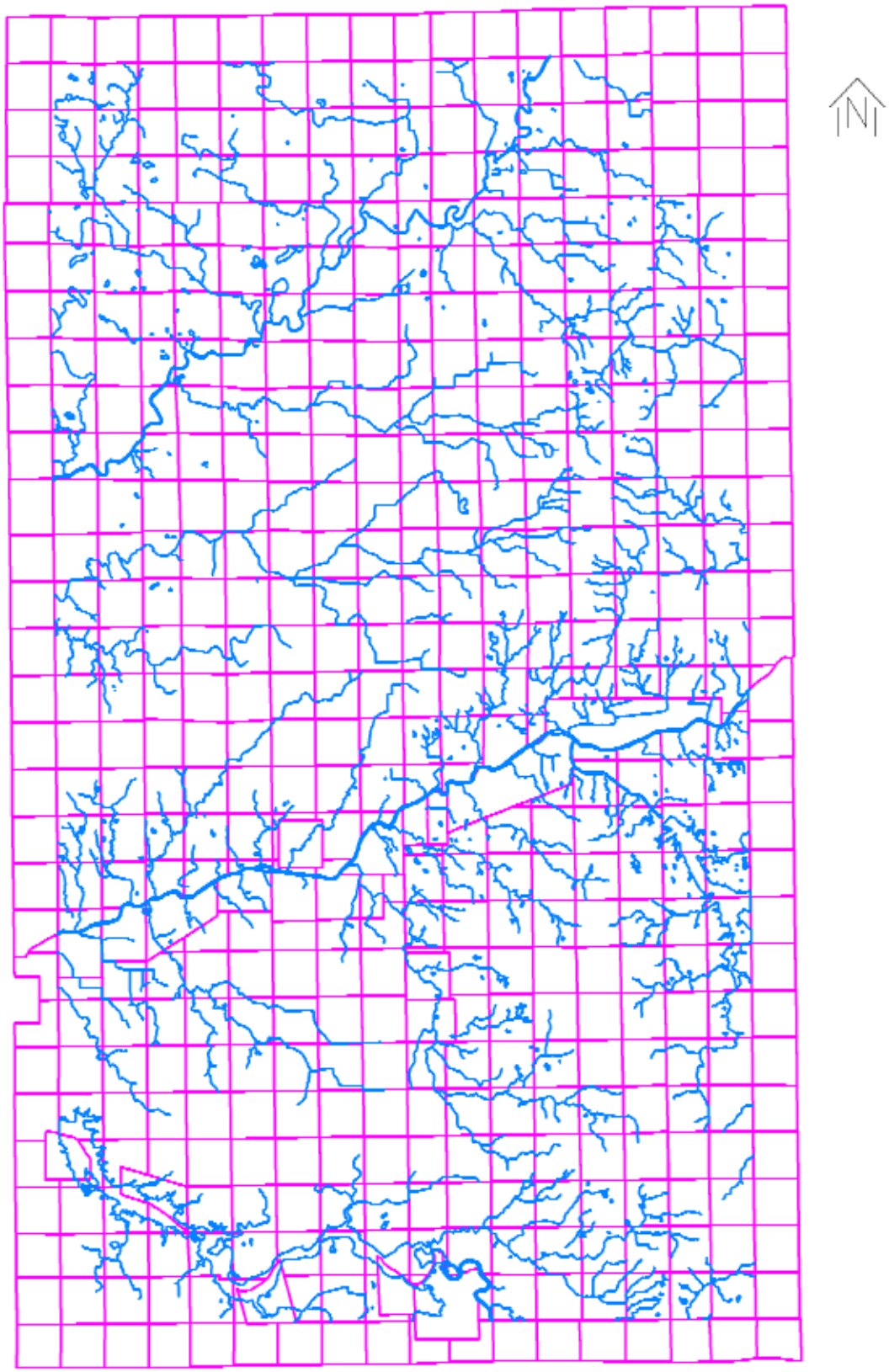
A. Setbacks established in this Ordinance under Chapter 6, Section6.5 shall apply to all streams identified on the "Streams and Water Body Maps" in Chapter 14, Section 14.2 through Section 14.9, and on GIS Mapping Layers.

