

Chapter 6
Additional Development Standards

- 6.1. All Districts
- 6.2. Residential Districts
- 6.3. Business and Industrial Related Standards

Chapter 6

Additional Development Standards

6.1. ALL DISTRICTS. The Development Standards contained in this Chapter are in addition to those contained in Chapter 5, and, except otherwise specifically noted, are applicable to all Uses in all Districts.

6.1.1. Height of Structures.

a. All structures hereafter shall comply with the height regulations of the District in which it is located with the exception of the following: 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. Except that improvements in Agricultural Districts, or those related to agricultural production, storage, and/or processing, may exceed the permitted height standards to the extent necessary for agricultural operations.

c. Nothing in this Ordinance, including the exceptions listed above shall be interpreted as waiving any height regulations related to air transportation. All applicable Federal Aviation Administration (FAA) and State of Indiana restrictions and regulations shall apply to all structures.

6.1.2. Special Exception, Lot Size, Setbacks, and Screening. The Chart in Section 6.1.4. 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.

6.1.3. Reading the Chart

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.

6.1.4 Special Exception, Lot Size, Setbacks, and Screening Specifications.

SPECIAL EXCEPTION SETBACKS

MINIMUM PARCEL SIZE

SCREENING

<u>USE</u>	<u>MINIMUM PARCEL SIZE ACRES</u>	<u>FRONT SET BACK FEET</u>	<u>SIDE SET BACK FEET</u>	<u>REAR SET BACK FEET</u>	<u>DISTANCE FROM RESIDENTIAL ZONE FEET</u>	<u>SCREENING, FENCING, TREE & MOUND</u>
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	100	100	100	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	
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

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

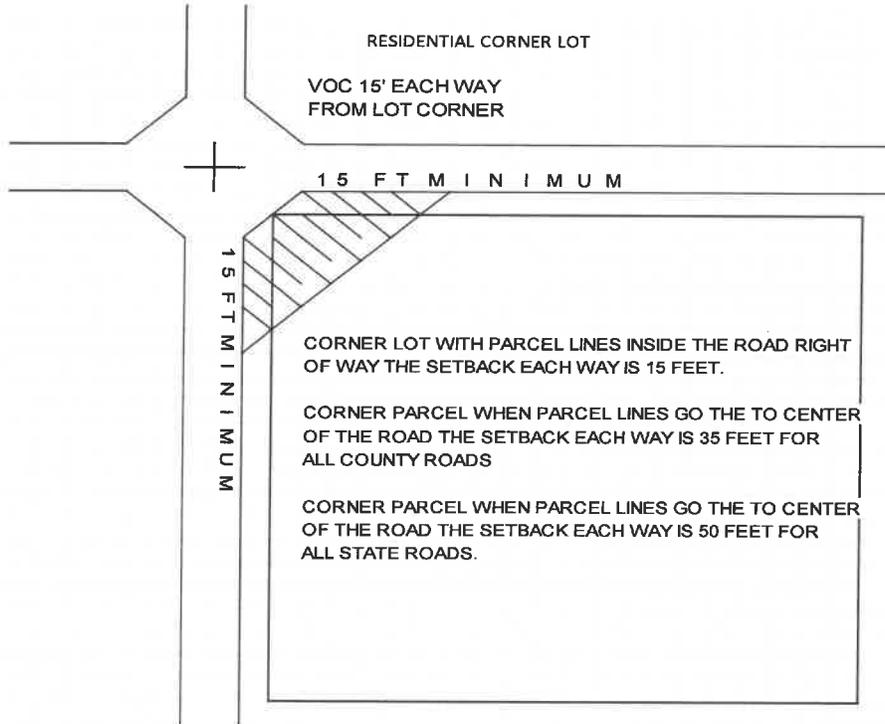
SPECIAL EXCEPTION SETBACKS							3
MINIMUM PARCEL SIZE							
SCREENING							
USE	MINIMUM PARCEL SIZE ACRES	FRONT SET BACK FEET	SIDE SET BACK FEET	REAR SET BACK FEET	DISTANCE FROM RESIDENTIAL ZONE FEET	SCREENING FENCE, TREE, MOUND	
PLANT NURSERY	**	*	50	50	330		
PRIVATE CLUB	**	*	50	50	50	Y	
PROCESSING 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 CHAPTER 12					
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	

6.1.5. Minimum Lot Road Frontage. The minimum lot width for any parcel with road frontage is shown in Chapter 5, "Development Standards." For parcels set back from the road and not having road frontage, the area of the access drive between the road and parcel shall be a minimum of twenty feet (20') wide. This requirement shall extend from the road, through parcel, to the end of the parcel. This area shall not be included when calculating parcel size for septic.

6.1.6. Minimum Setbacks. The minimum front, side, and rear setback distance for primary and accessory structures from property lines shall be as prescribed in Chapter 5 for the designated District. The following policies shall apply when measuring the setback distance:

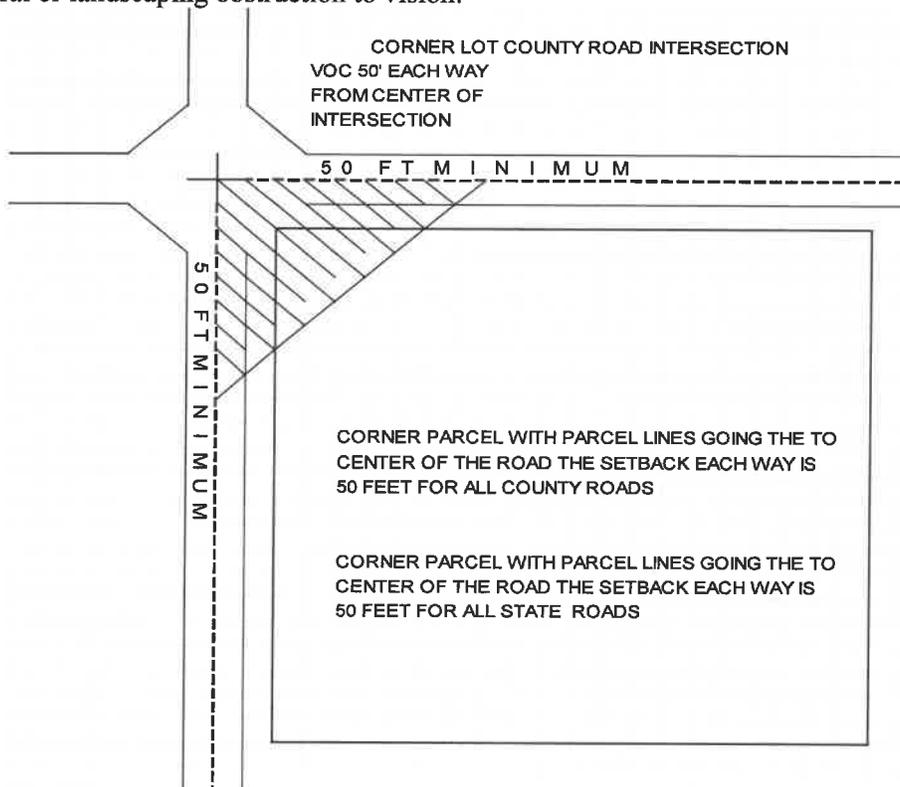
- a. Setbacks from all streets or roads are to be measured from the center of the street, road,
- b. A through lot has a front yard on each abutting street and shall be laid out accordingly,
- c. If in a residential or business zone, fifty percent (50%) of the lots in the block are occupied by buildings, the minimum depth of front yard for that block shall be the average setback of those buildings,
- d. One half (1/2) of the width of an alley abutting the rear of a lot may be used as part of the rear yard for setback purposes only,
- e. Except where a Business District adjoins any other District, there is no minimum side yard setback for a business use (structures within the Business District must still meet fire code specification).
- f. Minimum side or rear yard setback for an Industrial District from a Residential District shall be fifty (50) feet for the side and rear setback, and
- g. Minimum side or rear yard setback for a Business District from a Residential District shall be twenty-five feet (25') side setback and fifty feet (50') rear setback.

6.1.7. 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 feet (15') respectively from the corner shall be kept free of any obstruction to vision.



6.1.8. 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 feet (50') from the corner shall be kept free of any structural or landscaping obstruction to vision.



6.1.9. Setbacks along Streams and County Drains. All requirements contained in the Wabash County Stormwater Control Ordinance and Indiana law must be satisfied, including but not limited to the requirement that no structure be constructed within seventy-five feet (75') from the bank of a regulated drain, ditch, or channel, or within seventy-five feet (75') from the centerline of any regulated drain tile.

6.1.10. Utility Setbacks. All setbacks established by utility providers for utility purposes shall be observed.

6.1.11. Buffering, Fences, Mounds, or Trees. The Plan Commission shall review each Special Exception request and make a recommendation, based on location, setbacks, intended application, zoning, and any other factors, as to the required buffer for said special exception. 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 and height within the designated time period.
- c. Any other use, timeline, screening selection shall be at the discretion of the BZA.

6.1.12. Signs

a. Advertising Signs. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert an advertising sign without first obtaining an Improvement Location Permit for said sign from the Plan Commission. This shall not include the changing of the advertising face of a sign or routine maintenance of a sign, sign structure, or sign apparatus. 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. 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.

b. Prohibited Signs. The following types of signs are expressly prohibited in all Districts: 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.

c. 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; and utility signs used to mark cables, pipes and lines for the public and private sector. 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.

d. Vision of Clearance. No sign shall be permitted to interfere with or obstruct the "Vision of Clearance" of a motorist exiting or entering a private drive, public drive, road intersection, or alley. No sign shall be placed in any right-of-way.

e. Setbacks. All signs shall meet accessory structure side and rear lot line setback requirements for the District in which it is to be located.

f. Direct or Reflected Light. A sign's 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.

g. 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.

h. 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.

i. Abandoned Signs. 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 sign's removal shall be reimbursed by the owner of the sign. If the sign is not removed within forty-five (45) days of the written notice, it may be disposed of by the County.

j. Nonconforming Signs. Nonconforming Signs that existed prior to this Ordinance being adopted 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 change includes increasing the size, changing the height, altering the structure, adding lights, and/or relocation of the sign on said premise.

k. 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 an event, without a permit, for the duration of the 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.

l. **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 feet (15') from any road right of way.

m. **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 District. No sign mounted on a building shall project above the roof line.

n. **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.

6.1.13. **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.

6.1.14. **Fencing.** Unless otherwise specified by this Ordinance, fencing may be allowed within all Districts with the issuance of an ILP, provided the applicant is in conformance with all provisions of this Ordinance.

a. **Fencing constructed for agricultural uses, recreational uses, construction barriers, and hidden/invisible fence systems shall be exempt from these regulations. Agriculture partition fences shall be governed by IC 32-26-9-1, et, seq and 32-26-3-1, as amended.**

b. **Fences may be constructed of wood, vinyl, steel, wire, stone or masonry and have post placed on the installing property owner's side of the fence.**

c. **In no instance shall an electric or barbed wire fence be allowed in a Residential District. This does not include a hidden/invisible fence system used for pet control.**

d. **In Residential Zoned Districts fences shall be allowed on side and rear property 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 feet (4') in height,**
2. **All front yard fencing in Residential Zones must be setback a minimum of three feet (3') from the road-right-of-way,**
3. **Side and rear yard fences which may be constructed from materials listed in 6.1.14.b. may not exceed four feet (4') in height, may be constructed on the property line, or set a predetermined distance back from the property line unless otherwise specified in this Ordinance,**
4. **Unless otherwise permitted in this Ordinance, no property line fencing shall be a solid partition fence.**

e. Eight foot (8') high privacy fencing shall be permitted around the immediate area of pools, spas, hot tubs, patios/decks, or as an option for screen barriers when required in Section 6.1.4. of this Ordinance.

f. Fencing which is intended for decorative or landscaping purpose only, does not surround 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 Improvement Location Permit, provided that it does not exceed six feet (6') in height, or hamper the Visual Clearance of any intersection, alley, driveway, or walk.

g. Fencing in General Business Districts (GBD) that is intended for security purposes shall be allowed within a property's front, side and rear yard setback. Fences in an GBD may be barbed at the top provided the fence portion does not exceed eight feet (8') in height and the barb must be a minimum of six feet (6') 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 feet (10') from the road right-of-way. Security fences in an Industrial District may be barbed at the top provided the fence portion does not exceed eight feet (8') in height and the barb must be a minimum of six feet (6') above the ground.

6.1.15. Ponds, Lakes, and Earthen Structures. Ponds, lakes, and earthen structures, with 400 square feet or more of water surface area are permitted only as special exceptions, and all pertinent requirements of the Wabash County Stormwater Control Ordinance and Indiana law must be satisfied.

a. Ponds, Lakes, or earthen structures shall be constructed to have the following minimum setbacks:

1. One hundred five feet (105') feet from any adjoining side or rear property line, and from any public road.
2. Seventy-five feet (75') from any public/private easement.

b. Any pond, lake, or earthen structure constructed closer than one hundred fifty feet (150') to the center of a public roadway, with the water impounding area below, even with, or less than six feet (6') above the grade of the roadway, shall provide a deterrent barrier sufficient to minimize vehicle entry.

c. The setback boundary of a pond, lake, or earthen structure, shall be measured from the toe of the slope of the bank of the pond, or to the high-water level of the pond, whichever is closer to the adjoining property line.

d. The pond/lake shall have an overflow system constructed which allows the water overflow to follow the natural drainage course thus preventing erosion.

e. Water discharge shall not flow across neighboring properties, roads, or directly into a roadside ditch. No fill may be placed within ten feet (10') feet of any road right-of-way without the prior approval of the Wabash County Highway Department and Board of Commissioners of Wabash County.

f. No pond may be located within one hundred feet (100') of a regulated drain.

6.1.16. 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 are required to drain into a pond, stream, creek, or drainage tile shall be reviewed and approved by the Wabash County Drainage Board prior to completion of the ILP.

6.1.17. 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 outlined in this Ordinance under Section 6.1.4.

6.2. RESIDENTIAL DISTRICTS. The following development standards are applicable to all Residential Districts and/or wherever Residential Use is permitted.

6.2.1. Maximum Lot Coverage. The buildings on a lot may not exceed, in coverage, more than the listed percent of the lot area as stated in Chapter 5. 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 impervious coverage for the parcel, lot, tract.

6.2.2. Minimum Ground Floor Area

- a. No dwelling may be erected or changed so that its ground floor living area, in square feet, is less than that prescribed in Chapter 5, "Development Standards." This is limited to ground floor living area only and does not include garages, walks, porches, patios, decks, breezeways.
- b. No residential dwelling shall be erected, placed or changed other than a conventional built dwelling, a pre-assembled dwelling, or a modular home that 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.
- c. Those modular homes designated in this 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.

6.2.3. Minimum Lot Size

- a. A parcel created after December 17, 2012 in which a residential dwelling is to be erected having an individual septic system, may not be smaller in parcel size, in square feet per dwelling unit, than that prescribed in the Wabash County Onsite Sewer System, Ordinance #2012-85-18, as may be amended from time to time. 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 1 ½ 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 the parcel size was conforming under the prior Ordinance.

6.2.4. 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 5, "Development Standards," but in no case shall the rear yard extend less than thirty-five feet (35') for a principal or accessory structure. 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 feet (35') from the rear property line for any dwelling or accessory structure.

c. Accessory structures for lake front parcels do not include piers, docks, or a boat house when the structures are constructed in such manner that the boat is partially or completely within the waterbody when stowed in said structure.

6.2.5. Development Standards, Pools

a. All pools having a water surface area larger than one hundred (100) square feet, or twelve feet (12') or larger in diameter for round pools, and a depth greater than twenty-four inches (24"), shall apply for an ILP prior to construction.

b. 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.

c. For security and safety purposes all pools which 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 feet (4') high and completely surrounding the pool and deck area with the exception of self-closing and latching gates and doors, both capable of being locked.

2. Other means not less than four feet (4') high and deemed impenetrable by the enforcing authority at the time of construction and completely surrounding the pool and deck area when the pool is not in use.

3. A combination of 6.2.5.c.1 and 6.2.5.c.2 that completely surrounds the pool and deck with the exception of self-closing and latching gates and doors which are capable of being locked.

4. A power safety pool cover unit 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 and shall:

i. be mechanically operated such that the cover cannot be drawn open or retracted without the use of a key, or key and switch, or touch pad with a personal access code;

ii. be installed with track, rollers, rails, guides, or other accessories necessary to accomplish item 6.2.5.C.4. in accordance with the manufacturer's instructions, and

iii. bear an identification tag indicating that the cover satisfies the requirements of ASTM F 1346–19.

d. A plot plan shall be submitted when applying for a pool permit 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. Any overhead or underground utilities, or drainage tiles located on the parcel,

4. Pool dimensions and configuration, and

5. Any additional equipment, structures associated to the pool.

e. No pool or associated equipment or structures shall be placed within any utility right-of-way or, vertically above/ below any utility lines.

6.2.6. Miscellaneous

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 plan commission.

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 a platted R1, R2, R3, RL1, RL2, District, no accessory structure may be forward of the rear of the primary residential structure.

d. The raising and/or boarding of livestock shall be prohibited in all Residential Districts.

6.3. BUSINESS AND INDUSTRIAL RELATED STANDARDS. The following development standards are applicable wherever General Business or Industrial Uses are permitted.

6.3.1. Entrances, Parking and Loading Berths. Any use, for which a Special Exception or review of a development plat is required by the Plan Commission shall meet entrance, parking and loading berth requirements set forth herein

6.3.2. Entrances. The maximum permitted number of entrances for any Special Exception shall be one (1) entrance. This does not include any entrance which is used for emergency purposes only or as a utility easement entrance. 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.

6.3.3. Parking 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, however, a gravel surface may be used for a period not exceeding one (1) year after the date of granting a Certificate of Occupancy 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 Chapter 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 which is 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 needed for the new use.

6.3.4. **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.

6.3.5. **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. 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.

6.3.6. **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 Ringleman No. 1 or 20% may be emitted for periods not longer than three (3) minutes in any thirty (30) minute period. This provision shall apply to any emissions.

6.3.7. **Odor, Air Pollution.** No industrial use in any 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. Indiana Department of Environmental Management rules for air pollution under IAC 326 as amended shall apply”

6.3.8. **Toxic Materials.** No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the structure in which it occurs.

6.3.9. **Heat.** No industrial use may cause heat at the property line so intense as to be a public 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.

6.3.10. **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.

6.3.11. **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 in this Section 6.3.11, 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 Cycles / Second	VIBRATION DISPLACEMENT IN INCHES	
	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

6.3.12. 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 the control of this ordinance such as the operation of motor vehicles) exceed 70 decibels. Noise is to be muffled so as not to be objectionable due to intermittence, frequency, or shrillness.

STANDARDS FOR NOISE

OCTAVE BAND FREQUENCY Cycles / Second	MAXIMUM PERMITTED SOUND LEVELS IN DECIBELS	
	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

6.3.13. **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.

6.3.14. **Detonation Materials.** No activity involving the storage, use, or manufacture of materials that decompose by detonation may be carried 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 aside, 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 ozonide's; 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.

6.3.15. **Exceptions.** Sections 6.3.6. through 6.3.14. 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. Research shall be promptly conducted to discover methods of control leading to the installation of protective equipment.

6.3.16. **Special Restrictions.** Any industrial operation or activity must, in addition to the above, conform to any applicable statutes of the state and federal government. Where the requirements of this Ordinance are more restrictive, they shall take precedence. All relevant federal and state permits or approvals are required prior to issuance of any Improvement Location Permit.

6.3.17. 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.
- b. Individual Outdoor Advertising structures and locations must be evaluated by the INDOT Permit Department, on a per case basis under the most current rules.
- c. Signage, within the jurisdiction of the Plan Commission, must comply with the provisions of the manual.
- d. No commercial billboards may be constructed without a Special Exception being granted.

Chapter 7
Mobile Homes, Manufactured Homes, Travel Trailers,
and Mobile Home Parks

- 7.1. Determination of Dwelling Type
- 7.2. Mobile Homes
- 7.3. Manufactured Homes
- 7.4. Manufactured Homes in an A1 or A2 District
- 7.5. Manufactured Home Alterations
- 7.6. Temporary or Accessory Residential Occupancy
- 7.7. Temporary Non-Residential Occupancy
- 7.8. Manufactured Homes Display
- 7.9. Manufactured Home Parks

Chapter 7
Mobile Homes, Manufactured Homes, Travel Trailers,
and Mobile Home Parks

7.1. THE DETERMINATION OF DWELLING TYPE. The National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 provide the basis for the vocabulary used to determine one type of dwelling from the other. Refer to Chapter 1 "Definitions" of this Ordinance for determination of dwelling type.

7.2. MOBILE HOMES.

7.2.1. The placement of any mobile home within the jurisdiction of this Ordinance for use as a permanent or temporary dwelling is strictly prohibited.

7.2.2. 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 nonconforming use (provided it is already a legally permitted use). Said mobile home may be replaced at the same location with a conforming manufactured home.

7.2.3. A mobile home may be sold or transferred in ownership, but shall not be relocated within the jurisdiction of this Ordinance.

7.2.4. A non-permitted mobile home shall be considered as an illegal non-conforming use.

7.3. MANUFACTURED HOMES. A manufactured home may be permanently occupied as a single-family dwelling in Districts designated by this Ordinance provided:

7.3.1. The manufactured home is the only principal dwelling structure on the parcel.

7.3.2. A Special Exception is granted by the Board of Zoning Appeals.

7.3.3. Each Manufactured Home shall:

7.3.3.1. Be placed on poured concrete foundations 18" wide x 36" deep and running the 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,

7.3.3.2. Have all wheel, axle, and hitch mechanism removed,

7.3.3.3. Meet or exceed dimensional size and composition as described in Chapter 1 "Definitions",

7.3.3.4. Be enclosed with an approved siding or skirting which encloses the entire perimeter of the manufactured home,

7.3.3.5. Have skirting which blends with the exterior siding of the dwelling and is unaffected by decay, oxidation, or winds,

7.3.3.6. Be anchored and attached to the permanent foundation, in accordance with manufacturer's specifications and the International Residential Code for one- and two-family dwellings issued by the International Code Council.

7.3.3.7. 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,

7.3.3.8. Have eight hundred forty (840) or more square feet of living space,

7.3.3.9. Have all required utilities connected in accordance with the one- and two-family dwelling code and manufacturer specifications.

7.4. MANUFACTURED HOME IN AN A1 OR A2 DISTRICTS.

7.4.1. A Manufactured Home shall only be permitted as a permanent residence in an A1 or A2 District when the manufactured home is placed in a mobile/manufactured home park.

7.4.2. 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 occupied for 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.

7.4.3. 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 a septic permit from the Wabash County Health Department.

7.5. 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 must be issued prior to the addition of any accessory structure associated with the manufactured home.

7.6. MOBILE HOMES, MANUFACTURED HOMES, AND TRAVEL TRAILERS AS TEMPORARY OR ACCESSORY DWELLINGS.

7.6.1. 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.

7.6.2. A legally permitted Mobile Home, Manufactured Home, and/or Travel Trailer 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 until culmination of the permitted needed use.

7.6.3. A non-permitted mobile home or manufactured home shall be considered as an illegal non-conforming use.

7.6.4. A Manufactured Home or a Travel Trailer may be placed and occupied on the same parcel of real estate as listed on the ILP for the new residential structure only upon issuance of a temporary permit issued by the Director following (a) issuance of an ILP for the new residential structure, (b) issuance of a Special Exception by the Board of Zoning Appeals, and (c) issuance of a septic permit from the Wabash

County Health Department. The temporary permit shall be valid for one (1) year, but may be extended for no more than one (1) additional year by a Variance issued by the Board of Zoning Appeals, if construction of the new dwelling has started but has not been completed due to circumstances beyond the control of the applicant.

7.6.5. A permit to place a Manufactured Home or a Travel Trailer for use as a temporary residence must be obtained prior to occupancy of the manufactured home or travel trailer. Failure to timely obtain such a permit shall be cause for denial of the permit and removal of the Manufactured Home, or Travel Trailer.

7.6.6. Occupancy under the temporary permit is restricted to the immediate family of the owner of the real estate constructing the new residential dwelling.

7.6.7. A temporary permit may also be issued to an applicant whose own health or the health of another necessitates care facilitated by the placement and occupancy of a Manufactured Home, or 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 an unnecessary hardship would occur if the permit were denied, but only upon: (a) verification of the health conditions and hardship, (b) issuance of a Special Exception, and (c) acquiring a septic permit from the Wabash County Health Department. Such permit shall expire forty-five (45) days after culmination of the needed use and the Manufactured Home / Travel Trailer shall have been removed.

7.7. MANUFACTURED HOMES, AND TRAVEL TRAILERS FOR TEMPORARY NON-RESIDENTIAL OCCUPANCY. A Manufactured Home or Travel Trailer may be temporarily located and occupied as a contractor's office, watchman's shelter, tool and equipment storage unit on a project site, during the period of construction, only upon a permit issued by the Director.

7.8. MANUFACTURED HOMES DISPLAY. Manufactured homes may be displayed as being for sale within a Manufactured Home Park only.

7.9. MANUFACTURED HOME PARKS. The following shall apply to each Manufactured Home Park:

7.9.1. Manufactured Home Parks may be permitted in certain Districts as Special Exceptions (see Section 4.7 of this Ordinance).

7.9.2. All such Parks are subject to the provisions of Chapter 17 of this Ordinance addressing subdivision controls.

7.9.3. All such Parks shall also adhere to IC 16-41-27-1 through 16-41-27-34, and all applicable State Board of Health regulations.

7.9.4. Each 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.

7.9.5. No new park shall be permitted to have individual lot septic systems with a leach field. Each park must have an independent sewage plant or be connected to a public sewage system.

7.9.6. Each Park must be located on a site that is no less than five (5) acres.

7.9.7. The density of a Park shall not exceed six (6) dwelling units per acre, or (7260 sq. ft./lot) minimum.

7.9.8. No part of any Park shall be used for non-residential purposes, except for those uses required for direct servicing and well-being of Park residents, or for the management and maintenance of the Park. A laundromat and 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.

7.9.9. The minimum distance between any two (2) residential dwellings shall be fifty feet (50'), between any two (2) associated accessory structures shall be twenty-six feet (26').

7.9.10. No dwelling or accessory structure may be located in the Park that is closer than thirty-five (35) feet from the center of any Park street.

7.9.11. A residential structure and accessories shall cover no more than sixty percent (60%) of the lot on which it is situated.

7.9.12. All Homes bordering a state road, county road, feeder street, or local street shall meet the road setback requirements found elsewhere in this Ordinance.

7.9.13. All dwellings or accessory structures shall also be a minimum distance of twenty-six feet (26') from any park boundary.

7.9.14. Parking for Park residents shall be provided on each dwelling site and/or in common parking areas, shall be designed so as not to interfere with the flow of park traffic, and shall allow adequate space for visitor parking in common parking areas.

7.9.15. Covenants shall be submitted with the application for Special Exception, shall be recorded in the office of the Recorder of Wabash County, shall be furnished to each Park resident, and shall contain at least the following:

- (a) no Dwelling or Accessory Structure may be placed in the Park without issuance of an Improvement Location Permit,
- (b) on-street parking of boats, trailers, semi-trucks, ATVs, UTVs, etc. is strictly prohibited,
- (c) no splitting of any Park lots shall be permitted without first complying with the provisions of this Ordinance.