B. Nothing shall be constructed within Seventy Five (75) feet measured from the meander line of any stream identified on the map to the closet point of any constructed object.

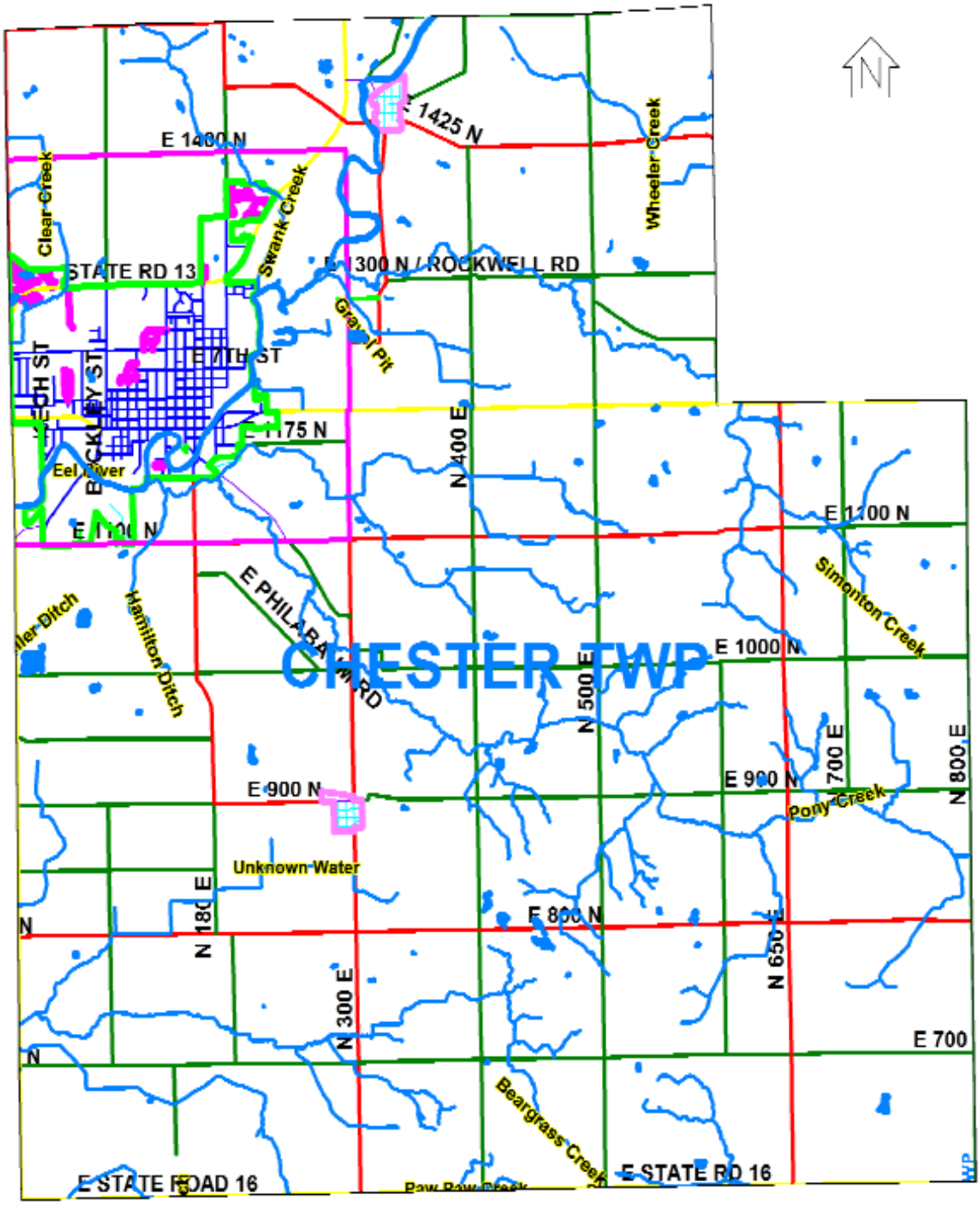
1. In the event of any discrepancy as to the viability of any stream the final determination shall be made by the Wabash County Surveyor and the Wabash County Drainage Board.