Chapter 8 **Campgrounds**

- 8.1. Campgrounds
- 8.2. Construction Requirement
- 8.3. Campground Plan
- 8.4. Campground Campsite
- 8.5. Conditions for Health and Safety
- 8.6. Campground Water Supply
- 8.7. Campground Sewage Disposal
- 8.8. Campground Sanitary Facilities
- 8.9. Campground Swimming Pools, Bathing Beaches
- 8.10. Campground Refuse Disposal
- 8.11. Campground Electrical Distribution
- 8.12. Emergency Equipment and Services
- 8.13. Campsite Registration
- 8.14. Right of Entry

Chapter 8 Campgrounds

8.1. CAMPGROUNDS. Campgrounds are permitted only as Special Exceptions in Districts A2, FRC, RL1 and RL2. This Chapter 8 applies to all public 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 for use of the facilities within the campground.

8.2. 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.

8.3. 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.

8.4. 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.

8.5. CONDITIONS FOR HEALTH AND SAFETY. No condition, situation, or installation shall be created, installed, or maintained that may cause or result in a health or safety hazard, or may cause or transmit disease, harbor rodents or other vermin, or provide any type of refuge for criminal activity. All fires shall be maintained within a camp fire ring or pit, with no more than one (1) camp fire per campsite.

8.6. 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.

8.7. 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.

8.8. CAMPGROUND SANITARY FACILITIES. Any campground with dependent campsites shall have flush toilets, sanitary vault privies, or portable toilets of the quantity and design specification stated in 410 IAC 6-7.1-26 as amended.

8.9. CAMPGROUND SWIMMING POOLS, BATHING BEACHES. Swimming pools shall comply with 410 IAC 6-2 and 675 IAC 20 as amended. Bathing beaches shall comply with 410 IAC 6-7.1-27 as amended.

8.10. 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 result in rodent or insect harborage, promote rodent or insect breeding, or create a fire, safety or health hazard. Each garbage can and dumpster shall be covered with a tight-fitting lid. Collection shall occur at least three (3) times per week, more when necessary. Community dumpsters shall be a minimum of fifty feet (50') from any campsite.

8.11. CAMPGROUND ELECTRICAL DISTRIBUTION. Electrical distribution shall, at minimum meet 410 IAC 6-7.1-29 requirements, as amended.

8.12. 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.

8.13. CAMPSITE REGISTRATION. All campground operators shall maintain a register containing, for each campsite, the 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 and make such register available upon request for inspection by law enforcement and/or the local health officer.

8.14. RIGHT OF ENTRY. The local health officer or an associate may enter public or private property at any reasonable time and, upon presentation of credentials, do any of the following:

- (a) inspect facilities, equipment, or records,
- (b) investigate allegations, conduct tests, and collect samples,
- (c) obtain information necessary to the issuance of a permit pursuant to this Ordinance, and
- (d) determine whether any person is subject to, or in violation of, this rule, or a permit issued pursuant to this rule.

Chapter 9 **Kennels**

- 9.1. Kennels
- 9.2. Noise
- 9.3. Setbacks
- 9.4. Kennel Operation on Primary Structure Parcel
- 9.5. Shelter
- 9.6. Boarding Facilities
- 9.7. Sanitation
- 9.8. Inspection

Chapter 9 Kennels

The purpose of this Chapter 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.

9.1. KENNELS. Kennels are permitted only as Special Exceptions in Zoning Districts A1 or A2.

9.2. NOISE. Noise produced by the animals and/or operation of the Kennel shall not interfere with the use and enjoyment of neighboring properties.

9.3 SETBACKS. 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 feet (1320') from the nearest residence in which the operator of the Kennel does not reside.

9.4. KENNEL OPERATION ON PRIMARY STRUCTURE PARCEL. For any Kennel operated on the same parcel as a Primary Structure the following shall apply:

- 9.4.1. The minimum area dedicated to the Kennel shall be one half (½) acre,
- 9.4.2. This designated acreage shall be in addition to the minimum required acreage for the residential structure when located on the same parcel,
- 9.4.3. No portion of the Kennel, (runs, fencing, boarding rooms, business office, or customer service area) shall be attached to the residence,
- 9.4.4. No portion of the Kennel, including parking area, shall be forward of the front of the Primary Structure in any District.
- 9.4.5. Sufficient fencing in and around the kennel shall be provided to secure animals. 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 and a secondary enclosure to prevent total escape in the event of breakout from the primary enclosure or entrance by unwanted intruders.

9.5. SHELTER. Sufficient shelter shall be provided to protect the animals from extremes of moisture, and temperature.

9.6. BOARDING FACILITIES. Animals shall be housed in a noise suppressing shelter between the hours of 8:00 p.m. and 7:00 a.m. Boarding facilities shall be approved by the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), Wabash County Humane Society and the Indiana Board of Animal Health or its appointed entity.

9.7. SANITATION. Proper sanitary disposal of animal waste shall be maintained in accordance with all USDA, Indiana BOAH, IDEM and Wabash County Health Department requirements.

9.8. INSPECTION. Kennels shall be open to periodic inspection for compliance by USDA APHIS, Indiana BOAH. The Wabash County Health Department and the Wabash County Animal Shelter may also be enlisted to assist with inspections.

Chapter 10 **Home Occupations**

- 10.1. Home Occupation
- 10.2. Type I and Type II Home Occupation Use
- 10.3. Home Occupation Type I
- 10.4. Home Occupation Type II
- 10.5. Transfer of Permit

Chapter 10 Home Occupations

10.1. HOME OCCUPATION.

It is the purpose and intent of this Chapter to provide for certain types of Home Occupations to be conducted within a Dwelling Unit or Accessory Structure by the dweller. Two (2) classes of Home Occupation have been established. Minimum standards have been established for each class of Home Occupation in order to:

- 10.1.1. Assure the compatibility of Home Occupations with other uses permitted in the applicable District,
- 10.1.2. Preserve the character of all neighborhoods while not adversely influencing the future development of nearby land for uses which are permitted under the district classification, and
- 10.1.3. Promote opportunities for business growth throughout the county.

10.2. 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:

- 10.2.1. There shall be no exterior indication of the Home Occupation or variation from the residential character of the premises for both the residential dwelling and the accessory structure excluding one (1) sign which identifies the business and structure entrance.
- 10.2.2. 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.
- 10.2.3. 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.
- 10.2.4. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
- 10.2.5. There shall be no outdoor storage of materials or goods in the development process and no outdoor display or storage of finished goods.

10.3. HOME OCCUPATION TYPE I.

10.3.1. Type I Home Occupation applications shall be reviewed and approved by the Plan Commission. The Plan Commission may request reasonable conditions as part of the approval. If approved, an Improvement Location Permit for the home occupation shall be issued.

10.3.2. Type I Home Occupation may be approved when the following standards are met:

10.3.2.1. The Home Occupation shall be carried on by a resident of the premises with no more than one (1) additional employee, who may or may not be a resident of the dwelling.

10.3.2.2. All business must be conducted within the primary residential structure. Business use of the residential structure shall not exceed more than thirty percent (30%) of the total living space.

10.3.3. The use shall not increase vehicular traffic flow nor shall there be parking for more than two (2) additional vehicles at a time in addition to the vehicle of the one (1) additional employee described in Section 10.3.2.1. In addition,

10.3.3.1. No additional ingress or egress drives to serve such Home Occupation shall be permitted,

10.3.3.2. All traffic must be able to exit premise without backing onto any public road,

10.3.3.3. Parking along the street may be permitted provided it does not interfere with traffic flow, intrude on adjoining property owners, or violate any current parking regulations, and

10.3.3.4. 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 unloading along the street shall be permitted provided it does not interfere with traffic flow or intrude on adjoining property.

10.4. HOME OCCUPATION TYPE II.

10.4.1. 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 BZA may impose reasonable conditions as part of the approval.

10.4.2. Type II Home Occupation may be approved when the following standards are met:

10.4.2.1. 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 be residents of dwelling.

10.4.2.2. All business must be conducted within the accessory structure.

10.4.2.3. 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,

10.4.2.4. In no case shall both the principal dwelling (Residence) and an accessory structure be used for the Type II Home Occupation,

10.4.2.5. No accessory structure shall exceed nine hundred (900) square feet of occupied space.

10.4.2.6. 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.

10.4.2.7. No additional ingress or egress drive to serve such Home Occupation shall be permitted,

10.4.2.8. All parking generated by the conduct of such home occupation shall be 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,

10.4.2.9. 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 adjoining property.

10.5. TRANSFER OF PERMIT.

A permit for a Type I or Type II Home Occupation is not transferable for

- (a) a different location,
- (b) new ownership of the permitted location, or
- (c) a change of the permitted Home Occupation.

Chapter 11 Confined Feeding Operations

- 11.1. Purpose
- 11.2. Pre-application
- 11.3. Improvement Location Permit
- 11.4. New CFO Site Setbacks
- 11.5. New Site Screening
- 11.6. Existing CFO
- 11.7. Setbacks Existing Sites
- 11.8. Existing Site Screening
- 11.9. Termination
- 11.10. Waste Management
- 11.11. Conformance
- 11.12. Staging Manure, Un-manipulated Organic Fertilizer

Chapter 11

Confined Feeding Operations

11.1. PURPOSE.

11.1.1. The purpose of this Chapter 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 agricultural uses.

11.1.2. These standards, along with any 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.

11.2. PRE-APPLICATION.

11.2.1. Prior to submitting an application to IDEM, an applicant may be required to complete and submit a Pre-Application to the Plan Commission office (depending on the proximity of the CFO's proposed structures to any neighboring residences or business structures). Except as provided hereinafter, for a period of twelve (12) months, eighteen (18) months if granted an extension, after submission of the Pre-Application, 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.

11.2.2. The Pre-Application is good for twelve (12) months, and may be renewed only one (1) time for an additional 6 months if the applicant proves diligence in seeking the IDEM operating permit.

11.2.3. An IDEM permit is valid for five (5) years, however, the initial Pre-Application shall only secure the CFO Pre-application site for the twelve (12) month period, or eighteen (18) month period, when a six (6) month extension is granted.

11.2.4. For any approved IDEM CFO permit containing multiple structures, the County's twelve (12) or eighteen (18) month timeline applies to the start time of the initial (1st) structure.

11.2.5. Any Pre-Application submitted by an applicant, LLC found to have any significant connection with any pending or otherwise un-resolved violation of any environmental related statute, rule, regulation, or order of any Federal, State, or local governing body, shall be immediately revoked.

a. Any significant connection with any pending or otherwise un-resolved violation of any environmental related statute, rule, regulation, or order of any Federal, State or local governing body must be rectified prior to submission of a new Pre-Application.

b. A new Pre-Application shall not be accepted for review for a minimum of 180 days from the date of the annulment or until the violation is rectified, whichever is more restrictive.

11.2.6. No Pre-Application may be transferred to any other location, owner, or entity.

11.2.7. A Pre-Application fee, based on the current Permit Fee Schedule, shall be assessed when a Pre-Application is submitted. A portion of such fee, minus expenses, may be refunded if, after review by the Plan Commission, it is determined that 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.

11.2.8. Each Pre-Application applicant shall acknowledge in writing that said applicant has reviewed and understands the requirements of this Chapter.

11.2.9. Within fourteen (14) days, after the submission of the Pre-Application, each property owner within the required setback of the proposed new CFO site or the required setback for expansion of an existing CFO site shall be notified of a proposed CFO site.

11.2.10. The notice to those deeded owners shall include the following statement:

“You are notified that a Pre-Application has been submitted for the construction or expansion of a confined feeding operation and property you own is within the prescribed setback area applicable to such operation as defined in Chapter 11 of the Wabash County Unified Zoning Ordinance. The Permit is valid for 12-18 months. If you sell or transfer any part of the property you own within the prescribed set-back area within 12-18 months after your receipt of this notice, you must provide any transferee of such property with a copy of this notice. For further information, contact the County Plan Commission office in the Wabash County Courthouse.”

Such notification shall be prepared and mailed Certified Return Receipt by the Wabash County Plan Commission.

11.2.11. 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.

11.3. IMPROVEMENT LOCATION PERMIT.

11.3.1. No Improvement Location Permit shall be issued to any applicant, LLC, or corporation with a member that has any significant connection with any pending or otherwise un-resolved violation of any environmental related statute, rule, regulation, or order of any Federal, State, or local governing body.

11.3.2. After a CFO applicant has received permit approval from IDEM, Wabash County Drainage Board, and proof of notification from the Wabash County Soil and Water Conservation District, the applicant shall provide copies of such approvals and notifications to the Plan Commission in order to apply for an Improvement Location Permit.

11.3.3. An Improvement Location Permit shall be required for:

- a. All new CFO structures, lagoons, pits, ponds, holding tanks, dry manure storage, waste processing systems, compost bldgs., satellite manure storage structures.
- b. 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.

11.4. NEW CFO SITE SETBACKS.

Any new CFO structures, including lagoons, pits, ponds, waste 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:

11.4.1. All CFO structures shall be a minimum of one thousand three hundred twenty (1,320) feet from any residence or business structure.

11.4.2. No new dwelling or business structure may be constructed within one thousand three

11.4.3. All CFO structures, lagoons, pits, ponds, waste holding tanks, dry manure storage, waste processing systems, compost buildings., must be set back a minimum of three hundred (300) feet from public roads and three hundred (300) feet from all neighboring property lines.

11.4.4. All CFO structures must be at least 1,000 feet from a public water supply surface intake structure and any off-site water well.

11.4.5. All CFOs shall be located on a parcel of no less than ten (10) acres.

11.4.6. **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 the West platted boundary of Liberty Mills

North Manchester

1320 Feet

Outside of corporate jurisdictional permitting boundary of the Town of N Manchester

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

11.4.7. **LAGRO TOWNSHIP**

Lagro Town

2640 Feet

Outside of corporate jurisdictional boundary of Lagro

Lincolnvile

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

11.4.8. **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

11.4.9. **NOBLE TOWNSHIP**

Richvalley

2640 Feet

Outside all zoning except A1, A2

Wabash City

1320 Feet

Outside of corporate jurisdictional permitting boundary of Wabash City

11.4.10. **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

11.4.11. **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

11.4.12. **WALTZ TOWNSHIP**

Somerset, Mt. Vernon

2640 Feet

Outside all zoning except A1, A2

Mississinewa Reservoir Area

2640 Feet outside all zoning except A1, A2

11.4.13. Public Schools & Whites Residential

Minimum Setback 2640 feet
All North Manchester Community Schools
Manchester University
All Metropolitan Community Schools
Whites Residential
All Wabash City Schools

11.4.14. 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

11.4.15. Churches

Required CFO Setback

- a. List of Churches (As recognized on the listing of churches by the Wabash County Assessor's Office).

11.5. NEW CFO SITE SCREENING.

Screening planting and /or landscape barrier combinations shall be required for all new site CFO structures, waste processing systems, compost buildings, and satellite manure storage facilities.

11.5.1. All such screening and/or landscape barriers shall conform to Wabash County Zoning Ordinance requirements, and shall be properly maintained by the CFO operator/ owner.

11.5.2. Screen planting and/or landscape barrier combinations must provide 90% coverage of the view of structure(s) / complex and reach Ten (10) feet in height within Five (5) years from the issue date of the County CFO ILP.

- a. All sides of the structure/complex shall be screened.

11.6. EXISTING CFO.

11.6.1. Any currently permitted IDEM CFO established prior to March 2, 2007, shall be considered a conforming use that may have non-conforming characteristics and a request for expansion must be reviewed and approved by the Wabash County Plan Commission, and the Wabash County Drainage Board, and the applicant must present the required IDEM permitting before an ILP can be issued by the Wabash County Plan Commission.

11.6.2. Structure alterations, expansion or additions required by law shall be just cause for the Wabash County Plan Commission to require the owner to complete an ILP for such to ensure compliance with the law and minimal disruption to the CFO site.

11.6.3. 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.

11.6.4 Any IDEM permitted CFO structure that existed prior to March 2, 2007, 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 March 2, 2007), or will be located at the same immediate location by succession to the prior original March 2, 2007 structure.

b. The currently permitted CFO site and owner(s) have no pending or otherwise unresolved violation of any environmental related statute, rule, regulation or Order of any Federal, State, or local governing body.

c. The ownership of the CFO site, applying for expansion at an existing site, has not changed since the establishment of the Wabash County CFO Ordinance adopted March 2, 2007.

1. If listed as an LLC or corporation, at least one (1) member of the LLC or shareholder of the 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.

11.7. SETBACKS EXISTING SITES.

Any new structures constructed on an existing CFO site, including 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:

11.7.1. The expansion meets or exceeds the written setbacks currently required by IDEM per 327-IAC-19-12-3, as amended.

11.7.2. A setback of 1,000 feet from a public water supply surface intake structure.

11.7.3. A setback of 1,000 feet from any off site water well.

11.7.4. 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).

11.7.5. A setback of 100 feet from any on-site water wells, property line and public road.

11.7.6. A setback of 400 feet from any existing off-site residential structure.

11.8. EXISTING SITE SCREENING.

Screening and /or landscape barrier combinations shall be required for all new CFO structures, waste processing systems, compost bldgs., and satellite manure storage facilities.

11.8.1. All such screening shall conform to Wabash County Zoning Ordinance requirements, and shall be properly maintained by the CFO Operation operator / owner.

11.8.2. Screen planting and/or landscape barrier combinations must provide 90% coverage of the view of structure(s) / complex and reach Ten (10) feet in height within Five (5) years from the issue date of the County CFO ILP

- a. All sides of a new structure/complex shall be screened.
- b. Additional screening of existing structures may be required.

11.9. 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.

11.10. WASTE MANAGEMENT.

Any owner or operator of a CFO and anyone who distributes, stages, uses, or transports animal waste or animal process waste liquid 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, Article 7 and 8 as may be amended.

11.11. 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.

11.12. 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 IDEM and a permit from the Plan Commission:

11.12.1. Construction.

11.12.2. Expansion that increases manure containment capacity.

a. 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.

11.12.3. 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.

a. Storage, for purposes of this article, shall not include staging as defined in 327 IAC 19-2-43. as amended, (Water Pollution Control).

b. 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.

11.13. STAGING MANURE, UN-MANIPULATED ORGANIC FERTILIZER.

11.13.1. Setbacks for staging manure, whether covered, open, or a gradient barrier is installed shall be as follows:

- a. 1,000 feet from a public water supply surface intake structure and any off-site water well,
- b. 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),
- c. 100 feet from any off-site neighboring property line or a public road, on-site water well,
- d. 400 feet from existing off-site residential or public buildings,

11.13.2. The following policies of 355 IAC 8-4-2 as amended, shall also apply.

- a. Manure shall not be staged on an area with a slope greater than 6% unless run-on and run-off are controlled.
- b. Manure that is staged for more than 72 hours shall be protected by a cover or have a gradient barrier.
- c. Manure must be applied within ninety (90) days of staging.

Chapter 12

Wind Energy Conversion Systems

- 12.1. Development Standards, Wind Energy Conservation Systems
- 12.2. Non-Commercial WECS
- 12.3. Commercial WECS
- 12.4. Proof of Correspondence and Cooperation with Wildlife Agencies:
- 12.5. Drainage Plan and Erosion Control Plan
- 12.6. Road and Property Maintenance Agreement
- 12.7. Performance Guarantee for Roads
- 12.8. Discontinuation, Decommissioning, Abandonment, Restoration, Plan
- 12.9. Development Taxation Agreement.
- 12.10. Applications for COMMERCIAL WECS
- 12.11. Zoning Requirements
- 12.12. Application Fees
- 12.13. WECS Standards
- 12.14. WECS Conditions
- 12.15. WECS Construction Requirements
- 12.16. Housekeeping
- 12.17. Safety
- 12.18. Temporary Meteorological Equipment
- 12.19. WECS Ownership

Chapter 12

Wind Energy Conversion Systems

12.1. DEVELOPMENT STANDARDS, WIND ENERGY CONSERVATION SYSTEMS.

It is the purpose of the WECS Development Standards to assure 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.

12.2. NON-COMMERCIAL WECS. Non-Commercial WECS 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, phone number and E-mail.
- b. Contact information of the deeded land owner, including name, address, phone number and E-mail.
- 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. The majority 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 (1") equal thirty feet (30') 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 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. 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.

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.

12.2.1. Zoning Requirements. Applications for Non-Commercial WECS shall be accepted for review when development is to be located in the following Districts:

Agriculture 1	A1
Agriculture 2	A2
Forest, Recreation, Conservation	FRC
General Business	GB
Industrial	I
Lake Residential 1	LR1
Residential 1	R1

12.2.2. Color and Finish. 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.

12.2.3. Modification. 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.

12.2.4. Inspection. The Wabash County Plan Commission, along with a licensed 3rd party professional, 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.

12.2.5. Discontinuation, Decommissioning, and Removal. In the event of abandonment by the owner or operator, the applicant shall provide, in the application process, an affidavit to the Plan

Commission that all easements for the wind turbines shall contain assurance for access to remove WECS equipment. The 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.

a. 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 one hundred eighty (180) 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.

12.2.6. Setbacks. No 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.

a. Distances shall be measured from the closet point of the WECS impeller radius to the closet point of the property line or structure.

b. WECS shall be considered as accessory uses and meet the required setbacks established for accessory uses in the designated zoning district.

c. All WECS structures and equipment shall be setback from the centerline of any public road the following minimum distances:

- | | |
|---------------------------|----------|
| 1. State Roads | 105 feet |
| 2. Primary County Roads | 95 feet |
| 3. Secondary County Roads | 65 feet |
| 4. All other Streets | 65 feet |

12.2.7. Noise & Vibration. 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 WECS exceed 32 decibels on the "A" weighted scale of a Sound Level Meter. At no time shall vibration created by any WECS be detectable on any non-participating land owner's property or within the structures located on said property.

12.2.8. Shadow Flicker. 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 owner's property.

12.2.9. Utility Interconnection. All WECS connected to a utility system, shall meet the requirements for interconnection and operate under the electrical utility's service regulations applicable to WECS.

12.3. COMMERCIAL WECS. Commercial WECS Requirements. Prior to the construction of a COMMERCIAL WECS, Applicant(s) shall seek approval for a COMMERCIAL WECS by completing a Special Exception Application in which the following conditions at minimum shall be met:

a. Contact information of the project applicant, owner, and operator, including names, addresses, phone numbers and E-mail for each.

b. Contact information of the current project applicant, owner, and operator, shall include a description of the project applicant's owner's, operator's business structure with three (3) references.

c. The legal description, property addresses, deeded owners' names and 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.

d. The manufacturer's engineer or a Certified Indiana Structural Engineer shall certify, by seal, as part of the permitting application that all turbine foundations, tower designs, substations, and power distribution plans for the WECS are within accepted professional standards, given local soil and climate conditions.

1. Must certify soil type for each turbine site location.

e. 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.

f. A WECS project description, providing information on each WECS turbine proposed including:

1. Each turbine 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.

g. 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.

h. A copy of the Communications Study and Noise Profile for each wind turbine unit to be installed on each specific site.

12.4. PROOF OF CORRESPONDENCE AND COOPERATION WITH WILDLIFE AGENCIES:

For the purposes of demonstrating compliance with required permits, the applicant shall provide written documentation that the applicant is in direct correspondence, cooperation and in compliance and shall remain in compliance with all applicable regulations and requirements of the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources. All such correspondence must include job title, contact name, phone number, and e-mail address of those verifying compliance with all applicable regulations and requirements.

12.5. DRAINAGE PLAN AND EROSION CONTROL PLAN.

A Drainage Plan and Agreement shall be established and approved by the Wabash County Drainage Board. The Drainage Agreement must prescribe or reference provisions for repair of any damaged waterways, drainage ditches, field tiles or drainage infrastructure within the development site during the life of the WECS, the decommissioning / restoration process, and 2 years beyond the completion of the site decommissioning and restoration. An erosion control plan developed in accordance with the Natural

Resources Conservation Services (NRCS) guidelines, IDEM Rule 5, and any storm water quality management plan adopted by the applicable jurisdiction(s) shall be submitted.,

a. Drainage and Erosion

1. Requirements of the Wabash County Storm Water Control Ordinance shall be followed during construction, operation, maintenance, decommissioning, and restoration 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,
2. All site locations shall be reviewed and approved by the Wabash County Drainage Board Prior to the issuing of any ILPs,
3. 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,
4. All damages must be repaired to original or better condition, immediately.

12.6. ROAD AND PROPERTY MAINTENANCE AGREEMENT.

A road and property maintenance plan and agreement shall be established and approved by the WECS applicant, owner, operator, the Wabash County Highway Superintendent, Wabash County Commissioners and the Wabash County Council prior to the issue of any ILPs. The Plan at minimum shall include:

- a. Indicate by description and map all proposed routes for all public roads, bridges, culverts, side ditches, personal property and services that will be used during construction, operation, decommissioning and restoration of the WECS.
- b. Notation of 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, operation and maintenance, decommissioning and restoration periods);
- c. Identification of needed bridges, culverts, fence crossings etc.
- d. Identification of all areas where modification of the topography will be or is anticipated (cutting/filling) to construct and / or improve roadways or intersections,
- e. Any route that includes a public road shall be approved by the Wabash County Highway Superintendent. A pre-construction baseline survey shall be conduct to determine existing road conditions for assessing potential future road damage,
- f. Any damage, created during the construction operation, decommissioning and restoration of the WECS must be repaired to the satisfaction of the Road and Property Maintenance Agreement establish by the Wabash County Highway Superintendent, Wabash County Commissioners, Wabash County Council and the WECS applicant, owner, operator.
- g. The County 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 ensure 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.

h. Culvert pipes shall be sized by the County Highway Superintendent and installed as required at all exits from roadways onto WECS access roads and intersection corners expanded to provide ample turning area for oversized or wide loads,

i. Dust control measures shall be required by the county in scheduled work areas during construction of all WECS,

12.7. PERFORMANCE GUARANTEE FOR ROADS.

The County shall require financial guarantees to ensure proper maintenance, repair/ restoration of roadways, bridges, culverts, side ditches or other infrastructure damaged or degraded during construction, operation or dismantling of a WECS 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.

12.8. DISCONTINUATION, DECOMMISSIONING, ABANDONMENT, RESTORATION, PLAN.

Prior to issuance of a Special Exception, or an ILP, the completion of a Discontinuation, Decommissioning, Abandonment, Restoration Plan and Agreement between the Applicant, Owner, Operator, Wabash County Board of Commissioners and Wabash County Council outlining the anticipated means, costs and method of payment of all costs in carrying out a Discontinuation, Decommissioning, Abandonment, Restoration Plan and Agreement at the end of the WECS life or the life of any part of a WECS, upon becoming an abandoned use, or being declared a public nuisance shall be in place. The plan shall be recorded with the Wabash County Recorder, cross referenced to the deed(s) to all associated project parcels, and shall contain the following provisions:

a. All expenses involved in such Decommissioning and Restoration shall be paid by the WECS applicant, owner, operator, or removal and restoration will be completed by Wabash County at the WECS applicant's, owner's, operator's expense as listed in the Discontinuation, Decommissioning, Abandonment, Restoration Plan

1. Applicant shall provide financial assurance through the use of a bond or other security acceptable to the county in an amount equal to 125% of the contractor estimated cost for decommissioning, demolition, and restoration of anything proposed to be constructed under the WECS project.