STREAMS AND WATER BODIES MAP LEGEND SECTION 14.2 – 14.9

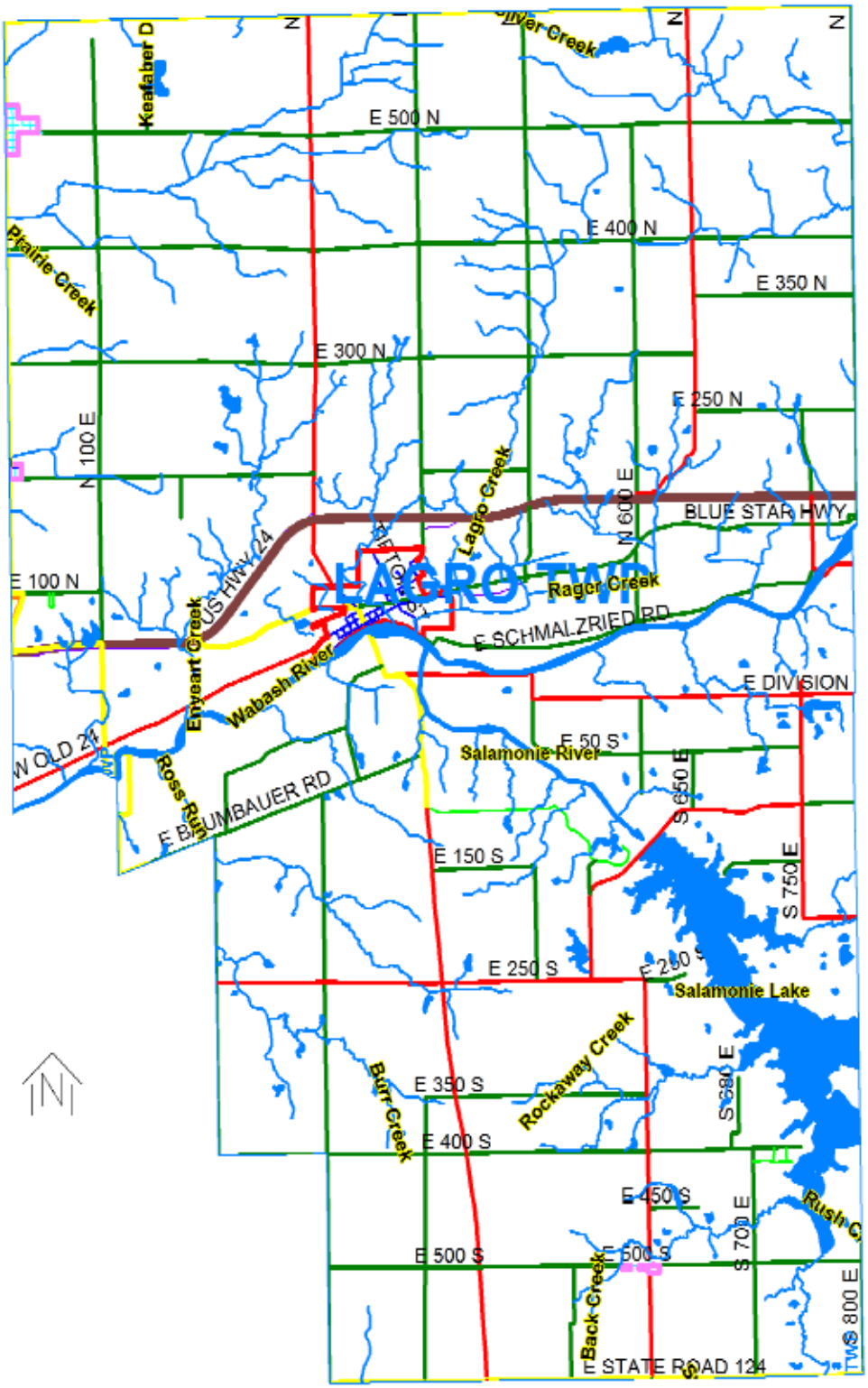




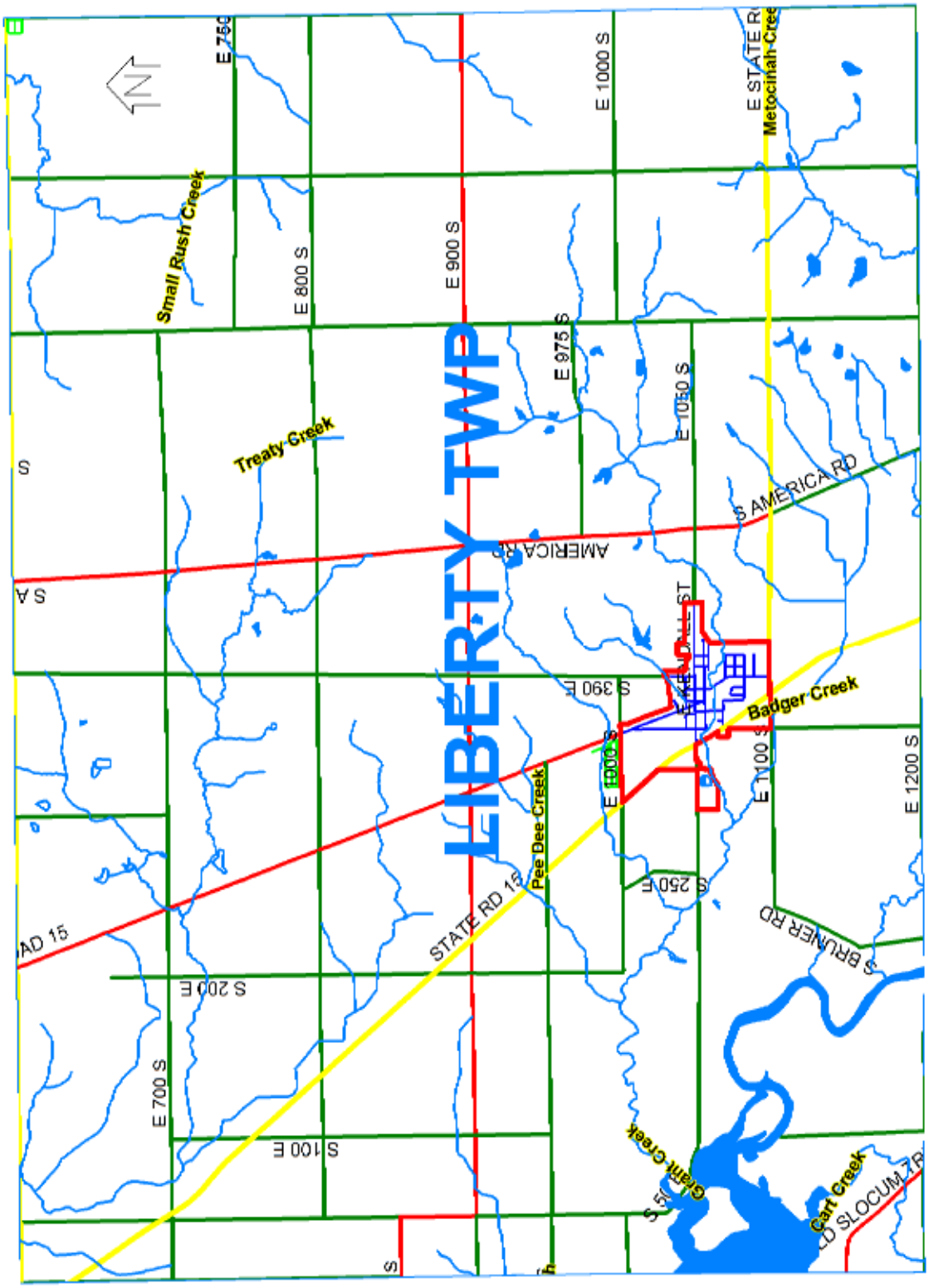

WABASH COUNTY STREAMS AND WATER BODIES ORDINANCE CHAPTER 14 SECTION 14.2



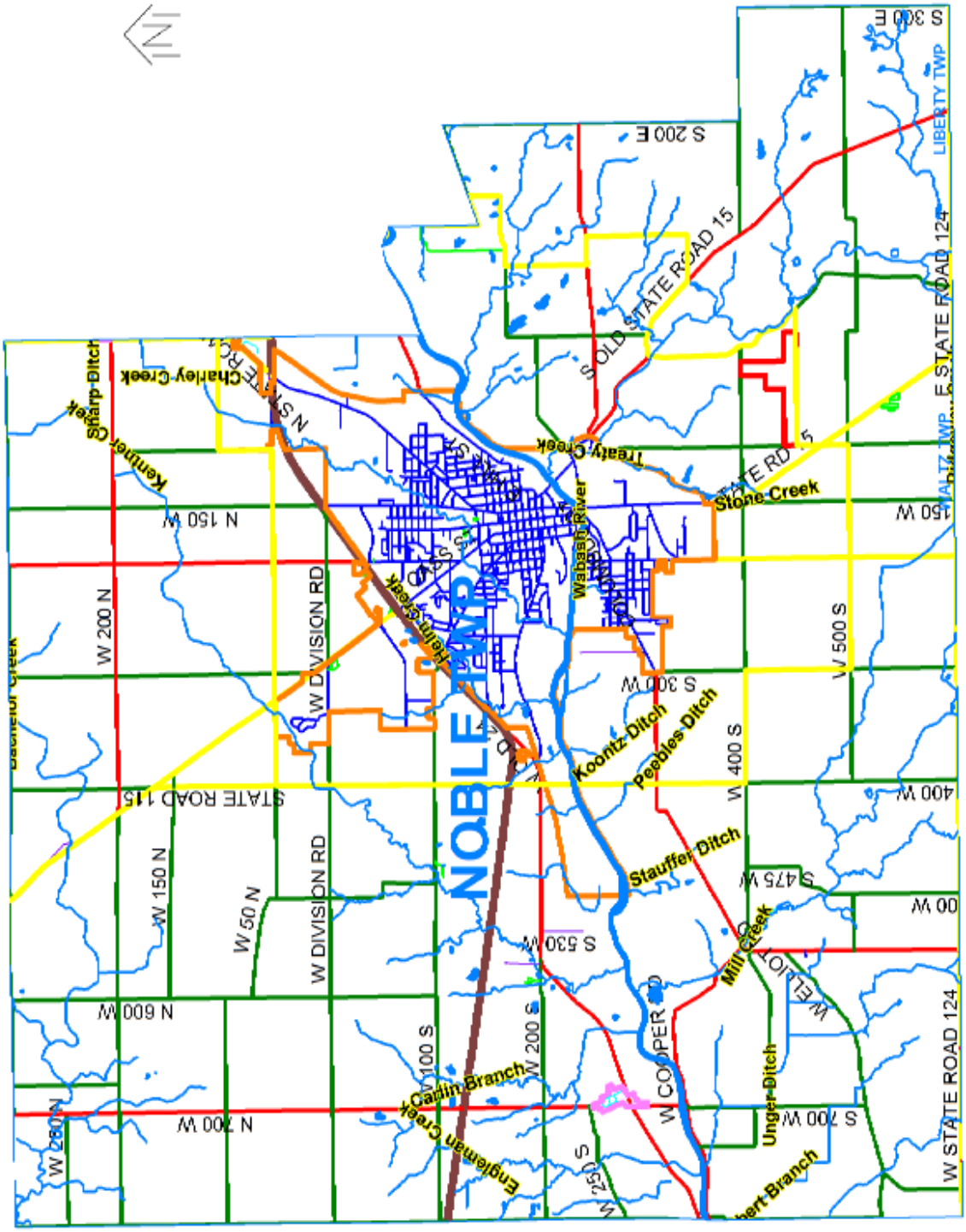

CHESTER TOWNSHIP STREAMS AND WATER BODIES ORDINANCE