2. Estimates shall be determined by licensed engineers selected by the APC,

3. All fees associated with the engineer's calculation and review of decommissioning and restoration cost shall be paid by the WECS applicant, owner, operator,

4. Unless otherwise agreed to by all parties, every five (5) years, said engineer shall calculate a new estimate of probable cost of Decommissioning, Demolition and Restoration that shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the county shall be adjusted upward or downward as necessary. A new estimate shall be submitted to the APC prior to the sale of any portion of the WECS and the Performance Guarantee adjusted appropriately and made part of the sales contract,

5. Failure to negotiate in good faith the calculated decommissioning and restoration cost during the operational life of the WECS shall be just cause for the county commissioners to declare the WECS a nuisance and require the

WECS applicant, owner, operator to cease operation of the C-SES and complete the Decommissioning and Restoration process,

- b. The security for decommissioning, demolition and restoration shall be released when such work is completed to the satisfaction of the Wabash County Commissioners.
- c. 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 sixty inches (60") beneath the soil surface and restoration of the area occupied by the project to the same or better condition that existed immediately before beginning construction of such improvements.
- d. In the event of abandonment by the owner or operator, the applicant shall provide, in an affidavit to the Plan Commission that all easements for the wind turbines shall contain assurance for access to remove WECS equipment. The 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.

12.9. DEVELOPMENT TAXATION AGREEMENT. The county is required to ensure the prevention of large tax shifts that may otherwise be incurred by the taxpayers of the county and more particularly of those taxing units upon which the project resides due to any reduction in tax base caused by such projects. Therefore, in cooperation with all parties, (the Board of County Commissioners, the Wabash County Council, the Wabash County Auditor, the Wabash County Economic Development Authority and the WECS applicant, owner, operator), an agreement shall be established that allows for an acceptable solution for the proper taxation or Payment in Lieu of Taxes, (PILOTS), (IC 36-3-2-10), of said WECS. Any agreement drafted and or implemented shall be developed in conjunction with and be approved by the Board of County Commissioners and Wabash County Council as may be required by law prior to the issuance of any permits and or the commencing of construction. In calculation of the payment amount to be assessed annually:

- a. Consideration for tax abatements shall be granted for land use or tools and equipment associated with the WECS,
- b. No part of a WECS development or project shall be permitted to be established as a TIF District,
- c. An Economic Development Agreement may be entered into between the WECS applicant, owner, operator and Wabash County for funding alternatives in lieu of tax payments.

12.10. 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:

- a. Property lines, including identification of all adjoining properties,
- b. The longitude and latitude of each wind turbine, along with individual identification for each WECS turbine, (ID by number),
- c. Dimensional representation of the structural components of the tower construction including the base and footers,

- d. All WECS access roads and road composition,
- e. Substations and switching stations,
- f. All WECS electrical cabling runs,
- g. Ancillary equipment,
- h. All Primary Structures within one (1) mile of all proposed WECS equipment,
- i. Required setbacks identified and displayed,
- j. Location of all public roads which abut, or traverse the proposed site,
- k. Location of all above-ground utility lines within one (1) mile of any proposed WECS turbine or structure,
- l. Location of all existing underground utilities that may impede buried cable runs and all underground utilities associated with the WECS,
- m. 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 WECS,
- n. 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 WECS,
- o. A USGS topographical map or map with like data, of the property and the surrounding area, including contours at two (2) foot intervals,
- p. Any other items reasonably requested by the Plan Commission.

12.10.1. 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.

12.11. ZONING REQUIREMENTS.

A WECS shall be allowed only as a Special Exception in the following Districts:

AGRICULTURE 2	A2
FOREST, RECREATION, CONSERVATION	FRC
INDUSTRIAL	I

12.12. APPLICATION FEES.

All Special Exception Applications and Improvement Location Permit Applications shall be charged a fee, based on the current Permit Fee Schedule.

12.13. WECS STANDARDS.

WECS shall conform to all industry standards. The WECS 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.

- 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 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 WECS components shall be grounded and shielded to protect against natural lightning strikes and system faults in conformance with the National Electrical Code and local utilities service regulations which may apply to WECS.
- d. **Speed Control:** All 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 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 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 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.
- h. **Electrical Applications:** All electrical components of all WECS shall conform to all applicable local, state, federal and national codes, and any relevant national and international standards. All 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:** 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 WECS exceed 32 decibels on the "A" weighted scale of a Sound Level Meter and at no time shall vibration created by any WECS be detectable on any non-participating land owner's property or within the structures located on said property.
- j. **Shadow Flicker:** 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 owner's 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 WECS structures.

1. **Color and Finish:** 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.

1. 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.

12.14. WECS CONDITIONS.

In addition to all WECS requirements and standards, all WECS shall meet or exceed the following WECS conditions:

a. **Final Site Layout Plan:** 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.

1. The final site plan shall include a utility plan drawn to scale (one inch (1") equals thirty feet (30') preferred) illustrating the location of all underground utility lines associated with the total WECS project.

2. A site plan shall be required for any WECS 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.

i. Site shall be fenced and gated for security purposes,

ii. 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. **Required Agreement:** All WECS applicants, operators, owners shall complete and follow an economic development agreement, a drainage agreement, and a road use and maintenance agreement, discontinuation, decommissioning restoration agreement, operation 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.

c. **Modification, Repairs, and Maintenance:** 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.

d. **Inspections:** The Wabash County Plan Commission, along with a licensed 3rd party professional, 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.

e. **Written Notices:** The 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 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. The decision of the Plan Commission shall be final.

12.15. WECS CONSTRUCTION REQUIREMENTS.

a. **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.

b. **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.

c. **Collection, Transmission and Feeder Lines:** All 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.

i. Field locate of identified existing tiles will be at WECS applicants' expense.

d. **Setbacks:** No 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.

e. 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.

f. 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 feet (1,980') from any existing applicant/participant Primary Residential or Business Structure.

g. 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 feet (1000') whichever is more restrictive.

h. 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:

1. State Road	105 Feet
2. Primary County Road	95 Feet
3. Secondary County Road	65 Feet

i. All WECS turbines shall be set back two (2) times the total height of the wind turbine or a minimum of one thousand feet (1000') from any non-participating WECS Property owner's property line, whichever is more restrictive.

j. **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.

12.16. HOUSEKEEPING. 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.

12.17. SAFETY.

a. **Equipment Type:** All WECS components shall be constructed of commercially available equipment.

b. **Signage:** 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.

1. Emergency manual shutdown procedures shall be posted with all manual shutdown levers and switches clearly labeled,

2. No signage shall be used on any WECS equipment for the purpose of advertising or to promote any product or service.

c. **WECS Access:** 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:** 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:** 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: The owner, operator of the WECS shall maintain a current general liability policy covering bodily injury and property damage and name Wabash County 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.

12.18. TEMPORARY METEOROLOGICAL EQUIPMENT.

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.

a. Experimental /Prototype Equipment still in testing, which does not fully comply with industry standards, shall not be approved for use.

12.19. WECS OWNERSHIP.

It shall be the responsibility of the owner, operator listed on the application to inform the Plan Commission of all changes in ownership and operation of the WECS during the life of the project. All bonding and liabilities shall require new bonding whenever a change of ownership is to be established.

Chapter 13

Solar Energy Systems

- 13.1 Purpose
- 13.2 Non-Commercial Solar Energy Systems (NC-SES)
- 13.3 Application for a NC-SES
- 13.4 NC-SES Disclaimer
- 13.5 NC-SES Solar Easement
- 13.6 Commercial Solar Energy System (C-SES)
- 13.7 Setbacks (C-SES)
- 13.8 Buffering and Screening (C-SES)
- 13.9 Vegetation (C-SES)
- 13.10 Buffering, Screening, and Vegetation Maintenance (C-SES)
- 13.11 Fence (C-SES)
- 13.12 Equipment Type (C-SES)
- 13.13 Electrical Components (C-SES)
- 13.14 Signage (C-SES)
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- 13.25 Change in Ownership (C-SES)
- 13.26 Liability Insurance (C-SES)

Chapter 13 Solar Energy Systems

13.1. PURPOSE. This chapter is to assure that the development and production of solar-generated electricity in Wabash County, Indiana, is safe and effective, to facilitate economic opportunities for local residents, to provide standards for solar generated energy, utilize natural resources and ecologically sound energy sources, and to support Indiana's alternative energy sources potential and other such economic development tools.

13.2 NON-COMMERCIAL SOLAR ENERGY SYSTEMS (NC-SES).

13.2.1. . Interference. When selecting a site for solar panels, all applicants shall take into consideration the potential maximum allowable structure height and possible landscaping of the adjacent properties to avoid interference and potential loss of efficiency from the sun to the solar panel surface. As part of the application process a written disclaimer is required acknowledging an issued permit does not imply any solar access rights.

13.2.2. Permitted Use Districts NC-SES. An NC-SES shall be permitted in Districts A1, A2, FRC, R1, R2, LR1, LR2, GBD, and I DISTRICTS.

13.2.3. Setback Requirements for NC-SES.

13.2.3.1. Ground Mounted Solar Equipment. The minimum setback from side and rear property lines shall be thirteen (13) feet from the property line for all solar associated equipment.

a. Freestanding solar panels shall only be permitted in the rear and side yard in any Residential Zoned District.

13.2.4. Roof Mounted and Wall Mounted NC-SES. The following shall apply to all roof and wall mounted NC-SES.

a. A roof mounted or wall mounted NC-SES may be located on a principal or accessory building,

b. 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 feet (2') of any peak, eave, or valley of the roof in order to maintain pathways of accessibility,

c. Wall mounted NC-SES shall comply with the setbacks for principal or accessory structures in said Districts,

d. Roof mounted solar panels shall be located only on rear or side-facing roofs as viewed from any adjoining street unless the applicant demonstrates to the PC that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively,

e. For roof and wall mounted systems, the applicant shall provide written evidence that the plans comply with the Indiana Residential Code and adopted building codes of Wabash County, and that the roof or wall is capable of supporting the load imposed on the structure.

13.2.5. Ground Mounted NC-SES. The following shall apply to ground mounted NC-SES.

a. Ground mounted NC-SES located in an A1, A2, FRC, GBD, or I District shall not exceed fifteen (15) feet in height, when oriented at maximum tilt, above the ground elevation surrounding the system. In any other District, where a ground mounted NC-SES is permitted, the maximum height of the NC-SES shall not exceed ten (10) feet when oriented at maximum tilt, above the ground elevation surrounding the system.

b. Safety/warning signage as required by applicable law concerning voltage shall be placed with ground mounted electrical devices, equipment, and structures.

c. Ground-mounted NC-SES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or floodplain, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system, except when permission is granted in writing by the Wabash County Drainage Board, and/or Floodplain Administrator and/or owner of the land and/or right-of-way and/or easement. This would include but not be limited to state, county and/or privately owned waterways, ditches, drainage tiles, retention areas and designed swells.

13.2.6. Electrical Components:

a. Electrical components of all NC-SESs shall conform to applicable local, state and federal safety codes for similar NC-SESs,

b. All on-site utility lines, transmission lines, and plumbing shall be placed underground,

c. When solar storage batteries are included as part of the solar energy collector system, they must be placed in a secure container or enclosure and installed and maintained as required by applicable law.

13.2.7. Utility Interconnection. All NC-SES, interconnected to a utility system, shall meet the requirements for interconnection and operate as required by applicable law.

a. All roof, wall, and ground mounted systems shall be equipped with a rapid disconnect to ensure a safe condition in the event of any emergency situation.

13.2.8. Color, Finish and Glare. To the extent reasonably possible, the NC-SES shall be designed using such features as colors, materials, textures, placement, screening and landscaping so as to blend into their settings and avoid significant glare and visual impact. The NC-SES shall remain painted or finished in the color or finish that was originally applied by the manufacturer.

a. The applicant has the burden of mitigating any glare produced so as not to have significant adverse impact on adjacent uses. Mitigation is accomplished by panel siting, panel orientation, landscaping and/or other means.

13.2.9. Signage. No portion of the NC-SES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the NC-SES along with any required information, warning or safety signs.

13.2.10. Landscaping / Vegetation. An appropriate ground cover shall be maintained under and around all solar arrays and any associated equipment.

13.2.11. Maintenance. The NC-SES must be properly maintained and kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, cracked glass, being in an unsafe condition or detrimental to public health, safety or general welfare.

13.3. APPLICATION FOR AN ILP FOR A NC-SES. An application for a NC-SES shall include, but not be limited to the following information.

13.3.1. Contact Information of NC-SES Applicant. The name(s), address(es), telephone number(s) and e-mail address(es) of the applicant(s).

13.3.2. Legal Description. The legal description, the 911 Emergency Address and the County parcel ID number of the real property upon which the NC-SES is to be located.

13.3.3. NC-SES Project Description. A detailed description and site plan with the following:

- a. Type of solar technology (e.g., solar panels, thermal solar, solar shingles, etc.),
- b. Solar panel mounting technique (e.g., ground-mount, roof- mount, wall mount etc.),
- c. Solar arrays and associated equipment layout including array height,
- d. Name plate generating capacity,
- e. The means of interconnecting with the electrical grid,
- f. The equipment manufacturer(s) including information sheets and installation manuals,
- g. All associated accessory structures,
- h. Demonstration of energy need,
- i. Interconnection agreement with public utility company,
- j. Line drawings that illustrate that the manner of installation conforms to the National Electric Code,
- k. Certification by a manufacturer's engineer or another qualified registered professional engineer that all proposed structural aspects of the NC-SES design are within accepted professional standards, and the structure that the solar technology will be affixed to, will tolerate the installed weight and wind load of said technology. (e.g., roof walls, soils, etc.).

13.4. NC-SES DISCLAIMER. Applicants must acknowledge in writing that the NC-SES will not create in the property owner, its, his, her or their successors and assigns in title, or, create in the property itself:

13.4.1. The right to remain free of shadows and/or obstructions to solar energy caused by development of adjacent or other property, or the growth of any trees or vegetation on such property, or

13.4.2. The right to prohibit the development on, or growth of any trees or vegetation on such property. This disclaimer is secondary to any solar easements entered into with adjacent land owners and subject to the terms agreed to therein.

13.5. NC-SES SOLAR EASEMENTS.

13.5.1. When an applicant seeks to construct a NC-SES in a subdivision or land development, solar easements may be provided; said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements prescribed in IC 32-23-2-5 or subsequent amendment(s).

13.5.2. Any such solar easements shall be appurtenant, shall run with the land benefited and burdened, and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall meet the requirements of IC 32-23-4- 4 and 32-23-4-5 and shall include, but not be limited to, the following:

13.5.3. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees at which the solar easement extends over the real property that is subject to the solar easement, and a description of the real property to which the solar easement is appurtenant.

- a. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement,
- b. Enumerate any terms and conditions, under which the easement is granted, and may be revised or terminated.

13.5.4. If necessary, a NC-SES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

13.6 COMMERCIAL SOLAR ENERGY SYSTEMS (C-SES).

13.7. SETBACKS, C-SES

13.7.1. Horizontal Extension for C-SES. The furthest horizontal extension of a C-SES, excepting the C-SES collection system, C-SES transmission lines, ingress/egress road and C-SES access roads/lanes, shall not extend into a setback which is otherwise required for the zoning district in which the C-SES is located, or into a required buffer area or into a setback required for an adjacent zoning district nor be less than 15 feet from any structure or public right-of-way easement for any above-ground telephone line, electrical transmission line, electrical distribution line or other above ground communication or transmission line.

13.7.2. Setback requirements. The following set-back requirements shall apply:

- a. The minimum setbacks for all equipment, buffering, fencing and access roads/lanes associated with the C-SES shall be as listed in Setback Chart 13.7.2. f. and 13.7.2. g.. Setbacks shall be measured from the center of the road, or from the adjoining property line. Setbacks apply to solar arrays, racking, inverters, battery storage facilities, substations, accessory buildings, buffering, fence, access roads/lanes and any other power equipment or meteorological towers,
- b. For all poles carrying overhead wiring and for any underground wiring connecting the racks and components of a C-SES and/or to connect a C-SES to a battery storage facility or substation or other direct connection to a utility's electric transmission line, there are no setback requirements from property lines of adjoining landowners so long as the poles and underground wiring are located within a recorded easement for such purpose or in right-of-way,
- c. Except as permitted in writing by the Wabash County Drainage Board, and/or Floodplain Administrator and owner of the land and/or owner of a right-of-way and/or easement, ground-mounted C-SES shall not be placed within:
 - i. any legal easement or right-of-way location,
 - ii. any storm water conveyance system,
 - iii. any floodplain, or flowage easement, or

iv. placed in any other manner that would alter or impede storm water runoff from collecting in, and/or conveyance through, and/or discharge from, a constructed storm water conveyance system (including, without limitation any swale, regulated drain, water course or drainage tile).

d. This would include, but not be limited to, state, county and/or private owned waterways, ditches, drainage tiles, retention areas and designed swells. Notwithstanding the foregoing, nothing in the preceding sentence shall prevent the replacement, repair, reconstruction and/or relocation of any such water conveyance system as necessary to develop and install the C-SES with any necessary approvals from the County Drainage Board.

e. Setback Charts 13.7.2. f. and 13.7.2. g.

SETBACK CHART FOR C-SES. CHART # 13.7.2. f.					
C-SES PERMITTED BY S.E. IN ZONES A2, FRC, I					
C-SES Site Acreage Designation Including Road / Drive	Property Line Setback	Residential or Business Structure Setback	Public Facilities, Outdoor Facilities, Parks, Camp Grounds, Recreational, FR District	Screening/ Buffering Setback From Property Line, Roads	Can Waive Setback With Adjoining Participating Land Owner
0 to 2,000 ACRES	100 FT	350 FT	350 FT	25 FT P.L. 25 FT R.R.O.W.	YES
SEC CO RD	65 FT	65 FT	65 FT	25 FT FROM R.R.O.W.	NO
PRI CO RD	95 FT	95 FT	95 FT	25 FT FROM R.R.O.W.	NO
ST RD	105 FT	105 FT	105 FT	25 FT FROM R.R.O.W.	NO
INGRESS EGRESS DRIVE	All ingress/egress drives shall meet/exceed the minimum setback from adjoining property lines				

SETBACK CHART FOR C-SES, CHART # 13.7.2. g.							
C-SES PERMITTED BY S.E. IN ZONES A2, FRC, I							
C-SES Site Equipment	Property Line Setback	Residential or Business Structure Setback	Public Facilities, Outdoor Facilities, Parks, Camp Grounds, Recreational, FRC District	Secondary County Road	Primary County Road	State Road	Can Waive Setback With Adjoining Participating Land Owner
INVERTER	100 FT	660 FT	660 FT	65 FT	95 FT	105 FT	NO
BATTERY STORAGE FACILITY	100 FT	1320 FT	1320 FT	65 FT	95 FT	105 FT	NO
SUBSTATION	100 FT	1320 FT	1320 FT	65 FT	95 FT	105 FT	NO
INGRESS EGRESS DRIVE	All ingress/egress drives shall meet/exceed the minimum setback from adjoining property lines						

13.8. BUFFERING AND SCREENING, C-SES.

Each non-participating residential or business land owner location within the project area may request and receive screening around the perimeter of his/her residential or business structure.

13.8.1. All eligible non-participating property owners requesting buffers/landscaping/screening shall have a Visual Barrier as defined in Section 1.7. Definitions.

13.8.2. All requested visual buffer strips are to be shown in a certified landscape plan.

13.8.3. Landscaping/Screening/Buffer Requirements: Landscaping/screening shall be placed on all sides adjacent to C-SES equipment. A visual barrier may be composed of landscaping, landscaped berm, or combination thereof.

13.8.4. The buffer strips, landscaping/screening shall be done in accordance with the certified landscape plan that shows the predicted height and girth that will be achieved within two (2) years, and at full maturity by the selected species, under normal growing conditions.

13.8.5. All requested buffer strips, screening shall be constructed on the property of the solar project and , at planting, be no closer than twenty five (25) feet to the property line.

13.8.6. An existing vegetated area located on the same property as the solar project that;

- a. is within or includes the required buffer,
- b. is of sufficient height, length, and depth, and
- c. contains adequate and sufficient healthy vegetation to provide a visual barrier where required;

may, upon recommendation by the USDA Farm Bill Biologist or local Soil and Water Conservation District professional that the natural visual buffers along with the additional placement of visual buffers will be sufficient screening, buffer accordingly.

13.9. VEGETATION, C-SES.

A natural vegetative ground cover shall be maintained under and around all solar arrays. Only non-invasive species shall be used and native species are recommended. In the interest of protecting pollinators and providing for potential grazing, seed mixes consisting of native meadow grasses and pollinator-friendly wildflower forbs and/or clover species shall be used, in consultation with a USDA Farm Bill Biologist or local Soil and Water Conservation District professional, on the area under and around the solar arrays.

13.9.1. Grass or ground cover shall be planted on all areas not occupied by solar equipment, structures, drives or other landscaped material.

13.9.2. Any existing vegetated area located on the same property as the solar project, that contains adequate and sufficient healthy vegetation as required by the landscape plan, may, upon recommendation by the USDA Farm Bill Biologist or local Soil and Water Conservation District professional be used as part of the ground cover.

13.9.3. The Wabash County Plan Commission, in conjunction with the project land owners, are open to discussion of alternative vegetation, crops as ground cover.

13.10. BUFFER, SCREENING AND VEGETATION MAINTENANCE, C-SES.

All buffer, screening, landscape, vegetation materials shall be installed and maintained according to accepted USDA Farm Bill Biologist or local Soil and Water Conservation District industry practices.

13.10.1. The non-participating residential or business owners approved barrier scheme shall be maintained throughout the life of the project.

13.10.2. All unhealthy (60% or greater dead) and dead plants shall be replaced at the earliest appropriate planting season. The determination of whether a plant is unhealthy shall be at the discretion of a recognized landscape professional.

13.10.3. The C-SES applicant, owner, operator shall be responsible for the continued property maintenance of all landscaping materials throughout the life of the solar project and shall keep properties in a proper, neat, and orderly appearance free from refuse and debris at all times.

13.10.3.1. The C-SES Owner, operator shall be responsible for the control of all vegetation and removal of all debris in all project perimeter fence rows.

13.10.3.2. Maintenance shall include eradication of all noxious weeds and plants prior to the weeds seeding and spreading.

13.11. FENCE, C-SES.

For security, all above ground C-SES equipment shall be completely enclosed by a minimum seven (7) foot high fence with locking gates accessible only by a key pad or Knox Box with key. Fencing shall be located around the entire perimeter of the project site meeting the required setbacks.

13.11.1. Any high voltage substation or battery storage facility shall be safeguarded at minimum by an eight (8) foot high fence with at least two (2) strands of barbed wire at the top and locking gates accessible only by a key pad or Knox Box with key. Fencing shall meet the required setbacks.

13.11.2. Solid Fencing or walls constructed of materials making a solid visual barrier shall not be permitted as a use by the solar project applicant, owner, operator for screening, fencing or gates.

13.11.3. It shall be the sole responsibility of the C-SES applicant, owner, operator to maintain all fencing, post, and gates in order to remain free from rust, corrosion, sag.

13.12 EQUIPMENT TYPE, C-SES.

All C-SESs shall conform to applicable industry standards, as well as all local, state and federal regulations. An applicant, owner, operator shall submit certificates of design obtained by the solar manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Solar Energie, or an equivalent third party.

13.12.1. All C-SES shall be constructed of commercially available equipment and in conformance with this Ordinance. Material Safety Data Sheets and/or Safety Data Sheets shall be submitted for each model of solar panel and components to be used.

a. The project applicant, owner, operator shall provide signed written assurance that all solar arrays used in the project do not contain materials, in amounts, that would be classified as hazardous materials by OSHA or the EPA, and that through the process of collecting sunlight to convert to electricity said process will not create any classified hazardous materials currently listed by OSHA or the EPA.

13.12.2. All C-SES project sub-stations and transmission battery storage facilities must be located on land owned by the C-SES owner or utility company.

13.12.3. When solar storage batteries are included as part of the solar energy collector system, they must be placed in a secure containment area or enclosure meeting or exceeding the requirements of Indiana Building Code and IDEM regulations.

- a. Batteries and battery components that will no longer be used shall be disposed of, in a timely manner, in accordance with all applicable laws and regulations and the applicant, owner, operator shall provide written proof of proper disposal.

13.12.4. Experimental or proto-type equipment, still in testing, which does not fully comply with industry standards, may be considered for use, by the BZA after notice and hearing pursuant to the variance procedures of BZA Rules of Procedure.

13.13. ELECTRICAL COMPONENTS, C-SES.

Electrical components of all C-SES shall conform to applicable local, state and national safety codes for C-SES.

13.13.1. All transmission cables and lines on site within the fenced area shall follow the current Indiana Electric Code (identified in 675 IAC 17).

- a. Transmission cables and lines outside the fenced area shall be buried no less than forty-eight (48) inches underground with a warning mesh located twelve (12) inches above the buried transmission cables and lines.
- b. For streams, waterways, creeks, and river beds, transmission cables and lines shall be buried a minimum of sixty (60) inches below the existing flow line with a warning mesh located twelve (12) inches above the buried transmission cables and lines.
- c. No plow type installations shall be permitted, only open trenching or boring installations.

13.13.2. All underground cabling will be marked at road crossings, creeks, river beds and property lines with an identifiable metal or fiberglass post standing at least five (5) feet in height above ground level.

- a. Maintenance of the identification post shall be required by the project applicant, owner, operator throughout the life of the C-SES.

13.13.3. A C-SES, interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the interconnection agreement with the electrical utility, as any applicable federal and state regulations now exist and as the same are from time to time amended.

13.14. SIGNAGE, C-SES.

Signs shall comply with the following standards and any other reasonable submittals:

- a. An identification sign relating to a C-SES development may be located on all sides of the fenced project area, provided that there shall be no more than one (1) sign located per one hundred (100) yards of the C-SES fenced facility area,
- b. A sign shall be securely posted on each gate entry point clearly displaying:
 - 1. Emergency telephone number(s),
 - 2. Applicant, Owner, Operator contact information,
 - 3. Electric utility provider contact information,
 - 4. The site locations E-911 address and GPS coordinates.

- c. All ingress/egress lanes/drives for a C-SES project site shall have posted, in a conspicuous location, an E- 911 Address sign indicating the assigned address for that ingress/egress location,
- d. Warning signs shall comply with applicable laws and be posted accordingly,
- e. No signage shall be permitted to be posted for non- related solar advertising purpose,
- f. All signage required or permitted by this Ordinance shall be made of materials and constructed in a manner to be durable and long lasting.

13.15. GLARE AND LIGHTING, C-SES.

In addition to any applicable FAA requirements that now exist and the same are amended from time to time, the following shall also apply:

- a. To the extent reasonably possible, solar arrays, regardless of how they are mounted, shall be oriented and/or screened year-round so that glare is directed away from adjacent properties, structures and roadways.
- b. The solar energy components shall remain the color or finish that was originally applied by the manufacturer provided the exterior surface of any visible components are non-reflective and non-obtrusive. Finishes shall be matte or non-reflective.
- c. The C-SES applicant, owner, operator shall have the burden of mitigating any glare produced so as not to have significant adverse impact on adjacent uses.
- d. The determination of the Wabash County Commissioners shall be conclusive relative to applicant's compliance with this standard.

13.15.1. The ground mounted C-SES arrays shall not be artificially lit except to the extent required for safety or applicable federal, state, or local regulation. Such lighting shall be shielded and downcast so as not to adversely affect adjacent properties.