CHAPTER 14 SECTION 14.3



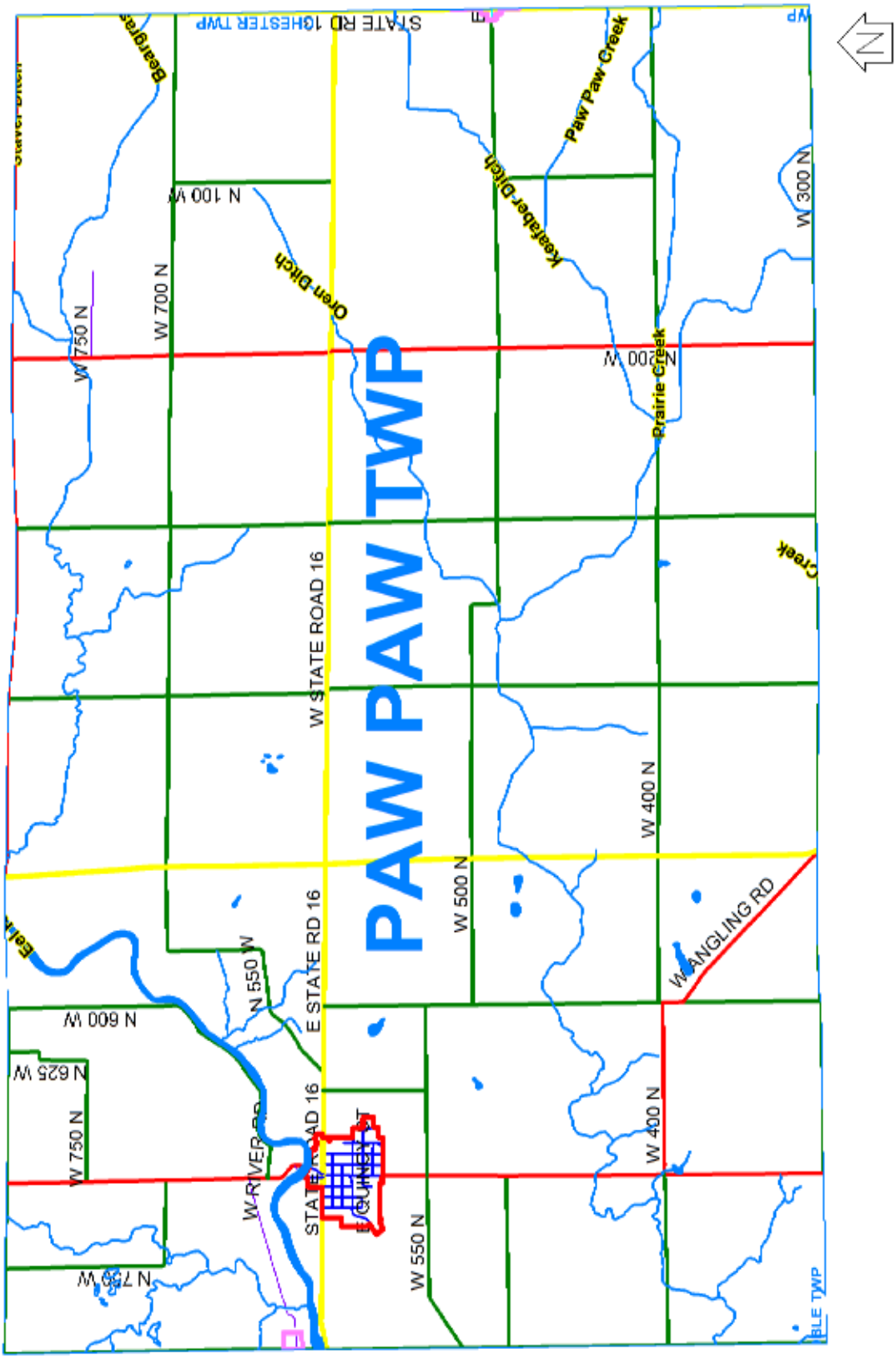

LAGRO TOWNSHIP STREAMS AND WATER BODIES ORDINANCE CHAPTER 14 SECTION 14.4