13.16. NOISE VIBRATION INTERFERENCE, C-SES.

No part of an operating C-SES shall produce noise that exceeds any of the following limitations except during construction. Adequate setbacks, barriers, enclosures, use of quieter equipment, or other effective means of reducing noise shall be used to comply with these limitations:

- a. A maximum of a 10-minute fifty five decibels (55 dB) from the Project on the A weighted LEQ scale shall be permitted, as measured immediately outside the closest point of the nearest residential or business structure. Modeling to evaluate compliance with respect to this limit shall be conducted according to ISO 9613-2 which is the international standard for sound propagation. If a monitoring is conducted, it should follow applicable American National Standard Institute (ANSI) methods. For monitoring, a sound level meter meeting ANSI Type 1 specifications shall be utilized.
- b. Any proposed C-SES or associated features shall not produce vibrations humanly perceptible beyond the property on which it is located or cause vibration that could be detected in nearby structures or damage underground wells during construction, operation, decommissioning or restoration.

- c. All solar arrays shall be constructed and operated so that they do not interfere with television, microwave, agricultural GPS use, military defense radar, navigational or radio reception to neighboring areas.

13.17. ARRAYS HEIGHT, C-SES.

Ground mounted C-SES arrays shall not exceed twenty (20) feet in height when oriented at maximum tilt.

13.17.1. Request for increased height of arrays may be considered by the BZA after notice and hearing pursuant to the variance procedures of the BZA Rules of Procedure.

- a. Under a hearing process for increased height of arrays the BZA may apply conditions subject to the proposed height increase.

13.18. INGRESS/EGRESS AND PERIMETER LANES, C-SES.

At minimum, a sixteen (16) foot wide ingress/egress lane must be provided from a public road or a legally established access drive, into the site. This ingress/egress lane shall be stoned or paved.

- 3.18.1. All stoned ingress/egress lanes and perimeter access lanes shall be treated for dust control and monitored for control of detrimental plants, (weeds) during the construction phase and thereafter.

13.19. APPLICATION FOR AN ILP FOR A C-SES.

All C-SES applications shall be submitted under the Special Exception Application process. All application requirements, together with all other applicable requirements of this Chapter 13 and the Zoning Ordinance, shall be completed and approved by all required authorities, (federal, state and local), before an Improvement Location Permit may be issued. As part of the ILP application process the following, at minimum, shall be submitted, addressed: (Chapter 13, Section 19 through Chapter 13, Section 26).

13.19.1. Contact Information of C-SES. The name(s), address(es), telephone number(s) and e-mail address(es) of the C-SES applicant(s), owners(s), operator(s), together with a description of the applicant(s), owner(s), operator(s) business structure and overall role in the proposed C-SES, and documentation of real estate ownership of any real property upon which any part of the proposed C-SES is to be located.

13.19.2. Location Identification. Provide the Legal Descriptions, Deeded owner names, Eighteen (18) digit tax ID numbers, E-911 Emergency Addresses for all real property the C-SES is to be located on.

- 13.9.2.1. A list of all non-participating property owners with land adjoining leased or project owned solar parcels, the deeded property owner names, residing tenant names, eighteen (18) digit tax ID numbers and E-911 Emergency Addresses.

13.19.3. C-SES Project Description. A description of the proposed C-SES project including, but not limited to, the following:

- a. Project name,
- b. Project generating capacity,
- c. Project location, (Section, Township, Range,) Acreage,
- d. Proposed project timeline for development, construction and operation,
- e. Planned project life span,
- f. Type of solar technology,

- g. Battery Storage capacity,
- h. The means of interconnecting with the electrical grid,
- i. Substation capacity,
- j. The potential equipment manufacturer(s); including information sheets and installation manuals.

13.19.4. Site Plan. The project site plan drawn to scale, including distances pertaining to all applicable setback and buffer requirements. All drawings shall be at a scale of one (1) inch equals thirty (30) feet. Any other scale must be approved by the PC. No individual sheet or drawing shall exceed twenty-four (24) inches by thirty-six (36) inches without the prior consent of the PC. The Preliminary Site Plan shall illustrate the following:

- a. Property lines upon tract(s) subject to the application, together with property lines and the names of owners of record of each adjacent tract(s),
- b. Location and name/number of public roads surrounding, abutting, and/or traversing the C-SES and all C-SES ingress/egress lanes,,
- c. Location of all substations, battery storage facilities, battery storage units, inverters, arrays, arrays mounting equipment and all other associated project equipment,
- d. Location of all electrical cabling inside and outside of fenced areas,
- e. All Ancillary equipment,
- f. All structures within one half (1/2) mile of the proposed C-SES boundary,
- g. The location of any airport within three (3) miles of the proposed C-SES boundary,
- h. Setback lines: All setback distances identified for arrays, sub-stations, battery storage facilities, roads, property lines, buffers, and easements for setback requirements listed in this Ordinance,
- i. The listing of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources, within one half (1/2) mile of a proposed C-SES,
- j. 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 (1/2) mile of a proposed C-SES,
- k. Location of any floodway, floodplain within one (1/2) mile of the proposed C-SES, based upon a delineation plan prepared in accordance with the applicable FEMA, DNR mapping,
- l. Location of any flowage easement within one (1/2) mile of the proposed C-SES based on a delineation plan prepared in accordance with the applicable ASACE mapping,

- m. Location of any tiles, creeks, streams, ditches, channels, spillways, retention ponds, water course within one (1) mile of a proposed C-SES,
- n. Location of fencing, gates, access roads,
- o. Location of any landscaping associated with required visual barriers,
- p. Location and spacing of panels/arrays and key components, and
- q. All other information reasonably requested by the BZA, or PC.

13.19.5. Topographic Map. A topographical (topo) map, of the property and the surrounding area, with contours of not more than two (2) foot intervals shall be provided.

13.19.6. Landowner Agreements.

- a. A Memorandum of Agreement for all agreements of any description signed by participating landowners authorizing the placement of the identified C-SES on landowner's property,
- b. An executed, signed and notarized copy of any waiver agreement with adjacent landowners,
- c. An executed, signed and notarized copy of any recorded Solar Easements with adjacent landowners, and
- d. A fully executed, signed and notarized copy of any setback waiver agreements.

13.19.7. Engineering Certification. For all C-SES equipment and C-SES facilities, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the Improvement Location Permit (ILP) Application, that all structural aspects of the C-SES design are within accepted professional standards, and the structure, or substrate the solar technology will be affixed to, will tolerate the installed weight of said technology.

13.19.8. Disclaimer. Prior to the issuance of an (ILP), C-SES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:

- a. the right to remain free of shadows and/or obstructions to solar energy caused by development of adjacent or other property or the growth of any trees or vegetation on such property, or
- b. the right to prohibit the development on or growth of any trees or vegetation on such property.

13.20.8.1. Any such disclaimer is subordinate to any solar easements entered into with adjacent land owners and subject to the terms agreed to therein.

13.19.9. Solar Easements. A signed and notarized copy of all Solar Easements entered into between affected parties as described in this Section 13.19.9. of Chapter 13 must be submitted.

- a. All solar easements shall be in writing, and shall be subject to the conveyance and instrument recording requirements prescribed in IC 32-23-2-5 or subsequent amendment,

b. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:

i. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees at which the solar easement extends over the real property that is subject to the solar easement, and a description of the real property to which the solar easement is appurtenant,

ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement,

iii. Enumerate any terms and conditions under which the easement is granted, and may be revised or terminated.

13.19.9.1. If necessary, a C-SES applicant, owner and/or operator must obtain any solar easements necessary to guarantee un-obstructed solar access by separate civil agreement(s) with the adjacent property owner(s).

a. Copies of such easements shall be submitted as part of the application process with proof of appropriate recording in the Wabash County Recorder's Office.

13.19.9.2. A C-SES applicant, owner, operator shall complete a solar easement, with each deeded land owner, for all buried transmission cables and lines outside the fenced area that traverse the deeded owner's property. Said easements shall be in writing, and shall be subject to the conveyance and instrument recording requirements prescribed in IC 32-23-2-5 or subsequent amendment.

13.19.10. Plan and Agreement Fees.

Written confirmation that all reasonable attorney fees incurred in the preparation of any agreements or plans required under this Chapter 13 shall be borne by the applicant.

13.19.11. Emergency Services Plan.

A plan including, but not limited to the project summary, electrical schematic, site plan, and a project emergency contact list shall be prepared for the appropriate local safety officials including the Wabash County Homeland Security Emergency Management, Sheriff Department, the responding Fire Department, the responding law enforcement department, and the Wabash County selected engineering firm.

13.19.11.1. Upon request the owner or operator shall cooperate with local safety officials and selected engineering firm in developing an emergency response plan.

a. A warranty that specialized emergency/fire training will be provided to the required entities at the applicants, owners, operator's expense.

13.19.11.2. Knox boxes, keys, or key pad combinations shall be provided to the required emergency personnel for locked entrance access.

a. A current listing of the solar project names and phone numbers to contact for emergency response purposes shall be maintained and provided to all above listed departments.

13.19.12. Operation and Maintenance Plan. The C-SES applicant, owner, operator shall submit a plan for the operation and maintenance of the C-SES, which shall include measures for maintaining safety as well as general procedures for the operation and maintenance of the installation.

13.19.12.1. Repairs. The C-SES applicant, owner, operator shall repair, maintain and replace defective, damaged, and inoperable C-SES related solar equipment during the operational life of the C-SES in a manner consistent with industry standards as needed to keep the C-SES in good repair and operating condition.

13.19.12.2. Physical Modification. Any physical modification to any C-SES or a part thereof which materially alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by all appropriate regulatory authorities. Like-kind replacements shall not require re-certification, unless required by a regulatory authority. Prior to making any material physical modification, other than a like-kind modification, the applicant, owner or operator of such C-SES shall confer with the Plan Commission and any other appropriate regulatory authority as to whether or not the proposed physical modification requires re-certification of such C-SES.

13.19.12.3. Declaration of Public Nuisance. Any C-SES declared unsafe, by the PC, by being in breach of, or, out of compliance with its C-SES permit(s) may seek to be rehabilitated and declared safe by appropriate repair(s) and other essential steps necessary to eliminate the breach(es) so as to be in compliance with such C-SES permit(s).

a. A C-SES declared by the PC, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, abandonment or as provided herein to be determined unsafe, is hereby declared to be a public nuisance. A Rehabilitation Plan shall be submitted to the PC within forty five (45) days of notice of the Declaration of Public Nuisance. This plan shall provide procedures to rehabilitate the C-SES in a time not to exceed one hundred eighty (180) days except in the event of force majeure, including but not limited to unavailability of components or parts, strikes, and moratoriums which said majeure may extend said time to three hundred sixty five (365) days total or a reasonable extension agreed to by the PC. In the absence of an approved Rehabilitation Plan or meeting the agreed to time schedule(s), or failure to execute the required repair(s), in the time determined reasonable by the PC, such C-SES shall be demolished and removed in accordance.

13.19.13. Public Nuisance Waiver. In the instance that an un-avoidable Act of God inhibits, damages, or destroys part of, or the majority of the C-SES, the one hundred eighty (180) day public nuisance removal timeline may be revised so long as the C-SES applicant, owner and/or operator provides a Rehabilitation Plan to remedy the damage and said plan is submitted to, and approved by, the PC. Said plan will outline the necessary protocol and time schedule for returning the C-SES to energy production and must be submitted to the County within forty five (45) days of the date the damage was incurred.

13.19.14. Decommissioning-Restoration Plan and Agreement. A Decommissioning Restoration Plan and Agreement with the PC outlining the anticipated means, costs and method of payment of all costs in carrying out such Decommissioning Restoration Plan and Agreement at the end of the C-SES life or the life of any part of a C-SES, upon becoming an abandoned use, or being declared a public nuisance. The plan shall be recorded with the Wabash County Recorder, cross referenced to the deed(s) to all associated project parcels, and shall contain the following provisions:

13.19.14.1. Discontinuation and abandonment. The C-SES applicant, owner, operator shall submit written notice, to the PC, of intent to abandon use of a C-SES facility at least 60 days prior to the discontinuation of electrical production.

13.19.14.2. A C-SES or portion of a C-SES shall be considered an abandoned use after one (1) year without energy production unless a Rehabilitation Plan developed by the C-SES applicant, owner and/or operator is submitted to, and approved by, the PC outlining the necessary procedures and time schedule for commencing or returning the C-SES to energy production.

- a. Failure by the C-SES applicant, owner and/or operator to commence energy production at the identified C-SES site, or return such C-SES to energy production within the time schedule which has been approved by the PC, said C-SES or portion of C-SES shall be considered an abandoned use and/or a public nuisance.

13.19.14.3. Removal and Restoration. The C-SES owner and/or the C-SES operator is required to remove all physical material pertaining to the C-SES above ground level and all improvements of said C-SES below ground level to a depth of 50" for all C-SES's declared irreparably damaged, abandoned, and/or a public nuisance. All materials shall be so removed and C-SES site restored within 180 days of the discontinuation of energy production or in accordance with agreements developed under this Ordinance.

- a. All C-SES underground wiring that is forty eight (48) inches or deeper below the natural ground surface shall be permitted to remain provided all lines are disconnected from any electrical grid,

- b. A C-SES which is irreparably damaged, abandoned or declared to be a public nuisance shall within such time limit, one hundred eighty (180) days, be restored to the original condition of the C-SES site prior to the development of such C-SES by the applicant, owner, and/or operator. If any portion of the C-SES is found to be hazardous in nature by state or federal regulatory agencies or required to be recycled, the C-SES applicant, owner and/or operator shall be required to remove such in a manner as prescribed by law.