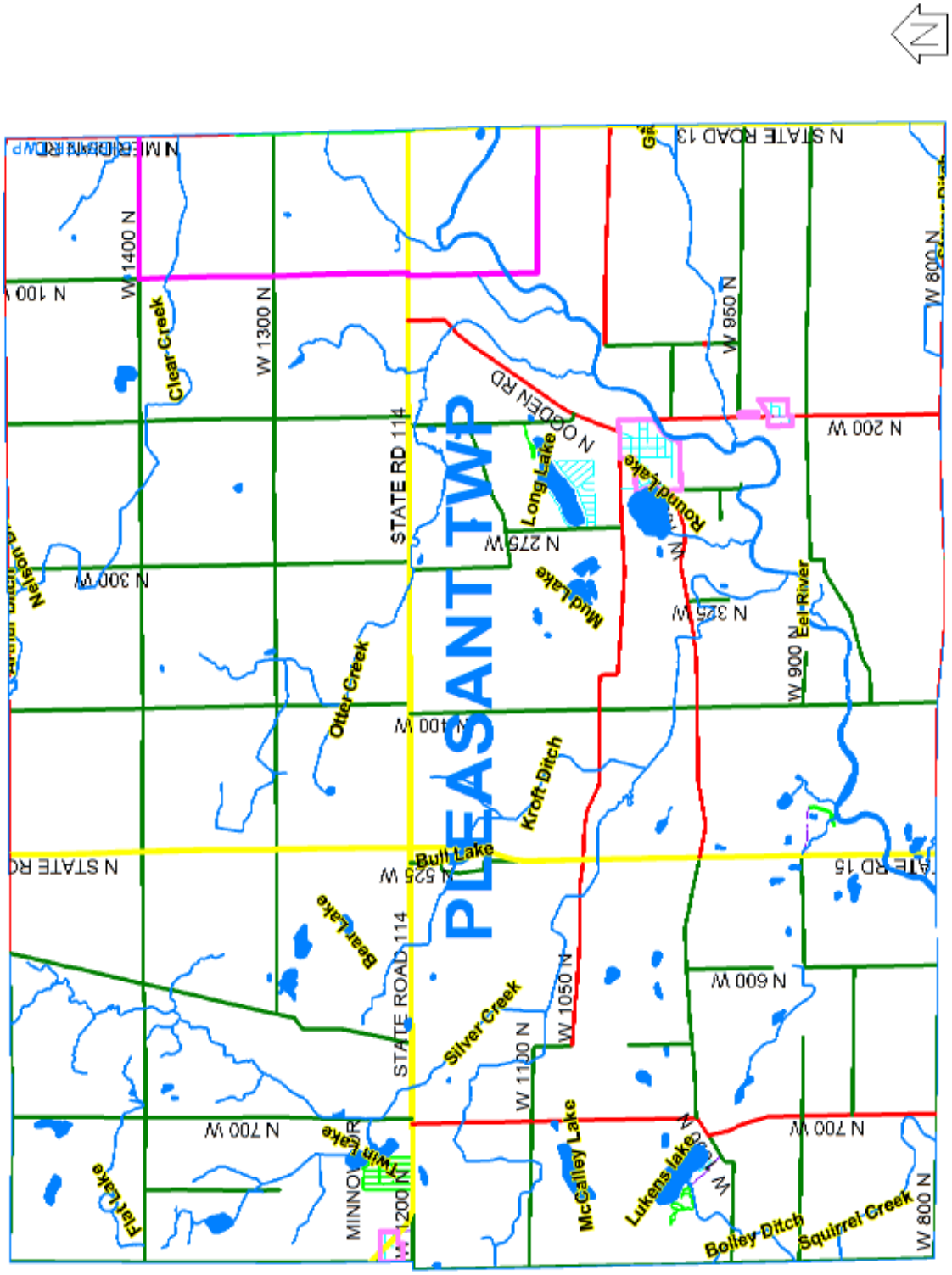

LIBERTY TOWNSHIP STREAMS AND WATER BODIES ORDINANCE CHAPTER 14 SECTION 14.5



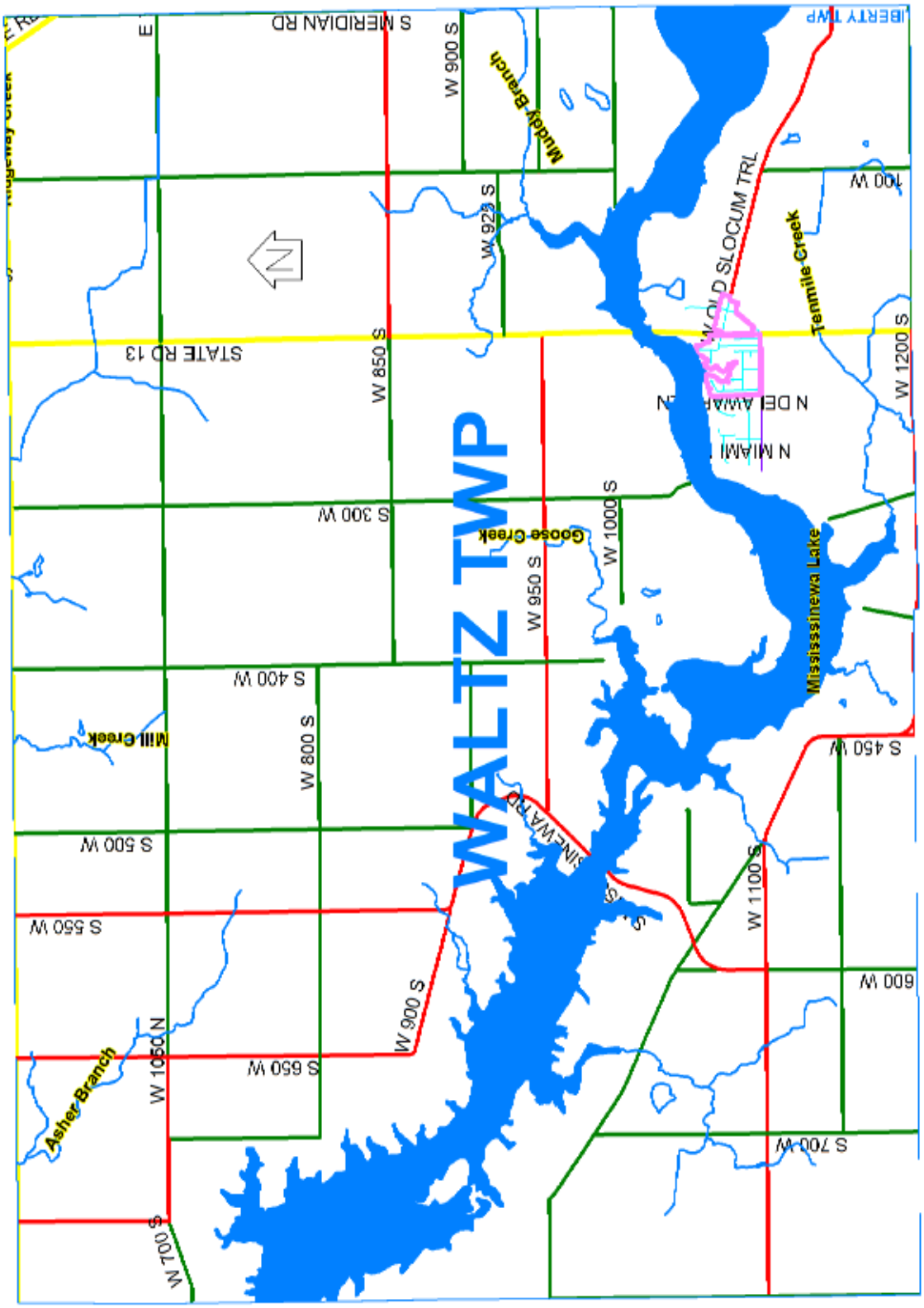

NOBLE TOWNSHIP STREAMS AND WATER BODIES ORDINANCE CHAPTER 14 SECTION 14.6




PAW PAW TOWNSHIP STREAMS AND WATER BODIES ORDINANCE CHAPTER 14 SECTION 14.7




PLEASANT TOWNSHIP STREAMS AND WATER BODIES ORDINANCE CHAPTER 14 SECTION 14.8




WALTZ TOWNSHIP STREAMS AND WATER BODIES ORDINANCE CHAPTER 14 SECTION 14.9