13.19.14.4. Identification and Removal of Hazardous Materials. As part of the application process the C-SES applicant, owner and/or operator shall identify any currently listed hazardous materials as regulated by state and federal regulatory agencies (such as the EPA and IDEM) as well as non-hazardous materials and indicate the appropriate handling, storage and transport of said materials during Disposal and/or Diversion of both.

13.19.14.5. Performance Guarantee. A performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the Wabash County Commissioners in the amount of one hundred twenty five (125) % of the estimated decommission and restoration cost shall be required. Estimates shall be determined by licensed engineers selected by the county.

- a. Unless otherwise agreed to by all parties, every five (5) years, said engineer shall calculate a new estimate of probable cost of Decommissioning and Restoration that shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the county shall be adjusted upward or downward as necessary. A new estimate shall be submitted to the APC prior to the sale of any portion of the C-SES and the Performance Guarantee adjusted appropriately and made part of the sales contract,

- b. All fees associated with the engineer's calculation and review of decommissioning and restoration cost shall be paid by the C-SES applicant, owner, operator,

- c. Failure to negotiate in good faith the calculated decommissioning and restoration cost during the operational life of the C-SES shall be just cause for the county commissioners to declare the C-SES a nuisance and require the C-SES applicant, owner, operator to cease operation of the C-SES and complete the Decommissioning and Restoration process,

d. All expenses involved in such Decommissioning and Restoration shall be paid by the C-SES applicant, owner, and/or operator, or removal and restoration will be completed by Wabash County at the C-SES applicant's, owner's, operator's expense as specifically provided by the Decommissioning-Restoration Plan and Agreement.

13.19.15. Drainage Agreement Plan and Erosion Control Plan.

13.19.15.1. A Drainage Agreement shall be established and approved by the Wabash County Commissioners or their designees. The Drainage Agreement must prescribe or reference provisions to address:

- a. Field tile damages and repairs during the life of the C-SES, the decommissioning process and two (2) years beyond the completion of the site decommissioning and restoration,
- b. Removal and restoration for repair of any damaged field tile within the development site,
- c. Damages or alterations to creeks, streams, ditches, channels, spillways, retention ponds, water courses within the proposed C-SES project area and thirteen hundred twenty (1320) feet beyond,
- d. The Wabash County Commissioners may request a performance guarantee as part of the drainage agreement in which all parts of Section 13.19.14.5. a. - d. shall apply as applicable to the drainage agreement.

13.19.15.2. An erosion control plan developed in accordance with the Natural Resources Conservation Services (NRCS) guidelines, IDEM Rule 5, and any storm water quality management plan adopted by the applicable jurisdiction(s) shall be submitted.,

- a. The area beneath the ground mounted C-SES is considered pervious cover. However, use of impervious construction materials within the C-SES could cause areas to be subject to the impervious surface limitations for the applicable Zoning District. Natural (pervious) ground covers are required beneath the solar arrays,
- b. The relocation or removal of top soil for construction purposes is prohibited.

13.19.16 Road Use, Maintenance, and Public Infrastructure Agreement.

13.19.16.1. A Road Use and Maintenance Agreement shall be established and approved by the Wabash County Commissioners or their designees. The agreement shall, at minimum, include:

- a. A list of all roads to be used during the construction, operation, maintenance, decommissioning and restoration of the solar project,
- b. A listing of all culverts, bridges, ditches, streams, creeks, crossing listed roads to be used during the construction, operation, maintenance, decommissioning and restoration of the solar project,
- c. Pre-construction survey. The applicant, owner and/or operator in coordination with the County selected highway engineer shall conduct a pre-construction baseline survey to determine existing road conditions for assessing current needed improvements and potential future damage. The survey shall include, but not be limited to, photographs, videos , or a combination thereof, and a written agreement

to document the condition of the public facility as the same exists on the date of the baseline survey. This survey shall be the basis for determining the minimum width of roads (not platted width) when repair or replacement is required in the Road Use and Maintenance Agreement,

d. Any road damage caused by the transport of any matter or material utilized in any way regarding the C-SES, in the construction of the C-SES, the installation of the same, operation of C-SES and/or the removal, decommissioning and restoration of the same, shall be repaired to the satisfaction of the Wabash County Commissioners,

i. The county shall require remediation of C-SES damaged roads throughout the life of the C-SES including the completion of site decommissioning and remediation.

e. A surety bond or letter of credit in an amount to be determined by a professional highway engineer selected by the commissioners shall be required by the County to ensure that future repairs are completed to the satisfaction of the Wabash County Commissioners,

i. The cost of such bond or letter of credit shall be paid by the C-SES owner and said bond shall remain in full force and affect until the decommissioning and restoration is fully completed as prescribed by this Ordinance and the Decommissioning-Restoration Plan and Agreement,

ii. Unless otherwise agreed to by all parties, every five (5) years, said engineer shall calculate a new estimate of probable cost of road repair, maintenance that shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the county shall be adjusted upward or downward as necessary,

iii. A new estimate shall be submitted to the plan commission for review prior to the sale of any portion of the C-SES and the Performance Guarantee adjusted appropriately and made part of the sales contract.

13.19.17. Development Taxation Agreement. For any project seeking tax abatement or other economic considerations for the project from a governmental entity, the applicant shall submit an Economic Development Agreement approved by the Wabash County Council. The Economic Development Agreement must be developed in consultation with the Wabash County Economic Development Authority (WCEDA), the Wabash County Council, the Wabash County Plan Commission and the Wabash County Commissioners.

a. An Economic Development Agreement may be entered into between the Solar Applicant and Wabash County for funding alternatives in lieu of tax payments,

b. The Economic Development Agreement shall include at minimum:

i. estimated property taxes, estimated tax abatement benefits,

ii. the anticipated number of new employees, jobs, during construction phase and operation phase,

iii. any estimated economic development payments, any estimated lease payments,

- iv. an estimate of the overall cost and tax revenue impact on the County,
- v. the estimated current economic impact of the project area in its current use.

13.19.18. Proof of Correspondence and Cooperation with Wildlife Agencies: For the purposes of demonstrating compliance with required permits, the applicant shall provide written documentation that the applicant is in direct correspondence, cooperation and in compliance and shall remain in compliance with all applicable regulations and requirements of the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources. All such correspondence must include job title, contact name, phone number, and e-mail address of those verifying compliance with all applicable regulations and requirements.

13.20. AMENDMENTS AND CHANGES TO THE SITE PLAN AND OPERATING PRACTICES, C-SES.

Any material change associated with the solar project or an change in the approved operating practices of the solar project shall be furnished to the Wabash County Commissioners for review.

13.20.1. It shall be the duty and responsibility of the applicant, owner and/or operator to obtain any variance required by such change and to comply with any other requirement necessitated by such change.

- a. Any variance required by this Section 13.20.1. shall be obtained prior to construction or implementation of such change.

13.21. MATERIALS HANDLING, STORAGE AND DISPOSAL, C-SES.

13.21.1. Solid wastes: All solid wastes whether generated from supplies, equipment, parts, packaging, operation, maintenance, rehabilitation, decommissioning, restoration of the facility, or otherwise, including, but not limited to, old parts and equipment related to the maintenance, rehabilitation, decommissioning, or restoration of any C- SES shall be removed from the site promptly and disposed of in accordance with all federal, state and local regulations, laws and ordinances. The C-SES applicant, C-SES owner and C-SES operator shall have the same responsibility for compliance hereof.

13.21.2. Hazardous Materials: All hazardous materials or hazardous waste related to the construction, operation, maintenance, rehabilitation, decommissioning, or restoration of any C-SES or otherwise generated by the facility shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal regulations and laws. The C-SES applicant, C-SES owner and the C-SES operator shall have the same responsibility for compliance hereof. The C-SES owner shall be responsible for all clean-up cost and shall be bonded accordingly for all clean-up of a C-SES site, including the leased ground in the event of an environmental spill creating any environmental hazard(s).

13.22. SEWER, SEPTIC AND WATER. All C-SES facilities shall comply with the sewer, septic and well regulations as currently required or as hereinafter amended, by the Wabash County Health Department and the Indiana State Department of Health.

13.23. CONTACT INFORMATION. The C-SES applicant, owner and/or operator shall maintain and provide to the plan commission a list of current personnel, with corresponding phone numbers and e-mail addresses, to contact with public inquiries or complaints throughout the life of the project. The C-SES applicant, owner and/or operator shall respond to the public inquiries and complaints submitted by the plan commission.

13.24. AS-BUILT PLANS REQUIREMENT. Where upon completion of all development, the exact measurements of the location of utilities, structures and components, erected during the development, necessary for public record shall therefore be recorded. The applicant, owner, and/or operator shall submit a copy of the final as built survey to the APC with the locations of the C-SES facilities shown thereon. The selected engineering firm, after being satisfied that the locations of the C-SES facilities are substantially similar to the locations on the originally approved final plan(s) or as the same were from time to time

amended and have so indicated in writing, the Wabash County Commissioners shall approve, date and sign said as-built survey for the C-SES, which the applicant, owner, and/or operator shall then have recorded in the office of the Wabash County Recorder and provide the APC with a copy of said recorded plans.

13.25. CHANGE IN OWNERSHIP. It shall be the duty and responsibility of the C-SES applicant, C-SES owner and/or C-SES operator and any subsequent C-SES owner and C-SES operator, in addition to the notice requirements of any C-SES plan(s) and C-SES agreement(s) to notify, by written notice, the plan commission of any change in the ownership of the C-SES or any part of the ownership thereof to and through the time that the final Decommissioning- Restoration Plan and Agreement are concluded and all applicable acceptances, releases and performance standards of any description have been met and concluded and accepted by the appropriate local, state, federal or private authority, department, agency, and person(s) and all financial payments or other financial obligations are fully satisfied and all appropriate parties are in receipt thereof. In order for the owner and/or operator to inform said APC of the required information regarding changes as herein provided, said notice shall be sent by certified mail with certified funds for any required recording fees and any other applicable fee(s) to the PC or by personally delivering the same to the PC office. Said changes shall be reviewed by the PC Director and the C-SES owner/operator during the next regular scheduled board meeting to ensure all requirements of this ordinance are compliant.

13.26. LIABILITY INSURANCE. The owner and operator of a C-SES shall maintain a commercial general liability policy covering death, bodily injury and property damage, which may be combined with umbrella coverage, and shall be required to name Wabash County, Indiana as an additional insured solely to the extent of liabilities arising under this Ordinance, and said policy shall carry dollar amounts satisfactory to the County Commissioners and with agreed upon dollar amount limits per occurrence, aggregate coverage, and deductible amounts, all of which shall be agreed upon by the C-SES applicant, owner, operator and County Commissioners and provided in the Decommissioning-Restoration Plan and Agreement or other appropriate plan or agreement between the County Commissioners and C-SES applicant, owner and operator. The C-SES applicant, owner, operator shall furnish the county with a certificate of insurance and annual renewal certificate of insurance pursuant to this provision. The County Commissioners may require the certificate of insurance and any renewal certificate at a time agreed between the County Commissioners and C-SES applicant, owner, operator, provided, however, the County Commissioners may require the certificate of insurance as part of the application procedures or at such earlier time that said Commissioners believe the same to be necessary and appropriate.

Chapter 14
Communication Towers

- 14.1. Applicability
- 14.2. Special Exception Required
- 14.3. Special Exception Application
- 14.4. Setbacks
- 14.5. Tower Construction
- 14.6 . Abandonment of Tower

Chapter 14 Communication Towers

14.1. APPLICABILITY. This Chapter applies to all towers 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.

14.2. SPECIAL EXCEPTION REQUIRED. The placement of any tower in Wabash County under the jurisdiction of the Wabash County Plan Commission shall require a Special Exception.

14.2.1. The addition of any equipment at an existing tower site shall require the completion of an ILP prior to the start of construction.

14.3. SPECIAL EXCEPTION APPLICATION. The Application shall include a parcel survey, site plan with tower location, distance to structures on adjoining parcels, fall zone distances, property line setbacks, accessory structures, guy wire system with anchors, fencing, drive entrance, tower photos, tower specifications and certification, land lease agreement/easement, Federal Communications Commission, FAA approvals, and statement of non-interference.

14.4. SETBACKS.

14.4.1. For towers two hundred fifty feet (250') or less in height, the setback from State and County roads as measured from the tower base to the road-right-of-way shall be a minimum of two hundred fifty feet (250'). 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'). The setback as measured from the tower base to any adjoining property line shall be a minimum of two hundred fifty feet (250'),

14.4.2. For any tower exceeding two hundred fifty feet (250') in height, the setback from a road, residence, or property line shall equal or exceed total tower height plus fifty feet (50').

14.5. TOWER CONSTRUCTION. Towers shall be constructed as follows:

14.5.1. Towers shall be of a monopole, lattice pole, self-supporting, or guyed design.

14.5.2. Towers, and any accessory structures or apparatus shall be enclosed in a chain link fenced area. Fencing shall be a minimum of six feet (6') high, and may have a barb-wire top starting six feet (6') above the ground.

14.5.3. 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 feet (10') above the ground.

14.5.4. Only lighting required by Federal, State or FAA Regulations is permitted on the towers. All required lighting shall be oriented inward so as not to project outward onto surrounding properties.

14.5.5. Use of any portion of a tower structure, including fencing, for the purpose of placing any signs other than site information signs or warning signs is prohibited.

14.5.6. The height limitations for primary or accessory structures within a District do not apply to towers.

14.5.7. The Wabash County BZA may request consideration for the placement of antennas or communications apparatuses on approved towers for communication purposes for law enforcement, emergency responders, and EMA.

14.5.8 All requests to install additional equipment on an existing tower or at an existing tower site shall be submitted in writing and require the completion of an ILP.

14.6. ABANDONMENT OF TOWER. Any Tower or associated equipment unused or left abandoned for a period of twenty-four (24) consecutive months shall be removed by the tower owner at the owner's expense.